

**Law No. 197/2017**  
**Amending Provisions of Law No. 94/2003**  
**on the Establishment of the**  
**National Council for Human Rights**

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**In the name of the People**

**The President of the Republic**

**Article (1)**

Articles (1, 2, 3, 7, 9, 10, 11, 12, and 13) of the Law No. 94/2003 on the establishment of the National Council for Human Rights shall be replaced by the following texts:

**(Article One)**

The National Council for Human Rights is an independent council which aims at promoting, developing and protecting human rights and public freedoms, in accordance with the provisions of the Constitution and international agreements, covenants and conventions ratified by Egypt. It also aims at inculcating the value, raising the awareness and ensuring the practice of human rights. The National Council for Human Rights shall be, herein, referred to as the “Council”.

The Council shall enjoy a legal personality and a technical, financial and administrative independence in the exercise of its functions, activities and competences.

The Council headquarters shall be located in Cairo governorate or one of its neighboring governorates. It shall have the right to establish branches and offices in all governorates of the Republic.

**(Article two)**

The Council shall be composed of a President, a vice-President and twenty-five members to be selected from amongst public figures known for their experience and interest in human rights issues or distinguished by their valuable contributions in the field of human rights, among whom a professor of constitutional law in Egyptian university, and thus for a term of four years. None of the members can be appointed in the Council for more than two consecutive terms.

**(Article three)**

Without prejudice to the provisions of applicable laws, the Council shall have the following competences in order to achieve its objectives:

- 1- Providing its opinion on draft laws and bylaws relating to the Council and the field of its competence.
- 2- Examining any allegations of human rights violations and submitting proposals and Recommendations regarding all such issues to the State's competent authorities
- 3- Preparing a national action plan for the promotion and protection of human rights in Egypt and proposing methods for carrying out such a plan.
- 4- Submitting proposals and recommendations to the competent authorities in whatever is aiming at better protecting and promoting human rights.
- 5- Expressing necessary opinion, proposals and recommendations, on all matters relevant to the protection and promotion of human rights submitted or referred to the Council from competent authorities and bodies.
- 6- Receiving, examining complaints in the field of human rights protection, referring those the Council sees it deems necessary to refer to the competent authorities, following them up or counseling the concerned persons of the legal procedures due to be followed and assisting them in undertaking them or settling and resolving them with the competent authorities (bodies).
- 7- Following-up the implementation of the international human rights treaties, covenants and conventions ratified by Egypt and submit necessary proposals, observations and recommendations in this regard to the competent bodies.
- 8- Cooperating with international human rights organizations and bodies to contribute in the fulfillment of the objectives of the Council and promote its relations with them, in cooperation with the Ministry of Foreign Affairs.
- 9- Providing its opinion in the preparation of reports the State is committed to submit periodically to the human rights committees and bodies, in implementation of international conventions and responding to the relevant queries of such bodies in this regard.
- 10- Coordinating with the State authorities in charge of human rights and cooperating in this field with the National Council for Women, the National Council for Childhood and Motherhood, the National Council for Disability Affairs and other concerned national councils and bodies.

- 11- Working to disseminate human rights culture and raise the citizens awareness of it by collaborating with competent institutions and agencies in charge of education, upbringing, information and culture affairs and assist in preparing human rights education programs.
- 12- Holding conferences, seminars and panel discussions on issues relevant to human rights or relating events (events relating to such issues).
- 13- Providing necessary proposals to enhance institutional and technical capacities in the fields of human rights, including the technical training in order to enhance the capacities of the employees in State institutions relating to public freedoms and economic, social and cultural rights according to relevant laws.
- 14- Issuing bulletins, magazines and publications relating to human rights and the objectives of the Council and its competence, according with relevant laws
- 15- Issuing reports on the situation and development of human rights.
- 16- Visiting prisons and all places of detention, and treatment and correctional facilities and Listen to prisoners and inmates of such places and facilities to ascertain their proper Treatment and the extent of their enjoyment of their rights. The Council shall prepare a report on each visit, including significant observations and recommendations to improve the conditions of prisoners and inmates of the afore-mentioned places and facilities. The Council shall submit such report to both the attorney-general and the House of Representatives.
- 17- Inform the Public Prosecution of any violations of personal freedoms or of the inviolability of the private life of citizens and other public rights and freedoms provided within the Constitution, the law, international agreements, covenants and conventions ratified by Egypt, and thus on the basis of solid (firm- viable) information availed to the Council regarding the occurrence of such violation or regarding the identity of the perpetrator and to inform the competent authorities as well. The Council may intervene in the civil action in support of the plaintiff and upon its behest, in accordance with the provisions of relevant laws.

**(Article seven)**

The President of the republic, the speaker of the House of Representatives and the prime minister may refer to the Council any issue they see relevant to the Council competence for consideration and to provide its opinion.

**Article (nine)**

The Council shall appoint a secretary-general to be selected from amongst its non-members. The Council shall issue a decision of its appointment for a term equal to the term of the Council. The Secretary-General shall have a full time job to carry out his tasks. He shall be in charge of the implementation of the Council's resolutions and the general supervision of the technical secretariat and the personnel, and financial and administrative affairs, pursuant to the Council bylaws. He shall attend the sessions of the Council without having the right of voting.

**Article (ten)**

The President of the Council shall represent the Council before the judiciary and other parties. The Vice-President shall replace the president in case of impediment or absence. The post of both of them is a full time job. The President may delegate the Vice-President in undertaking some of his functions.

**Article (eleven)**

The Council shall have an independent budget, developed in line with the State's general budget, comprising the Council's revenues and expenditures in detail. The fiscal year of the Council shall concur with the beginning and end of the fiscal year of the State's fiscal year. The budget shall be audited by the Accountability State Authority.

