



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

4.2.2014

B7-0146/2014

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 110(2) of the Rules of Procedure

on the situation in Egypt
(2014/2532(RSP))

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on behalf of the ALDE Group

B7-0146/2014

**European Parliament resolution on the situation in Egypt
(2014/2532(RSP))**

The European Parliament,

- having regard to its previous resolutions on Egypt, in particular those of 16 February 2012 on Egypt: recent developments¹, 14 March 2013 on the situation in Egypt², 4 July 2013 on the situation in Egypt³ and 12 September 2013 on the situation in Egypt⁴,
- having regard to the speech by Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Catherine Ashton, of 11 September 2013, and her statements of 3 October 2013, 27 November 2013, 1, 23 and 24 December 2013, and 11, 19 and 24 January 2014,
- having regard to the EU-Egypt Association Agreement of 2001, which entered into force in 2004, strengthened by the Action Plan of 2007, and to the Commission's progress report on its implementation of 20 March 2013,
- having regard to the statements of the UN Commissioner for Human Rights of 26 November 2013 and 27 January 2014, and to the statements of the Spokesperson for the UN Secretary-General of 27 November 2013, 24 December 2013, and 14, 23 and 24 January 2014,
- having regard to the Constitutional Declaration issued in Egypt on 8 July 2013, proposing a roadmap for constitutional amendments and new elections,
- having regard to the new Egyptian constitution, adopted by the Constitutional Committee on 1 December 2013, and to the outcome of the referendum held on 14 and 15 January 2014,
- having regard to Egyptian Law 107 of 2013 on Regulating the Right to Public Gatherings, Processions and Peaceful Protests,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women of 1979, ratified by Egypt in 1981,
- having regard to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to both of which Egypt is a party,
- having regard to Rule 110(2) of its Rules of Procedure,

¹ Texts adopted, P7_TA(2012)0064.

² Texts adopted, P7_TA(2013)0095.

³ Texts adopted, P7_TA(2013)0333.

⁴ Texts adopted, P7_TA(2013)0379.

- A. whereas on 1 December 2013, the new Egyptian draft constitution was approved for referendum by the Constitutional Committee, which was chaired by Amr Mousa and composed of 50 experts with no representatives of the Muslim Brotherhood; whereas on 14 and 15 January 2014, the referendum on the constitution took place with a reported turnout of 38.6 % and a yes vote of 98.1 %; whereas according to a statement by VP / HR Catherine Ashton, ‘while the EU is not in a position to make a thorough assessment of the conduct of the referendum or verify alleged irregularities, these do not appear to have fundamentally affected the outcome’;
- B. whereas the Egyptian Government launched a media campaign to encourage citizens to vote ‘yes’ on the constitution while at the same time taking actions against expressions rejecting the constitution; whereas the Muslim Brotherhood rejected the draft constitution and called for the referendum to be boycotted, as did the party of former Muslim Brotherhood leader and presidential candidate Abdel Moneim Abul Fotouh and the April 6 youth movement;
- C. whereas a large number of security personnel were deployed nationwide to ensure the security of the referendum; whereas several violent incidents took place during the period of the referendum; whereas, according to the Home Affairs Ministry, nine people died and another 444 were detained in incidents relating to the referendum;
- D. whereas the Constitutional Declaration issued on 8 July 2013 defined a roadmap with parliamentary elections taking place before the presidential one, while the constitution does not specify which election would be held first, but Article 230 outlines the timeframes for those elections to be held; whereas the Egyptian interim President, Adly Mansour, has since called for presidential elections to take place first; whereas army chief Abdel Fatah al-Sisi declared that if the Egyptians ask for it he will run for president; whereas Abdel Fatah al-Sisi was promoted to field marshal on 27 January 2014 by interim President Mansour, and announced that he would run for president on the same day;
- E. whereas the new constitution will put the Egyptian armed forces under the control of the defence minister, who is to be nominated by the army for the coming eight years;
- F. whereas Article 74 of the constitution stipulates that ‘no political parties can be formed on the basis of religion’; whereas Article 204 says that ‘no civilian can be tried by military judges, except for crimes of direct attacks on armed forces, military installations and military personnel’; whereas the fear exists that this article could be applied to protesters, journalists and dissidents to convict them through military trials; whereas many state that the constitution also widens the army’s privileges owing, inter alia, to Article 203 on the budget of the military and Article 234 on the appointment and duration in office of the Minister of Defence;
- G. whereas since July 2013 more than a thousand people have been killed and many more wounded in clashes between supporters and opponents of ousted president Morsi and between protesters and the security forces; whereas the security forces have reportedly been using excessive lethal force, leading to high numbers of killings; whereas officials said they would establish a fact-finding mission to investigate the violent crackdown of 14 August 2013 at the Rabaa intersection and Nahda Square in Cairo, but this mission

has not yet been established;

