



**The National Council for Human Rights**

**Jointly For Human Rights**

**THIRD ANNUAL REPORT**  
**HUMAN RIGHTS SITUATION IN EGYPT**  
**2006/ 2007**

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**January 18, 2007**

## **Acknowledgements**

In the spirit of transparency and in fulfillment of its sense of accountability to the Egyptian citizen, the National Council for Human Rights (NCHR) presents, at the culmination of its first term, the last of three annual reports covering the first term.

On this occasion, NCHR's Chairman, Deputy and Members would like to express their sincerest appreciation for the continuous cooperation of a number of official associations.

Much gratitude is also owed to the Non Governmental and Civil Society Organizations for their invaluable support to the Council and their cooperation in terms of providing NCHR with all required information and documentation needed for the development and finalization of this report.

The Chairman renews, with ample acknowledgments, his gratefulness to the venerable Members of the Council, and to the Members of the Report Drafting Committee, and the Executive Committee, in particular, for their contributions; without whose efforts this report would never have materialized.

Last but not least, Appreciation and gratitude in this connection to the valued efforts presented by Mr. Mohsen Awad, Member of The Board of Trustees of The Arab Organization for Human Rights, and to the Council's Technical Secretariat including the Chairmanship, Members, and Researchers.

NCHR anticipates that this report would represent a modest contribution into the efforts aiming at enhancing and promoting the culture of human right in the context of comprehensive reform upon which all effective forces of the Egyptian Society have unanimously agreed.

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## **INTRODUCTION**

At the culmination of its first term, The National Council for Human Rights (NCHR) presents the last of three annual reports covering the first term.

The First Annual Report, documented the Council's activities in its first year, it included a number of appendices, which were seen imperative to annex with the report in order to better acquaint the readers with: the laws establishing the Council, the diversification and multitude of professional and intellectual backgrounds of its members, the scope of its mandate and competences. The annexes also included references to regional and international human rights treaties and conventions to which Egypt is committed, through ratification or accession and for which the Government of Egypt (GOE) has taken upon itself the commitment of harmonising its national laws with the object and purpose thereof.

The Second Annual Report followed the structure of the First Report. It documents the human rights practices in Egypt and the extent to which the GOE complied with the relevant regional and international agreements as well as the degree of the NCHR's success in limiting human rights abuses, seeking redress for the abused and disclosing the abuser.

On the other hand, The Third Annual Report offers the following:

**First:** An analytical review of NCHR's successes and shortcomings throughout its three-year term, and how the lessons learned may be utilized in drawing future activities in order to maximize the successes and steer clear of the shortcomings.

**Second:** Highlights of the NCHR's institutional development, in particular, overview of the new programs, the establishment of specialized units which are primarily: dedicated to conducting research, studies, consultancies, as well as offering support to the Council's plans and programs.

### **In the framework of analytical recording due to the importance of the Council's achievements during its first session, the following issues have come to the forefront:**

1. Ever since its establishment, NCHR recognized that tremendous effort needs to be exerted in the realm of promoting a "human rights culture". The Council has realized, that the prevailing culture in the society, is not cognizant of human rights and freedoms. Promoting a culture of human rights and raising societal awareness of the principle of freedom; such notions are, unfortunately, still unfamiliar in many institutions, particularly in the educational, mass media, and religious establishments.

Lack of awareness of the above constitutes stumbling blocks for human rights organizations.

Therefore, there are tremendous advantages to be reaped from informing citizens of NCHR's mandate and activities through the adequate media and publicity.

For example, the release of the annual reports and other ad-hoc reports, launch of seminars, conferences and workshops; these are all seen to contribute to creating the required awareness of the importance of respecting citizens' rights and indicting any

violations thereof. NCHR's independence, impartiality, integrity and transparency should not be undermined.

2. Emanating from NCHR's mandate to promote and defend human rights and realizing the fundamentally imperative role of adequate legislation, in achieving such mandate; the Council has focused a lump sum of its activities to amending a number of legislations. Primary focus was adhered given to amending of certain provisions of the penal and criminal laws, particularly those that are viewed to be insensitive to citizens' rights and freedoms, especially those with regard to custody, punishment of torturers of suspects or detainees, and travel restrictions. Nevertheless, there remain other amendments that are yet to be passed by Parliament. Recommendation for a special system to supervise the execution of the penalty, in accordance with the standards of respectful treatment of the prisoner, in addition to guaranteeing the commitment, the effectiveness and seriousness of public prosecutor's inspection of prisons.
3. Following the President of the Republic's initiative to amend the Constitution, the NCHR formed a committee to examine the articles of concern and the possible amendments. After a month of deliberations, the committee came out with a memorandum that was submitted to the President and to heads of both houses of parliament on Thursday the 16<sup>th</sup> of November 2006. Further discussions will be carried out by NCHR, involving as many citizens as possible to reach a consensus on such amendments prior to the national referendum as per Article 189 of The Constitution.
4. Ever since its establishment, the NCHR has forged links with CSOs active the in the field of Human Rights. The Members of the Council, representatives of those organizations have exerted thankful efforts in documenting this link based upon the awareness of the members of the important role they have played and are still playing in defending and standing for Egyptian Human Rights and freedoms. Cooperation with human rights NGOs through periodical conferences, seminars and workshops. Additionally, NCHR's endorsement of the involvement of NGOs in the independent monitoring of the 2006 presidential and legislative elections. However, NCHR saw that monitoring should be exercised independently from the Council and to this end, lots of communications and contacts have been made with the higher committees supervising these elections until concluded by resolution of the Council adopting its view point, and that such organization assume their independent role in following up the elections and its monitoring according to the statements provided in details in the reports issued previously by the Council on presidential and legislative elections.
5. As an expression of the high priority allocated to furthering coordination with regional and international human rights organizations, NCHR has been keen on, both, effectively participating in conferences organized at by regional and international organizations and on the participation of representatives of such organizations in events organized on its behalf. Such activities assisted NCHR in staying abreast with



the ramifications of human rights issues on both regional and international levels in addition to endorsing the Council's credibility beyond national borders.

- The Eighth International Conference for National Human Rights Institutions, organized by the UN Human Rights Council from the 26<sup>th</sup> to the 27<sup>th</sup> of October 2006 in Santa Cruz, Bolivia, in particular, was of paramount importance to NCHR as it was accorded full membership in the International Coordinating Committee (ICC) of National Human Rights Institutions (NHRIs). As full member, which will motivate the Council in its upcoming session to follow up its activities overseas in keeping with the international community, in order for that to lead, on the international front, the effective role sought after, particularly after the virtual vanishing of such international or local borders from existence in the field of human rights, and after occurrence of such effective activities beyond the national borders that would certainly hold the national variables liable to any change accordingly;
- Alternately, The NCHR kept the vital interests of the Palestinian and Lebanese people on top of its priorities; Israel's rampant violation of their rights under both, International Human Rights Law and International Humanitarian Law were voiced by the Council to both UN organizations and international NGOs. NCHR took upon itself the task of echoing the torment and anguish the Palestinian and Lebanese civilians endured and remain to endure at the hands of Israel.
- Within this context, the NCHR held an international conference on December 16<sup>th</sup> and 17<sup>th</sup> in Cairo, which openly endorsed the Egyptian and Arab stance.
- Agreement was reached on the imperativeness of alleviating the plight of the Palestinian and Lebanese civilians and compensation for their ravaged economies were demanded.
- Additionally, the NCHR has received many delegations in bilateral and collective meetings that have taken place in Egypt, and provided them with reports and recommendations issued by the Council, which created great deal of mutual confidence, and they have also stressed the independence, freedom and bravery in breaking into many different aspects relating to the human rights, which have expedited establishing the respect held by the observers of the Council from abroad, which has been a testimony on the role played by the Council in enhancing and promoting the human rights during this stage wherein Egypt seeks making wide political, and economic reforms.

**In its constant self-evaluation and attempt to ameliorate its own performance, the NCHR has established the following special units:**

- Regional Network Unit for Complaints Offices in the Arab States
- The Education and Human Rights Unit.
- The Communication and Cooperation with the UN Population Fund Unit

**The following specialized units are to start as of March 2007:**

- The Complaints Office (in cooperation with the European Union).
- The Media and Human Rights Advocacy Unit.
- The Library and Database Updating and Consolidation Unit.
- The Research and Training Unit on Monitoring Elections.
- The Legislative Research and Development Unit

The above was synopsis of the NCHR most important accomplishments in its first session, and the details will be further highlighted in detail in Chapter Six of this report.

## CHAPTER ONE: SITUATION OF HUMAN RIGHTS IN EGYPT 2006

### **Introduction:**

The NCHR provides a general analytical insight into the infringements and violations inflicted upon the rights of Egyptian Citizens through the complains received by the Complain Committee in the Council from citizens and different bodies, in which they asserted they have suffered from different sorts of infringements and violations to their rights; the complains have reached (5826 complaints) through the period from 01.03.2006 until 31.12.2006, namely, ten months, which represent a more tangible increase than that observed during the last year, when the complains have reached (6528 complaints) during fourteen months with rise rate of 25%. The observation has counted also not only upon the complains and documented reports issued from the Human Rights Watch (HRW) and Civil Society Organizations (CSO) received by the Council, but the behavior and content of the media outreaches as well around the violations against human rights, and that through media monitoring unit annexed to the Council, which has been recently upgraded at last, not to mention the cooperation offered by the Council in area of expertise along with the National Council Woman (NCW), National Council for Childhood and Motherhood (NCCM), and other civil associations within the framework of cooperation aimed at putting an end to the violations against the human rights and developing solutions necessary to guarantee that they would not recur.

The complaints of citizens have taken different shapes as to the infringements and violations inflicted upon their rights protected as provided for in the Egyptian Constitution, national laws and legislatures, and international charter on human rights, therefore the Council has been prompted to monitor and examine such violations to identify the most important rights infringed against, besides the legal and societal factor and reasons, which give way to infringements or violations. And that would be permitted by study and placing which under examination, study and investigation conducted by relevant bodies, and taking measures required to have put paid to such violations and infringements and developing objective and relevant solutions to the factors causing which and nip in the bud so that they would not be repeated ever again, not to mention that a follow-up efforts be taken later on to guarantee the accurate results in this connection, and informing the people petitioning the complains about the results obtained.

By examining complaints received by the Council, whether they represent phenomenon, legislative default, asking for new legislation to be passed, legislative amendment, implementing policies, or developing programmes relating to the protection of the human rights from being violated or infringed. The Council will, in conjunction with its affiliated committees, devise the recommendations and proposals relating to amendment of any legal or legislative scripts seen as derogatory and degrading to the rights of the citizens or inconsistent and not aligned with the international charters ratified by Egypt, or even drawing new law drafts that run consistent with what pursued to save the water of human being and its rights provided by the religious laws and international charters concerned with Human Rights. The Council, to this end, will cooperate with all right watchdogs concerned with the cases of

Human Rights to call on outlining general rules and permanent solutions to the most important persistent complains to cease such violations sustained by citizens. Besides complains worked upon by the Council through study and analysis, there are (1757 complains), it has been revealed that they fall beyond the jurisdiction of the Council for many reasons, and they have been handled according to the normal mechanisms by referring them to the relevant bodies. And notices have been served upon the complaining people with all procedures that should be followed.

**First: Means and Methods of Complaint Delivery:**

Albeit the methods and means made available by the Council to the citizens, national associations, civil social organizations, and different bodies concerned with delivery of complains, the normal mail has come to occupy the first priority and the means of the most common usage in sending the complains by citizens and organizations; as the number of complains sent by mail has stood up to 2346 at about 49.3% of total complaints received by the Council amounting to 5826 complains.

Going for normal email as the best means for tendering complains by complainants because of its being cheap means for those residing in the outlying distant governorates that are geographically far from Cairo (where the domicile of the Council), which is the common means available to those who can not reach the location of the Council, such as prisoners or detainees. Despite the advantages resting with normal mail as to the complainants, some shortcomings might be entailed and obstruct timely intervention by the Council, and according to this means, the period the time might range from 5 to 10 days, to say nothing of the additional time that would be spent in filling up the data and information occasionally stated in the complains for checking how true those complains is, besides identifying all the details, and that would be conducted by legal researchers receiving complains. Although three years have gone by since this committee has been established, inability to locate the Council because of ignorance of the mailing address by complainants is an additional factor that would delay consideration and examination of the complaints, particularly those reaching other bodies, hence, the latter take the trouble in forwarding them to the Council all over, which delay it and thus foil any timely movement that could have been made earlier for taking actions necessary by the Council for pursuing justice for the benefit of their petitioners.

During this year, communication by fax has come next to the first means of normal communication that is commonly pursued by Egyptian people in terms of usage by citizens, national associations, Egyptian CSOs, and international organizations, whereas about 1795 complaints have been sent, which represent about 30.8% of the total complaints extended to the Council during ten months in 2006.

Being so fast means of communication, yet it's deemed to be very costly particularly that most of those using this means are residing outside Cairo, however, they would rather send their complaints for being unable to afford the expenses that could be incurred if they went to Cairo, and thus they prefer fax for reasons of swiftness, but the only sore point about this way as well lies with their inability to elaborate on the points desired to be related, and render impossible to attach any more documents and papers corroborating their cause and violations

sustained, which could compel legal researchers to make some phone call asking for more documents supporting the said complaint to ascertain the truth of the complaint, therefore, such means would lose one of its special characteristics, which is quickness to receive complaints and lack of prompt action accordingly.

Interviews as one of the means to deliver complaints in the premises of the Council have come to occupy the third option that might be taken by citizens to lodge their complaints; 1558 complaints have been lodged by this means, constituting around 26.7% of the total complaints delivered to the Council during 2006.

This means has been used frequently by lots of people because of the characteristics lying with it, such as, outlining their complaints word of mouth to the legal researchers concerned in the Council for identifying the possibilities by which the Council may take a step forward to bring them justice in case of being the complaint admissible, or determining the procedure that must be taken in case the complaint be out of their jurisdiction. This means as well has been of great benefit to those who are illiterate and incapable to read and write, as legal researchers in the Council would redact the oral morale of the complaint directly and in brief in such a manner that would serve the purpose after being orally related, then the complainant would sign thereunto after being satisfied with what have been recorded. However, it has been noted that such means was largely used by those living in Cairo more than those outside it due to the proximity to the place this Council is, let alone that it is available and cheap and no costs would be incurred upon.

To the fourth priority came telegraph used by complainants, around 106 complaints have been received, which make up 0.2% of the total complaints received by the Council during the period of this report by complainants. Despite swiftness of such means for dispatching content, it is plagued by the same defect as that one with faxing, since it normally lacks some rare important particulars due to the high it might incur, which prompt the Council to make contacts with the complainants for completing the data and information necessary and documents required to effect the complaint forthwith.

In the meanwhile, around three complaints have been sent by email to the Council due to being the means that require computer literacy, which has prevented many complainants from using which in sending their complaints. Further, 11 complaints have been sent directly to the Secretary-General of the Council, five complaints received by the committee's delegations during their field detours, seven complaints received by the Complaints Committee's Trustee, and 13 complaints received by phone.

**Table No. 1**

**The Categories of Complaints According to the Means of Delivery**

<b>Delivery Means</b>	<b>Mail</b>	<b>Fax</b>	<b>Presence in person</b>	<b>Telegraph</b>	<b>Email</b>	<b>Field Visits</b>	<b>Tel.</b>	<b>Total</b>
Complaints no.	2346	1795	1558	106	3	5	13	5826
%	40.2	30.8	26.7	1.8	0.05	0.08	0.27	100

**Categorizing complaints received according to the rights perceived as violated:**

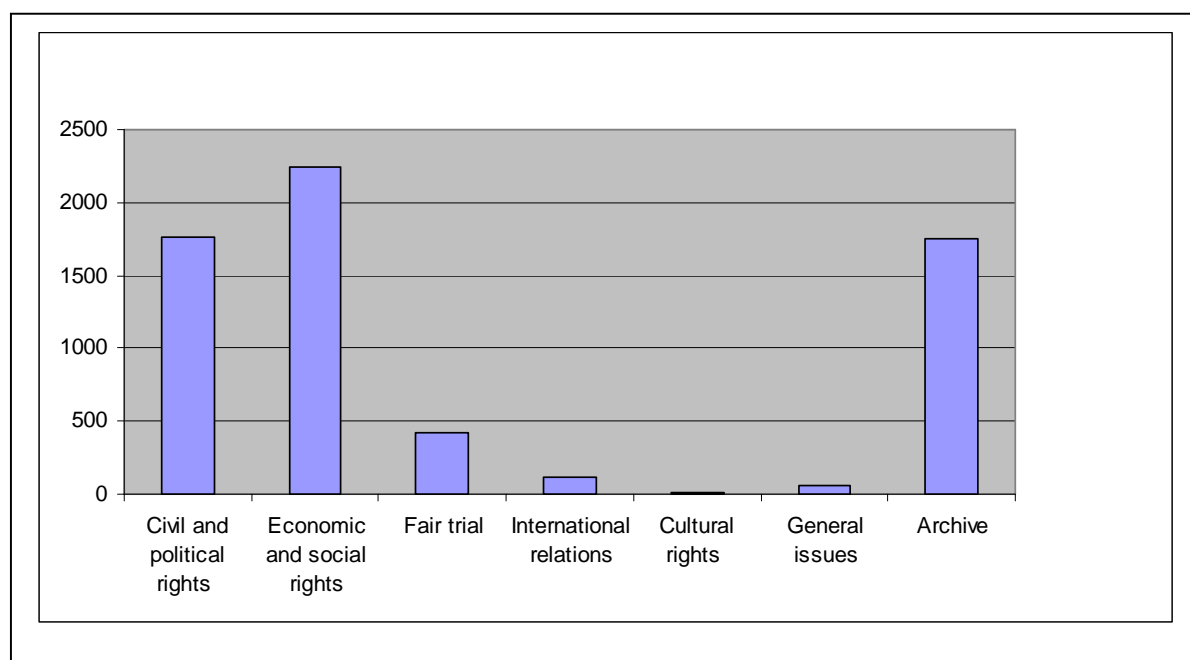
Around (5826) complaints have been received during the period as of March, 2006 until the end of December, 2006 at about 583 complaints a month, with about (25%) more than the previous year, which indicated the mounting cares and problems sustained by the average citizen and a gape between citizens petitioning complaints and some of the state's service administrations and business persons. Mounting the number of complaints delivered to the Council is deemed to be a parameter to the increased awareness of citizens of Council and the role played thereby in handling their complaints and referring them to the bodies concerned for the purpose of investigation, and attempting to seek equitable solutions for and reclaiming their rights alleged to be violated.

