Egypt Digital Rights Landscape Report

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This report is part of 'Digital Rights in Closing Civic Space: Lessons from Ten African Countries'; the Introduction is also recommended reading.

1. Introduction

Egypt has experienced many political and social changes prior to and since the 2011 uprising. These changes have had a significant impact on civic space offline, as well as online. Digital rights are simply human rights in online spaces and are recognised as being of central importance. This is especially true when closing civic space in the physical world means that opening civic space online is a necessary last resort. The coronavirus (Covid-19) pandemic has highlighted the importance of digital rights, especially for vulnerable groups such as refugees and people in rural and remote areas.

The main objective of this report is to give an overview of digital rights in Egypt, especially in the context of freedom of expression and freedom of assembly, the right to access the internet, and for access to information, and the right to knowledge; and to explore the impacts of the political context on civic space in general and digital rights in particular.

Social media played a significant role during the political mobilisation of 2011 that led to the removal of the regime of Hosni Mubarak, the Middle East and North Africa region's longest-surviving regime at the time. Subsequent regimes have paid special attention to digital rights and social media, and taken all possible measures to control internet access and target activists, whether using technical means through censorship and surveillance of their online activities; or through legislative tools that legalise internet shutdowns, banning websites and criminalising the right to freedom of expression by labelling anything that challenges the government as fake news. These practices have proliferated during the Covid-19 pandemic, which has been dealt with as a national security issue. As a result, bloggers, journalists and doctors who share information about the number of infected people have been targeted and jailed, accused of publishing fake news.

2. Political landscape

Undoubtedly, civic space and its actors and dynamics in general are affected positively and negatively by the political environment. There is a positive direct relationship between the political environment and civic space in terms of how open or closed it is. The political environment is described as an open environment when it allows and accepts criticism, and accommodates different variables and positively interacts with different components of the political environment.

Egypt has witnessed significant political openings and closings throughout the past 20 years. For the purposes of this report, the political landscape will be addressed during two main phases. The first phase extends from 2000 to 2010. The second phase extends from 2011 to the present.

2.1 First phase (2000–10)

This phase was under the Mubarak regime, which was in power from 1981 until the 2011 'revolution'. The political situation was stable during the period from 2000 to 2010 as regards civic space and digital rights. The Mubarak regime adopted policies that led to a relatively open civic space. Irrespective of the human rights situation, human rights activists enjoyed the freedom to speak out about the human rights situation and establish new organisations.

Although, the political atmosphere under the Mubarak regime permitted some level of openness in civic space, it did not prevent the eventual uprising against the regime. Many factors contributed to the uprising, including corruption (Hassan 2011), control of the political space and human rights violations (Rastegari 2012), but there were two main triggers: firstly, electoral fraud during the 2010 legislative elections, which resulted in the National Party controlling the vast majority of seats in parliament (Bakr 2016: 61, 66); and secondly, the death of Khaled Saeed, a youth who was reportedly tortured to death by Egyptian police in June 2010 (*ibid.*: 65).

2.2 Second phase (2011–present)

The second phase is divided into two main landmark periods of political and social changes: the first period from 2011 to the end of June 2013; and the second period from July 2013 up to the present day. During the first period, also known as the Arab Spring, civil society played a significant role and was the main engine of the social and political mobility that took place not only in Egypt but in all countries that witnessed political regime change during the period (ANND 2020).

Egypt saw a transitional period from the end of February 2011 until Mohamed Morsi was elected as president in June 2012. The Supreme Council of the Armed Forces (SCAF) managed the transitional process, implementing laws and regulations, and issuing a constitutional declaration to regulate the interim period between the revolution and the adoption of the new constitution. 'Other issues of national interest addressed by the SCAF included electoral law reform, adoption of pro-freedom of association measures and media related reforms such as appointment of new editors' (Dube, Simiyu and Ilori 2020: 26). Thus, this period could be characterised as a period of relative political opening.

2.3 Muslim Brotherhood regime (2012–13)

The Muslim Brotherhood regime came to power in Egypt after the presidential election on 30 June 2012, which resulted in Mohamed Morsi being elected as president. Ten months later, the Tamarod protest movement was established and began collecting signatures to 'withdraw confidence' from President Morsi and mobilise citizens for a demonstration on 30 June 2013. Social media was the main tool used to mobilise for the demonstration, which led to the removal of Morsi and the Muslim Brotherhood regime from power. In July 2013, the General Command of the Armed Forces issued a statement that led to the ousting of the regime (Arab Republic of Egypt 2013). The political situation and civic space changed significantly after July 2013, resulting in a closing of civic space.

