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## The Right to Education and Egypt's Prison Policies since 2013\*\*

### الحق في التعليم وسياسات السجون في مصر منذ عام 2013

**Abstract:** This study investigates the right to education in Egyptian prisons since the July 2013 coup and the challenges that put political detainees in opposition to many authoritarian policies. Hence, it explores the guarantees of this right in international law and treaties in addition to local laws (e.g., the Prisons Organization Law and Egyptian Prison Regulations) to illustrate the contradictions between international and Egyptian law, drawing on comparisons with de facto practices in prisons. The study argues that Egyptian law prescribes authoritarian policies that nullify the rights of political prisoners to education in prisons. It addresses de facto practices affecting the rights of political detainees to education in Egypt since 2013.

**Keywords:** Right to Education; Egyptian Prisons; 2013 Egypt Coup; International Law; Egyptian Law.

**ملخص:** تتناول الدراسة الحق في التعليم داخل السجون المصرية بعد انقلاب تموز/ يوليو 2013، وما تكتنفه من صعوبات تجعل المعتقل السياسي في مواجهة عدد من السياسات السلطوية المقننة والممارسة. ومن أجل ذلك، تبحث الدراسة في ضمانات الحق في التعليم في القانون والمواثيق الدولية، وتنتقل إلى جانب القوانين المحلية (قانون تنظيم السجون، ولائحة السجون المصرية)، لتبين ضمانات الحق في التعليم، وكذلك أوجه التناقضات بين القانون الدولي والمواثيق الدولية من جهة، والقانون المصري من جهة أخرى. وتجادل الدراسة بأن ثمة سياسات سلطوية ينص عليها القانون المصري هدفها إجهاد حقوق السجناء السياسيين في التعليم داخل السجون، ثم تقف الدراسة على السياسات الفعلية المطبقة بحق المعتقلين السياسيين بعد عام 2013 فيما يتعلق بالحق في التعليم.

**كلمات مفتاحية:** الحق في التعليم؛ السجون المصرية؛ انقلاب تموز/ يوليو 2013؛ القانون الدولي؛ القانون المصري.

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## Introduction

With political detentions on the rise conspicuously in Egypt since the 3 July 2013 coup, it has become difficult to explain the subsequent ongoing expansion of prison construction without examining the unprecedented growth in the number of political prisoners, whether in preliminary detention centres (e.g., police stations), general prisons, or maximum-security *limān*<sup>1</sup> prisons.<sup>2</sup> According to a report published by the Arabic Network for Human Rights Information, there were 78 prisons in Egypt in 2021, about half of which (35) had been constructed after the 25 January 2011 revolution.<sup>3</sup> Human rights reports have revealed tens of thousands of dissidents languishing there,<sup>4</sup> hailing from all kinds of professional, social, and regional backgrounds. Despite this, the complexity of prison administration systems and their restriction of basic human rights and freedoms have not been sufficiently researched for several reasons, including the security services' reluctance to divulge prison conditions, nationwide obstacles to academic research and data collection, and the targeting of academics conducting research on political topics.<sup>5</sup> Nevertheless, the topic is in critical need of research.

Demographic statistics on prisons indicate a steep increase in the number of detained students in the beginning of the 2013-2014 academic year. Between the 2013 coup and 11 November 2015, around 3,242 university students were detained<sup>6</sup> – an unprecedented number in the history of student activism in Egypt – in addition to hundreds of high school students.<sup>7</sup> These numbers grew with the fierce security crackdown on the student activism that had gained pace in Egyptian universities and schools following the coup.<sup>8</sup> The movement's objectives included overthrowing the military regime, rejecting military rule and oppression, and calling for the expansion of students' rights in educational institutions. Some detained students were subjected to forced disappearance or lengthy pre-trial detention periods. This reflects authoritarianism reinforced by the collusion of prosecutors and a politicized judiciary, which has handed down many arbitrary sentences against political prisoners.<sup>9</sup>

Students held in general and central prisons, police stations, and under unofficial detention in security services headquarters had to seek their right to education from their detention centres. Therefore, their relationship with prison administrations has created a set of complex, overlapping phenomena. This study examines the legal aspects of exercising the right to education within Egyptian prisons<sup>10</sup> and illustrates the present situation post-2013 coup. It analyses the way prison, security, and political authorities treat

<sup>1</sup> A type of large prison that tends to be located in major cities and hosts the longest-serving prisoners.

<sup>2</sup> Amr Magdi, "Coronavirus: Egypt's Prisons Could Avoid Disaster with Conditional Releases," *Middle East Eye*, 16/3/2020, accessed on 26/6/2022, at: <https://bit.ly/3aiIEMS>; "Suḡūn Miṣr: Intihākāt wa Mukhālafāt dūna Ḥisāb: Kayfa Yumkin an Tusāhim Taqārīr Ziyārāt al-Suḡūn fī Taḥsīn Awḡā' ihā al-Mutadahwira?," *Egyptian Initiative for Personal Rights*, 30/6/2016, accessed on 26/6/2022, at: <https://bit.ly/3ukV4Le>; "al-Suḡūn al-Miṣriyya Bī'a Ḥāḡina lil-Kūrūnā: Nisbat al-Takaddus 150%," *Daraj*, 26/3/2020, accessed on 25/6/2022, at: <https://bit.ly/3OEFTyb>

<sup>3</sup> Arabic Network for Human Rights Information, *Fī Intizārīk: 78 Sijnan baynahum 35 ba'd Thawrat Yanāyir: 'an al-'Awḡā' al-Ṣa'ba lil-Suḡānā' wa-l-Suḡūn fī Miṣr* (Cairo: 11/4/2021), accessed on 5/9/2022, at: <https://bit.ly/3I9ingw>

<sup>4</sup> Ibid.

<sup>5</sup> Many Egyptian academics have been detained because of their research or for reasons pertaining to their political activism against the regime, including Ismail al-Iskandrani, Ahmed El Tohamy, Abdullah Shehata, Salah Sultan, and Amgad Gabbas. There are no accurate statistics as to their numbers. See: "Munazzama Duwaliyya Tuḡālib Miṣr bil-Ifrāj 'an Akādīmī Mu'taqal," *Arabi21*, 4/6/2021, accessed on 4/9/2022, at: <https://bit.ly/3qhVDTp>

<sup>6</sup> "Mu'ashshir al-Intihākāt," *Freedom Seekers Monitor*, accessed on 5/11/2022, at: <https://bit.ly/3E4VASS>.

<sup>7</sup> It is difficult to identify detained high schoolers, as they come and go rapidly. Many of them have faced forced disappearance and detention without trial or have been brought before civilian or military prosecutors.

<sup>8</sup> See: Saif Alislam Eid, "Ṭullāb Muḡāwimūn: al-Nashāṭiyya al-Ṭullābiyya wa-l-Qam' al-Siyāsī fī-l-Jāmi'āt al-Miṣriyya ba'd Inqilāb Yūlyū 2013," Master's dissertation, Doha Institute for Graduate Studies, Qatar, 2020 (unpublished).