Classifying complaints according to the right being violated, and based upon the allegations by the petitions, refers to the first rank those social and economic rights have acceded in terms of number of complaints, which have reached (2247 complaints) at about 38.5% of the total complaints lodged to the Council due to the ultimate importance of those rights to most of the petitioning citizens. While complaints relating to the civil, and political rights have ranked the second in order, which have certainly reached (1762) complaints at about 30.2% of the total complaints received by the Council, to the third rank, have come 1757 complaints petitioned by those alleging violations have been inflicted upon, yet they do not fall under the jurisdiction of the Council, and have therefore been referred to the concerned body, this number constitutes around 30.1% of the total complaints delivered to the Council, which indicates the lack of awareness by citizens of the Council's role and powers. Most of those complaints centered around different requests; ranging from a request for legal assistance, cooperation of the Council with them to publish their literal production represented in poetry and short stories, or requesting job opportunities, besides the complaints that dismissed entirely or provisionally for lacking seriousness of the applicant, signature, or missing data and information around the complaint. However, grievances pertaining to right to just and equitable trial (executing judiciary rulings, legal procedures, or judiciary disputations) have occupied the fourth rank with 415 complaints at about 7.1%, in the meanwhile, complaints relating to the rights of Egyptians abroad have come to the fifth rank with 115 complaints at about 1.9%. yet, the complaints relating to public causes have taken the last rank with 53 complaint at about 0.9%, such complaints lodged by groups of citizens, wherein they suggest solutions, recommendations, and proposals to diminish the problem in respect with human rights. In the end, came to the last rank the cultural rights with 7 complaints of the total complaints lodged with the Council.

**Table no. 2**

**The Total Complaints Received by the Council According to the Rights -Allegedly- Violated (Data denoted hereunder covers period from 3<sup>rd</sup> of January-31<sup>st</sup> of December 2006)**

Category of Complaint	Complaints no.	%
Economic and Social Rights	2247	38.5%
Civil and Political Rights	1762	30.2%
Complaints of non-jurisdiction	890	15.2%
Complaints regarding which communication has been made to the complainants stating that legal procedures necessary have been taken	523	8.9%
Right to Just and Equitable Trials	415	7.1%
Recurring Complaints	344	5.9%
Rights of Egyptians Abroad	115	1.9%
Public Causes	53	0.9%
Cultural Rights	7	0%
Overall total	5826	100%



### **Geographical Distribution of Complaints**

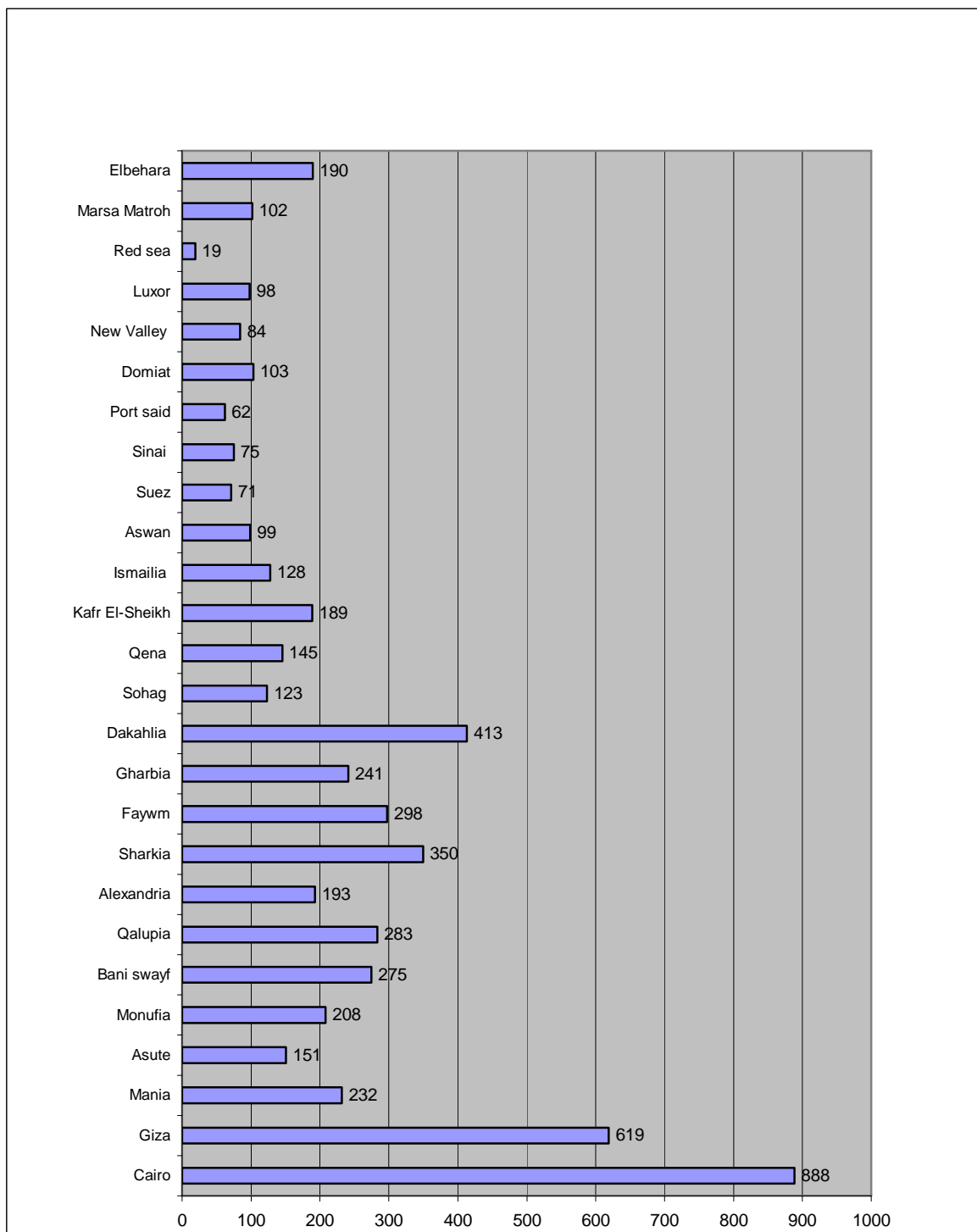
Table no. 3 illustrates, in terms of complaints delivery, a large variance between governorates, whereby paradigms have been revealed to be adhered to upon developing solutions and suggestions that may diminish such variance such as most importantly promoting human rights culture within many governorates that lie geographically remote from the capital. Distributing complaints in order of their delivery from governorates depicts the following:

Complaints delivered from greater Cairo governorates (Cairo, El Giza, Qalioubya) have reached 30.7% of about (1790 complaints) from the total complaints delivered to the Council, and thus the first rank goes to the complaints delivered by those governorates due to high population. They incorporate as well all ministries, governmental bodies, and universities, in addition to lots of human rights watchdogs, civil society associations. Additionally, lots of complaints have deluged from prisons (Abu Zabal, El-Qanater El Khairyah, Tourah, El Marg, and El Qatta) that lie within the governorates of Greater Cairo. In the meanwhile, the northern governorates, including (El Monofiya, El Sharqiyah, El gharbiya, El Dakahliya, Kafr El Sheikh, Damietta, El Behira) have come to occupy the second rank, whereto about (1591) complaints making about (27.3%) of the total complaints delivered, while southern governorates, including (South Valley, Aswan, Assiut, El Menia, Beni Sweiff, Suhaj, Qena, Luxor) have occupied the third rank, where around (1505) making about (25.8%) of the total complaints have been delivered. To the last rank have come the coastal and borderline governorates, including (Alexandria, Ismaelia, Suez, Portsaid, Redsea, Mersa Matrouh, northern and Southern Sinai), with around (837) making (14.3%) of the total complaints delivered.



**Table no. 3****The Classifications and categories of complaints received as per the geographic distribution**

<b>Governorate</b>	<b>Complaints No.</b>	<b>%</b>
Cairo	888	15.2
El Giza	619	10.6
El Dakahliya	413	7
El Sharkiya	350	5.7
El Fayoum	298	5.1
El Qaliyoubia	283	4.8
Beni Suef	275	4.7
El Gharbiya	241	4.1
El Menia	232	3.9
El Monoufiya	208	3.7
Alexandria	193	3.3
Kafr El Sheikh	189	3.2
El Behira	190	3.2
Assiut	151	2.6
Qena	145	2.5
Ismaelia	128	2.2
Suhaj	123	2.1
Aswan	99	1.7
Damietta	103	1.7
Mersa Matrouh	102	1.7
Luxor	98	1.6
New Valley	84	1.4
Southern –Northern Sinai	75	1.3
Suez	71	1.2
Portsaid	62	1
Redsea	19	0.3
<b>Total</b>	<b>5826</b>	<b>100</b>



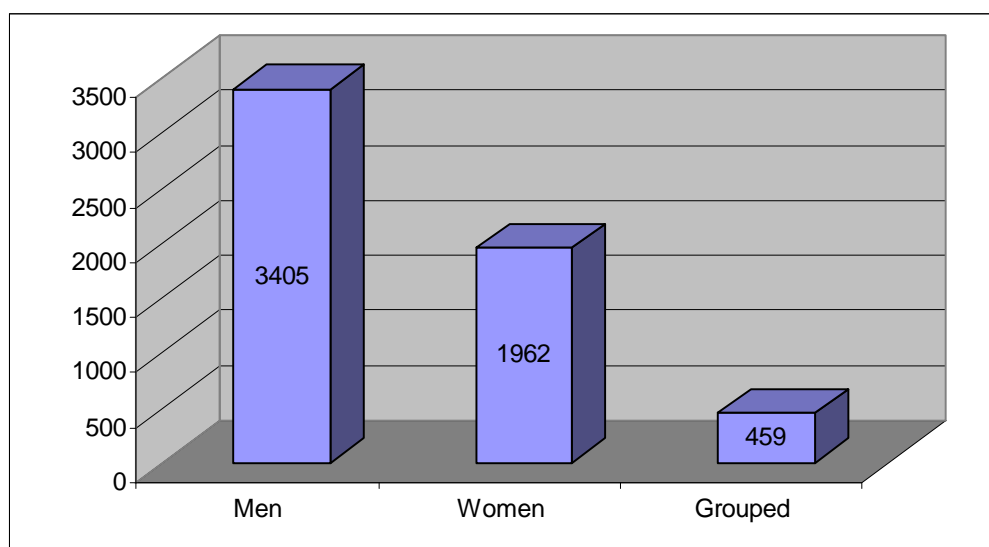
### **Classification of Complaints According to the Gender of the Petitioner**

From table no. 4, we have come to notice that complaints from males have risen to reach about (3405) of about (85.4%) more than those from females, which have reached (1962) of about (33.7%). It is thus worth noting that participation by females still too limited by far, and most of which is restricted to the complaints about women's status, like, personal status and the remainder relating to economic, social and health rights, let alone being there lots of Woman-oriented Councils that mitigate the burden over the Council regarding this kind of issues and complaints. It has further noted the increasing number of complaints piled up and carried forward from the previous year, which have amounted (459) of about (7.9%) representing complaints lodged from males and females alike with respect violations and infringements to different kinds of rights.

**Table no. 4**

### **Classification of Complaints According to the Gender of the Petitioner**

<b>Genre</b>	<b>Complaints No.</b>	<b>%</b>
Males	3405	58.4
Females	1962	33.7%
Accumulating	459	7.9
Total	5826	100



### **Cooperation with the relevant bodies in settling complaints lodged by citizens**

Communications issued to the relevant bodies and responses thereto are of the significant mechanisms that could be counted upon to reach equitable and satisfactory solutions to the citizens who lodged those complaints. Following to receiving, examining, accepting, recording the complaints and identifying the relevant bodies, the Council would communicate the such relevant bodies (governmental agencies and bodies, local administrations, state institutions, People's Assembly, Public and private Corporations, and civil society associations) to investigate all allegations provided in those complaints, and seeking cooperation in exerting efforts pursuing equity for those complainants. The total communications sent to by the Council to the relevant bodies – whether being ministries, governorates, universities, corporations, banks and authorities, governmental administrations, or complaints – during the period starting as of March 1 till end of December 2006, around (4566 communications) inter alia (1788 communications relating to 2642 complaints), and responses of about (48.6%) have been received by the Council.<sup>1</sup>

Such percentage, though, has directly read but does not reflect larger increase than that of the previous year, the circumstances accompanied the report, issued for ten months only – due to the completion of its first term in January 2007- have impacted the total responses during which, because some of the bodies used to extend their responses upon the Council's communications during the months, January and February of every year, this is from one hand.

On the other hand, issuing such report on the outset of January has made it impossible by far to depend on the reports of Egyptian Human Rights Organizations, which represent one of the most important sources as they, usually, used to issue their respective reports during the first quarter of every year, while the rest of communications that amounted to (2779 communications regarding 3184 complaints) have been addressed as follows “(890 communications) have been channeled to the concerned bodies due to being the incompetent authority to see to such grievances and communications of so doing have been sent to the complainants to follow them up with the bodies concerned, (523 communications) have been sent to the complainants communicating them with the legal procedures required to be taken, (about 90 communications regarding 146 complaints) have been sent by the Council to different bodies of relevance and as yet no response has been received regarding which, (562 communications) have been sent to the complainants requesting detailed information or much more illuminating information about their grievances, (73 communications) have been referred to some of the civil society associations, and the Bar for extending their legal assistance.

With respect to the remaining (121 complaints) delivered to the Council have been kept in custody for lacking signatures, address, or general data, in addition to about 344 recurring complaints that have been previously lodged t the Council with the same gist from the same complainants.

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<sup>1</sup> Table no. 5 displays communications issued by the Council to the bodies concerned with grievances and responses thereupon.

Though the appreciation held by the Council to the ongoing responding from the side of relevant bodies responding to the reports and communications of the Council regarding investigations led into the allegations claimed by the complainants, by analytical review to such responses there have been difficulties evaluating their positive and negative points due to some reasons; some of such responses are either terse or routine, and the others were being beyond the competent jurisdiction, whereas the Council calls on all bodies to treat citizens' complaints referred to them by the Council by taking the due course of action necessary to ensure just and equitable settlement exceeding the formalities.

By analyzing and reading through such responses, they were classified into three approaches:

- First approach:

The relevant body to which the grievance has been referred shall thereby investigate and look into the complaint, and take the actions necessary that ensure just and equitable recompense to the citizen by eliminating the grounds of his complaint or determining the real motive behind his grievance, and following are some examples:

- Positive responses have come to the Council from Ministry of Interior regarding the grievances of families of some prisoners as follows:
  - Complaint from the family of prisoner/ Ziyada Ashraf Tantawy, jailed in Wadi El Notroun2, by which the family has sought the transfer of the prisoner to another prison lest he might be hurt as a result of putting him in jail wherein that so-called Mohammed Fikry Mohammed – his brother's killer – has been jailed. Right enough, the ministry has promptly agreed and his request has been fulfilled by relocating his brother's killer to the General Tanta Prison.
  - Complaint from the family of prisoner/ Habashy Hassan Mohammed Lazam, jailed at General Tanta Prison, who applied a request seeking surgery be operated to the prisoner on his own leg due to his degenerated health state, and the Ministry of Interior had promptly agreed and relocated the said prisoner to Liman Torah Hospital and they had stated that he would be operated upon if need be.
  - Response had been made by Suez Governorate on the complaint lodged by the citizen Hassan Fahmy El Kharboutli "whereby it is said that he had gone on a hunger strike until his complaint would be settled, whereas he had sought acceptance on treating him on the country's expense due to being contracted with Leukemia and other associated diseases that would keep him from work and constant medication was required at a time that his own bad circumstances would not make him able to afford such expenses on his own expense, and he further sought acceptance upon allocating him residential unit considering his own dilapidated social status", and the Governorate has stated that they were in the process of allocating him residential unit without down payment and he had already received it on 06.08.2006, and the response had indicated that the Governorate has followed up with the complainant's health state and charged his own medication expenses upon the state.
  - A response from Ministry of Higher Education has been lodged by Ms Manal Abdullah Hassan Mohammed – El Giza Governorate, whereby she sought

reduction or dividing the tuition fees on equal installments upon her son Hisham Zacharia Abdulmajid Ali, student in the Higher Institute for Cooperative Studies in El Munira District, in consideration for her own economic and social conditions, and the Ministry of Higher Education has sent response enclosed with check of L.E.200 as a contribution from the Ministry into the tuition fees.

- A response has been made by the Ministry of Electricity and Power upon the complaint lodged by Dr. Amr Ahmed Abdullah – Physician at Cairo Electricity Hospital, seeking assistance to be granted Leave Without Pay pursuant to the law so as he could escort his wife during her work in KSA, and an approval has been therefore conferred granting the complainant the required leave for one year only as of 01.09.2006.