3. The civic space landscape

Civic space is one of the most influential factors in Egyptian political dynamics. In light of weak political parties, civil society has become the real political opposition to the regime. It is recognised that civil society does not operate or develop in a vacuum, but instead reflects the general political situation. The political context in Egypt as described in section 2 has a significant impact on the degree of openness of civic space in Egypt. Civic space in Egypt could not be described as completely closed, but it is relatively restricted (ANND 2019). In contrast, Egypt has consistently received a score of 'not free' by Freedom House (see Figure 3.1).

Figure 3.1 Freedom House ranking for ADRN countries, 2000–19[1]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Zimbabwe	🟨	🟨	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	N/A	🟥	N/A	🟥	🟥	🟥	🟨	🟨	🟨	🟨
Zambia	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	N/A	🟨	N/A	🟨	🟨	🟨	🟨	🟨	🟨	🟨
Uganda	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	N/A	🟨	N/A	🟨	🟨	🟥	🟥	🟥	🟨	🟥
Sudan	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	N/A	🟥	N/A	🟥	🟥	🟥	🟥	🟥	🟥	🟥
South Africa	🟩	🟩	🟩	🟩	🟩	🟩	🟩	🟩	🟩	🟩	N/A	🟩	N/A	🟩	🟩	🟩	🟩	🟩	🟩	🟩
Nigeria	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	N/A	🟨	N/A	🟨	🟨	🟨	🟨	🟨	🟨	🟨
Kenya	🟥	🟥	🟥	🟨	🟨	🟨	🟨	🟨	🟨	🟨	N/A	🟨	N/A	🟨	🟨	🟨	🟨	🟨	🟨	🟨
Ethiopia	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	🟨	N/A	🟥	N/A	🟥	🟥	🟥	🟥	🟥	🟥	🟥
Egypt	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	N/A	🟥	N/A	🟥	🟥	🟥	🟥	🟥	🟥	🟥
Cameroon	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	🟥	N/A	🟥	N/A	🟥	🟥	🟥	🟥	🟥	🟥	🟥

🟩 Free 🟨 Partially free 🟥 Not free

Note: ADRN – African Digital Rights Network.

Source: Adapted from Freedom House (2019)

In light of the political changes in Egypt since 2011, civil society took the lead in demanding political regime change; the use of technology and social media for social mobilisation that facilitated the 2011 uprising and, later, the removal of the Mubarak regime, marked the beginning of the closure of civic space in Egypt, and different measures were taken to reduce the activities of civil society or totally stop activities.

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1   Data not available for 2010 and 2012.

The period from 2000 until the 2011 uprising had witnessed an increase in the activities of non-governmental organisations (NGOs) and the establishment of new organisations (ANND 2020). Although international and internal pressure led the Mubarak regime in this period to take steps to open civic space (*ibid.*) and take the lead in democratic transition from the top down, this does not reflect the fact that Egypt's NGO laws were flexible or in line with international human rights law and standards.

For example, Law No. 84 of 2002 concerning national associations required that all NGOs register with the Ministry of Insurance and Social Affairs; banned any civil society activities that threatened national unity or violated public order or morality, and prohibited groups from receiving foreign funding without advance approval; and made the establishment of new NGOs subject to authorities' absolute discretion. Despite the restrictive nature of the law, civic space at that time could be described in general as relatively open compared to the current Egyptian civic space landscape. Civil society organisations (CSOs) and activists enjoyed the freedom to criticise the political situation and the regime:

> The NGOs legal framework did not serve to ban civil society outright but rather gave enormous discretionary powers to the Ministry of Social Solidarity and other government agencies. In practice, this authority was brought to bear against certain organizations and individuals that crossed the government's 'red lines' in pushing for social reform and political liberalization. (ICNL 2020)

Thus, political regimes in Egypt, whether during the Mubarak era or since 2011, 'have selectively used civil society restrictions to ensure civic mobilization did not cross the ruling regime's red lines' (Brechenmacher 2017: 37).