**Article (twelve)**

The resources of the Council shall be composed of the following:

- 1- Allocations to the Council's in the State's general budget.
- 2- Grants, donations and allowances approved by the majority of the members of the Council, in accordance with the laws and governing regulations. In the case they are allocated by a foreign body, the approval of the majority of the members of the House of Representatives is required to accept them unless they do not entail mutual obligations or they are allocated in a form of an international agreement which will require an approval of the House of Representatives to be accepted.

- 3- Grants and allowances allocated to the Council by the State and which it is specified in international agreements concluded with the State that they are directed to the fields of Human Rights.

A special account shall be opened in one of the banks that are under the control of the Central Bank of Egypt. The balance of this account will be directed at the end of every fiscal year to the Council's budget of the following fiscal year with the exception of the resources allocated to the Council from the State's budget.

### **Article (thirteen)**

The Council shall prepare an annual report on the situation of human rights. The annual report shall include the efforts and activities of the Council and relevant recommendations. The report shall be submitted to the President of the Republic, the House of Representatives and the Council of Ministers.

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### **Article (2)**

New articles shall be added to the Law No. 94/2003, namely; Article two bis, Article two bis "a", Article two bis "b", Article two bis "c", Article two bis "d" and Article ten bis, as follows:

#### **(Article Two bis)**

The following requirements shall be fulfilled by the President of the Council, the Vice-President and the members of the Council:

- 1- To be an Egyptian enjoying full political and civil rights.
- 2- To have completed the military service or exempted from by the law.
- 3- Not being subject to a final judgement in a felony or a crime involving moral turpitude or a breach of honour or public trust unless all charges were dismissed or any disciplinary action conducive to termination of employment unless such penalty was annulled.
- 4- Not being member in either the executive or the legislative or the judicial bodies or authorities.

#### **(Article Two bis "a")**

The House of Representatives shall undertake the procedures for the composition of the Council, at least, sixty (60) days before the elapse of the term thereof and thus in the light of the nominations of the candidates presented by the national councils, the Supreme Council of Universities, the Supreme Council of Culture, professional syndicates and other bodies.

The Plenary of the House of Representatives shall nominate the selected candidates to be members of the Council, taking into consideration the adequate representation of all forces of the

society. The President, the Vice-President and the members of the Council shall be selected with the approval of the majority of the members of the House of Representatives.

The President of the Republic shall issue a decree regarding the composition of the Council. It shall be published in the Official Gazette.

**(Article Two bis “b”)**

The President, the Vice-President and the members of the Council shall discharge the functions of their duties within a framework of neutrality, transparency and independence while guarding the confidentiality of the information and data presented to them in their capacity as members of the Council. Such information and data shall not be used for purposes other than the objectives for which they were presented and any other purpose than achieving the objectives of the Council.

The President, the Vice-President and the members of the Council shall disclose any case involving present or future interest either material or moral for them or any of their relatives, till the relatives of the fourth degree thereof that is in conflict with the prerequisites of integrity, neutrality and independence necessary for discharging their duties thereof. The Council shall take the necessary procedure to eliminate such conflict of interest.

**(Article Two bis “c”)**

The President, the Vice-President, the members and the Secretary General of the Council shall submit at the end of each year and at the end of the term of the Council, the financial disclosure form to the House of Representatives.

In case that any of the afore-mentioned officials receive any in-kind or cash gifts by virtue of or because of working in the Council, such official shall disclose receiving such gift in a written letter submitted to and overviewed by the Council in which the individual or the organisation who presented such a gift is specified. In case that the value of the gift exceeds three thousand Egyptian Pounds, the ownership of such gift shall be transferred to the Council.

**(Article Two bis “d”)**

The membership of the President, the Vice-President or any other member shall end in the following cases:

- 1- The death.
- 2- Losing any of the requirements for membership specified by the law. In case of receiving a final judgement in a felony, a crime of moral turpitude or violation of trust and honour, the membership shall be terminated as of the date of enforcement of such final judgement. The same applies in case of receiving a final disciplinary judgement to the effect of the termination of employment.

- 3- The resignation submitted to the Council, provided that it is in writing and stating the reason of the resignation.

The membership may not be revoked for any other reason than the afore-mentioned reasons, unless it is done upon the approval of the majority of the members of the House of Representatives.

In all cases, the President of the Republic shall issue a decision terminating or declaring the elapse of the membership. The decision shall be published in the Official Gazette.

A member shall be appointed in accordance with Article II bis (a) of the law thereof to succeed and complete the term of the member whose membership has expired.

#### **(Article 10bis)**

The competent investigating authority shall notify the National Council for Human Rights and the Bureau of the House of Representatives upon arresting a member of the Council or putting him in pre-trial detention with a detailed memo on the whole incident.

#### **Article (3)**

The members of the National Council for Human Rights, according to the most recent set up thereof, as of the date of the enforcement of the law thereof, shall conduct the management of the affairs of the Council until the composition of the new Council.

According to the provisions of Articles (two bis) and (two bis "a") of the Law no. 94 of 2003 specified therein, the House of Representatives shall take the necessary measures to the composition of the new Council within thirty days as of the enforcement of the provisions of the law thereof or as of the date of holding the first session of the House of Representatives in case same is not in session. One third of the members serving in the first term of the new Council shall be replaced.

#### **Article (4)**

The present law shall be published in the Official Gazette and shall come into effect on the next day of its publication. The present law shall be stamped by the seal of the State and shall serve as one of the laws of the State.

Issued at the Presidential Palace on 9<sup>th</sup> of DhulQidah 1438 A.H.

1<sup>st</sup> of August 2017 A.D.

Abdul Fattah EL Sissi