- Second approach:

This approach has made it clear that the concerned body, whereto complaint has been referred, would scrutinize and probe complaint in hand without conclusion. Such approach, though, would not fulfill the citizen's request, the only point about this approach pivoted around the concerned body having to take action and procedures necessary to ensure investigations be made into that complaint, and following are some examples:

- Response has been made by Ministry of Interior regarding complaint lodged by father of detainee/ Ahmed Mahmoud Ahmed Mahmoud jailed in El Fayoum Prison charged with case no. 30410 of 2002 Penal-Higher State Security, which has been referred to the martial justice, and he was in custody on remand of this case since the start of these investigations – and he was thereafter released after the new Law on Amendment of Penal Procedures no. 145 of 2006 – however detention warrant has been issued after having been released on 05.08.2006. The detainee's family has made a request an intervention to release their son or relocating him to Damanhour Prison so that they would be able to visit him, and the Ministry has stated in their reply that after having released the said prisoner, he proved to have entertained new fundamental notions, therefore, an administrative detention warrant, as a precautionary procedure, has been issued, without referring to the request made seeking relocation of the prisoner to another prison.
- Response has been made by Ministry of Social Solidarity on the complaint of the citizen/ Rabe'a Mahsoub Abdouh (El Dakahliya Governorate), wherein he complains from being unjustifiably deprived of all incentives prescribed by the Premier at 25% of the wage, purporting that the complainant was not entitled to have received the bonus for not having been subject to the Expenditure Rules as set forth by the Fatwa (Advisory Opinion) of General Fatwa Association and Legislation by State Council.
- Another response has been received from Ministry of Social Solidarity upon the complaint lodged by citizen Mohammed Essawy Sakr (El Behira Governorate) regarding his being prejudiced against due to ceasing Solidarity Pension, which has stated that the complainant would have no right to claim this pension as a supporting

- project has been established for his benefit, besides his wife works in Housh Issa Hospital, which makes him not compliant with the terms vesting solidarity pension.
- A reply came from Ministry of Defense on the complaint lodged from the citizen Rabe'a Ibrahim El Sayed (El Sharqiya Governorate) whereby the complainant seeks issuing his financial entitlements after his service has been ended. The Ministry has stated in this reply that they have already probed the gist of this complaint and they have already found out that the complainant has been laid off due to misconduct and though he received all his financial entitlements from the Armed Forces.
  - **Third Approach:**  
This approach entitles the concerned body, whereto the complaint has been referred from the Council, to refer in its turn the complaint to other bodies without probing or investigation, or for reasons behind that, which could be confined with the obscurity of the procedures taken by the body for probing this complaint, and following are some examples on this regards:
    - A reply has been provided by Ministry of Social Solidarity upon the complaint lodged by the citizen Nassir Hamid Mahmoud (Souhaj Governorate) seeking to have received all his financial entitlements, whereas the Ministry has only sent a letter stating that the complaint has been referred accordingly to the Ministry of Finance without clear-cut probe or investigation.
    - A reply has been tendered by Cairo Governorate upon the complaints lodged by the citizens (Mina Shehata Ibrahim Farag, Hassan Bura'e, Zeinab Abdulghaffar, Mohammed, and Mansour Ali Mohammed – Cairo Residents) wherein they have sought out residential units in the Governorate due to their hard-up situations, yet the Governorate Service has made it a condition that those petitioners should revert to their respective districts for filling in the preset forms relating to their situations.

### **Responses Evaluation Indicators for the Upcoming Year**

Within the framework of efforts exerted by the Council to determine criteria whereby the strengths and drawbacks of such replies would be defined, (Grievances Committee) has therefore held more than hearing session in the presence of experts in Human Rights, and that for the sake of developing objective criteria for evaluating the replies on such complaints referred by the Council to bodies of competent jurisdiction, and the sessions have concluded a new insight through which an objective evaluation should be maintained for the responsiveness of such body to which the complaint has been referred via analyzing those replies, and right enough, many indicators have been reached whereby replies would be analyzed and probed as to the objectivity, besides in terms of statistical and subjective aspects. Such was the methodology approved by the Council in terms of reading and evaluation of the responsiveness by those bodies concerned with grievances through replies tendered thereto from the concerned bodies during the upcoming period and such indicators, which are summarized as follows:

#### **First indicator: Timeline**

Communications and notices from Council to different bodies will be divided in terms of timeline into three types:

- a. Prompt communications: such communications require immediate reply from the concerned body for eliminating the reasons of complaint, which reply takes only one week at most.
- b. Urgent communications: means the cases that can not be deferred, and a reply thereupon should be made in two weeks at most
- c. Normal Communications: such type of communications require taking account of procedure required for troubleshooting of the complaint should the same need administrative decree, technical procedures or financial support from the side of the state for eliminating the reasons whereupon the complaint has been built up.

### **Second Indicator: Commencement of Investigations**

Such indicator only hinges upon commencement of investigation and probe by the concerned body into the complaint lodged therewith by the Council. As soon as investigations have been initiated by the concerned body and action has been taken, that would then be the first positive and affirmative step by the body in response to the complaint and placing the potential solutions to put an end to such problem, yet more consideration should be paid to partial investigations of the problem and leaving the remaining as are.

### **Third Indicator: Solving the complaint (Final result concluded)**

This indicator shall be deemed as supplementary to the previous due to the correlation between them both in initiating investigation and probe into the complaint as first positive step into ironing out the complaint and concluding it by either dismissal or custody or taking decision to eliminate the reasons entailing thereto and requiring feedback of the results thereafter.

### **Fourth Indicator: Relative Weights**

Last indicator has been placed for giving weights to the previous three indicators in order for evaluation becomes significantly indicative and such weights range from 20, 30, and 50% for previous three indicators respectively, being known that evaluation process is positively related to the flexibility of probe and investigation into the complaint.



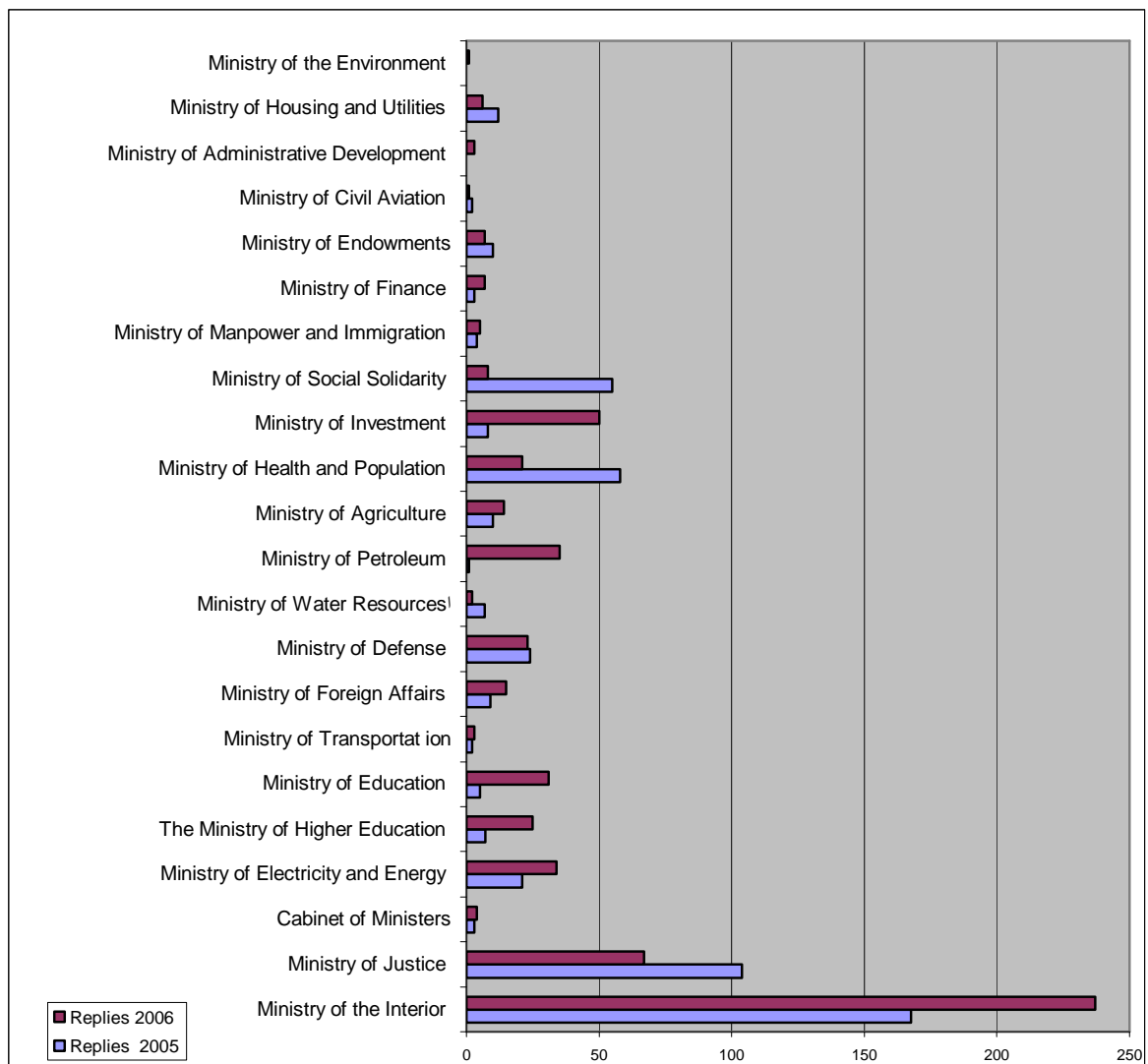
**Table no. 5**  
**Comparison of percentages of replies upon communications lodged with the Council**  
**between 2005, and 2006**

MINISTRY	2005 During period (01.01.2005 – 28.02.2006)		2006 During period (01.03.2006 – 31.12.2006)	
	No. of communications	Percentage of replies	No. of communications	Percentage of replies
Ministry of Investment	16	50	22	65.4
Endowments	13	76.9	13	92.3
Electricity & Energy	28	75	38	98.4
Civil Aviation	8	25	8	87.5
Justice	110	94.5	90	74.4
Higher Education	95	77.5	35	74.3
Social Solidarity	62	88.7	77	64.9
Transportation	9	22.2	5	60
Interior	353	47.5	416	58.4
Agriculture & Land Reclamation	27	37	61	57.4
Cabinet of Ministries	16	18.6	7	57.1
Ministry of State for Administrative Development	10	-	2	50
Ministry of State for Environmental Affairs	10	-	12	50
Culture	5	80	2	50
Defense	48	50	52	46.1
Labour & Immigration	14	28.5	18	44.4
Health & Population	78	74.3	36	41.6
National Youth Council	7	14.2	8	37.5
Education	40	12.5	89	34.8
Foreign Affairs	27	33.3	58	25.8
Water Resources	9	77.7	8	25
Housing & Utilities	17	70.5	14	21.4
Finance	15	20	25	20
Petroleum	15	6.6	16	0
Tourism	6	83.3	-	0
Social Solidarity	20	30	-	0
Information	3	-	4	0
Ministry of State for Military Production	3	-	2	0
Trade & Industry	-	-	1	0
Communications & IT	1	100	7	0
<b>Total</b>	<b>1065</b>	<b>54</b>	<b>1066</b>	<b>61.2</b>

GOVERNORATE	2005 During period (01.01.2005 – 28.02.2006)		2006 During period (01.03.2006 – 31.12.2006)	
	No. of communications	Percentage of replies	No. of communications	Percentage of replies
Qalyoubiya	23	4.3	27	81.5
Suez	3	-	4	75
Cairo	55	58	82	72
Fayoum	9	22.2	7	71.4
Damietta	7	-	14	71.4
Beni Sweiff	15	60	25	68
Higher Council of Luxor	-	-	2	50
Assiut	14	7.14	11	37.3
Ismaelia	7	71.14	11	33.3
South Sinai	6	-	3	33.3
Red Sea	2	50	3	33.3
Northern Sinai	1	100	4	25
El Minya	30	13	49	22.4
Alexandria	14	28.5	15	20
Qena	14	35.7	27	14.8
El Gharbiya	17	17.6	21	14.3
El Monoufiyah	14	7.14	14	14.3
El Giza	23	26	49	14.2
El Behira	17	17.6	15	13.3
Port Said	1	-	8	12.5
Mersa Matrouh	4	-	16	12.5
Suhaj	8	-	9	11
El Sharqiya	15	-	29	10.3
Kafr El Sheikh	13	7.6	41	7.3
El Dakahliya	19	5.2	43	2.3
Aswan	20	10	7	0
<b>Total</b>	<b>361</b>	<b>18.3</b>	<b>533</b>	<b>29.8</b>

Name of Body	2005 During period (01.01.2005 – 28.02.2006)		2006 During period (01.03.2006 – 31.12.2006)	
	No. of communications	Percentage of replies	No. of communications	Percentage of replies
Central Auditing Agency	1	-	1	100
Woman National Council	-	-	27	74
State Authorities and Authorities of Special Nature	124	38.7	32	59.4
Public Prosecution	212	88.2	31	54.8
Court of Cassation	-	-	2	50
Central Agency for Administrative Organization	22	36.3	11	45.4
Universities and Affiliated Bodies	24	12.5	11	36.3
Shura Council	-	-	3	33.3
Banks, Joint Stock Companies, and Privately-owned companies	75	33.3	36	33.3
Al-Azhar	-	-	11	18.2
Trade and Labor Unions, and Civil Society Associations	76	9.2	27	0
<b>Total</b>	<b>544</b>	<b>27.6</b>	<b>165</b>	<b>9.2</b>

Name of Body	2005 During period (01.01.2005 – 28.02.2006)		2006 During period (01.03.2006 – 31.12.2006)	
	Number of Communications	Percentage of Replies	Number of Communications	Percentage of Replies
Ministries	1065	54	1096	61.3
Governorates	361	18.3	544	29.8
Misc.	544	27.6	165	9.2
<b>Total</b>	<b>1970</b>	<b>48.7<sup>(2)</sup></b>	<b>1788</b>	<b>48.6<sup>(3)</sup></b>



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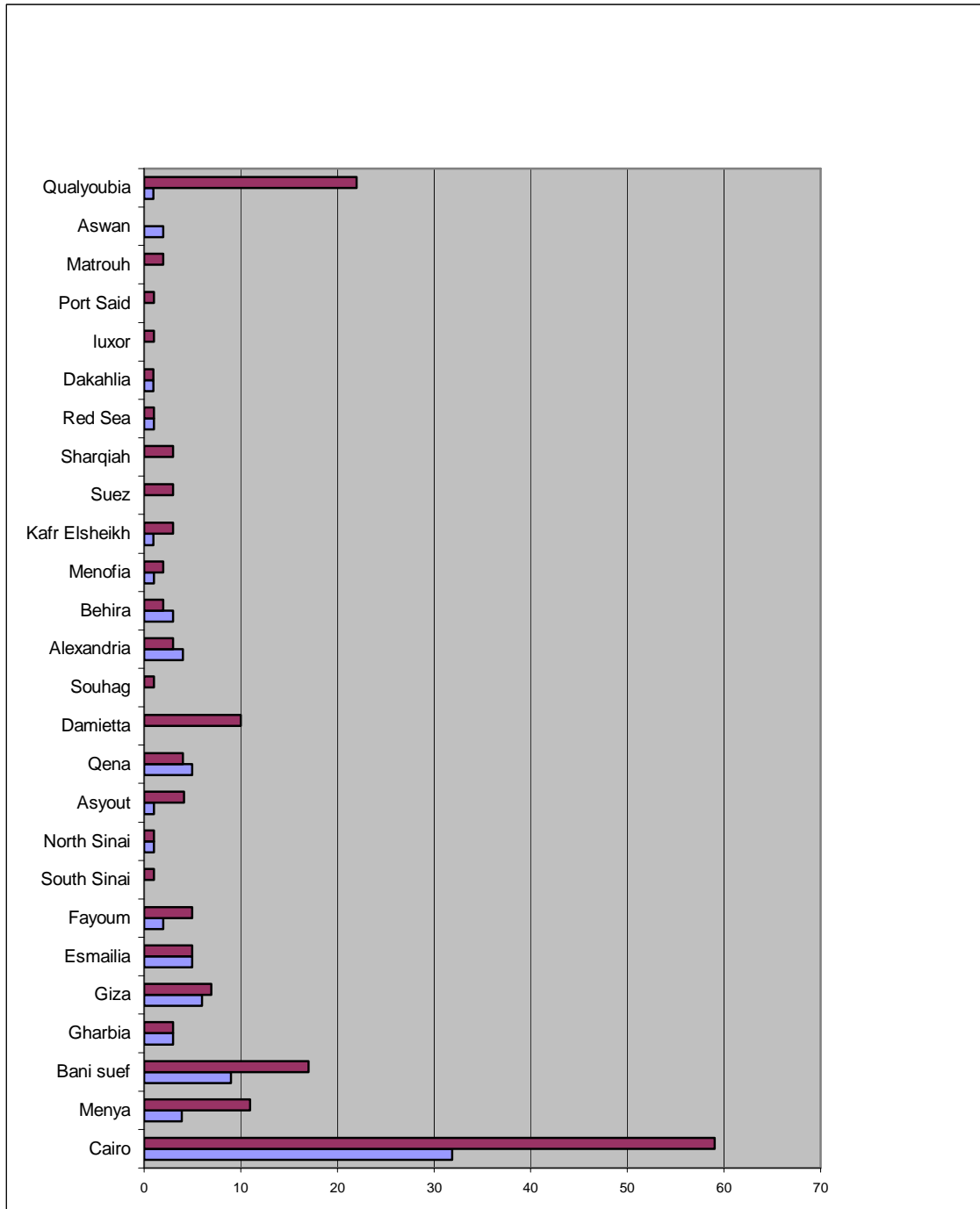
<sup>2</sup> Percentage of replies occurred during ten months