Following the 2011 uprising, the civil society environment became more repressive. The new regime took action to close civic space with measures targeted at NGOs:

> there were concerns by the civil society that the SCAF did not adequately consult and open up space for civil society in initiating the reforms which undermined the right to participation in decision-making processes. The brief period following the uprising in 2011 was a short-lived relief for the civil society as the civic space closed and the government began to implement repressive practices under the current presidency of Abdel Fattah el-Sisi. (Dube *et al.* 2020: 26)

Egypt has used various tactics to close civic space, and reduce and control the activities of civil society activists and organisations, or force them to give up their activities to avoid being targeted. These tactics include criminalisation of public dissent in the name of national security and counterterrorism, use of legal reforms and decrees to institutionalise previously extrajudicial repressive practices, public vilification, sweeping legal measures, and civil society co-optation. For instance, the regime has used sweeping antiterrorism and anti-protest measures to institutionalise previously extrajudicial practices.

Egyptian authorities have targeted human rights groups with travel bans, asset freezes and legal harassment, while local development and civic initiatives struggle to access resources for their work (Brechenmacher 2017: 45; Dube *et al.* 2020). The government engaged in a more overt and sweeping crackdown on civil society including a criminal case launched in 2011, focused on Egypt-based international organisations alleged to have received foreign funding without government permission, which was reopened and expanded in 2016 to focus on Egyptian organisations.

The Penal Code also contributed to the closing of civic space in Egypt. Under the Penal Code, assets could be frozen and travel bans imposed for vague criminal charges mostly associated with terrorism. Article 78 of the Penal Code was amended by the 2014 presidential decree to enforce penalties of up to 25 years in prison for receipt of foreign funding to undertake activities deemed detrimental to national security by the government. The International Center for Not-for-Profit Law (ICNL) reports that:

> From 2016 through 2019, a number of Egypt's most prominent civil society leaders have been banned from travel in connection with the amended law, and several had their personal and organisational assets frozen under court order. Others have been detained and interrogated.
> (ICNL 2020)

Egyptian authorities initiated a wave of raids, interrogations, asset freezes, and travel bans. Brechenmacher (2017: 45) reports, for example, that:

> In September 2016, a criminal court issued an order to freeze the personal assets of five prominent human rights advocates and three NGOs: the Cairo Institute for Human Rights Studies, the Hisham Mubarak Law Center, and the Egyptian Center for the Right to Education. Four months later, women's rights advocate Azza Soliman became the first to be arrested in connection to the case – a few weeks after authorities had frozen her personal and organizational assets and prevented

her from traveling abroad. In 2017, the government approved a new draconian law to govern CSOs, 'Law 70 of 2017 on Associations and Other Foundations Working in the Field of Civil Work' which replaced Law 84 of 2002. Domestic and international CSOs, governments, and UN entities roundly condemned the restrictive new law, which created egregious constraints on CSOs' formation, funding, activities, contact with international entities, internal governance, and imposed severe criminal penalties on CSOs for violations. Despite its ratification, the law was never fully enforced—the government never issued implementing regulations to guide its application—and in November of 2018, President el-Sisi publicly indicated that he supported amendment of the law.

In 2019, the Egyptian parliament (House of Representatives) adopted the new NGO law. Groups most affected included bloggers, trade unionists, students, opposition political activists, lawyers, lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) and women's rights activists, doctors and CSOs (Dube *et al.* 2020). The restrictive measures were extended to include non-activist citizens who use their own accounts on social media applications to criticise government policies or share and address topics that might be considered prejudicial to national security, such as the health situation during the Covid-19 pandemic. According to CIVICUS Monitor (CIVICUS 2020), civic space in Egypt is rated as 'closed'.

In the conclusion of this section, a quick comparison between the situation of civic space before and after 2011 shows that domestic civic space has historically been restricted, but to varying degrees. As mentioned earlier, the Mubarak regime enforced red lines for civil society, but never closed civic space completely and the situation could be described as close to being open. However, 'the opening of civic space under Mubarak's regime was not a sign of democratisation but it was a move towards consolidating authoritarianism' (Hassan 2011: 3). Under successive regimes, civic space never totally closed but witnessed an increasing number of red lines and could be described as a closing of civic space. One common feature of the situation of civic space under the different ruling regimes is that it was never fully open.