<sup>9</sup> For more on the Egyptian judiciary, see: International Commission of Jurists, *al-Qaḡā' al-Miṣrī: Adāt lil-Qam', Ghiyāb Dāmināt Fa'āla Takful al-Istiqlāliyya wa-l-Musā'ala* (Geneva: 2016), accessed on 5/8/2022, at: <https://bit.ly/3qV9XSn>; Mohamed El-Ansary, "Dawr al-Niyāba al-'Āmma al-Miṣriyya fī Qam' Aṣwāt al-Mu'āraḡa," Project on Middle East Democracy (July 2017), accessed on 28/6/2022, at: <https://bit.ly/3I9cznt>

<sup>10</sup> The right of prisoners to education is based on international human rights legislation. Egypt has ratified many binding international agreements, such as the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and the Nelson Mandela Rules on prisoner treatment (2015).

student dissidents, especially detainees, and contrasts these practices with legislation and international agreements signed by Egypt.

This study posits that political prisons in post-2013 Egypt have become a contentious space, where security officials employ authoritarian, oppressive policies, and political prisoners resist through both organized and non-organized action, using whatever instruments they find at their disposal. Resembling a social movement, political prisoners raise their grievances and claims, which the prison administration refuses to address by implementing existing laws.<sup>11</sup>

Michel Foucault defines prison as a space in which the nature of authority becomes evident through two basic modes, discipline and punishment,<sup>12</sup> which frame incarceration policies and explain the behaviour of prison authorities toward inmates.<sup>13</sup> Thereby, prison serves as a test ground for authoritarian policies.<sup>14</sup> Based on this conception, this study examines the regime's behaviour toward Egyptian prisoners in dealing with their right to education.<sup>15</sup> It employs a qualitative methodology that in part uses a legal approach to analyse local and international legal texts, and draws comparisons that demonstrate the extent of authoritarian infringement upon Egyptian legislation, especially after the 2013 coup and under the regime of Abdelfattah el-Sisi, which has overseen new extremes in human rights violations.<sup>16</sup>

The study is based on semi-structured interviews conducted with former prisoners who pursued education while in prison between 2013 and 2018 (see appendix). This sample varies by the age of respondents when they sought to invoke this right, as well as by educational level. The study is not limited to legal adults (over 18 years)<sup>17</sup> but also involves inmates who were under the age of 18 at the time of arrest.<sup>18</sup>

It is worth noting that the study does not account for ideological differences, as these did not have a substantial impact on the results. Moreover, the author was unable to conduct interviews with female former political detainees, due to social considerations and lack of access.

## The Right to Education in International Treaties and the Mandela Rules

The UN has given attention to the right to education since its establishment in 1945. The Universal Declaration of Human Rights (UDHR), ratified in 1948, guarantees the right to education generally and indiscriminately as stated in the first two paragraphs of Article 26.<sup>19</sup> Two important international covenants were signed in 1966,

<sup>11</sup> For greater depth on the concept of contentious politics, see: Charles Tilly & Sidney Tarrow, *Contentious Politics*, 2<sup>nd</sup> ed. (New York: Oxford University Press, 2015).

<sup>12</sup> See: Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Alan Sheridan (trans.) (New York: Vintage Books, 1995).

<sup>13</sup> Ibid.

<sup>14</sup> Bruce K. Rutherford, "Egypt's New Authoritarianism under Sisi," *The Middle East Journal*, vol. 72, no. 2, Authoritarianism: Old and New (Spring 2018), pp. 185-208; Eberhard Kienle, *Egypt: A Fragile Power* (London and New York: Routledge, 2022); Joshua Stacher, "Egypt Running on Empty," *Middle East Research and Information Project*, 8/3/2016, accessed on 10/3/2022, at: <https://bit.ly/3JbfBXV>; Nathan J. Brown & Oren Samet-Marram, "Sisi Channels Salazar ... Whoever He Was," *The Washington Post*, 3/6/2014, accessed on 3/3/2022, at: <https://wapo.st/2FRYVHH>; Shadi Hamid, "Rethinking the US-Egypt Relationship: How Repression is Undermining Egyptian Stability and What the United States Can Do," *Testimony*, Brookings Institute, 3/11/2015, accessed on 5/3/2022, at: <https://brook.gs/313i190>

<sup>15</sup> Article 26, see: United Nations, *Universal Declaration of Human Rights* (New York: December 1948), p. 7, accessed on 25/5/2022, at: <https://bit.ly/3PDJSBF>

<sup>16</sup> Numerous reports and articles have stated that the Sisi regime is the worst in terms of human rights: Steven A. Cook, "Sisi Isn't Mubarak. He's Much Worse," *Foreign Policy*, 19/12/2018, accessed on 7/9/2022, at: <https://bit.ly/3QnrYD1>; Human Rights Watch, *Egypt: Al-Sisi Should End Rights Abuses: Allies Should Push for Reform in Second Term* (Beirut: 10/4/2018), accessed on 07/09/2022, at: <https://bit.ly/3QxM0Lm>; "Egypt 2021," Amnesty International, accessed on 6/9/2022, at: <https://bit.ly/3AZvDBe>

<sup>17</sup> See: "al-'Atfāl al-Mu'taqalūn bi-Miṣr... Maṭālib bi-Ḥuqūq Insāniyya," *Aljazeera Net*, 25/7/2015, accessed on 1/2/2022, at: <https://bit.ly/3AtZSlq>; Ariane Lavrilleux, "How children in Sisi's Egypt are turned into political prisoners," *The New Arab*, 18/2/2021, accessed on 23/1/2022, at: <https://bit.ly/3AntW1X>; "Egypt Teen Detained for 'Making Weapons for Protesters'," *Aljazeera*, 20/7/2015, accessed on 2/2/2022, at: <https://bit.ly/3yGVD4s>

<sup>18</sup> See: Interviews with AH, DS, MA, and NG.

<sup>19</sup> United Nations, *Universal Declaration of Human Rights* (New York: 10/12/1948), accessed on 25/3/2022, at: <https://bit.ly/3nUu9Ct>

then came into effect in 1976. The first was the International Covenant on Economic, Social, and Cultural Rights, which affirms the individual's right to education and stipulates that "education shall be directed to the full development of the human personality".<sup>20</sup> The second charter, the International Covenant on Civil and Political Rights, stipulates that the prison system on the whole should give particular attention to the education of inmates as a component of reform and social rehabilitation.<sup>21</sup> Egypt, it should be noted, was one of the states that took part in crafting the UDHR, and it ratified both covenants on 14 January 1982.<sup>22</sup>

The international community would subsequently become aware of the need to designate resolutions and charters to address specific cases, including prisoners as a group of people subject primarily to penal authority and whose basic rights are marginalized. As such, the UN Economic and Social Council (ECOSOC) passed Resolution 1990/20, the third clause of which places much emphasis on education in prisons.<sup>23</sup> It concludes by affirming that "education should be an essential element in the prison regime [and] disincentives to prisoners who participate in approved formal educational programmes should be avoided", and that "the outside community should be involved as fully as possible".<sup>24</sup> The resolution also stresses the significance of prison education for social reintegration, which is most important as prisoners re-enter society after their release.<sup>25</sup>

Because the international community considered ECOSOC resolutions insufficient to compel state governments to protect prisoners' rights, the UN adopted the Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) through Resolution 70/175 on 17 December 2015. Work on these principles went underway in 1955, followed by revisions to harmonize them with more recent legislation on improving the circumstances of prisoners.<sup>26</sup> Like most international human rights legislation, the Mandela Rules took decades to finalize while state deliberated on verbiage to suit their interests and legislative systems, a matter that has attracted criticism.<sup>27</sup>