<sup>3</sup> Percentage of replies occurred during fourteen months

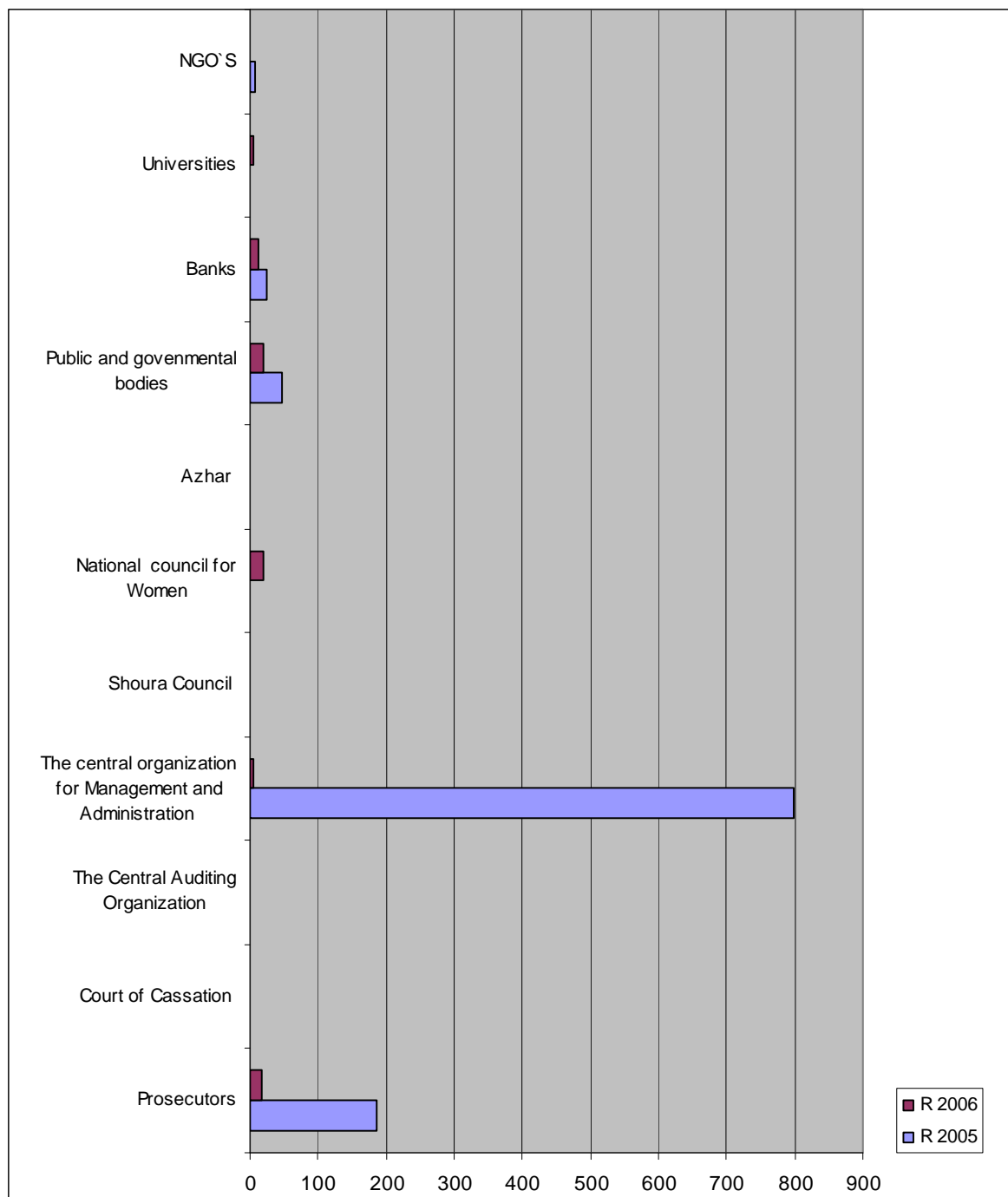
### COMPARISON REPLIES OF GOVERNORATES BETWEEN 2005 & 2006

Number of replies during 2006 (for duration of 10 months)

Number of replies during 2005 (for duration of 14 months)



**COMPARISON REPLIES OF MISCELLANEOUS ORGANISATIONS BETWEEN 2005 & 2006**  
 Number of replies during 2006 (for duration of 10 months)  
 Number of replies during 2005 (for duration of 14 months)



## **SITUATION OF HUMAN RIGHTS IN EGYPT**

The human rights situation has recently been described during the report's duration through analyzing the gist of the complaints lodged with the Council, which in turn has directly counted upon the essence of such complaints without expounding or interpretation, considering which as being mere allegations, and which seriousness and authenticity are exposed to investigation and probe for bringing fairness and equity to their petitioners, besides displaying the right that has been violated, not to mention the common attributes in the methods and means by which rights and liberties exposed to violation, and that without fathoming the whole tiny details in relation with social status and other circumstances surrounding the petitioner.

### **Civil and Political Rights:**

Complaints about civil and political rights have come to prominence right in the second ranking of complaints lodged with the Council during reporting duration for 2006, as it constitutes about 30.2% of the total complaints, and table (3) illustrates the distribution of complaints related to civil and political rights.

#### **Right to Life**

Right-to-live is deemed to be the most prominent human rights; the year 2006 has experienced, during report's duration, alleged occurrence of naked and huge violations against the right-to-live sustained by citizens, and they are now under custody (jailed under charges – sentences against inside jails – charged and jailed for outlawry).

##### **1. Deaths In Custody**

During the report's duration in 2006, the Council has received complaints from citizens and civil society associations in relation with deaths within custody areas belonging to the state's authority (police stations and departments – custody facilities – jails – et al) under suspicion of torture during their custody. In spite of legal procedures taken and being taken by the bodies concerned in the state against those inflicting violations on citizens, such bodies could not interfere with such other cases due to the phobia felt by those citizens to report such cases. The Council, however, hoping that such crimes perpetrated against citizens would not be a blueprint of treatments directed against the accused and jailed people, asserts that additional actions and firm measures should be taken further to ensure that no similar occurrences would take place, this in addition to ongoing training seeking a crackdown against those with whom security jurisdiction vesting immunity against the constitutional right of citizens into personal security and right-to-live, following are some examples upon these cases:

- Mohammed Khalil Atta died serving a fifteen-year sentence in Abuzabal Prison, and his corpse has been transferred to El-Khanka Hospital, and his family has stated that they have found his wrists, top of the forehead and the back dominated with blue, in

addition to traces of blood around the area surrounding his mouth, so a report thereof has been communicated to the Public Prosecution to investigate into the occurrence.<sup>4</sup>

- Amr El Sayed El Desouki died inside Boulac Abul'ila police station during his custody in the Investigation Facility and after being beaten up. The family has stated that the corpse has been found with swelling in the facial area, head, and left arm besides clots on the back. Report having been communicated the Public Prosecution has proceeded right after to probe the occurrence.<sup>5</sup>
- Mohammed Sedik died inside Sahil Selim Police Station due to being beleaguered by security officers within the station, and a report has forthwith been communicated by the family to the Public Prosecution to investigate into the occurrence. It is worth mentioning in this regards that the Council has proceeded with an investigation with the deceased's son: Mustafa Mohammed Sedik offering him support and consultation. Despite investigating such cases by Public Prosecution and referral of their perpetrators are usually referred sooner to Penal Court, proceedings always take up so much time, and as yet no action has been taken by the prosecution with regards to the said occurrences.
- A case different from those dominated over past years has been referred to the court, whereas the Public Attorney has made his decision to Western Cairo Prosecution on 05.06.2006 to refer Police Captain Ashraf Mustafa Hussein Safwat to Penal Court pending his trial under the case no. 4681 of 2004 Hadayek El-Quba Misdemeanor Sub. No. 533 of 2005 Western Cairo Plenary for being convicted of torturing citizen Mohammed Abdulkadir El Sayed and giving him electrical shock that entailed him dead on the spot. The particulars of such case goes to September 2003, when the accused police officer has summoned Mohammed Abdulkadir El Sayed (Deceased) and his brother/ Sameh Abdulkadir El Sayed (Detainee) and unjustifiably held them in custody. By September 21, 2003, their family has been blown with order summoning them to attend in the station premises for taking the corpses of their sons, and upon arrival, they have been told that Mohammed Abdulkadir El Sayed died and rushed to Sahil Hospital, and by conducting autopsy upon his body, injuries have been noticed in such manner that aroused suspicion around reasons of death.
- The Council, while asserting the significance of actions to be taken by Ministry of Interior regarding interrogation and investigation with those persons-in-charge of the torturing occurrences inflicted upon those citizens, besides investigations conducted by the Public Prosecution and referral of some perpetrators of tortures against citizens to the penal trials to be duly punished for what they have committed, reiterates its ongoing demands of taking more strict deterring actions and measures toward those who proved to have perpetrated such crimes against the citizen's right-to-live, not to

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<sup>4</sup> Statement issued by Egyptian Organization for Human Rights

<sup>5</sup> Statement issued by Egyptian Organization for Human Rights



speaking of the overriding need to develop clear-cut and mighty controls that would guarantee preventing them from happening all over again.

### Right to Freedom and Personal Security

Individual's right-to-freedom and personal security are but right guaranteed by constitution and law, considering which as one of the most political rights closely attached to the human, so the Council has been keen, since has been established, on demanding Emergency Case be abolished entirely. It is worth noting here, that the Council has played a very significant but effective role in ensuing Detention in Custody Law during 2006, which has placed more sophisticated restrictions and limitations when using the **Detention in Custody** whereupon lots of the accused have been released as it makes available more effective guarantees for right-to-live and personal security. Such right constitutes about 24.2% of the total complaints delivered to the Council in relation to the civil and political rights.

#### 1. Torture and abuse

Despite the efforts exerted by the concerned bodies, torture and abuse inside some police stations and departments in Egypt still constitutes a predominating phenomenon. Seeing that large variance and discrepancies between provisions prescribing legal guarantees to the protection of citizens from torture and the real daily practices that run inconsistent with such guarantees, the National Council for Human Rights has therefore asserted that legislative intervention is overriding for amending some provisions of the penal code and penal procedures in connection with torture and abuses against the citizen's right to directly proceed claiming against those perpetrators in addition to other procedures, this besides effecting the procedures taken for regular inspection upon custody facilities by Public Prosecution.

The Council, in this connection, has moved a suggestion during the discussion of Legislative Committee proposing article 126 of Penal Code be amended and replacement of the current provision should be made to extend the scope of Torture Definition and exemplify and maximize punishment on their perpetrators.

Out of the complaints received by the Council in this connection during 2006, which have reached about 11.3% of the total complaints relating to the right to freedom and personal security, it has been revealed that some citizens sustained tortured and harshly and inhumanely treated by security forces within the police stations and custody facilities, most of petitioners have been prejudiced against from misuse by some individuals of their positions and authorities, either against citizens, the accused, or their own families.

The Council has therefore proceeded what has already been taken by the Arab Center for Independence of Justice and Attorneys<sup>6</sup> by communicating a report to the Public Prosecution regarding many occurrences relating to torture crime inside police stations and departments for cracking down those involved and referring them to investigation departments, legal procedures have been taken by referring the accused officer/ Islam Nabeh Abdulsalam and

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<sup>6</sup> Statement of the Arab Center for Independence of Justice and Attorneys

some of his aides, police force, to interrogation for having perpetrated the crime of “unjustifiable jailing of citizen Emad Mohammed Ali, better known as Emad Elkebir, besides torturing, raping, and photographing him in positions involving moral turpitude and manners”, therefore the public prosecution has made a decision referring them to Cairo Court of Appeal, which set March 3, 2007 to initiate the procedures of their trials.

Out of the follow-ups made by the Council’s Media Unit to the materials published in El-Fajr Newspaper, issue no. 65 on 04.09.2006 about arrests and torture occurrences against citizen Amjad Mokhtar Hussein by one of the police officers that was in charge of Ambuscade pitched up in El Zafrana Area, while Mr. and Mrs. Amjad Mokhtar were on their way to Hurgada. The Council has thereafter interfered with the Ministry of Interior to investigate and get to know the circumstances of the occurrence pursuing equitable and just solution to the petitioner of such complaint due to its being naked violation against the human right into itinerating freely and secured, besides his right to sound body and human treatment. The Council has accordingly received a reply stating that the Ministry has investigated and probed the occurrence and reaffirmed the authenticity of the allegations reported by the said person of having been mistreated by the ambuscade’s force, therefore the officer has been put in provisional custody and then referred along with other ambuscade’s force to court martial. The Ministry has affirmed that such procedures have been commenced immediately after receiving the complaint and handled accordingly pursuant to the controls of the Ministry of Interior.

Ashraf El Shahat (a citizen residing in Cairo) claimed degrading, humiliating and inhumane treatment by security forces in El Khanka Police Station, such complaint, published in the weekly El-Karama newspaper, delivered to the Council through the media unit.

Maysara Mansour Hamid (a citizen from the governorate of Suhag) in which she stated that she has been prejudiced against by security force in the police station of Suhaj first department who have mistreated and beaten her up in such a manner that left her gravely injured.

The complaint from Soso Mohammed Mohammed (A citizen residing in Gharbiya), in which she stated that she was prejudiced against by her divorcee who misused his work as Police Sergeant threatening and framing her with trump-up charges. In this connection the Council has communicated the Ministry of Interior and follow-up is under way.

In the context of cooperation with the civil society organizations, the Council has received report from the Egyptian Network for Defending Detainees around what have been observed regarding pursuits made against women detainees in Shubra El-khaima District who have been hunted down by State Security Forces, let alone the actions taken by the network including interviews with those women, and visitation to their residences, which have been found void of inhabitants escaping from the summons of state security forces. By listening to the accounts of five women wives and mothers to detainees, they have stressed their constant exposure to physical abuse, sexual molestation, and raping by state security forces. The network has pointed out as well that such detainees have been arrested within arbitrary

detention raids initiated by the investigation department of the security forces in Shubra El-Khaima District following Al-Azhar and Abdulmoniem Riyadh bombings in April 2005; such raids have reached large numbers according to some sources.<sup>7</sup> Among the raided crowd of people were old people, children, and women.

The network ads that they have been exposed to torture inside State Security premises in Shubra El-Khaima and Lazoghli and others were jailed in the general Damanhour prison without trial or investigation, therefore the Council has communicated Ministry of Interior regarding these facts in order to identify the truth about this situation.

Report of Human Rights Watch for 2007 has pointed out that some Human Rights organizations in Egyptian still receive news stating that the security apparatuses and police departments inflict torture and maltreatment upon detainees, particularly during questioning and interrogations. The report has also referred to the cases of both Kareem El-Sha'er and Mohammed El-Sharqawy<sup>8</sup>, as it has been revealed, based on those reports, that those organizations, combating torturing and inhuman treatment observed in Egypt, have duly observed and highlighted the cases subjected to torture and maltreatment. The report of the Egyptian Organization for Human Rights has stated that they have observed around 156 torture cases, and 81 deaths during the period (2000-2005)<sup>9</sup>.

In this connection, the Council has demanded the concerned bodies to exert their efforts in order to put an end to the torture and inhuman treatment in Egypt through disseminating the Human Rights Culture among citizens, training and educating those officials administrating the State's Institutions, not to mention as well taking the effective legislative, administrative, and judicial procedures that would hold back and prohibit torture crimes from being perpetrated and guarantee equitable and just solution to those who have already fallen victim to them.

## 2. Administrative Detention (Political – Penal)

Emergency Law confers upon the executive authority free wide powers and authorities that could entitle them to violate the simplest rights and freedoms, inter alia; detaining suspect for long time without trial, and referring civilians to martial courts, not to their respective normal judge, particularly that such trials could lack the principles of equitable and just trial, just like the case of civilians trial. The law has as well bestowed upon this executive authority the right to suppress demonstrations, public meetings, censoring press, and closure of their print houses (art. 3/1) in the name of protecting national security. Should we have reviewed (art.3), we would come to conclusion that it entitles the President of the republic or whoever deputizes him or acts in his position, when emergency state alert is announced, "detaining those who could be dangerous to the state security or public order", which has justified the frequent detention.

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<sup>7</sup> According to the information provided in the Egyptian Network for Defending Detainees

<sup>8</sup> Report of Human Rights Watch for 2007 (Torture)

<sup>9</sup> Report of the Egyptian Organization for Human Rights issued in September 2006 under "Egyptian Police Stations ... Persecution ... torture to death"

Thus, the executive authority could detain as many suspects as possible for very long time, even after being acquitted and cleared by dint of judgments of release, as the executive authority sues out an administrative detention warrant to be issued, and according to this law; for extended long periods of time, taking account of recurrent detentions, thousands of political activists have been detained.