Table 3.1 Civic space timeline

Year	Regime	Shift	Implication
1971	Anwar Sadat	Adoption of permanent constitution	Explicitly stipulated rights to freedom of assembly and to establish NGOs.
2002	Hosni Mubarak	NGO law	The new law was restrictive: NGOs could only be established upon approval from the Ministry of Social Affairs.
2012	Mohamed Morsi/Muslim Brotherhood	New constitution after 2011 uprising	NGOs could in theory be established by notifying the authorities, but this was not the case in practice.
2014	Abdel Fatah El Sisi	Penal Code	The Penal Code criminalised NGOs that received funds from abroad without prior approval.
2015	Abdel Fatah El Sisi	Counter-terrorism law	The law was a new tool to close civic space and criminalise NGO activities, especially those which received funds from abroad.
2017	Abdel Fatah El Sisi	Restrictive new NGO law	The proposed new law was to completely close civic space. It was condemned by domestic and international organisations and activists, which led to its suspension.
2019	Abdel Fatah El Sisi	New NGO law	The new law seemed to promise an opening up of civic space, but it is still too early to judge its implications.

Source: Author's own.

4. Technology landscape

Undoubtedly, the use of technology, the internet, information and communication technology (ICT) tools and applications, social media and digital rights characterised the uprising in 2011, through communicating and 'organising through Facebook, Twitter, blogs, and YouTube' (Bakr 2016: 68). It had a significant role in mobilising for political changes in Egypt, both during the 2011 uprising and second uprising on 30 June 2013:

> Between 11 January and 10 February 2011, there were 34 million participants in the revolution on Facebook across 2,313 pages, where 9,815 participants got 461,000 commentaries. During the period between 10 January and 10 February, 93 million tweets on the revolution were exchanged within Egypt, and between Egypt and the outside world.
> (*Ibid.*)

As a result of political changes and the closing of civic space offline from 2011 up to now, political activists, human right activists, journalists, bloggers and citizens have moved to online platforms as a last resort to exercise their rights to access and share information, criticise government policies and political measures, and engage in public affairs. Therefore, very restrictive measures have been taken to repress and criminalise digital rights and access to information. Due in part to these restrictive measures, Egypt's score on Freedom House's Freedom on the Net Index fell from 'partially free' to 'not free' (see Figure 4.1).

Figure 4.1 Egypt's Freedom on the Net Index score, 2009–19[2]
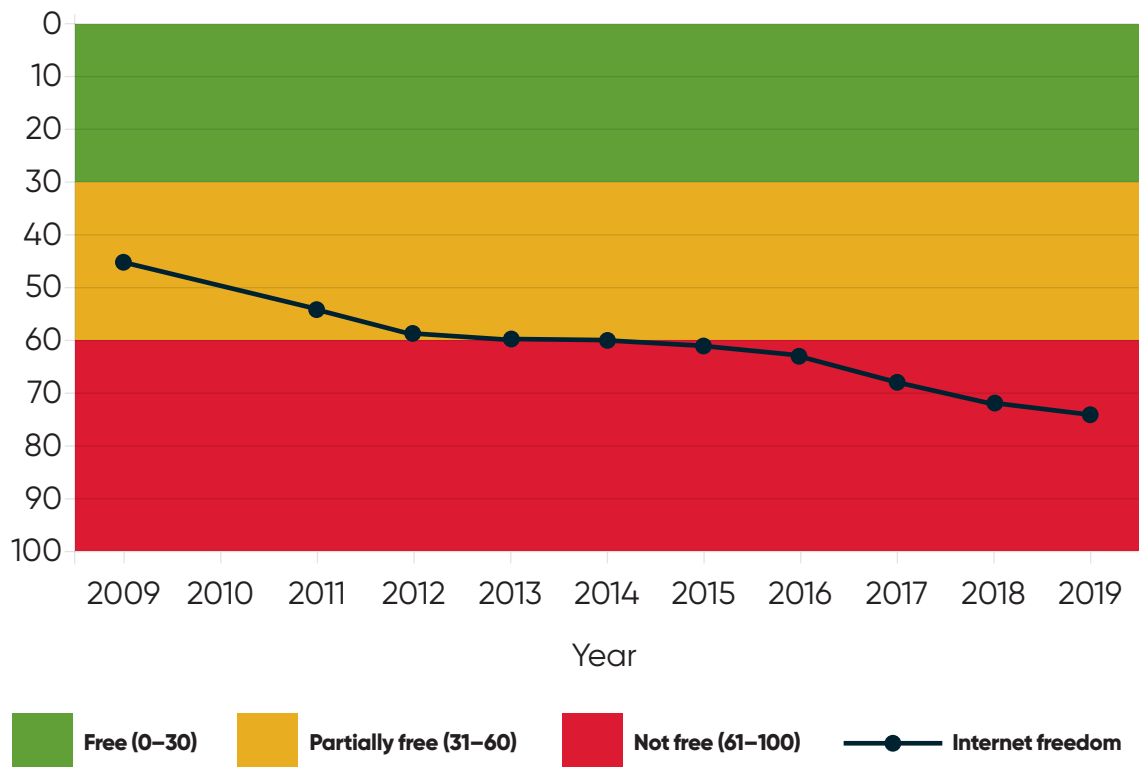
Source: Based on data from Freedom House (2020)