The UN Commission on Crime Prevention and Criminal Justice (CCPCJ), in accordance with General Assembly Resolution 65/230 dated 21 December 2010, agreed to create an open-ended<sup>28</sup> intergovernmental expert group to reach consensus on best practices, keep up to date on national legislation and international law on prisoner treatment, and offer recommendations as to steps that may be taken to develop the Mandela Rules.<sup>29</sup> However, at the group's first meeting in Vienna in 2012, the subject of empowering prisoners to exercise their right to education was not discussed. Moreover, at the proposal and deliberation stage, the committee received responses from 39 UN member states, of which only two – Qatar and Lebanon – were Arab states, reflecting a disregard for the rights of prisoners among Arab leaders.<sup>30</sup>

Consisting of 122 principles, the Mandela Rules<sup>31</sup> comprehensively detail the minimum rights that must be afforded to prisoners in all countries, beginning with general rules that apply to all prisoners,<sup>32</sup> whether

<sup>20</sup> United Nations, *International Covenant on Economic, Social and Cultural Rights: Adopted and Opened for Signature, Ratification and Accession by General Assembly resolution 2200A (XXI) of 16 December 1966* (New York: 16/12/1966), accessed on 12/12/2021, at: <https://bit.ly/3R6Ls0g>

<sup>21</sup> United Nations, *The International Covenant on Civil and Political Rights* (New York: 1967), p. 2, accessed on 25/1/2022, at: <https://bit.ly/3af1Axx>

<sup>22</sup> The ratification took place in such a way as not to contradict Islamic law, the primary basis for legislation according to the 1971 Egyptian constitution.

<sup>23</sup> United Nations, UN High Commissioner for Human Rights, *Human Rights and Prisons: Manual on Human Rights Training for Prison Officials (Arabic)* (New York/Geneva: 2004), pp. 92-93, accessed on 1/2/2022, at: <https://bit.ly/3aayU7E>

<sup>24</sup> Ibid.

<sup>25</sup> Ibid., p. 93.

<sup>26</sup> "'Mandela Rules' on Prisoner Treatment Adopted in Landmark Revision of UN Standards," Amnesty International, 22/5/2015, accessed on 2/2/2022, at: <https://bit.ly/3abPR1r>

<sup>27</sup> Keith Suter, "The Successes and Limitations of International Law and the International Court of Justice," *Medicine, Conflict and Survival*, vol. 20, no. 4 (October-December 2004), pp. 344-354.

<sup>28</sup> i.e., all General Assembly member states have the right to representation therein.

<sup>29</sup> United Nations, *Fariq al-Khubarā' al-Hukūmī al-Duwalī al-Maftūh al-'Uḍwiyya al-Ma'nī bil-Qawā'id al-Namūdhajīyya al-Dunyā li-Mu'āmalat al-Sujanā'* (Vienna: 25-28/3/2014), accessed on 25/2/2022, at: <https://bit.ly/3uj11Ij>

<sup>30</sup> Ibid.

<sup>31</sup> United Nations Office on Drugs and Crime, *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, General Assembly Resolution 70/175, Annex, Adopted on 17 December 2015 (New York: December 2015), accessed on 1/12/2022, at: <https://bit.ly/3Ar9IEE>.

<sup>32</sup> Ibid., Rules 1, 2, 3, 4, 5, pp. 2-3.

political or criminal, as well as persons detained without charge.<sup>33</sup> The Mandela Rules give particular attention to prisoners' right to education; the second paragraph of Rule 4 states that prison administrations must offer a minimal degree of education in service of rehabilitating inmates so they may reintegrate into society.<sup>34</sup>

In relation to the right to education, the personal effects of political prisoners, such as textbooks and notes when preparing for exams, face frequent violation, contrary to rules 50, 51, and 52 which state that periodic searches by prison administrations must respect the privacy and dignity of inmates, as well as the principles of local and international law. These belongings are often subject to damage during unannounced cell searches.<sup>35</sup> Several respondents in this study confirmed that their books and papers were scattered at exam time and deliberately destroyed during searches, particularly those of an "intrusive" nature as addressed in Rule 53<sup>36</sup> and carried out by the Department of Prisons without warning. Regular searches are also conducted when inmates are transferred to a new prison, known as *tashrifas* (lit. "welcoming ceremonies"), which may extend to inmates' genital areas.<sup>37</sup> Rule 52 addresses this issue, stating in the second paragraph that such searches must be conducted in private by trained staff of the same sex as the prisoner. This principle is at odds with testimony from detainees who were transferred to designated locations to sit their exams, subjected to bodily searches, and even forced to defecate in the main hall of the prison: all procedures imposed by general prisons, on university students in particular, upon their arrival to sit their midterm or final exams.<sup>38</sup>

Education-related guarantees are of particular concern to prisoners; rule 64 states that "every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it".<sup>39</sup> In the Egyptian case, inmates do not have access to prison libraries; they are reserved for a small number of prisoners who are favoured by the secret police and the State Security Investigations Service [*mabāḥith 'amn al-dawla*; SSI], and generally are not political detainees. Libraries are sometimes used to administer exams in general prisons, such as Borg el-Arab in Alexandria.<sup>40</sup>

Rule 68 stresses<sup>41</sup> that prisoners have the right to inform their family of the places of detention to which they are transferred: a principle often violated in Egypt. Student inmates are transferred without warning to the prisons in which they will sit their exams without being able to inform their families, as several interviewees personally attested.<sup>42</sup> On the subject of transfers, the second clause of Rule 73 prohibits the transport of prisoners in poor conditions, including inadequate light or ventilation.<sup>43</sup> Many inmates describe being transferred from one prison to another to sit exams as "the trip to hell", some of whom even refused to do so again due to the squalid conditions of the transfers van and the long hours detainees (especially political) face during transit. They are regularly abused, forced to relieve themselves inside the blue van, and made to wait for hours under the hot sun, particularly during second semester exams which are usually held in May and June.<sup>44</sup>

<sup>33</sup> Ibid., Rule 122, p. 34.

<sup>34</sup> Ibid., Rule 4, p. 3.

<sup>35</sup> AH.

<sup>36</sup> United Nations Office on Drugs and Crime, (*The Nelson Mandela Rules*), Rule 53, p. 16.

<sup>37</sup> For more on violations related to the intake process, see: Freedom Initiative and Egyptian Front for Human Rights, *No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt 2015-2022* (Washington, DC: March 2022), accessed on 15/5/2022, at: <https://bit.ly/3uKw3cH>

<sup>38</sup> Hashad; MA.

<sup>39</sup> United Nations Office on Drugs and Crime, (*The Nelson Mandela Rules*), Rule 64, p. 19.

<sup>40</sup> DS.

<sup>41</sup> United Nations Office on Drugs and Crime, (*The Nelson Mandela Rules*), Rule 68, pp. 20-21.

<sup>42</sup> SA; MA; Hashad.

<sup>43</sup> United Nations Office on Drugs and Crime, (*The Nelson Mandela Rules*), Rule 78, p. 22.