Through the complaints received by the Council, which have amounted to about 7.6% of the total complaints relating to this right from families of detainees relating the prejudice inflicted upon them due to the political or penal detention, they have turned out in violation to the guarantees prescribed in article three of the emergency law, since they have kept detaining suspects for intervals in illegal custody facilities (buildings, premises, stations, and camps affiliated to the Ministry of Interior) wherein detainees have frequently been exposed to torture and beleaguering prior to issuance of any written detention warrants. Therefore, most of complaints have come to assets to what was so-called the phenomenon “Recurrent Detention”, whereby recurrent judgments of releasing those detainees have been adjudicated by the Higher State Security Court-Emergency, which have stood to scores of judgments for some detainees, yet the Ministry of Interior normally releases detainees who have been granted subjective judgments on papers and then they sue out to be issued fresh detention warrants in such manner that would keep detention wheels rolling on for extended time period, which have reached, as per some complaints, sixteen years, which has been seen as not only naked violation to the principles of both law sovereignty (supremacy) and authorities segregation, but an obstruction and grave breach as well to the provision of article (72) of the constitution, which provide for: “judgments are passed and performed in the name of the people and the failure or obstruction to which performance by concerned public servants shall be deemed to be punishable crime, and the judgment beneficiary shall in this case have the right to initiate the criminal action directly to the competent court of law.”

In light of the Council’s mandate to monitor and follow-up on the status of persons in captivity and to persuade the government to release detainees, several meetings were convened with officials from the Ministry of Interior and its permanent demand through the meetings held by its members with officials from the Ministry of Interior for the sake of improving the health and living situations of detainees, the Council has lodged with the Ministry of Interior roster of names of detainees, reached (135 detainees), for examining their cases individually, and the Council makes a constant follow-up with the Ministry of Interior calling for following and implementing transparent standards. In keeping with the international standards, Ministry of Interior has probed and examined the cases of detainees and possibilities of releasing them.

The Council, in this connection, has reiterated its demand for ending and discontinuing emergency case, and releasing detainees for whose benefits discharge judgments have been issued by the courts of competent jurisdiction.

### 3. Illegal custody

Depriving human from his freedom without legal grounds is deemed to be the first step toward violating his other related rights, and it has come to our attention, through the

complaints delivered to the National Council for Human Rights by the citizens in relation with the illegal custody, that most of which revolved around prejudice inflicted upon those complainants from the way security forces have broken into their own houses without even a warrant from the competent body and taking them in custody for periods ranging from two to ten days for extracting confessions under coercion and duress, coercing them into reporting some fugitives, complimenting for persons of higher-ups, or even threatening them into preventing them from doing certain action.

Based on the complaints, about 3.2% of the total complaints, received by the Council from the citizen regarding Right to Freedom and Personal Security, many occurrences of illegal custody have taken place including complaint delivered to the Council from the International Christian Solidarity and International Organization for Human Rights vis-à-vis the citizen Baha'auldin Ahmed Hussein El-Akkad jailed in Wadi El-Natroun prison no. 2, who has been arrested previously on 06.04.2005 in the action no. 672/2005 – Higher State Security (Contempt of Religions) and has later been sentenced to eighteen-month imprisonment, to be released later on 7<sup>th</sup> of July 2006 after the amendment to the Custody Law. Both organizations have later affirmed that he has not been released as yet, and the reason why he was taken in custody was that he converted from Islam into Christianity. Therefore, the Council has corresponded with the Ministry of Interior and received a response stating that a precautionary action has already been taken toward the said citizen according to the law after having served his Custody on-remand under the said case and the Ministry of Interior has affirmed that mentioned allegation of his converting into Christianity was groundless”.

As for the complaint lodged Mohammed Ramadan Farahat complaining about his being kept in custody for three days in addition to being maltreated during his custody in the premises of El-Gamaliya Police Station.

Regarding complaint lodged by Ramadan Khamis Ahmed Taha stating that he was arrested and kept in custody for 15 days in Damanhour Police Station. Not only that, but his mother, his son, and his wife Shawkiya Mahmoud Moussa were taken in custody, and later on both his mother and the son were released, however, his wife remained in custody without being charged or referred to the investigation body of competent jurisdiction.

Regarding the complaint lodged by Mahmoud Musa'd Mansour, wherein he stated that his son, Ahmed Mahmoud Musa'd was taken into custody in Ouseem police station on 29.07.2006 after serving punishment term adjudicated there against in one of the cases.

#### The Right to Equitable and Just Trial

The Council has with guarded concern observed the continual referral of the convicted to martial courts, which lack in some standards of equitable and just trial. It is worth noting that the panels of such courts are composed of martial judges under the command chain of the armed forces, and some cases were referred accordingly to the extraordinary justice represented in State Security Courts (Emergencies) despite the efforts normally exerted and actions taken to render judgments upon such genre of trials. During 2006 some cases, in

which civilians referred to martial courts, have been referred to the martial courts accordingly to such manner that was inconsistent to that contemplated right, and following are some cases that worth mentioning:

Criminal Court of State Security (Emergencies) in Ismaelia has on 30.11.2006 adjudicated its ruling in the case known according to the media under the name of “Taba Bombings”; whereas a ruling has been adjudicated by the court that three of the accused to the sentence of execution, two sentenced to life imprisonment, two sentenced to 15-year imprisonment, one sentenced to serve 7-year imprisonment, and the two others sentenced to 5-year imprisonment.

The court has also adjudicated as invalid the criminal case against 3 accused criminals who met their end during engagements with the security forces in their attempts to capture them. And the Council in this connection affirms that any referral to the State Security Courts (Emergencies) is by all means but a stand-alone violation due to the impossibility of challenging such judgments and denying them accordingly the right to present before their respective judge.

Within the same context, MP Mr. Tal’at El-Sadat has been court-martialed by virtue of a ruling adjudicated by session held on 31.10.2006 sentence of one year with labour for insulting the armed forces in the case no. 49/2006 Military Misdemeanor heard by the Military Public Prosecutor starting as of 04.102006. It has, therefore, been manifested that the trial did not take much longer in such a manner that raised concerns as to the availability and applicability of terms and criteria provided constitutionally and internationally<sup>10</sup>.

\* Despite the efforts exerted by the judicial authority increasing the number of constituents and appointing larger number of judges and other training and development programmes to control the sluggishness in litigation proceedings, such efforts did not attain the targets perceived in light of the ongoing increase in the number of lawsuits before courts, so the Council has had to confirm its previous demand by increasing the number of judges for meeting the number of cases, reforming the auxiliary agencies supporting justice, revisiting and filtering laws from procedures obstructing and helping prolong litigation process, and encouraging the use of other new advanced alternatives for resolving disputations beyond the court's avenue, such as arbitration, disputation resolving committees and other internal committees, which resolutions shall be binding upon all parties to the disputes". The Council has further demanded the expeditious implementation of the Justice Academy Project that aims at qualifying the persons admitted to the First Judicial Corps, auxiliary agencies, and attorneys for the sake of enhancing specialization and elevating performance efficiency.

Complaints contemplating such right have reached 7.6% of the total complaints in relation with the civil and political rights delivered to the Council.

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<sup>10</sup> Monitoring Report around the trial of Tal'at El-Sadaat – Egyptian Observatory for Justice and Law

- A complaint has been delivered by Yousry Said El-Numeery stating his being prejudiced from being stripped off his own rights with the Saudi-Egyptian Construction Company, which have been deemed by the Council, due to the circumstances hovering around it, a model that worth examination and probe, whereas the Council has taken up too much effort and time investigating and scrutinizing which in such a manner that would bring justice to the citizen and earn him back his rights. The complaint has concluded that the complainant has been arbitrarily dismissed by the Chairman of the company he worked in merely for his being Christian according to the ground upon which his complaint was based, even though final judgments have been ruled overruling his lawsuit due to errors interpreting some documents, so the Council eagerly proceeds the indemnification required for such arbitrary dismissal.
- As for the communications made, the Council has accordingly received from the Ministry of Justice a reply stating that it is necessary for the complainant to resort to the justice demanding indemnification according to the law. The Council has once again communicated the Ministry of Housing, Utilities, and Urban Societies considering which as the body of competent jurisdiction, and the Council still examines this issue closely.

#### Treatment of Prisoners and other detainees

Seeing the efforts undertaken by the Ministry of Interior addressing the torture, maltreatment and abuses inflicted within prisons and custody facilities by conducting administrative investigations and inflicting disciplinary actions to the policemen perpetrating such atrocious crimes, this not to speak of the referral of such perpetrators by the Public Prosecutors to trial for committing such crimes, the Council has, though, received complaints of about 33.6% of the total complaints pertaining to the civil and political rights stating that they have been prejudiced from the violation of the rights constitutionally and legally stipulated, which has indicated the insufficiency of those efforts and that they would not fulfill the requirements contemplated, therefore, the Council has reaffirmed the necessity of adopting the system of Supervising Judge who is vested to supervise the implementation and help put in place the additional guarantees necessary for protecting the rights of the prisoners and effecting the inspection provisions upon prison by the Public Prosecution.

Among those complaints, came that one relating to the then-President-elect Dr. Ayman Abdulaziz Nour hospitalized at the General Prison of Torah's hospital; such complaint was lodged on his behalf by Mr. Osama Kamel, attorney-at-law. The complaint was based mainly upon the violations inflicted upon the prisoner inside the custody facility. The attorney has duly stated in the complaint that two reports have been established with El-Maadi Prosecution sub. no. (2183 – 2254) of 2006 – El-Maadi Administrative, according to both reports, he has been interrogated and investigated in the premises of El-Maadi Public Prosecutor, yet both reports have been reserved and a notification of so doing has been served upon him so as he could resort then to the Administrative Justice. Hence, the Council has later communicated the Ministry of Interior and received a reply stating that allegations established in the

complaint lodged by Dr. Ayman Nour about his being subjected to violations inside the prison were by all means groundless and unauthenticated, rather he was treated according to the regulating rules stipulated in the prison's regulations and with such manner that would run consistent with the law.

The Council as well has received as well number of complaints representing violations against the following rights:

#### 1. Right to Health Care

Despite the provisions, stipulating the minimal optimum rules that should be borne in mind treating prisoners, which have established among the principles contemplated that health care is of high importance, the Council has received about 4.8% of the total complaints delivered by prisoners or their defaulted families displaying the damage sustained from the poor health care extended to the prisoners, as the clinics inside prisons lack in the appropriate equipment and supplies necessary to proffer an appropriate reach out services in the field of health and medication, let alone the insufficiency of specialized physicians in addition to the poor standard of cleaning, contaminated water and foods, which have made patients vulnerable to lots of different diseases. Therefore, the complaints have sought to be issued the release of their kens and relatives of prisoners and detainees due to their deteriorating health condition and lest they could be exposed to further dangers that might jeopardize their life. The complaint lodged by the family of Ahmed Shamardan Gad Ibrahim, an Egyptian citizen, politically detained (jailed currently in Abu Zabal prison), who currently suffers from lump down the way to the bottom of his spinal cord, and complaint of so has been submitted by his wife stating that her husband is not receiving the appropriate health care necessary with his degenerating health condition. In the series of complaints, came another one delivered by the family of the citizen Abdullatif Mahmoud Ahmed Shahin, politically detained in 2005 (currently jailed in Damanhour General Prison), seeking a ruling of release to be adjudicated considering his grave health condition as he suffers from cardiac ischemia, regurgitation in the mitral and aorta valves, swooning fits, recurrent vomiting, cirrhosis, high percentage of enzymes, ascities in the abdomen and above the naval, chronic hypertension, knee synovitis, and sever right knee anterior cruciate ligament. In addition to the complaint submitted by the family of citizen Sa'ad Ismael El-Mikhrati, criminally detained since July 2006 (currently hospitalized in the hospital of Burg El-Arab Prison), suffers from angina pectoris, myocardial atrophy dysfunction, coronary deficiency, high blood pressure, and high blood sugar. Not to mention the complaint submitted by the family of the citizen Shaban Abdulwahid Mohammed Ibrahim, political detainee since 07.09.1997 (currently detained n El-Fayoum prison), who suffers from hepatomegaly and splenomegaly (enlarged liver and spleen), pulmonary, and coronary constriction (stenosis). Another complain has been delivered by the family of the citizen Nassir Mohammed Ali Ibrahim, politically detained since 27.08.2001 (currently detained in El-Fayoum Prison), and he suffers from fatty liver (Steatosis), enlarged right kidney, dystrophy in the left lung, and emphysema. The complainant seeks securing the favorable health care necessary or releasing him on health condition basis. A complaint has as well been submitted by the family of the citizen Mahmoud Ali Eweiss, politically detained since 1994 in El-Fayoum prison in the current, who suffers rheumatoid fever and intensive



tightness of Mitral Valve, cardiomyopathy hypertrophic, acute pain in the left abdominal side, and angina pectoris resulted from rheumatoid fever.

## 2. Right to Visitation

The Council received complaints amounting to about 1.7% from the families of prisoners prejudicing from being denied the visitation of their detained relatives, which adversely influenced the morale of detainees and their families accordingly and preclude from reaching out the patients with the necessary medicines in such a manner that would aggravate their malaise. Short duration of visitation allowed to prisoners, which normally does not exceed ten minutes, is deemed to be one of the grave violations against the prisoner and his family albeit the normal duration allowed is quarter or half an hour (as per the sentence and prison in which the detainee is jailed) according to the provision of article no. 71 of the decree no. 79 of 1961 passed by the Minister of Interior in relation with the prison's bylaws and article no. 40 of resolution no. 1954 of 1971, and accordingly the Council has demanded, since established, the application of the law in fixing the duration of the visit and organizing the place of the visit without leaving it to the discretion of the prison's administration. Still the application submitted by the Council seeking to visit Damanhour General Prison pending until all renovations and repairs in process, as stated in the statement of the Ministry of Interior, have finished.

The phenomenon of closed prisons is one of the crucial impediments in the way of claiming the right to visit and correspondence, and there might be no good reason or admissible pretext behind closing them, whereas the only reason in all cases is "security grounds" as based on the provision of article 42 of the law on organizing prisons, which stipulated that "visit might be denied either wholly or conditionally as for certain circumstances during certain times; they might be for reasons based on health condition or security". In line with the foregoing, the Council has received a complaint from a brother of one of the prisoners detained on political grounds, who happens to have been kept in custody in El-Marg Prison on the charge of the case of Tal'ea El-Fath, wherein he stated the moral harm sustained from denying him the visit of his brother since 1993, therefore, the Council has communicated the Ministry of Interior in this regard, and the ministry has replied that the ward wherein the said detainee is jailed has been denied any visit by virtue of a resolution. Nevertheless, the ministry has stated that detainees in that ward are granted every now and then exceptional visits during religious events and national days.

## 3. Right to Education

The Council has received from prisoners or their relatives grieving that they were deprived from proceeding their education, attending their exams, or even having the textbooks necessary for study, so, from amongst the complaints delivered to the Council, wherein their petitioners related that they have been denied proceeding with their education, that have reached about 6% of the total complaints submitted, came to the fore the complaint submitted by the father of detainee Amr Mohammed Abdulmoniem in which he alleged that his son was under threat that he would be prevented from completing the rest of his post-graduate studies, namely, the supplementary (oral) examinations, so he accordingly has contacted the Council and Ministry of Interior and received thereafter reply stating that this allegation is groundless

and has no basis of truth or authenticity since the said detainee has not by any means fallen under any threat. The Council has as well received another complaint from the same person seeking his son to be transferred to Torah dedicated for examinations so as he could take the examinations of postgraduate studies, and the Ministry of Interior has responded stating that actions have been taken to enable the said detainee from completing his postgraduate examinations upon having received certifications of his passing the preliminary phase.

The Council, in line of the foregoing as well, has received from Tarek Diab Farag Ali Asqal, detained on 13<sup>th</sup> of March 1997 (currently detained in Abu Zaa'bal prison heavily guarded), a complaint seeking the permission from the Ministry of Interior to take the exams of Faculty of Engineering, Helwan University for 2006/ 2007, as he couldn't take the exams year before. On the same fashion, a complaint from Ali Mohammed Ali Abdulal, detained on 13.03.1997 (currently detained in Abu Z'abal prison heavily guarded, wherein he related that he wasn't permitted to take the exams in the Faculty of Arts, Cairo University since 2003/ 2004, despite being granted a ruling from the State Council permitting him to take the exams. Not to mention the complaint received from Salama Mohammed Abdulshafi Hassan, detained also on the 13<sup>th</sup> of March of the same year, seeking permission for his son would take the exams of the Faculty of Arts, Cairo University for that year, as he wasn't permitted so doing since 2004. The Council has as well received complaint from Karim Mahmoud Youssif Barakat, detained during 2002(in Burg El-Arab prison), seeking permission from Tanta Faculty of Commerce to set him up an examination panel so as his son could take the examination that was supposed to be taken on 17.12.2006, therefore, the Council has approached the dean of Tanta Faculty of Commerce in this connection.

#### 4. Right to A Well-Balanced Nutrition

In the outset of observations taken about violations inflicted upon such right, the Council has placed emphasis upon his previous demand to enforce the provisions of the law no. 396 of 1956 with regards to the internal affairs and the body of the Minimal Optimum Rules that should be observed while treating prisoners, and setting forth the requirements that Public Prosecution (D.A) should be observed while exercising its powers and authorities vested thereunto by the reason of law while performing regular and snap check upon police stations, facilities of custody and prisons.

It is worth noting that all complaints delivered to the Council from prisoners have shared common flaws and draws, which has been confined to the size of the cell they were locked in, lack of vents for air and sun shine to be let through which heralded nothing but spread of diseases, dependence on foods brought from outside the prison or bought from "Canteen" inside the prison, and continual lack of potable water inside prisons with dependence solely on the subterranean water that could cause kidney diseases.

## Freedom of Opinion and Speech

The Council has during this year kept tracking some cases pertaining to freedom of opinion and speech. In this context, the Council has received complaint from Mr. Naguib Gebrael, President of the Egyptian Union for Human Rights Organization (EUHRO), centered on what Dr. Mohammed Emmara has written in his book on “Excommunication Persecution” for insulting Christianity, instigating sectarian sedition, and killing Copts, which has made it necessary to submit a report to the D.A.