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2   Data not available for 2010.

4.1 Using technology: legal framework

Internet use is governed by the Telecommunications Regulation Law of Egypt No. 10 (2003), which was used as the legal basis to shut down the internet during the Egyptian uprising in 2011. Article 67 of the law allows authorities to shut down telecommunications operator networks for reasons of 'national security' as defined by the authorities.

In 2018, the Egyptian parliament issued Law No.175 of 2018 on Combating Information Technology Crimes (Cybercrimes Law) and Law No. 180 of 2018 on regulating press and media. The new provisions gave authorities the power to block websites if they violated national security. Article 1 of the Cybercrimes Law defines national security as everything related to the independence, stability and security of the homeland, and anything related to the affairs of the Presidency, the Ministry of Defence and General Intelligence and so on. The same definition is also repeated in many laws regulating the internet, without any definition or explanation of the concept of national security or clarification of its determinants (El Asouad 2016).

It is clear from the text that the term 'national security' is a loose phrase that cannot be defined. Just as the authorities define what is considered as security, some believe that through the Cybercrimes Law the state aims to fully control the internet, suppress its users and to legalise state practices in censoring this space, including blocking websites and using mass surveillance of communications. Some would add that the Cybercrime Law and the press and media regulation law are two laws that clearly establish the practice of blocking websites and monitoring communications in Egypt. Before the adoption of these controversial laws, the Egyptian legal environment lacked the legal cover and legal justification for the practice of blocking online content. Egyptian authorities scaled up their online content-blocking efforts in May 2017, resulting in the blocking of nearly 500 websites. According to Article (19) of Law No. 180 of 2018 on regulating press and media (Press and Media Regulation Law), the authorities have the right to block websites and electronic news that they characterise as fake news.

4.2 Using technology: background and practices

Prior to January 2011, Egypt witnessed an IT revolution. Egypt was classified as one of the emerging powers in IT regionally. The number of internet users rose from 450,000 at the end of 2000 to 20 million – mostly youths – by 2011 (Bakr 2016: 59) and reaching 29 million during 2011. Internet penetration increased from 0.83 per cent in 2000 to 25.6 per cent in 2011 (see Figure 4.2). By the end of 2019, there were 49,231,493 internet users and internet penetration had increased to 48.1 per cent (Internet World Stats 2020). According to a report for the BBC, 'Egypt was the primary market for BBC

Arabic online in 2010, through both its regular and mobile websites, with roughly 2 million page views per month' (SecDev 2011). The number of Facebook users increased from 4.2 million in 2010 to 9.4 million in 2011 (MCIT 2013). By the end of 2019, Egypt had reached 42,400,000 Facebook users (Internet World Stats 2020).