<sup>44</sup> Saif Alislam Eid, *Ind al-Imtihan: Min Dhikrayāt Ṭālib Mu'āqal* (Beirut: Umam Documentation & Research; MENA Prison Forum, 2020), pp. 15-16, 51-54; Hashad; MA.



International legal principles have also provided guidance for the treatment of incarcerated juveniles. The UN adopted the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) at the recommendation of the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders.<sup>45</sup> Section 13.5 stresses the importance of education, alongside "all necessary individual assistance – social, educational, vocational, psychological, medical and physical – that they may require in view of their age, sex and personality", and Section 26.6 urges disciplinary institutions to attend to the education of minors "ensuring that they do not leave the institution at an educational disadvantage".<sup>46</sup>

## Prisons Organization Law and its Regulations

Political science literature has taken interest in the contradiction between legislation and practice, especially in authoritarian states where there is often a notable contrast between the legislative aspect, which nominally corresponds with the principles of democracy, and the practical aspect. Adam Przeworski argues that 80 per cent of dictatorships have an outwardly independent legislative authority that passes laws alongside an executive authority that is either unelected or elected through pro forma elections.<sup>47</sup> This form of authoritarianism without democratic elections applies to successive Egyptian regimes which have sought to give the legislature the appearance of independence, passing laws that protect rights and freedoms in theory despite being in total contradiction with observed practices. This discrepancy has been evident ever since the Free Officers Movement took full control in 1954 and has intensified since the 3 July 2013 coup. In illustrating the relationship between authoritarianism and legislation, Dawn Brancati also holds that the legislature in authoritarian states performs a cosmetic function so as not to conflict with the will of the executive, which exercises true control over state affairs.<sup>48</sup> Laws passed in authoritarian states, Brancati argues, are the product of their environment and cannot escape compliance with the authoritarian context in which they emerged. Similarly, Lynne Henderson writes that the legislature under despotic regimes is based on the whims of the dominant authority.<sup>49</sup>

In Egypt, Article 19 of the 2019 Egyptian constitution states that all citizens have the right to education, that the state must provide it free of charge at every stage, that it is compulsory through the secondary level, and that the state will oversee its implementation in schools and institutes.<sup>50</sup> However, there is a dearth of legislation to guarantee the right to education for the incarcerated and the detained, or even to mandate that their wishes to pursue education be respected; only one out of 98 articles in the Prisons Organization Law, last amended in 2022, mentions this right. Article 31 of the Prisons Organization Law No. 396 of 1956, amended in 2015, states that "prison administrations should encourage prisoners to learn and keep informed, facilitate studying for prisoners who wish to continue their studies, and permit them to sit their exams at the committee headquarters".<sup>51</sup> Outwardly, the text of the statute obliges prison administrations and officials to support education within prisons and allow inmates seeking to continue their institutional

<sup>45</sup> Held in Milan from 26 August – 6 September 1985; see: United Nations, Office of the High Commissioner for Human Rights, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, Adopted by General Assembly Resolution 40/33 of 29 November 1985 (New York: 1985), accessed on 3/2/2022, at: <https://bit.ly/3livkVi>; United Nations, Office of the High Commissioner for Human Rights, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, Adopted by General Assembly Resolution 45/113 of 14 December 1990 (New York: 1990), accessed on 10/3/2022, at: <https://bit.ly/3OGiu5M>

<sup>46</sup> Ibid.

<sup>47</sup> Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge, UK and New York: Cambridge University Press, 1991).

<sup>48</sup> Dawn Brancati, "Democratic Authoritarianism: Origins and Effects," *Annual Review of Political Science*, vol. 17 (May 2014), pp. 313-326.

<sup>49</sup> Lynne Henderson, "Authoritarianism and the Rule of Law," *Indiana Law Journal*, vol. 66 (1991), pp. 379-456.

<sup>50</sup> See the Presidency website: Arab Republic of Egypt, Presidency, *Dustūr Jumhūriyyat Miṣr al-'Arabiyya 2019* (Cairo: 2019), accessed on 25/3/2022, at: <https://bit.ly/3unVoZF>. This includes Azhari education, managed by Al-Azhar Al-Sharif.

<sup>51</sup> Arab Republic of Egypt, "Qarār Ra'īs al-Jumhūriyya bil-Qānūn Raqm 396 li-Sanat 1956 fī Shān Tanzīm al-Sujūn," p. 4.

education and sit their exams, without drawing a distinction between criminal and political detention. This distinction, in fact, is not present in any legal texts but is rather a long-standing custom that was revived after the renewed waves of detention following the 2013 coup.

The phrase "committee headquarters" (*maqārr al-lijān*) in Article 31 is ambiguous: does it refer exam committees in educational institutions (i.e., schools and universities) or somewhere else? While holding exams within prisons is an old practice, dating back to the mid-1990s and early-2000s and continuing for a short period after the July 2013 coup, former Interior Minister Mohamed Ibrahim issued an unpublished ministerial order that prohibited prisoners from sitting exams at universities and schools and ordered that they be conducted instead at security forces headquarters, police stations, general prisons, and *limān* prisons. This decision came after student activism in Egyptian universities began to pose a credible threat to the regime after the 2013 coup,<sup>52</sup> leaving the matter to the discretion of the Interior Ministry for whom the question of educating prisoners, despite a growing student detainee population, was not a high priority.

The same applies to prison organization regulations, issued by Interior Ministry Ordinance No. 79 of 1961, then amended in 2015 and 2022, are supposed to designate inmates' responsibilities, rights, and the details of their daily lives inside and outside their cells. Although Article 15<sup>53</sup> guarantees prisoners the right to access written materials, it restricts this right through ambiguous wording that allows prison authorities to categorize books and reference works according to the whims of SSI or National Security [*qitā' al-'amn al-waṭanī*] officers, and to label any written materials (books, magazines, or even notes) as inconsistent with the prison system and its internal, unpublished regulations.<sup>54</sup> The interviews in this study attest to this practice of obstructing the arrival of textbooks on the pretext that they are against prison policy, especially for students in the social sciences and humanities; there is no clear criterion within the laws in force that defines what constitutes a violation of the prison system that warrants banning books, placing this measure among the authoritarian policies that Egyptian prison authorities have extensively practiced since 2013. The article thus further reveals the statutory deficit to prisoners' rights in Egyptian law, in contrast to the stipulations of international law.

Since 2013, the prison organization regulations have been amended multiple times without consultation with civil society and human rights organizations. The first of these came under discussion in August 2014 when the Legal Affairs Division of the Interior Ministry recommended several changes to the Egyptian Council of State in preparation for amending the Prisons Organization Law, without regard for inmates' basic rights such as health and education. According to a report from the Egyptian Initiative for Personal Rights,<sup>55</sup> Sisi, as President of the Republic wielding legislative and executive authority, passed amendments to the law before the election of the 2015 parliament, considered the regime's ally and legislative arm, under the auspices of the military intelligence.<sup>56</sup>

The second revision to the law, completely overlooking the right to education, came in 2015 through the first post-coup parliament. Seven years later, in March 2022, the parliament approved several amendments to Articles 1, 2, 31, and 81 of the Prisons Organization Law No. 396 of 1956. The most prominent of these

<sup>52</sup> Eid, "Ṭullāb Muqāwimūn."