- H. whereas the third anniversary of the revolution against Hosni Mubarak on 25 January 2011 was marked by violence across the country, leading to the deaths of at least 49 people and leaving hundreds wounded;
- I. whereas on 12 November 2013 the state of emergency and curfew that was put in place on 14 August 2013 was lifted;
- J. whereas on 24 November 2013 interim President Adly Mansour signed Law 107 of 2013 on Regulating the Right to Public Gatherings, Processions and Peaceful Protests; whereas Law 107 requires, inter alia, that organisers of demonstrations, processions and public meetings of more than 10 people that take place in a public place notify the Interior Ministry three days in advance, and grants Interior Ministry officials the absolute right to ban any protest or public meeting; whereas the law also applies to public meetings during the official campaign period for elections and meetings to select a candidate;
- K. whereas on 26 November 2013 the UN Commissioner for Human Rights, Navi Pillay, urged the Egyptian interim authorities to ‘consider amendments to the law’ and warned that the law ‘could lead to serious breaches of the right to freedom of peaceful assembly’; whereas on 27 November 2013 the Spokesperson for the UN Secretary-General and on 1 December 2013 the VP / HR reiterated concern regarding the law;
- L. whereas since 26 November 2013, Egyptian security forces have violently dispersed peaceful protests of people demonstrating against the government, military trials against civilians and Law 107; whereas the police has used tear gas, water cannons and batons against the protesters; whereas dozens of human rights defenders, civil society activists, journalists, bloggers, and critics of the government have been harassed and detained and some were banned from travelling by a judge; whereas several detainees reported that police beat and sexually harassed them; whereas such actions by the Egyptian security forces constitute a violation of the right of freedom of association and expression, and could be considered as being politically motivated;
- M. whereas on 12 January 2014, the National Council for Human Rights (NCHR), after visiting jailed activists Alaa Abdel-Fatah, Ahmed Maher, Mohamed Adel, and Ahmed Doum in prison, released a report in which it criticises the conditions under which the detainees are held; whereas, according to this report, the activists have not been allowed to meet with their lawyers or to call or meet with their family members;
- N. whereas civil society organisations have a crucial role to play in this critical period of political and social transition in Egypt; whereas free and independent press and media, both online and offline, form a key part of society in any true democracy;
- O. whereas the military-backed Egyptian interim government has been pursuing a crackdown against ousted president Morsi and the Muslim Brotherhood since July 2013; whereas many supporters and members of the Muslim Brotherhood have been arrested, including most of its leaders, who are now awaiting trial; whereas amongst the

persons under arrest are several children; whereas, according to lawyers and human rights advocates, many of those imprisoned are held for months and their detention orders repeatedly renewed without evidence of them having committed a crime;

- P. whereas ousted president Morsi is facing four separate criminal trials, three of which relate to his time in office; whereas the first trial opened on 4 November 2013 and a new session has been scheduled for 1 February 2014; whereas on 20 December 2013 Muslim Brotherhood lawyers acting on behalf of ousted president Morsi submitted a formal complaint to the International Criminal Court (ICC);
- Q. whereas security in the unstable Sinai region is further deteriorating amid regular violent attacks on security forces; whereas on 24 December 2013 a suicide car bomb attack took place outside a police headquarters in Mansoura in the Nile Delta, killing 16 people and wounding more than 100; whereas on 25 December 2013 the Egyptian Government declared the Muslim Brotherhood to be a terrorist organisation as a response to the deadly attack; whereas the Muslim Brotherhood denies being responsible for the attack, while a Sinai-based al-Qaeda-inspired group has claimed responsibility;
- R. whereas the Egyptian Government seems unable to take control over the security crisis in Sinai; whereas thousands of people lose their lives and disappear in Sinai every year, while others, mainly refugees from Eritrea and Somalia, including many women and children, are kidnapped and held to ransom by human traffickers; whereas refugees are also kidnapped in Sudanese refugee camps and brought into Sinai; whereas victims of human traffickers are abused in the most dehumanising manner and are subject to systemic violence, torture, sexual exploitation and forced labour, or killed for the organ trade; whereas the victims' families are blackmailed for ransoms of up to EUR 50 000 for their release;
- S. whereas women are in a particularly vulnerable situation in the current period of transition in Egypt; whereas women's rights activists, female protesters and female detainees are often subjected to harassment, intimidation, violence, sexual assault and other forms of degrading treatment;
- T. whereas minorities such as Coptic Egyptians continue to face attacks and discrimination;
- U. whereas Egypt's economy is in great difficulty; whereas since 2011 the unemployment rate has risen and poverty rates worsened;
- V. whereas, in line with its reviewed European Neighbourhood Policy and notably the 'more for more' approach, the EU's level and scope of engagement with Egypt is incentive-based and therefore dependent on progress with regard to the country's respecting its commitments, including those on democracy, the rule of law, human rights and gender equality; whereas effectively, EU funds and aid towards Egypt have been frozen given the fact that conditions have not been met;
- 1. Condemns all acts of violence, and the glorification of violence, including those acts related to the referendum days, terrorism, incitement or hate speech that would

legitimately not be considered free speech; urges all political actors and security forces to show the utmost restraint and avoid provocation, with the aim of avoiding further violence in the best interests of the country; extends its sincere condolences to the families of the victims;