Figure 4.2 Percentage of the population with internet access in Egypt
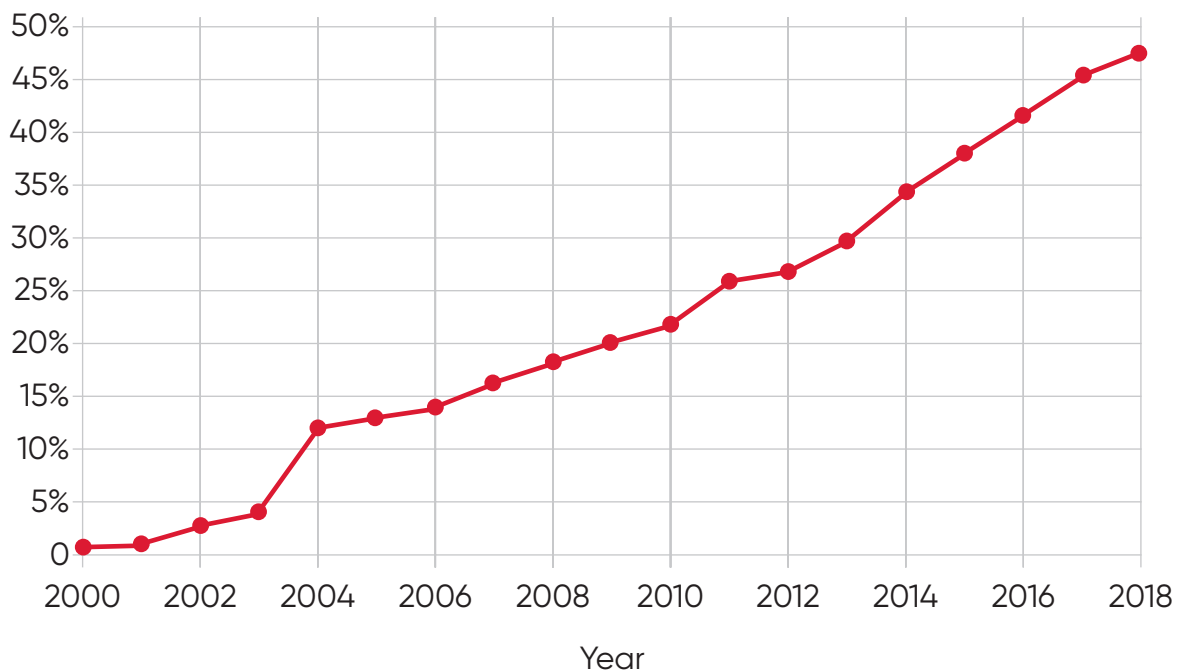
Source: Based on data from ITU (2020)

Social indicators – such as, but not limited to, rate of literacy, fixed mobile contracts and number of internet users – before 2011 showed that, 'Egyptians enjoyed the freedom to be exposed to the internet and express their views in the press, media, and blogs' (Bakr 2016: 60) with no evidence of internet filtering, despite Egypt being under emergency law and perennial restrictions on freedom of the press. The report for the BBC (SecDev 2011) emphasises that civic space was more open before 2011 than under the current political regime. However, levels of internet surveillance were also high under the Mubarak regime. Since August 2008, internet cafe customers have had to provide their names, email addresses and phone numbers before they can access the internet. But this has not necessarily translated to measures to close civic space. According to Freedom House (2014), the Egyptian government showed a relaxed attitude towards access to ICTs and did not

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censor websites or use high-end technologies to block online discussions until 2010. Instead, the Mubarak regime mainly attempted to track members of terrorist groups: 'surveillance and control were targeted at specific individuals' (Hassanin 2014).

Internet and mobile application shutdowns continued after 2011. Some reports showed that in 2016:

> Internet shutdowns [were] frequent in heavily militarized areas of North Sinai and [were] claimed to be carried out to deter communications between insurgent groups in the area. In September 2016, one such shutdown lasted for eight hours before the services were restored. (Grewal 2016: 5)

Signal, a messaging app, was reportedly shut down for a week in December 2016. Media reports said the shutdown aimed to stifle political dissent (*ibid.*). In general, Egypt has not witnessed an entire internet shutdown similar to what happened during the 2011 uprising, but blocking of websites and media platforms are frequently reported.

In May 2017, there was a significant increase in the number of blocked websites: 496 sites were blocked; the blocking of websites has become a frequent phenomenon in Egypt (Paradigm Initiative 2019: 14). The further legitimisation of website censorship and blocking under the Egyptian Cybercrime Law issued in 2018 is evidence that internet censorship in Egypt has now become pervasive (AFTE and OONI 2018). The Egyptian government continues to refrain from clarifying its decision to block websites in spite of a guarantee in Article 68 of the Constitution that 'all information, data and official documents are the property of the people; disclosure of it from its various sources is a right guaranteed by the state' (Arab Republic of Egypt 2014).