<sup>53</sup> Arab Republic of Egypt, "Qarār Raqm 79 li-Sanat 1961 bil-Lā'ihā al-Dākhiliyya lil-Sujūn."

<sup>54</sup> We were unable to obtain the internal regulations for Egyptian prisons and discovered, upon consulting with human rights specialists, that they are not published to begin with; neither attorneys nor rights advocates can obtain them. Generally, the decision is left up to wardens, the SSI, or National Security – whomever manages to exert their influence.

<sup>55</sup> Egyptian Initiative for Personal Rights, *Ta'dilāt Lā'ihat al-Sujūn: Dūn al-Mustawā wa-Tanquṣuhā-l-Shaffāfiyya* (Cairo: September 2014), pp. 4-5, accessed on 20/4/2022, at: <https://bit.ly/3ylh8GD>

<sup>56</sup> See: Ann M. Lesch, "Parliament Without Politics: The Effort to Consolidate Authoritarian Rule," *The Philadelphia Papers*, no. 12 (February 2016), accessed on 01/4/2022, at: <https://bit.ly/3nE7dXX>; "The 2015 Elections: The End of Competitive Authoritarianism in Egypt?," Arab Reform Initiative, 1/12/2015, accessed on 15/4/2022, at: <https://bit.ly/3NNCsKP>

revisions was to Article 31,<sup>57</sup> which settled the matter of the designated locations in which detainees and prisoners would sit their exams. This may be regarded as a perpetuation of authoritarian policies and a narrowing of the concept of the right to education when we consider that Egyptian educational institutions since 2014 – a year that saw massive student protests in which many members of faculty took part – have been under the new regime's control. This became the case especially after the law was amended to stipulate that university presidents are to be appointed by the President of the Republic, despite that one of the victories of the 25 January 2011 revolution had been the election of university presidents by university councils.<sup>58</sup>

## De Facto Prison Policies toward Prospective Students

*In prison, behind its bars and between its walls, I immediately began thinking about how to gain knowledge [...] when year-end exams approached, everything else would leave my mind, especially because they love to mock you and manipulate the hopes you cling to under their captivity... those hopes they're so afraid of, that you'll be free and seek out further freedom.<sup>59</sup>*

The text of the law does not necessarily articulate the hidden content of the authoritarian policies being tested and implemented in reality that restrict the safeguarding of prisoners' basic rights (whether stipulated by laws and regulations or not), both political and criminal alike.<sup>60</sup> It is important to consider the incentives that motivate political prisoners to stand up for their right to education, which the interviews conducted for this study demonstrate to range from the desire for self-realization to communal considerations and resisting authoritarianism.

Abdelrahman ElGendy, who was detained during his first year of university at the Faculty of Engineering of the German University in Cairo (GUC), expressed that what drove him to seek his right to education was the desire to keep his humanity and his dignity, perpetually seeking to overcome the "prisoner" label in favour of the "student" label. He discovered that "studying was the only way out of the nightmare, to preserve a minimum level of humanity and sanity".<sup>61</sup> According to his testimony, ElGendy sat 49 engineering exams while in prison, completing his university studies in 2018.

In contrast, prisoner YG, who was detained during final exams of his second year of al-Azhar secondary school in Sharqia Governorate. He was released afterward, only to be forcibly disappeared and "recycled" a few weeks later on a new charge. YG asked a prison officer during his forced disappearance to allow him to apply to sit his exams within the prison, and the officer ignored his request – on the pretext that he was not registered as a prisoner to begin with!<sup>62</sup> He recalls: "the officers treat us as if we have no basic, biological rights. It was difficult to move due to the shackles and blindfolds they made us wear throughout the forced disappearance, so it'd have been impossible to request our right to education!" YG's motivation was to

<sup>57</sup> Arab Republic of Egypt, "Qānūn Raqm 14 li-Sanat 2022 bi-Ta'dīl Ba'd Aḥkām al-Qānūn Raqm 296 li-Sanat 1956 fī Shān Tanzīm al-Sujūn," *al-Jarīda al-Rasmiyya*, No. 11 bis. (b), 20/3/2022, accessed on 20/5/2022, at: <https://bit.ly/3NCxWiC>

<sup>58</sup> Law No. 52 of 2014, amending Law No. 49 of 1972, prescribed the President of the Republic's appointment of university presidents at the recommendation of the Minister of Higher Education. It also allowed the President to dismiss university heads before the expiration of their appointments if they neglect their duties: a vague phrasing that opened the door wide to their arbitrary dismissal. The same law took away the rights of faculty members to elect deans of faculties and institutes. See: Arab Republic of Egypt, "Qarār Rāis Jumhūriyyat Miṣr al-'Arabiyya bil-Qānūn Raqm 52 li-Sanat 2014 bi-Ta'dīl Ba'd Aḥkām Qānūn Tanzīm al-Jāmi'āt al-Ṣādir bi-Qānūn Raqm 49 li-Sanat 1972," *al-Jarīda al-Rasmiyya*, No. 25 bis. (a), 24/6/2014, accessed on 20/5/2022, at: <https://bit.ly/3giMXuG>

<sup>59</sup> Eid, "Ind al-Imtihan," pp. 12-13.

<sup>60</sup> The study distinguishes between political and criminal prisoners in the Egyptian context due to the blatant inconsistency in how criminal offenders and political detainees are treated, especially since 2013.

<sup>61</sup> ElGendy described his experience in a series of articles published by *Mada Masr*; see: Abdelrahman ElGendy, "An Faqd al-Amal wa-Dhawabān al-Sham'a: Dirāsāt al-Mikanika fī Qawqa'a," *Mada Masr*, 26/12/2020, accessed on 9/2/2022, at: <https://bit.ly/3HvXMmo>

<sup>62</sup> i.e., that he was under forced disappearance legally. YG.



resist the coercive system in which he found himself. The same was true for MS,<sup>63</sup> who was disappeared during his first year of university at the Faculty of Computers and Information and was unable to even apply to sit his final exams.

In contrast, Amr Hashad, who was a second-year engineering student at Assiut University, did not wish to pursue his right to finish his studies during his five years (2014-2019) in prison due to the lack of basic necessities and the coordination of authoritarian policies from several institutions against him. The university permanently expelled him a few days after his arrest on the claim that he was a "student saboteur"<sup>64</sup> and refused to allow him to transfer to another government university. Next, the administrative court rejected his appeal to return to university, and the public prosecution transferred his case to the military court despite his being a civilian. Hashad explains:

*I believe this was all the doing of National Security, which controls university and legal institutions in Egypt. But, upon my family's desire and the insistence of my colleagues in prison, I turned to private education despite its considerable financial requirements and registered at one of the higher institutes for business administration in Cairo, so I wouldn't be far from my detention location [Wadi El Natrun 1 Prison at the time]. I was granted an exceptional admission due to being a detainee, in exchange for a fee my family paid.<sup>65</sup>*

Hashad's case resembled that of NG, who was arrested during his third year of general secondary school in a northern governorate. Despite the difference in education level and prison system, NG likewise had no desire to continue his studies in prison due to having lost faith in the educational process, especially because he had been arrested at a young age (17 years). "There is no such thing as the right to education in prison in the first place – there were no opportunities to do anything useful other than arguing with the guards to obtain humane living conditions, let alone to pursue an education [...] yet under my parents' persuasion and their wishes that I not fall behind, I finished my [secondary school] studies despite the difficulties".<sup>66</sup>

## The Process of Sitting Exams in Egyptian Prisons

While there are various reasons that hinder their desire to pursue education from inside the prison, detainees also often undergo various procedures and complexities to finalize the exam request. There are various aspects that include authoritarian obstruction of the right to education in prisons, the lengthy cycle of applying to sit exams, surveilled or limited access to educational materials, obstructed access to exam centres, and unsuitable exam conditions.