Based upon the foregoing, the following have occurred:

- Dr. Ahmed Kamal Abul-Majd, the Council’s Deputy Chairman, has made his contacts with the Minister of Endowments (Awqaf) and Higher Council for Islamic Affairs, and the author himself as well, as it has been revealed that the author has cited an ancient excerpt from Sheikh Ghazali, which has already incorporated attribution without referring to the source in such a manner that aroused tumult and clutter in the religious communities.
- Within the framework of endeavors made by Dr. Ahmed Kamal Abul-Majd, the Author has extended an explicit apology explaining the whole circumstances of the subject, on one hand. And on the other hand, all copies of the book are being recalled from the market, and all new replacements should take amendments into consideration besides deletion of all insults from them all. By such peaceful endeavor conducted the Council represented in the Deputy Chairman, the crisis has been well contained in an alarmingly fraught outlook.
- By 19<sup>th</sup> of December 2006, the Council has received a complaint from Mr. Sayed Said, the Chairman of “Ouyoun El-Lail” newspaper, translated into English as “Eyes of Night”, wherein more than 30 journalists and 20 administration officers work, stating that Publication Censorship Department in the Ministry of Information has ordered stoppage of printing and newspaper distribution on December 12, 2006, and he referred as well that this has taken place at a time the newspaper has been bullied and pressurized by businessmen and public figures who the newspaper has once objectively criticized by virtue of supporting documents. The Council has communicated the Censorship Manager in charge of publications in Publications and Journalism Apparatus in the Ministry of Information for spelling out the reasons behind stoppage of the newspaper and taking actively all actions necessary to put the newspaper back on track long as the permit has been valid, and still the Council is following up the situation.

From amongst the cases that have been eagerly pursued and hyped by different mass media, the case of the student Ala’a Farag who was studying in the first grade of high school, about which a resolution has been passed by the Ministry of Education stating that her failure and denied from taking the second placement test (Replacement) or taking the examination of the upcoming year, this prejudice came as a result of expressing her opinion in the American Politics in the composition part of Arabic Language examination,

yet the President of the State has intervened and ordered that she would be granted success in the subject to be promoted to the upcoming scholarly study year<sup>11</sup>.

The Council has as well pursued closely all cases relating to the freedom of opinion and speech, 2006 has seen lots of actions that have been set in motion versus journalists, among these actions, the following ones:

- Lawsuit initiated against Mr. Ibrahim Essa, Editor-in-chief of El-Dostour Newspaper, through setting in motion by D.A a case because of the article edited by editor “Sahar Zaki” in El-Dostour about Said Mahmoud Abdullah an Egyptian citizen, who has in turn, instituted an action against the President of the Republic. The news has been out on issue no. 55 of El-Dostour Newspaper by 05.04.2006, so seven citizens, including four attorneys have proceeded instituting an action against the editor and the Editor-in-chief by reasons of name calling and slandering. In action no. 14043 of 2006 a ruling has been adjudicated on 26.06.2006 by El-Warraq Misdemeanor First Instance Court of imprisonment with labour and a bail of ten thousand Egyptian Pounds for insulting the President against both Mr. Ibrahim Essa and Sahar Zaki. However, the case is still running before courts for settlement by virtue of appealing the foregoing judgment.
1. As for the other lawsuit instituted on December 13, 2006 by a member in the National Democratic Party against Ibrahim Essa, Adel Hamouda, Wael El-Ibrashy and Abdulhameed Kandeel under the charge of insulting and cussing the President of the Republic, and still the case is being heard before courts of law.
- Regarding the third case, the lawsuit has been instituted by the family of the former Minister of Agriculture, Mr. Youssif Wali, against the Journalist Ibrahim Essa, Editor-in-Chief of El-Dostour Newspaper accusing him with insulting and cussing the ex-Minister, and a judgment has been adjudicated acquitting him of so doing.
  - Amongst the most controversial cases came before court last year the case of “Black List”, whereas 3 journalists have been referred to courts, including, Wael El-Ibrashy, the executive Editor-in-Chief of Sawt El-Ummah “Voice of Nation” Newspaper, Huda Abu Bakr Hussein, editor in the same newspaper, and Abdulhalim Abdulhameed, the journalist in “Afaaq Arabiya” or “Arabic Horizons”, after the Counselor Mr. Mahmoud Sedik Borham, President of Cairo Court of Appeal has instituted a lawsuit on grounds of slander, cussing and insulting the Egyptian Justice due to being named in the list, which has been concluded by the defense proceeding with a petition seeking waiver before the court’s panel for conciliation<sup>12</sup>.
2. Upon a request from the Egyptian Organization for Human Rights, the Council has made a motion to the D.A. in favor of the following:

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<sup>11</sup> Arabic Organization for Freedom of Journalism

<sup>12</sup> Report of Human Rights Watch for 2007

- Hussein Abdulghani, Manager of Al-Jazeera News Channel in Cairo, who has been arrested on 26.04.2006 under charge of disseminating false allegations that have caused clutter throughout the whole country, so he was kept in custody in contrary to the provision of article 40 of Press Law no. 96 of 1996 stipulating that journalists may not be kept in custody.
- The Council has as well interfered with respect to preventing Ms. Hweida Taha, the journalist in Al-Jazeera Channel from traveling at Cairo Airport on her way to Qatar on 08.01.2007, besides confiscating 50 tapes in her possession, and personal notebook and some books for compiling a documentary film on treatment of citizens inside the Egyptian Police Stations. After three days came by, she, on 13.01.2007, has been taken aback upon receipt of subpoena order to present before the State Security Prosecution for investigating with her in the action no. 11 of 2007, and she has already proceeded to the D.A whereas some charges were in her reception such as: practicing activity purporting impairment of the national interests (article no. 80, Para. D, of penal code), possessing and carrying photos and recordings that could adversely discredit the whole country and bring to the prominence some inappropriate aspects in contrary to the truth, pursuant to article no. (102 of the penal code), so the Public Prosecution has made a decision of discharging her with a bail amounting to ten thousand Egyptian Pound.
- On the other front, a variant of high-liberty and diversified press has been found on the internet<sup>13</sup>, the new digital press is characterized of the ability to review news regularly, whereas the event is covered and published on a timely manner, and internet users have used to exploit the websites and postal groups for exchanging news, discussion and expressing opinions. We certainly can imagine the way such communication means have extended and developed in order to reach each and every internet user who they can in turn contribute in building such behemoth press edifices, since the technologies used don't much vary from the inexpensive or of barely costly methods like internet sites and email. Observers of internet have estimated the number of Egyptian bloggers to be about 1000 bloggers now. Despite the limitless wide coverage obtained from such blogs and websites of all events occurring at the political level at the time where there are no such generic restrictions as those existing for the normal press to organize their streamlining, let alone the lack of supervision and censorship upon the information published on such new digital media. Blogs have revealed as well the big challenge facing the traditional institutions (such as publishing houses, print houses, and audiovisual media) that provide society with information and is deemed to be means for expressing opinions, which not only threatens them of losing their role in architecting the culture of the society should they have stood still without advancing their performances, but expanding the margins of freedom through which they can contribute as

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<sup>13</sup> Report of the Arab Network under "Opinionated Adversary: Internet, and Arab Governments."

well. However, expectations are still far-fetched considering the internet users, not a point of consensus made between the media operators.

- As a result of that, the blogger “Karim Amer” has been referred to the Public Prosecution on November 7, 2006 on the background of publishing his views on the internet, whereupon he was kept in custody. On 18.01.2007, Muharam Bek Summary Misdemeanor Court of Alexandria has upon a request from the defense adjourned hearing the case to January 25 for review. Accordingly Karim Amer has become the first Egyptian blogger to be put to trial expressly on the grounds of his blogs<sup>14</sup>.

Therefore, the Council sees that it’s important that all publishing-related legislations be revisited besides legislations governing issuance of newspapers and the quick issuance of the law organizing the right to obtain information.

### Freedom of Thought and Belief

Based on the faith of the Council in the importance of such right due to its high impact on the national fiber because of the latest sectarian violence, particularly in Alexandria during 2005, the rife observed in the relationship between the sects of the Egyptian society, dissention culture, sectarian and religious seditions throughout the whole Arab region, and based on the willingness of its members to enhance and sustain the citizenship, the Council has taken a decision in its twenty-first meeting on 08.09.2005 to form a committee “Citizenship Committee” to probe the complaints that are delivered to the Council regarding the citizenship rights and the events that could impair such rights. Such committee has held six meetings and discussed many causes closely attached to such right. In this connection, the committee has therefore heard the accounts of the representatives of Ministry of Interior concerned with the citizenship causes in the Ministry. Another hearing has been held as well hosting Mr. Jamal El-Banna and Dr. Younan Labib Rizk. A number of issues relating to citizenship have been discussed as well, just as the events occurred in Alexandria on 14.04.2006 that has instigated some engagements between the Muslim and Christian sides, which have resulted in injuries to some citizens on both sides, not to mention fomenting the problems relating to establishing churches in the new urban communities. The committee has touched upon the troubles caused as a result of conversion by some Christian girls to Islam, wherein the representative of the Ministry of Interior has made it clear that this would not at all constitute a phenomenon and it’s not widely observed on a large scale, besides such conversions only take place on their own volition upon getting married to Muslim men. A discussion has taken place around the role of the Copts in North and South America in expanding and maximizing the gap between Muslims and Copts, and certain suggestions have been moved that could limit the sectarian rife, which put an emphasis on the “no segregation” policy between citizens from the side of the state, and the necessity of devise a certain mechanism by which discourse would be easy and feasible among different elements of society, not to say nothing of the importance of effecting the citizenship principle, circulating the civil freedom, decisive and effective intervention by the state in resolving any predicament without censorship or blackout, expediting issuance of uniform law on establishing worship houses, whether by independent

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<sup>14</sup> Statement of the Arab Network for Information on Human Rights

law or as a part of the law organizing buildings, and removing the religion cell from the National ID Card.

- Within the same framework, the committee has concluded in its meetings a number of recommendations reduced to the following “locating the reasons behind the problems of sectarian seditions and devising solutions there for via preparing field studies and researches and complaints received from citizens, and working on amending the legislations that could contribute well into creating the sectarian seditions, such as legislations relating to worshipping houses, helping establish the pluralism culture and toleration, and increasing the percentage of Copts in the Parliamentary Bodies and top positions, spreading the citizenship and religion-respect culture via mass media and religious institutions, restructuring the religious speech and educating religion callers and Imams of the Human Rights and toleration Culture, and keeping within limits all such local causes relating to Copts, and taking the necessary initiatives to resolve such causes internally emphasizing that it’s house business relating to Egyptians residing on the Egyptian soil, and training the security forces on how to address the crises and contingencies.
- The Council has as well taken several actions for the sake of enhancing the citizenship concept and the right to the freedom of discourse and belief, whereas it has focused on implementing an integrate and comprehensive package of plans, programmes, and procedures that best centers around disseminating the Human Rights Culture, by doing the following:
  - Forming a committee of experts and specialized in different educational aspects, as it has during (18) months been examining the educational textbooks and different curricula throughout the education phases under university education for the purpose of filtering which from aspects that might run inconsistent with the Human Rights and the principle of respecting the others regardless the gender or religion beliefs.
  - In the meantime, another committee has been established from senior specialized and experts for examining the curricula educated in the Callers Institute affiliated to Ministry of Awqaf “Endowment” that grants certificate to whoever spends two years regardless of the specialization in order to graduate as an official caller. Out of the analysis of such curricula, we have come to notice the tangible segregation between man and woman on one hand, and Muslim and Non-Muslim on the other hand.
  - The Council coordinates as well with the Ministry of Information by pumping investments in the audiovisual media of significant impact in order to be aligned with the Human Rights Culture System.
  - In this context, the Council has moved a proposal to amend (Building law no. 106) by merging articles into it that could standardize the procedures necessary

in establishing worshipping houses of any kind, and the proposal has already been submitted to the concerned bodies<sup>15</sup>.

- Observing the media coverage on 16<sup>th</sup> of January 2007 in Al-Hyatt newspaper under the title of “Imprisonment for two persons charged of despising Islam”, whereas one of the Cairo Courts of Appeal has duly adjudicated a ruling of imprisonment for four years for one of them, and three years for the other under the charge of despising the Islamic Religion.

The types of complaints received by the Council from citizens have varied widely to state the violations inflicted upon the freedom of discourse and belief, following are some of those complaints:

### **Copts:**

Most of complaints received from Copts have revolved around a number of disappearances of Coptic girls or ladies, and reports of so have been submitted to the Ministry of Interior and replies have been delivered to the committee upon some of such complaints, most of which suggested the interest paid by the ministry around the disappearance of the Coptic girls, and illustrated that the problem is baseless since the reason behind their disappearance is their getting involved into emotional relationships, getting married from the ones they loved, or converting their religion into other on their own volition without coercion and the reason behind keeping their relatives in the dark is only fear from their reaction.

Following are some examples on the foregoing:

- Complaint from the citizen Ayman Awad Mikhail, resident in El-Monoufiya Governorate, relating that his sister, Iman Awad and her daughter, have disappeared, and he pointed the finger of accusation at one of her colleagues at work that he coerced her into conversion to Islam, and the Council has accordingly communicated the complaint to the Ministry of Interior on 03.05.2006 for verifying the authenticity of the event, and the Ministry has replied on 14.05.2006 stating that upon verification it has revealed to their satisfaction that Mrs. Iman Awad has converted to Islam in Al-Azhar on 27.04.2006 on her own volition by right of marriage to a Muslim man.
- By following up with the Media Unit in the Council, a new publication has been made in “El-Masry El-Yawm” Egyptian Today on November 19, 2006 under the name of “Precursors of Sectarian Sedition in the Misr El-Kadima (Ancient Egypt Town), whereas a Muslim wife has discovered that her husband was Christian after she has given birth to her first daughter”; as the complaint has stated that a young Muslim woman called Mona Mahmoud, 29 years old, has married from Nagui Hosni Shaker by common marriage, and after months of marriage, particularly after she got with child and gave birth to her first daughter, Mariam, she has asked him to take their marriage public, then she found out from the birth certificate that her husband was Christian.

The Council has accordingly communicated the Ministry of Interior, and the latter has stated that the citizen/ Mona Mahmoud has married from the citizen/ Nagui Hosni

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<sup>15</sup> Exhibit no. (4) – copy of Draft Law



(who has been indicted in “9” forgery cases) by virtue of common marriage contract witnessed upon by both her father and her sister’s husband after having been informed of his conversion into Islam, and upon taking out birth certificate for their first daughter, the religion has been established as “Christian” and the husband has accounted for that that he would intend to complete the procedures of conversion, and the same thing has occurred upon giving birth to their second baby, as he stated that he went back on conversion and the case still deliberated before courts of law under the probe of the Public Prosecution.

**Baha’i:**

- The Council has kept his endeavors in track with the concerned bodies for finding practical solutions to the problems of the Baha’i in relation with taking out papers relating to proving the identity (birth certificates, National ID Cards, marriage certificates, ... etc) denoting their faith.
- The Council has previously conducted his endeavors with the Ministry of Interior that has in turn contributed in devising interim solution to such denomination for taking out passports used as ID documents in all fields of daily actions, yet this wasn’t to bring the facilitation necessary due to the insistence of official bodies on the necessity of dealing only with National ID Cards or the refusal by those sects to accept this solution (Issuing passport).
- Regarding this problem, the Council has made its investigations and spot the highlights necessary thereupon before the public opinion, whereas a workshop has been held to discuss the possibilities of deleting the Religion Cell from the ID. The workshop has been organized and established during month of August 2006, of official bodies, concerned bodies, and representatives of the Baha’i denomination. The committee has panned out different views from cons and pros, yet the workshop has been concluded in three major approaches as follows:

First approach: This approach concentrates upon the importance of deleting the religion cell as it’s general demand from the civil society organizations and consistent with the predominant international approaches in light of the globalization focusing on issues relating to religions and beliefs, particularly that such deletion might limit the segregation between citizens on the basis of the religion, expand the political participation base, enhance transparency and integrity in the ballot process during election times, and that would easily be created by replacing the electoral card by the National ID Card in such manner would iron out all obstructions that might preclude any citizen from obtaining this card so as s/he could exercise their own rights.

Second approach: This approach stressed that any manipulation with the religion cell in the National ID card is deemed to be one of the calculable issued that might arouse sensitivities and contradictions with the constitution and law to such extent that which negative impacts might preponderate and go beyond its benefits upon the citizenship cause, let alone the other ripple effects accompanying this issue and their impairment

upon the individual's legal rights, particularly in marriage, divorce, and inheritance cases. Conclusion is the paragons of this approach see that the situation should remain as is by mentioning the three religions only in the religion cell.

Third approach: This approach would rather stay the religion cell and not limit which to the three religions, but rather a record of all religions and beliefs could be made or it would be left optional for those who would like to fill it in, taking into account that 51% of world's populations are atheists, namely, they don't belong to any of the heavenly religions, yet they find no bones with coexisting with the three religions only conditional upon our dealing with them in the context of wider concept imposed by globalization and coexistence.