The deterioration of the political and security situation since 2011, and the closing of civic space in Egypt have forced human rights and political activists to move their activities to online spaces, and increasingly use technology and social media to exercise their right to freedom of expression. The Cybercrime Law of 2018 legalised the targeting of journalists, human rights activists, bloggers or any persons accused of misusing social media to spread fake news. The above-mentioned legal framework is used to criminalise online activities and close the online civic space in Egypt. For example:

> In 2016, online journalists Amr Badr and Mahmoud Sakka were held in detention for attempting to overthrow the regime and incitement on social media while a news website photographer was jailed for 2 years. Hamdy Mokhtar, a photographer for an opposition news website was also

sentenced to 2 years imprisonment. Khaled Elbashy, the Chief Editor of Al Bedaiah online newspaper and board member of Egypt's Press Syndicate was detained on May 29, 2016, for 'disseminating false news and rumours' and 'sheltering criminals'. Egyptian authorities have also been accused of abusing the 2-step verification process for the surveillance of bloggers and shut down telephone and Internet services in the North Sinai region during the weekend of September 17, 2016.
(Paradigm Initiative Nigeria 2016: 13)

Table 4.1 Technology regulation timeline

Year	Shift	Implication
2003	Telecommunications Regulation Law	Legal basis for communications shutdown during the 2011 Egyptian uprising.
2011	Internet shutdown	Entire internet shut down in Egypt for first time.
2014	Establishment of Egyptian Supreme Cybersecurity Council	The council was formed of intelligence and military personnel, prioritising a military perspective over a human rights perspective.
2018	Cybercrime Law	Used to legalise blocking of websites and targeting of activists.
2018	Press and Media Regulation Law	The law gave the authorities the right to block online media platforms and target journalists.

Source: Author's own.

5. Digital rights landscape

The roots of the current legal framework on digital rights in general can be found in the International Bill of Human Rights, especially the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It is worth mentioning that Egypt is party to most of the international human rights instruments used as the initial basis for digital rights, such as the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Covenant on Economic, Social and Cultural Rights.

Article 31 of the Constitution stipulates that: 'The security of information space is an integral part of national economy and security. The state commits to taking the necessary measures to preserve it in the manner organized by law'. In the field of digital rights, which is one of the pillars of Internet governance, Article 57 stipulates that:

> Telegraph, postal, and electronic correspondence, telephone calls, and other forms of communication are inviolable, their confidentiality is guaranteed and they may only be confiscated, examined or monitored by causal judicial order, for a limited period of time, and in cases specified by the law. The state shall protect the rights of citizens to use all forms of public means of communication, which may not be arbitrarily disrupted, stopped or withheld from citizens, as regulated by the law.

Article 65 adds that: 'Freedom of thought and opinion is guaranteed. All individuals have the right to express their opinion through speech, writing, imagery, or any other means of expression and publication'. Article 68 stipulates the right to access information, as well. It is prohibited to withhold information or intentionally give false information.

6. Digital rights in times of Covid-19

Egypt's government has dealt with Covid-19 as a national security issue. The government took restrictive legal measures to prevent information circulating about the outbreak of Covid-19 in Egypt (AFTE 2020b). Social media is surveilled by the government to track and ban any information about the number of infected people in the country that contradicts government information or data: 'The Egyptian authorities took a legal measures (*sic*) against the individuals who broadcasts (*sic*) fake news, statements, or rumors on Covid-19. Furthermore, the General Attorney stated that it would deal with such fake news and stories according to the Law' (*ibid.*). According to the Association of Freedom of Thought and Expression (AFTE):

> Most likely, the security services' move came within the framework of a broader plan or approach in order to prevent citizens from expressing their opinions regarding the policies of state institutions in the face of the Covid-19 pandemic, as the Corona issue – now open to include more activists and users of social media (*sic*).
> (*ibid.: 5*)

Many journalists and citizens have been prosecuted, interrogated and sentenced for criticising the government response to the Covid-19 crisis or citing numbers of infected people that contradict figures announced by the government, as well as people accused of spreading fake news and misinformation about the health situation (*ibid.*).