### 1. Authoritarian Cooperation in Obstructing the Right to Education in Prison

Authoritarian policies that limit the exercise of the right to education in prisons are not limited to the internal environment. Generally, several institutions play a role in the regime's policies: first, the educational institution (i.e., school or university); second, the Department of Prisons; third, the National Security Agency, the most powerful security institution in managing the affairs of political detainees; and fourth, the judiciary. Thus, inmates must obtain approval from all four agencies at once.

<sup>63</sup> MS.

<sup>64</sup> This is the label that university disciplinary committees used to refer to the wave of student activism against the regime that erupted after the military coup.

<sup>65</sup> Hashad.

<sup>66</sup> NG.

These institutions work together to frame the approval process to allow an inmate to sit an exam, with slight variations based on the inmate status.<sup>67</sup> Pre-trial detainees submit a request to the public prosecutor to grant them permission to sit an exam, after a representative from the family has submitted an official proof of enrolment from the educational institution. Detainees referred to trial and those who have received a final verdict submit their requests to the court in which they are being (or were) tried after providing proof of enrolment and a photograph of a notarized exam schedule from the educational institution.<sup>68</sup>

Detainee and political activist Ahmed Douma was arrested in December 2013 and sentenced to 15 years in a high-security prison. He made a request to complete his graduate studies at the Arab League's Institute of Arab Research and Studies in Cairo.<sup>69</sup> However, the Institute required applicants to maintain a minimum attendance of lectures and exams, which was impossible in Douma's case as the prison organization regulations do not grant prisoners enrolled in educational institutions the right to attend lectures. The Institute further required written permission from the Interior Ministry's Department of Prisons, which did not respond to his request. Douma, in turn, announced an open-ended hunger strike that the prison administration met with obstinance and denial.<sup>70</sup> Douma's case resembles that of his fellow detainee Ahmed Ashraf Nassar, a pharmacy student who was not allowed to sit his final year exams after the university administration claimed he was required to complete them in person and prison authorities refused to allow the transfer.<sup>71</sup>

Here it is worth noting that a kind of coordination takes place between security and educational institutions via intermediary institutions to allow some political detainees to seek education and to prevent others from doing so by creating various obstacles. It may be argued that the authority of security institutions trumps that of their educational counterparts when it comes to the right to education in prison.

## 2. Applying to Sit Exams

Detainees and their families often undergo a lengthy cycle of procedures to finalize the exam request. YG states that his mother travelled from Sharqia Governorate to Cairo several times simply to obtain his roll number from the Azhari Educational Zone Administration,<sup>72</sup> then to deliver it to the Department of Prisons and afterward to the prison administration so the exam committee would be summoned: "If not for my mother's efforts, I wouldn't have been able to complete my education in prison at all". Afterward, the Department of Prisons identifies the appropriate location, which is generally the nearest general prison to the institution in which the detainee is enrolled. The recent revision to the Prisons Organization Law, in March 2022, specifies that student detainees sit their exams within the prisons, when previously (before 2013) some political detainees would do so on university campuses, as mentioned.<sup>73</sup>

The Department of Prisons has designated several prisons for particular universities, in light of the growing numbers of student detainees as well as their central locations; for instance, Tora Istiqbal Prison (part of the Tora prison complex) was designated as the exam location for al-Azhar and Ain Shams University and began to resemble a university itself due to the large numbers of student detainees, particularly from al-Azhar. Student detainees from Cairo University and private universities are assigned Tora Liman, while Alexandria University students are sent to Hadra Prison to sit their exams. General secondary exams are

<sup>67</sup> RM.

<sup>68</sup> Ibid.

<sup>69</sup> See: Institute of Arab Research and Studies, Arab League Educational, Cultural, and Scientific Organization, accessed on 2/6/2022, at: <https://bit.ly/3bdTTqf>

<sup>70</sup> "al-Nāshit al-Miṣrī 'Aḥmad Dūma Yuḍrib 'al-Ta'ām fi al-Sijn", *The New Arab*, 28/3/2022, accessed on 5/6/2022, at: <https://bit.ly/3OpI2F0>

<sup>71</sup> "Usrat al-Ṣaydalī Ashraf Naṣṣār Tarwī Tafāṣīl Muḥākamatihi Marratayn fi 'Aḥdāth Majlis al-Wuzarā'", *Almasry Alyoum*, 17/11/2016, accessed on 4/6/2022, at: <https://bit.ly/3N5MsP1>

<sup>72</sup> i.e., his exam committee number.

<sup>73</sup> For cases of exams being held at universities, see Issam Derbala, Fuad el-Dawalibi, and Asim Abdelmagid: "Miṣr: Zu'amā' al-Jamā'a al-Islāmiyya Yu'akkidūn Ittijāhahum li-Waqf al-'Unf," *Middle East Online*, 27/6/2002, accessed on 25/6/2022, at: <https://bit.ly/3y1k4YX>

held at various designated prisons, with students being assigned to the prison closest to the committee. Azhari secondary exams are held at the prison closest to the Azhari zone in which the student is enrolled.

### 3. Monitoring of Reading and Writing in Prison

The request a political detainee submits to the relevant authorities for permission to sit exams does not include access to books and study materials, and such requests are usually granted only on an exceptional basis shortly before the exam date. The rule is that books may not enter the prison without the approval of SSI or National Security officers, contrary to the Prisons Organization Law and regulations that encourage reading and learning – albeit leaving the matter to these officers who administer the prisons to decide. This becomes clear in the case of prominent activist and political detainee Alaa Abd El-Fattah, who engaged in a struggle within prison to obtain books or access to the prison library while his family waged a legal battle on the outside to protect his right to books, indicating the control that SSI and National Security officers have over the matter.<sup>74</sup> Further, authoritarian policies on allowing prisoners access to educational materials vary notably based on the type of prison and how detainees are classified according to the security services. As corroborated by several respondents, AH explained that books would be searched during family visits and regularly destroyed, then passed on to a civilian employee (a social worker) in what appears to be a bureaucratic step to determine whether books are allowed or prohibited, followed by an additional search by prison officers (SSI or National Security); often, security personnel would prohibit books on the pretext of violating prison regulations. AH states: "I used to put books and educational materials back together after they'd arrive tattered".<sup>75</sup>