2. Takes note of the result of the referendum on the new Egyptian constitution but is concerned about the actions taken against people campaigning to reject the constitution; welcomes the new Egyptian constitution's reference to a civilian government, absolute freedom of belief, the equality of all citizens, including the improvement of women's rights, the provision on children's rights, the ban on torture in all forms and manifestations, the prohibition and criminalisation of any form of slavery and the commitment to abide by international human rights treaties signed by Egypt, and calls on the authorities to implement properly the approved articles and provisions; calls on the Egyptian authorities to halt completely the use of military courts to judge civilians; stresses that in a democracy with a proper balance and separation of powers, the army should be under civilian control and that additional improvements need to be made to make progress towards democratic principles and standards;
3. Reiterates that the political transition process should next lead to free, fair, inclusive and non-violent parliamentary and presidential elections within the timeframes defined by the new constitution; recalls that power should be transferred directly after any elections to the democratically elected civilian authorities; is concerned that, contrary to the roadmap, the presidential elections are now scheduled to take place before the parliamentary elections; stresses that constructive and inclusive political dialogue, reconciliation and reintegration are the only path to democracy; believes that any ban, exclusion or prosecution directed at a democratic political force or actor in Egypt risks leading to increased radicalism;
4. Condemns the disproportionate use of force by Egyptian security forces and urges the authorities to ensure prompt, independent and impartial investigations into all killings and abuse of protesters by police and security forces, and to bring those responsible to justice; calls for a reform of the security sector, the establishment of adequate internal review procedures, training of the security forces to respect human rights in the policing of protests, and the prevention of torture, ill-treatment and sexual violence;
5. Urges the Egyptian interim authorities and security forces to ensure the security of all citizens, irrespective of their political views, affiliation or confession, to respect human rights and fundamental freedoms, to protect the freedoms of association, peaceful assembly and expression and freedom of the press, both online and offline, to commit to dialogue and non-violence, and to respect and fulfil their international obligations;
6. Is concerned about Law 107 of 2013 on Regulating the Right to Public Gatherings, Processions and Peaceful Protests, and urges the Egyptian interim authorities to reform or repeal this law in order to guarantee the right to freedom of association and peaceful assembly under the International Covenant on Civil and Political Rights and abidance by international standards;
7. Urges the interim authorities to halt all arbitrary and politically motivated arrests and other forms of harassment against human rights defenders, civil society activists,

journalists and bloggers; calls for the release of all political detainees and of those who have been imprisoned for peacefully exercising their rights of freedom of assembly, association and expression, as well as a swift, transparent review of all criminal cases; stresses the importance of free and fair trials of all those detained; suggests that the law on the judicial authorities be reformed to ensure a genuine separation of powers and prohibit any inappropriate or unwarranted interference of the executive in judicial matters;

8. Stresses once again the importance of the contribution of civil society and the free media to building deep and sustainable democracy in Egypt; is concerned at the attacks against free media, and calls on the Egyptian interim authorities to implement Article 65 of the new constitution, which states that ‘all individuals have the right to express their opinion through speech, writing, imagery, or any other means of expression and publication’; calls on the interim government to guarantee that domestic and international civil society organisations and journalists can operate freely, without government interference, in the country; calls on the Egyptian interim authorities to ensure that the committee tasked with writing a new NGO law produces a draft which is in line with international standards;
9. Is concerned about the increase in acts of terrorism and violent attacks in the Sinai, and calls on the Egyptian interim authorities to restore security there; urges the Egyptian interim authorities to intervene rapidly in order to ensure that all victims of human trafficking are rescued; calls on the Egyptian interim authorities to investigate the cases of human trafficking, murder, torture, sexual exploitation and organ trade, and to take appropriate measures in proceeding with the arrest and prosecution of members of trafficking syndicates by applying national and international law; calls on the Egyptian authorities to provide access to asylum procedures for trafficking victims and to prohibit deportation back to Eritrea; recalls Article 89 of the new constitution, forbidding slavery and all forms of oppression and forced exploitation against humans;
10. Calls on the Egyptian interim authorities to develop, adopt and implement legislation to combat all forms of gender-based violence, including marital rape and sexual violence against women participating in protests and demonstrations; calls, furthermore, on the Egyptian interim authorities to ensure effective and accessible reporting channels and protection measures that are sensitive to victims’ needs and confidentiality; urges for an end to be put to impunity and for appropriate criminal sanctions against perpetrators to be ensured;
11. Welcomes the willingness that has been announced on the part of the Egyptian interim Government, following the recommendation by the Egyptian National Council for Human Rights, to open a regional office of the UN High Commissioner for Human Rights in Cairo, and urges the Egyptian interim Government to do the necessary to speed up the opening of this office;
12. Urges the EU to take into consideration both the principle of conditionality (‘more for more’) and the serious economic challenges faced by Egypt in its bilateral relations with, and its financial support for, the country; calls for clear and jointly agreed benchmarks in this regard; reaffirms its commitment to assisting the Egyptian people in

the process of moving towards democratic and economic reform;

13. Calls on VP / HR Catherine Ashton to make public the report of the EU Expert Electoral Mission that monitored the constitutional referendum in Egypt on 14 and 15 January 2014;
14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, and the interim Government of the Arab Republic of Egypt.