The paragons of all approaches that there is actually an underlying problem contributing in suffocating the relations and fueling the citizenship cause, and a cooperation should be forged to reach a certain formula for tackling such problem through keeping the wheel of discussion and extended study rolling on to pursue the common ground for enhancing the citizenship principle and reinforcing the human rights in Egypt via a package of legislative and legal reforms, and formalities as well.<sup>16</sup>

- The Council continues to, closely, follow the escalations of the situation resulted from probate action initiated by someone seeking separation between Hussam Ezzat and his wife Rania Enayett, both are Baha'i, and in the framework of pursuing investigations in the case by the Council to the case and the decision of the Public Prosecution on 10.01.2007 to reserve investigations, and in this context, the Council has pursued the ruling adjudicated in the benefit of Hussam Ezzat, his wife and their daughters from the Administrative Judiciary Court by establishing (Baha'i) in the religion cell of the official papers, the Ministry of Interior has challenged the ruling before the Higher Administrative Court that has adjudicated in the session held on 16 of December 2006 the ruling revoked, and the Council has followed up the outcomes that came as result from the condemnation expressed by the Baha'i and other human rights activists.
- In this context, the Chairman of the NCHR submitted a note to the Prime Minister on 26.12.2006 stating the problem of Baha'i faith and the extensive efforts exerted by the Council for finding the suitable solution for this problem in conjunction with the Ministry of Interior, whereas a proposal for amending the decree of the Minister of Interior no. 1121 of 1995 has been submitted to find a solution for this problem by deletion of the identification of religion/faith from the ID Card in such manner consistent with the Egyptian Constitution and International Charters, or putting back the word "Other" in the religion cell as an interim solution.
- The Council therefore is pursuing such cases with the necessary concern, until the date this report submitted for printing the Council has received a complaint from Baha'i

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<sup>16</sup> Statement issued by the workshop held for discussing the proposal of deleting the religion cell from the National ID Card

group to the President of the Republic including “We are all hopeful that Your Excellency take action necessary to effect the citizenship and democracy principles in amending the Egyptian Constitution that made religion or belief ground for separation of the whole national’s citizens, and we therefore beseech you to lift off the prejudice inflicted upon us and allow us take out the identifying papers without recourse to the ambiguity in disclosing our religious identity” and follow-up is in progress.

**Jehovah’s Witnesses:**

- The Council has received the representatives of Jehovah’s Witnesses in the whole world as the first visit took place during February, and the second was during May 2006<sup>17</sup>, whereby they have affirmed that there are no general complaints of any restrictions or maltreatment sustained by them except to the extent provided as to the complaint submitted by Dr. Michael Jeed Kamel Guirgis (Jehovah’s Witness) relating his being prejudiced from not being appointed as a resident physician in the hospitals of Ain Shams University despite being qualified by virtue of a Bachelor’s Degree with Excellent Honorary degree and his rank was the twenty third at the level of his grade, whereas the physicians with following order have been appointed except him. The complainant has therefore stated that the Technical Affairs Department in the Hospitals of Ain Shams University has notified him with objection of the security office in the Higher Education Ministry upon hiring him, and the General Director of Technical Affairs Department along with the Director of Physicians Affairs have stressed that he may not apply for the same upcoming announcement of the vacancy because the previous application was denied and failed to obtain the acceptance of the security office. The complainant has also added that the reason behind rejecting his application was his being Jehovah’s Witness.

The Council has accordingly pursued the complaint with the Ministries of Higher Education and Interior regarding the complaint, and the Council has thereafter received a reply affirming that the Ministry of Higher Education was the body of competent jurisdiction, and the Council has pursued the whole issue with the Ministry of Higher Education to explain the whole issue.

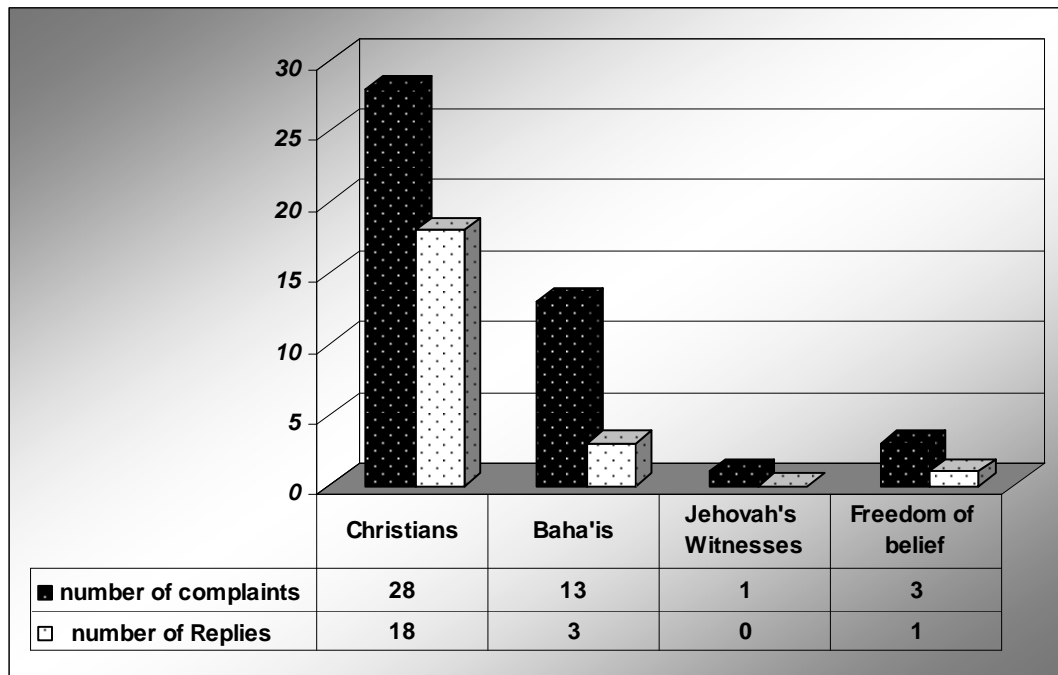
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<sup>17</sup> Council’s external activities (receiving delegations)

**Table no. (6)**

**The Number of Complaints Delivered to the Citizenship Committee During The period from 01.03.2006 to 31.12.2006**

Category of Complaint	No. of complaints received	No. of replies received	Percentage
Copts:			
Disappearance of Coptic girls	32	23	71.8
Misc.	7	4	57
Jehovah's Witnesses	1	1	100
Other complaints relating to freedom of belief	3	2	66.6
Baha'i	14 (inter alia, one collective complaint in the name of 51 complainants)	6 (inter alia, reply to the collective complainant)	42.8
<b>Total</b>	<b>57</b>	<b>36</b>	<b>63.1</b>



## Freedom of Peaceful Assembly and the Right to Strike

The right to peaceful assembly and to strike is deemed to be legal right guaranteed by all charters concerned with the human rights despite operation of the emergency law and its exceptional restriction on such right due to application of such exceptional legal provisions that might jeopardize and derogate the rights of the individuals and their freedoms. However, during last year many protest demonstrations took place accompanied with random arrests of the demonstrators that has developed an obvious phenomenon of this year, amongst those demonstrations came the following:

### **Judges' Crisis:**

Some demonstrations, wherein some supporters of judges took part remonstrating and condemning the disciplinary trial of both counselors Mahmoud Mekki and Hisham El-Bastaweisi have resulted in some trespasses from the side of the security forces reduced to injury of ten demonstrators and detaining a large number of demonstrators. However, mass media have indicated that most of them belonged to the Muslim Brethrens and other fanatic fundamentalists<sup>18</sup>. In this respect, the Council has taken clear-cut stand by supporting the freedom of the judiciary in expressing their views based on the constitution and the freedom of the citizens in expressing their support to the judiciary by using the right to the peaceful demonstration and assembly to this end, and that would be possible by calling upon the Council in the closing communiqué issued under the title of “Alexandria Declaration” in the third forum of the Council and the civil societies during the period (May 10-11, 2006) to put an end to such crisis quickly and immediate release of all activists and citizens arrested for announcing their support to the judges. Furthermore, Dr. Botrous Ghali, Chairman of the Council, received a group representing the families of those arrested under the charge of supporting the judges, who expressed their being prejudiced as a result of arresting their relatives and other repercussions ensued from so doing, just as dismissal of some from their work, which deprived from their families the only source of livelihood. Therefore, the Council has probed the complaint and called upon the competent bodies to release the arrested forthwith. Moreover, a press release has been issued from the Council expressing their concerns toward the status quo of the current human rights during this decisive phase of the history of the Egyptian society, which experience a political, social, and intellectual turning point toward achieving more openness, democracy and freedom.

### **Demonstrations of Cairo University – 2006:**

By reviewing the data issued by the civil society organizations, we've come to notice that Cairo University's administration has rejected the candidacy papers of students belonging to the Muslim Brethrens group and preventing them from running to the election of the Student Unions for 2006<sup>19</sup> ; on 02, and 03.11.2006, Cairo University has seen the wildest

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<sup>18</sup> As per one of the reports of the International Amnesty Organization under the title of “Egypt – Enough violence against and detention of peaceful demonstrators”

<sup>19</sup> Press Release on 30.10.2006 issued by the Egyptian Society for Supporting Democratic Development under the title of “We strongly disapprove the administrative interventions in the elections of the student unions”

demonstrations and crashes of their kind due to the controversial intervention by security forces aiming at overlooking Brethrens Elects from the elections of the student unions that impelled the students to crack open the main gate of the university amidst the attempts taken by them to bring demonstrations out of the campus in protest of the deletion of some Muslim Brethrens' elects from the elections of unions in both Faculties of Dar El-Oloum and Commerce, and announcing the winning of union students by recommendation in the elections of the Faculty of Arts. The foregoing has led to crashes with the security forces, detention and referral of about 40 students to the Public Prosecution<sup>20</sup> .

### **Demonstrations of Al-Azhar University – 2006:**

On 10<sup>th</sup> of December 2006, numbers of students of Al-Azhar University have organized demonstrations before the office of Dr. Ahmed El-Tayeb, the President of the University displaying their skills in “Kung Fu” and “Karate” games wearing a black uniform, and masked with a scarf marked with “Survival”. The students lined up in organized columns voicing their hails vigorously expressing their right to protest the administrative decisions as a result of dismissing, for one month, six students of the free union, which has been elected by elections in parallel with the official university elections because of canceling the election of a number of students running for the student elections by a decision of the university's administration.

The students have displayed such show in attempt to coerce the university's administration to withdraw the disciplinary decisions issued against those students, and 35 students from Al-Azhar University and other 139 leading persons and activists of the Muslim Brotherhood Group along with Mohammed Khairat El-Shatir the Deputy General Guide of the Muslim Brotherhood, were referred to the Public Prosecution with the charge of rioting.

In this context, the Council has expressed its concern toward the wave of violence witnessed at the Egyptian University and has further reiterated the imperativeness of guaranteeing the students' right to freedom of expression, peaceful assembly without the utilization of violence and within the legal parameters regulating such right<sup>21</sup> .

### **Strike Incidents:**

The NCHR has received a number of complaints from some citizens announcing their hunger strike in exchange for meeting their demands. Such complaints have revolved around their prejudice from the maltreatment they have sustained in prisons, police stations and some other demands with the administrations throughout the country, and following are some suggestive cases:

- Complaint from the family of Mohammed Hisham Mohammed Saleh, prisoner in Burg El-Arab Prison for pre-trial detention, who have announced that their son has gone on a hunger strike for being prejudiced from the maltreatment and battery inside his custody. Another complaint has been delivered from Hassan Fahmy Ali Farag El-

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<sup>20</sup> Reports of the Egyptian Society for Supporting Democratic Development

<sup>21</sup> Statement issued by the Organization of Freedom of Thought and Expression

Kharboutli announcing an open hunger strike due to being prejudiced from the decision made for treating him at the expense of the state for being patient of leukemia (failure of bone marrow) for only L.E. 2000 despite his monthly treatment cost of about L.E. 1929.

- The Council has closely pursued some cases of general strike; on 03.06.2006, three workers in Abul-Seba'a Textile Factory have gone on strike in protest of the oppression of the employer and his attempts to coerce them into signing End-of-service form, rubber checks, fulfillment receipts, let alone coercing them into accepting the basic salary as registered in the social security.

#### Right to Form and to Join Political Parties, Trade Unions and Syndicates

The right to partisan organizing is deemed to be one of the most important aspects of democracy, which is not guaranteed by constitutions but stressed by the international charters concerned with the human rights.

During 2006, many crucial events has been witnessed in the Egyptian partisan life, the following have come to the prominence:

- Ruling passed by the Administrative Court (Parties Affairs Department), during the compilation of this report, overruling establishment of 12 political parties. The overruled parties included, El-Wasat El-Jadid "New Middle" and El-Karama El-Arabiya "Arabic Dignity" in addition to El-Amal El-Democrati "Democratic Hope", "El-Kawmi El-Masri "Egyptian National", El-Kawmi El-Hur "Free National", El-Tahaluf El-Watani El-Kawmi "The National Patriotic Alliance", Nahdet Misr El-Kenanh "Egypt Rising", El-Salam El-Watani "National Peace", Nahdet Misr "Egypt Rising", and El-Hurriya El-Democratiya "Democratic Freedom". Pursuant to this ruling, the court has overruled the challenges submitted by such parties against the decision made by the Parties Committee granting licenses to practice their partisan activity. The ruling was passed stating that the amendments made to the law of parties of 2005 included terms that weren't fulfilled in the papers submitted by the parties applied for establishment.
- Events of El-Wafd Party on 01.04.2006: According to the media coverage, events were ensued when the Wafd Party **former President** a group of stanchions and aides have broken into the premises of El-Wafd Party, opened fires and used pocket knives, which have resulted in the injury of more than twenty journalists and employees of the party. All those have happened in line with the escalations in the partisan crisis, which is precedent in the Egyptian partisan life.<sup>22</sup>
- From conducting internal elections within the political parties, it has been revealed the disorder that has afflicted the current parties. Therefore, the Council expresses its

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<sup>22</sup> Ma'et Center for Juristic and Constitutional Studies – Statement around breaking into the premises of El-Wafd Party

concerns because of the phenomenon of the internal disputes, hogging the authority by certain leaders, and inability by some to conduct internal elections, not to mention the internal contentions inside the party, being because of the rigid inflexible regulations, or the willingness to control the authority<sup>23</sup>.

- It's worth noting also that the activities of some parties remained frozen by virtue of decision from the Committee on Partisan Affairs as the state of the following parties: "Social Labour Party, the New El-Fatah Misr Party, Democratic People Party, and Social Justice Party".
- The Council therefore is demanding support of the political parties' movement and lifting off the restrictions imposed upon establishing them in respect of the right to form political parties according to the principles provided by constitution considering which one of the most important elements for extending Democracy and enhancing the freedoms of the people.

Freedom of Association *inter-alia* Forming Syndicates: The Council has stressed its full support and solidarity with the demands of the juristic bodies for recognition of the right of unions in establishing their respective syndicates, since so far some groups are seeking the right to syndicated organization. The Council still stresses as well the necessity of canceling the law on professional trade unions no. 100 of 1993 and the amendments thereto considering which one of the main impediments in the way of setting order in the professional trade unions and returning into conduction election procedures according to the rules of each union, and adopting the right of the trade unions to hold hearings including MP's for taking part in the points of their interest in the legislations that might influence the status of their members, supporting the joint action between the professional trade unions for exchanging opinions and consultations, and allowing the suggestion of mechanisms that might help raise more funds of resources of the professional trade unions.

During last March came the elections of the Musical Professions Union and during June of the same year came the elections of the Plastic Artists Union in a manner consistent with the right of Syndicated Organization that the Council has always called for; the elections of Plastic Artists Union have been conducted for electing new head and board of the union upon two phases 17.06.2006, 01.07.2006 in the HQ premises of the Union in Cairo, and sub-unions in Alexandria and El-Mansoura under the Judicial Supervision and by using the glass boxes; 4 members have run for the head of the union, 47 as working members, and 15 seats for the board, yet the women's representation in such elections came for about 3%, which came to assert the necessity to reconsider the principle of Affirmative Segregation for supporting its participation in the Public and Political life.

In the context of support by the Council to the right of establishing societies, cooperation and coordination with the civil societies, and civil society associations, the

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<sup>23</sup> Observing the status of the democracy in the Egyptian Society for Advancement of Societal Participation



Council has held workshop around the law of the societies and civil associations no. 84 of 2002 in the presence of large number of associations and representatives of civil society organizations<sup>24</sup> during which a discussion has taken place around the points provided in this law about such right, particularly with respect to the punishments impairing freedoms of those violating its articles, and the right of the administrative body represented in the Ministry of the Social Affairs in dissolving the societies per se by virtue of an administrative resolution, and holding the societies the responsibility of referring to the courts with regards to the binding resolutions passed for dissolving the administrative body, and the legality of the actions entrusted with the centers and civil companies interested in the human rights, which exercise their activities in the field of human rights studies and researches.

The Council has therefore expressed its concerns regarding a number of facts that have occurred during 2006 including (passage of a resolution by the Governor of Al-Qalyoubiya Governorate ordering the closure of Ahalina Center in Shubra El-Khaima, breaking into the premises of the Egyptian Center for Housing Rights and dismantling the computer of the center and disappearance of the hard disk that was in it, which certainly contains all information relating to the center since established, canceling the General Assembly of Arts Appreciators Association for the objection by the Security General Administration in the Ministry of Social Solidarity upon three candidates nominated to the membership of its board without giving any reason as per the letter received from the Directorate of the Social Solidarity. And the board of the assembly has held a contingent meeting wherein a decision has been made objecting the resolution of the administration body for being inconsistent and violating to the law no. 84/ 2002 organizing the operations of the civil associations, and a letter of this morale has been sent to the Associations Department in the Ministry of Solidarity.

#### Right to Participation in the Conduct/Administration of Public Affairs

Now the year 2006 has gone by without fixing a date to conduct the elections in the constituencies wherein the judiciary has prevented the announcement of the results and decided to recycle them through the parliamentary elections during November – December 2005; those constituencies were El-Kanater in Al-Qalyoubiya – El-Manshiya in Alexandria – Itsa in Al-Fayoum – and Dossouk and the first constituency in Kafr El-Sheikh town in Kafr El-Sheikh Governorate – and Aga in Al-Dakahliya Governorate, which have precluded the presence of representatives for the voters in such constituencies until now in the parliaments at a total of twelve members, which is deemed to be deprivation of those people from the right to political participation and administering the state public affairs.