MA, who sat his exams for al-Azhar's Faculty of Media in Tora Istiqbal Prison, recalls that he was allowed access to books and materials without the usual intransigence due to the large numbers of students, especially from al-Azhar, in his prison. AH adds that the refusal to allow educational materials reached absurd levels when security personnel at al-Abadiya General Prison refused to allow one of the al-Azhar students' books because it was titled *The Guide [al-murshid]*: "they assumed it was related to Muslim Brotherhood ideology simply because it contained the word *murshid*,<sup>76</sup> even though it is part of a well-known textbook series that Azhari secondary students all use for their lessons!" SA, who spent around a year in al-Abadiya Prison, adds that he was unable to obtain his political science-related books until he signed an affidavit to the effect that he would not allow any of the other political detainees to read them, which he interpreted as an intimidation move to discourage political discussions among detainees.<sup>77</sup> The prison environment and the daily life of inmates, especially at police stations (i.e., initial detention centres) which are densely packed with political and criminal detainees alike, do not offer a peaceful atmosphere for study and reading.<sup>78</sup> For example, YG, MA, and DS, who were held at such facilities in three different governorates at various points after 2013, all attest that the initial detention centres were unreasonably overcrowded and lacked sufficient light, in addition to the prevalence of drug use among criminal detainees. This meant that it was impossible to study or simply to read at a reasonable pace at these locations, as is largely the case for the general prisons, which are supposed to be equipped for inmates to reside for longer periods. ElGendy recalls that his attempts to complete his engineering lessons in Wadi el-Natrun Prison

<sup>74</sup> A symbol of the 25 January Revolution, Alaa Abd El-Fattah was arrested in December 2013. His struggle to gain access to books and educational materials has been one of his most prominent demands while in solitary confinement at Scorpion Prison, before his transfer to the Wadi el-Natrun complex. See: Dima Wannous, "Munā Sayf li-al- Arabī al-Jadīd": 'Alā' 'Abd al-Fattāh Mustamirr bi-Idrābihi 'an al-Ṭa'ām," *The New Arab*, 22/5/2022, accessed on 22/6/2022, at: <https://bit.ly/3A5vLAX>

<sup>75</sup> AH; SA; MA.

<sup>76</sup> i.e., the title of the Brotherhood's top official.

<sup>77</sup> SA (2014 political detainee; virtual interview, Alexandria; 25/01/2022).

<sup>78</sup> See: "We're next: Prisoner's secret filming appears to show torture in Cairo police station," *The Guardian*, 24/1/2022, accessed on 9/2/2022, at: <https://bit.ly/3NawrYa>

were exercises in acclimating to the conditions of prison, which prevent detainees from concentrating in any way. Besides ElGendy's experience, there have been numerous similar cases, as monitored by the "*Imtahinūhum*" ("test them!") campaign launched by various student human rights movements to protect prison education.<sup>79</sup>

Therefore, political detainees engage with the authoritarian policies that prison administrations attempt to impose, which are part of the character of the political regime.<sup>80</sup> Prisoners carry out a resistance struggle within the larger prison society – a spatial domain with its own particularities. This involves emotional support as well as semi-organized, active solidarity and attempts to manage what is in their power to control within their smaller community (i.e., the cell) and their slightly larger community (i.e., the cell block or prison wing). As the authoritarian political regime's institutions work together to create policies that obstruct the prison education process, the emergent prison society cooperates among itself to produce what Egyptian intellectual Abdel-Wahab El-Messiri refers to as a "compassionate community"<sup>81</sup> (*mujtama' tarāhumī*) based on the exchange of experiences between prisoners without material compensation.

Most political detainees wishing to continue their education relied significantly on both the cell community, despite the cramped living conditions inconducive to studying, and the cell block community at times when they were permitted to interact with the other detainees in the recreation yards, for clarification of difficult aspects of their curricula, whether secondary- or university-level. SA recalls that, at the start of exercise time in the mornings, he would send some English social science terms over to a translator in an adjacent cell, who would translate and return them by the end of the day<sup>82</sup> – despite that the administration prohibited dictionaries of social science terminology. As an Azhari secondary student, AH states that he used to seek help with Islamic law, especially inheritance procedures, from some al-Azhar scholars being held in the wings he was transferred between. He often had to bribe security personnel with "a pack of cigarettes"<sup>83</sup> to allow him to meet with one of the other detainees to tutor him outside of recreation periods, when the cell block hallways become crowded. While in Gamasa and Zagazig general prisons, YG recalls that he often depended on inmates with experience in various university subjects, both natural and social sciences,<sup>84</sup> and Amr Hashad mentions frequently asking the prison administration to transfer him to a cell with an accounting professor, which they repeatedly refused.

This phenomenon also encompasses communities of solidarity outside prison. For example, Abdelrahman ElGendy mentions that he used to write questions on a sheet of paper, which he would bring to his scheduled visits for convicted inmates "every two weeks, depending on the chart" with his engineering student friends to answer and return to him for help with difficult problems, particularly in an academic field that requires a precise understanding of mathematical concepts.<sup>85</sup> He also said about his own experience:

*My father was a great help on the outside. He got to know one of my classmates, from whom he brought me the papers and books I needed. I explained to him what I was planning to do, so he brought me the materials for two deferred courses from the previous year for me to*

<sup>79</sup> See: Ayat al-Hibal, "'Imtahinūhum': Hamla Ḥuqūqiyya Tarṣud Ḥālāt Man' al-Ṭullāb al-Maḥbūsīn 'an Imtīhānātihim," *Almasry Alyoum*, 3/6/2015, accessed on 23/6/2022, at: <https://bit.ly/3O5PSmd>

<sup>80</sup> Christopher M. Sullivan, "Undermining Resistance: Mobilization, Repression, and the Enforcement of Political Order," *Journal of Conflict Resolution*, vol. 60, no. 7 (October 2016), p. 1164.

<sup>81</sup> See: Abdel-Wahab El-Messiri, *Riḥlatī al-Fikriyya: Fī al-Budhūr wa-l-Judhūr wa-l-Thamar*, 9<sup>th</sup> ed. (Cairo: Dar El-Shorouk, 2018), pp. 64-88.

<sup>82</sup> SA.

<sup>83</sup> i.e., the conventional currency inside Egyptian prisons, worth more than it would be on the outside, according to the brand – the most common of which is "Cleopatra".

<sup>84</sup> YG.

<sup>85</sup> ElGendy.

*finish during summer holiday. That way, I had finished them by the time the new academic year officially began and could begin studying, then making time for my graduation project.*

#### 4. Obstructing Access to Exam Centres

The so-called "exam relocation"<sup>86</sup> is a clear expression of the authoritarian policies associated with prison education. The Department of Prisons transfers inmates who have completed the exam application procedures to the general prison or *limān* closest to the educational institutions in which they are enrolled. The process is known to be highly unpleasant in several ways. Most detainees are not made aware of the designated time for their transfer and must remain prepared to leave at any moment, day or night, without any opportunity to ready themselves.<sup>87</sup> Transferees are subject to overcrowding in the transport vans,<sup>88</sup> as well as prolonged transfer times of, in many cases, up to twelve hours. They are deprived of their basic rights during these trips, at times to the point of being forced to relieve themselves using plastic boxes inside the vans.