The Egyptian government's attempts to restrict digital rights during the Covid-19 pandemic are attributed to three main reasons, which have led to the majority of arrests of activists and users of social media: (1) criticising the Ministry of Health's policies in dealing with the Covid-19 pandemic; (2) spreading information about the presence of unannounced cases of Covid-19; and (3) requesting the release of prisoners for fear of spreading infection in prisons, in particular political prisoners and pre-trial detainees (*ibid.*).

In addition, in its report about how the Egyptian government dealt with the internet during the pandemic outbreak, AFTE emphasised that:

> the aim of arrest the activists and social media users is to restrict the public debate about Covid-19 and prevent the Egyptian citizens from using the only reaming (*sic*) means to interact with public affairs, which is using the Internet and Social Media to circulate information and express

opinion on public policies In this regard, the Egyptian authorities use their security services, which surveillance (*sic*) the accounts of social media users. Furthermore Egypt has witnessed the banning of many websites that provided contents related to Covid-19 during the pandemic. (*ibid.*: 6)

6.1 Digital rights of vulnerable groups

Since it started, the Covid-19 pandemic has dramatically transformed most daily activities such as work, learning, communication and access to information that is only accessible through the internet. Therefore, access to the internet during Covid-19 is an essential issue, and governments are under an obligation to provide and secure affordable devices and access to the internet for vulnerable groups.

According to the United Nations High Commissioner for Refugees (UNHCR)-Egypt:

> The majority of refugees and asylum-seekers in Egypt were already highly vulnerable prior to the outbreak of COVID-19 and has been directly impacted by the evolving circumstances. Many have lost their source of income and cannot afford to buy sufficient basic supplies or pay their rent. (UNHCR-Egypt 2020)

According to Farahat (2020), obstacles that contribute to denying refugees their right to access the internet include their limited financial capacity, mainly because they cannot afford to buy appropriate equipment that has features to connect to the internet and operate the different applications and digital platforms used for e-learning and communication. In addition, lack of official recognition of refugee documents such as personal ID prevents them from registering with different internet service providers to have access to the internet or to purchase SIM cards under their own names, which means they are unable to access portable financial wallets, online cash payments and various other mobile financial services and smartphone applications.

In summary, digital rights for some vulnerable groups such as refugees have been ignored by UNHCR and the Egyptian government during the Covid-19 pandemic. So, the Egyptian government and UNHCR-Egypt have to work together to ensure refugees' – and, in particular, students' – access to the internet and other digital rights.

7.   Conclusion and recommendations

There is a direct relationship between the political environment, civic space and digital rights. Digital rights could be described as human rights in '**virtual civic space**'. The political environment in Egypt has negatively affected civic space both offline and online. Social media technologies were used by civic activists in 2010 and 2011 to open civic space. The government has since used a range of technologies to close civic space, shutting it down, monitoring messages and manipulating discourse. Legislation has been used to mitigate the effectiveness of civil society institutions as well as individual activists.

The role of social media during the events of 2011 and afterwards encouraged the government to use new tools to monitor, control and surveil online activities and adopt very restrictive laws that deprive people of their rights to peaceful assembly and freedom of expression using the internet; also, the right to privacy has been affected by surveillance.

For reasons of counterterrorism and national security, civic space is restricted and seems closed. The new political environment does not seem like it will change in the near future. Moreover, parliament is upholding the trend of government and plays a negative role, particularly regarding laws linked to digital rights.

The above conclusion leads to the necessity to:

– Adopt advocacy campaigns at national, regional and international levels that call to change existing laws, producing policy papers and briefs related to digital rights. One of the strong points is that there are a lot of NGOs focused on human rights, but not specialised in digital rights. Capacity building for civil society on digital rights is urgently needed.

– Build the capacity of political party members and parliament on digital rights issues, to be able to change or adopt legislation in line with international human rights law – this is urgently required.

– Adopt 'strategic litigation' as a mechanism to change the government's policies that negatively affect civic space and digital rights.

– Design capacity-building programmes for lawyers, especially on strategic litigation, digital rights and using international human rights instruments before national courts.

– Raise the awareness of human rights activists and civil society about digital rights.

– Increase the number of organisations that focus on digital rights. This is essential: the shortage of organisations that work on digital rights and related issues creates a gap. Only a few organisations specialise in this field.

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