SA, who was transferred to a prison in southwestern Egypt to sit exams, recalls being transported "in a ten-person van in which the Department of Prisons had packed over 25 detainees and their belongings [...] I returned to my prison after a 12-hour journey through four general prisons [during which] I didn't get out of the van to go to the toilet or drink water at all [...] it was one of my most painful experiences in prison, a [form of] systematic torture [that] keeps you from thinking about sitting exams again."<sup>89</sup> MA attests to the same experience during his transfer from al-Abadiya to the Tora Prison Complex, stopping by five prisons to pick up even more detainees headed for the same prison. When he and his fellow student detainees arrived, they found the humiliating experience of the prison *tashrīfa*<sup>90</sup> awaiting them and were treated as *īrād* ("fresh prisoners"). Hashad indicates that he was prevented from bringing books that were in his possession when he arrived at Tora Liman from Wadi el-Natrun, due to the administration's fear that they would be distributed among the student population gathered there from several prisons. MA adds that the return trip after exams was no less arduous, recalling that one year, when exams coincided with Ramadan, he and his fellow inmates were forced to spend an entire day in the transfer van without iftar, suhur, or being allowed to go to the toilet.

#### 5. Exam Conditions

Regarding exam conditions, MA, mentions that:

*the exam area, called the 'prison school', was like a large stage, and sessions were divided based on the faculty and subject in which student detainees were enrolled, not based on roll numbers. Each faculty would send two recently appointed teaching assistants to supervise us, but they weren't very strict because they were familiar with the degrading conditions that scarcely allowed us to acquaint ourselves with the subjects or the details of the curricula. Security personnel would also 'arbitrarily' monitor us and exercise their control, simply to irritate us.<sup>91</sup>*

<sup>86</sup> As this term came up repeatedly among respondents, we decided to apply it to the overall process of inter-prison transfers for exams.

<sup>87</sup> Hashad.

<sup>88</sup> For more on the transport vehicles, see: "Sayyārāt al-Tarḥīlāt.. Nu'ūsh Mutaḥarrika," *ARIJ*, 29/12/2013, accessed on 22/6/2022, at: <https://bit.ly/3OfvP4T>

<sup>89</sup> SA.

<sup>90</sup> A term used to refer to the reception rituals that security forces carry out against new prisoners or transfers, generally involving beatings, torture, and being forced to take their clothes off and relieve themselves in front of the officers. This is done for two reasons, one explicit and the other implied. First, it ensures the prisoners are not carrying any contraband. Second, it is an attempt to break their will and make them afraid of the prison administration. See: Ahmad Said, *Kalām Ḥabsjīyya: Namādhij min Maskūkāt al-Sijn al-Miṣrī* (Beirut: Umam Documentation & Research; MENA Prison Forum, 2021), pp. 21-22.

<sup>91</sup> MA.



AA, who sat his exams for the Faculty of Engineering at Alexandria University in Hadra Prison, recalls that exams were conducted in an old, dilapidated building called the "prison workshop" that was divided by arranging old wooden chairs on which students would sit while writing their exams. This was after the faculties had sent two teaching assistants for supervision, in addition to the near-constant presence of prison security personnel to "keep the committee in order" and securitize the exam process. These officers would monitor more strictly than the teaching assistants due to their animosity toward the Alexandrian student community, given the impact student activism had on the university and especially the Faculty of Engineering, known for its anti-coup demonstrations and the "Students against the Coup" movement, many members of which had been detained. DS, who sat some of his general secondary exams in Borg el-Arab, reports that exam committees were conducted in the "prison library" which inmates rarely entered, after the tables had been arranged as dividers. Supervision was only strict when an SSI officer was present; otherwise, the committee proceeded with the usual "chaos".

On the whole, exam committees vary according to the system of the prison in which they are held. Prisons with strict surveillance and discipline, such as Tora, Hadra, Damanhour General, and Fayoum General, at times held harsh committees. Experiences also vary according to the students detained at a given prison; prisons in governorates whose universities saw significant student activism after the coup, especially in 2014 and 2015, exhibited what may be described as retaliatory policies against this activity, and these students faced poor treatment in prison.

## Conclusion

This study has demonstrated the authoritarian policies the Sisi regime enforces limiting the right to education in Egyptian prisons. Egyptian legislation has perpetuated a legal structure, especially since the 2015 parliament, that codifies the authoritarian policies of the post-July 2013 regime and disregards the rights enshrined in international statutes. While some practices were in breach of laws, prison regulations, and international precedent, the legislature now regards them as merely upholding the law.

In terms of de facto policies, not only are these inconsistent with international law and its protections for human rights (e.g., the two International Covenants and the Mandela Rules), they also perpetuate authoritarianism. Conversely, they may use vague wording that is open to several interpretations to promote authoritarian practices. Further, these policies can be regarded as punitive measures against those seeking their right to education at several stages. Nevertheless, detainees engage with and resist these policies in many ways.

Political prisons in Egypt following the July 2013 coup have not received sufficient scholarly discussion given the tight security constraints on academic research. There are other dimensions of the rights of political detainees in Egypt that are inseparable from the right to education and require further research: the right to healthcare, fair trials, and family visits. Work remains to clarify any contradictions that may emerge between international and local legislation on these rights, not to mention how prison administrations implement these policies against inmates.

## Appendix: Interviews

Name	Interviewee Location	Interview Type and Date	Interviewee Situation	Notes
MS	Istanbul, Turkey	Internet; 25/12/2021	Arrested during his first year of university in 2015 at the Faculty of Computers and Information	Refused to provide his full name for safety considerations
DS	Beheira, Egypt	Internet; 16/6/2022	Arrested during his second year of secondary school in 2014 and spent over three years between multiple prisons; sat part of his general secondary exams in prison	
YG	Istanbul, Turkey	Internet; 11/12/2021	Arrested during final exams of his second year of Azhari secondary school in Sharqia Governorate in 2016. Released afterward, only to be forcibly disappeared and "recycled" a few weeks later on a new charge. Sat his Azhari secondary and first-year university exams (Faculty of Education; al-Azhar)	
Amr Hashad	Istanbul, Turkey	Internet; 29/12/2021	Spent five years in prison; arrested during his second year at the Faculty of Education, Assiut University. Forced to transfer out of the faculty after being expelled.	Currently working as a human rights researcher for several regional and international humanitarian organizations
NG	Istanbul, Turkey	In-person; February 2022	Spent three years under detention for multiple charges 2014-2015; imprisoned while under 18 years. Prosecuted during second-year exams in secondary school and sentenced to three years in prison	
RM	Cairo, Egypt	WhatsApp; September 2021	Egyptian human rights lawyer, interested in political detention cases	Refused to provide any personal information
H	Alexandria, Egypt	Zoom; 2/1/2022	Detained for three years beginning in 2014 at the age of 17. Sat his second- and third-year Azhari secondary exams and completed his first year at the Faculty of Sharia and Law while imprisoned	Received highest marks of his year at his Azhari institute, ranked 89 <sup>th</sup> nationwide among Azhari secondary students
SA	Alexandria, Egypt	Zoom; 25/1/2022	Arrested at 18 years old in 2014, during his first year of university	
MA	Alexandria, Egypt	WhatsApp; 2/2/2022	Detained several times, the longest in 2014, during which he sat his third-year Azhari exams and completed his first two years at the Faculty of Media (al-Azhar)	
AA	Doha, Qatar	In-person; 15/6/2022	Detained three times, first in 2014 while at Alexandria University. Sat exams for three academic years at the Faculty of Engineering at Alexandria University	

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