Furthermore, the year 2006 has witnessed two models of elections expressing the need to spread the awareness of all citizens of the importance of participation in the administration of public affairs, whereas the Labour Unions Elections have been made during the session of

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<sup>24</sup> The Fifth Forum for NCHR and other organizations for discussing “The impediments in the way of the nationalistic action in light of law no. 84 of the year and the legal status of Civil Companies and Foreign Organizations”.

2006 – 2011, and the student elections qualifying to the Students General Union in the Egyptian Universities.

At the level of the labour participation in the elections of the labour unions that have seen a remarkable competition from the unions in terms of nomination, voting and censorship from the side of the juristic and labour organizations to which 39050 candidates have applied, and wrapped up with electing 23 thousand members from the candidates; 9000 youths, and 1100 ladies who have joined the labour unions at the level of the Republic.

The elections have taken place over two phases: the first has taken place on 28.10.2006 in 15 Governorates in the whole Republic, to which 18 thousands out of 28 thousands candidates who have already obtained the nomination certificates have applied in 849 electoral committees, in the syndicated committees affiliated to 11 general unions (Weaving and Textile, Real Roads, Public Utilities, Food Industries, Engineering Manufacturing, Chemicals, Journalism and Printing, Tourism and Hotels, Administrative Services, Military Production, and Oil Industry).

As for the second phase; this phase has taken place on 13<sup>th</sup> of November 2006 to which 19 thousand candidates have been nominated for this phase in 586 electoral committees, which includes the elections of the syndicated committees affiliated to 12 general unions (agriculture, commerce, banking, communications, education and scientific research, health services, building and woods, land transportation, marine transportation, airline companies, mining and quarries, and mail). However, the announcement made by the Minister of Workforce and Immigration that the labour union will be the body entrusted with supervising the elections came as a reason behind the deluge of criticism launched by a number of the juristic organizations, as some organizations have demanded the civil society to ensure the entire judicial supervision upon the syndicated elections of all their three levels, and enabling the civil society organizations from the field control actions and condemning the administration body to implement the provisions of the administrative judiciary issued in connection with the nomination terms as set out in the provision no. 77 of 19 JY<sup>25</sup>.

The Council has received many complaints in relation with some trespasses and obstructions faced by candidates, and represented in excluding them from nomination to the membership of the Union Committees, and the failure to obtain the nomination papers necessary without giving good reason, which has initiated hundreds of cases and challenges in the Administrative Judiciary Court upon the problems faced by the candidates, and following are some examples:

- Complaint from the citizen Mohammed Ismael Ahmed Othman relating the prejudice inflicted upon him from having been excluded, without giving any good legal reason, from nomination to the membership of the Union Committee in the Company of Southern Cairo for Electrical Distribution despite having applied all nomination papers on the preset time.

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<sup>25</sup> Observation of Democratic Status – Egyptian Society for Advancement of the Societal Participation

- Complaint from the Coordinating Committee for Syndicate and Labour Rights and Freedoms on behalf of the members of the General Union for Engineering, Metal, and Electrical Industries and the affiliated union committees, which complaint has centered around the damages sustained from some trespasses occurred during the elections, came to the fore writing off a large number of candidates nominating for elections.

Therefore, the Council has in conjunction with a number of civil society organizations (Sawasiya Center for Human Rights – Soil Children Center – Coordinating Committee for Syndicate and Labour Rights and Freedoms – the Egyptian Coalition for Supporting Democracy) communicated the bodies concerned with regards to the complaints received from different governorates dahliahutsy@hotmail.com (Cairo, Al-Giza, Al-Gharbiya, Al-Dikahleya – Suez – Beni Sweiff), and on top of that (Ministry of Labour and Manpower and Immigration – Egypt Trade Union Association).

The Civil Society Organizations, which have closely monitored the elections, have issued some data and reports concluded the upcoming recommendations:

The Union Elections should be done in a decent and neuter manner, giving all candidates the toss-up chance without distinguishing on the grounds of gender, political or societal affiliation, deleting the term of applying trade union membership certificate amongst the nomination papers, making available the ample time and grounds to apply challenges and responses thereupon, allowing for candidates to stage their campaigns in the due manner seen appropriate without any limitation or restriction by the Companies Administration, and engaging as large number of labors as possible in each and every factory in watching this elections. The recommendations have as well addressed the need to support the right to participation in the electing the boards of directors of their union committees freely without intervention from the administration bodies for electing free and independent trade unions to protect the interests of labour and ensuring them the proper and prosper decent job, and support the union freedom and the rights of the labour to honor, decent, and prosper life<sup>26</sup>.

The Council has therefore recommended action be taken to conserve the rights of labour and their interests, and keeping Trade Unions away from the political hassles and in the meantime taking the actions necessary to guarantee the freedom and integrity of Union Committees Elections clear from the intervention of the Administration Body in support to the freedom of the Unionist Course of Action.

#### At the level of the student participation in the elections of the student unions in the university

This participation is deemed to be the first phase forward in which the student learns the principles of the political participation, so the Council reiterates its demands of the need to reformulate the regulations organizing the student action within the university in such manner that runs consistent with the student rights respect, developing their capabilities, ensure their responsibilities in administrating their affairs, and taking part in the representations in the boards of the education institutions.

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<sup>26</sup> Reports of Earth Center for Human Rights – Coordinating Committee for Syndical and Labour Rights and Freedoms – the Egyptian Coalition for Supporting Democracy – Observation of Democracy Status

The year 2006 has also witnessed the student elections qualifying to the membership in the student union in different faculties according to the law no. 49 of 1972 regarding the organization of the universities, and the executive regulations issued by a presidential decree no. 809 of 1975 in the student unions' elections, in addition to the ad hoc regulations organizing the universities' student unions, and the latest regulations passes by presidential decree no. 265 of 1979 and the amendments made thereto by virtue of the presidential decree no. 378 of 1984.

The elections in Cairo, Ain Shams, El-Mansoura, Al-Azhar, Tanta, Helwan Universities have been made, and 1143 male and female students have applied for elections in Cairo University, and the students have won the elections by recommendation in 11 faculty, knowingly that the elections have been concluded in 7 faculties only, and some students have been excluded for not fulfilling the terms of nomination. The elections have taken place in two rounds due to the failure to meet the legal quorum by presence of 50% of the number of students who have the right to elect in all studying grades, yet the elections have been concluded in Ain Shams University by recommendation in 8 faculties, and have been concluded in Helwan University by recommendation in 12 faculties, and 7 faculties by election.

However, some observers of the elections in the civil society organizations have observed some trespasses like those ones made by the administrations of some faculties in writing off scores of candidates under the pretext of their inability to practice such activities, or inflicting administrative punishments upon them in such manner that led to the winning of some students in some faculties affiliated to some universities by recommendation, whereas the results have been concluded by recommendation in 60% of the faculties, while the students exercising the activities in 30% faculties wherein elections conducted have won. Therefore, a group of students have organized a union on the fashion of "free student union) in parallel with the official union.

The experience of election this year has displayed some positive phenomena in the outset of opening the nomination for two days, and extending the electoral publicity to reach four days, besides making available transparent boxes and sympathetic ink. It's worth noting that there has been Coptic participation whereas at least one Coptic student has participated in the nomination vying to win the union positions in every university. In addition to the fact that the women participation in nomination in such elections has recorded around 40%, and one of the phenomena is the highly emerging awareness to the students of the importance of the participation in the elections to give their views and opinions, and ensuring that such participation was no more than duty considering which as an integral part of the system adopted by the Higher Education Ministry to prepare and qualify a responsible able university student.

On the other hand, the student elections have displayed many multi-faceted deficiencies which should be probed and examined to avert which in the future, such deficiencies embodies in extending the violence phenomenon in some universities; Ain Shams Education Faculty has witnessed on 20.10.2006 some violence and riot actions amongst the contested candidates, and Cairo University has as well witnessed some other violence actions. It stands

to reason also that the mounting recommendation-winning cases stresses the need to have the student regulations amended, and exerting more efforts to put in action and effect the student participation in the normal course of life and political participation in the context of the student union, considering which the first school to gain the experience required in the democratic practices.

According to the reports of the civil society organizations, the elections have not only pulled in large turnout of students upon nomination and voting, but larger participation from the side of the professors and civil society organizations in supervising the elections as well. Therefore, the civil society organizations have closely watched the elections<sup>27</sup> and their due course, and have concluded them in their reports in the following recommendations:

- Guaranteeing the right of the students to participation in all Intellectual, political, cultural, and societal activities.
- Students' right to participation in administrating the university's affairs
- Guaranteeing the freedom of opinion and expression inside the university with every means, including, the right to hold conferences, conventions, exhibitions, roundtables workshops, and issuing publications and wallpaper magazines.
- Guaranteeing the freedom and independence of student unions financially and managerially.
- Prohibition of using the mottos and the religious icons in the student activities and the elections of the student unions
- Withdrawing the administration powers in writing off the candidates, and prohibiting the referral of students to the disciplinary boards because of their student activities, guaranteeing the freedom and independence of the student boards in administrating their affairs financially and managerially, giving free reign to the opinion and expression, the right to peaceful assembly, and the right to form families and student associations

According to the discretion of the Council, the response to such legal demands could make the way to training the students on practicing democracy in an organized framework, besides putting an end to the indifference and isolation that would marginalize the role of the unions inside institutes and universities.

### Protecting the Rights of the Egyptian Citizens Abroad

Egypt has executed many pan-Arab and international agreements that aim to conserve the interests of the Egyptian workforce abroad, and protect their rights and freedoms, yet there are many violations that could be inflicted against Egyptian abroad and deemed to be an integral part of wider and more general phenomenon, which is violating the rights of the migrating workforce in many countries and regions all over the world.

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<sup>27</sup> Reports of the Egyptian Society for Supporting the Democratic Development (Report of the Free Union)

The Council has in this connection received a number of complaints from Egyptians residing abroad, which have stood to around 1.9% of the total complaints received by the Council, and the violations have ranged from claims of not obtaining the financial entitlements from companies worked for, prejudice from the procedures taken by the authorities in the states receiving workforce abruptly and promptly in such manner that would led to the loss or lose of their chattels and entitlements with third parties, others prejudicing from passage of rulings of imprisonments for indefinite period of time, which would entail imprisonment pending the trial, and the other prejudicing the disappearance of their relatives within some states, and following are some examples:

The Council has received numerous complaints concerning Egyptians abroad constituting 1.9% of the total number of complaints received. These violations varied from allegations of not receiving financial entitlements from companies where they were employed, to damages attributable to abrupt measures undertaken by authorities of states receiving the labor leading to, among other things, the loss of belongings. Others suffered damages resulting from issues such as the undisclosed period of imprisonment sentences, which leads to imprisonment until amnesty; while others suffered damages from the disappearance of their relatives in some countries.

The Council also received a collective complaint from 49 Egyptian citizens working for Prince Torky Ben Abd el Aziz and his wife Princess Hind Al Fassi, claiming damages due to receiving neither their wages nor their financial entitlements and they petitioned to undertake the necessary procedures towards their employer before leaving the country. Another complaint from the family of the citizen Mahrous Basta 'Atwan Shehata in which they reported damage caused by the disappearance of their father who had traveled to Libya accompanied by "Ramsis Group" to perform folkloric concerts, and was last in contact in with his family on 12/5/2006. His family attributed his disappearance to a liquidation group in Falah region in Tripoli, and they filed an appeal requesting that they be informed of their father's fate. The Council received another complaint from the citizen Rafiq Abd El Mohsen El Sayed requesting The Council's help to assist him in undertaking procedures to recompense the family of the deceased El Shehat Abd El Gawad, an Egyptian who used to live in Beirut city at the Dahia El Ganobouyia and died during the Israeli bombing of the area. The complaint of the citizen Wahid Omar Mohammad Amr, reporting damages from an employee working for immigration authorities in the Saudi city Jeddah; the petitioner alleged that the immigration employee deleted the names of the formers wife and children from the official records database of the entrance and exit visas from; the petitioner added: "there are usually no procedures undertaken against accompanying family members", the petitioner asserted that the deletion of the names resulted in the elimination of the legal capacity of his wife and children in the Kingdom of Saudi Arabia and hindered the registration of his children in the Saudi birth records. Thus, they were not issued birth certificates, and the department of immigration refused to let his wife and children exit the kingdom as the family was not recorded in the system.

Another complaint was received from the Egyptian Organization for Human Rights in 10/1/2007 concerning a number of Egyptians who were held at Jeddah airport by the Saudi authorities. The Council immediately took action by contacting the Ministry of Foreign Affairs and the Egyptian Consulate in Jeddah to investigate the actual situation and to identify possible prompt remedies; it was reported that the Egyptian pilgrims whose number reached 370 were held at the deportation area with no places on the ferries returning to Egypt. The Consulate sought to find places for them, and in fact 100 pilgrims did leave to Dahab on 11/1/2007, on Cleopatra ferry (1), and The Consulate affirmed that it coordinated with the Saudi authorities to enable the rest of the Egyptians pilgrims in Jeddah to return to Cairo in peace. On the other hand, The Consulate confirmed that allegations of deaths among the Egyptians were incorrect and that there were merely three health cases of women and they received the appropriate treatment under the supervision of the Egyptian Consulate.

#### Arbitrary Disappearance

The Council did not receive any complaints, during the year 2006, related to disappearances, in spite of the fact that the Council received some complaints purporting the absence of some citizens, there were still a number of those who have already been registered as forcibly disappeared whose destiny is still unknown, and the previous Council's reports have indicated to those cases to such extent that required opening prompt investigation to clear the status of those people and announce results that have been concluded previously regarding any of such disappeared if these investigations have already been made, however, Ma'et Center for Juristic and Constitutional Studies has observed the forcible disappearance during last year represented in the action taken by Mr. Fawziya Haron Mohammed when she reported the disappearance of her son Hussein Mohammed Ali – married and the family man of eight children besides his parents, his two sisters and his younger brother.

Whereas he used to work as accountant in KSA since 1991, and he was partner to a Palestinian man called "Asim" in print house in Jeddah, and in the last visit to Egypt, he assured his family that he was going to Syria with a Saudi Businessman from Jeddah called "Talal Ahmed" – we do retain his mobile number – destined for Damascus by air on 13.04.2004, and he talked to his family many times until communications stopped, but the family still had the number from which they used to receive his calls, and it turned out that it belonged to someone called "Abu Heidar" and on the same day on which the family talked to him for making sure that their son was safe, another one called the mother from Kuwait called "Abu Abdulrahman" and he was the chief of Mujahideen in Al-Qaeda and he worked with Usama Bin Laden for ages, and added that "Ali" used to work with him as Mujahid and didn't know his full name or his picture, but Abdulrajhman repeated his call to the mother on 13.06.2004 and told her that her son martyred in Iraq paying the honor as Mujahid struggling against the American Occupation forces, and he would send her a VHS tape to confirm what he said. Therefore, the mother has mourned her son by having taken the consolations, and then she went to the premises of the State Security in Jabir Bin Hayan St. to lodge a complaint of the whole events she heard of, but the officials have told her that her son was still alive but the security forces couldn't locate him precisely, in the meanwhile, others belonging to the same agency have, according to the mother, affirmed that her son was still in Egypt. In the

meantime, the Kuwaiti man has called the mother once more from a telephone, we have its number as well, assuring her that her son has died, and he burnt his papers in retaliation from her because of reporting the Egyptian Security Agencies, and the mother has assured that she had submitted many reports to the Ministries of Interior and Foreign Affairs. Odd enough, the mother was applying complaints and grievances from the detention warrants to the Detainees Affairs Bureau in Al-Gala'a, and she found her son's name in four on the sessions "roll" but the hearings of her grievances were being delayed.

- The center has reported the case to the D.A. demanding clearance about the fate of Ali Hussein Mohammed Ali and getting to know whether he was alive, dead, or detained, stressing the responsibility of the Interior and Foreign Affairs Ministries in this regard long as the absentee should have rights of citizenship and its duties that condemn the bodies concerned to search for him and return him back to his family who was their only family man<sup>28</sup>.

### **Economic, Social, and Cultural Rights**

Recently the international concerns have increasingly focused upon the Economic, Social and Cultural rights considering that the Human Rights are an integral and original part attached to the Human Being, which has made those people interested in the Economic, Social and Cultural rights demand the need to incorporate those rights in the national plans of the human rights and their executive programmes in their states<sup>29</sup>. Such rights have occupied the first priorities in a number of complaints received by the Council during the period of the report in 2006 at about 38.5%<sup>30</sup>. The status of the economic, social and cultural rights has embodied out of the complaints in the following:

#### **Combating Unemployment**

In this context, the Council has received during last year complaints of about 12.2% of the total complaints relating to such right, wherein their petitioners, whether they have been disabled or healthy persons, have demanded job opportunities for them due to their deteriorating economic and social status.

Those complaints have provided for demands that have centered around (petition seeking the execution of appointment resolutions passed for them by the State's administrative apparatus, and appointing some of them within the percentage of employees' children, or appointment within the percentage of 5% handicapped).

From his own side, the Council has communicated the bodies concerned in this connection to help meet their demands, and it has as well communicated the Evangelical Coptic Authority for Social Services in the framework of cooperation<sup>31</sup> at (120 petitions) in the context of

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<sup>28</sup> Statement issued from Ma'et Center for Legal and Constitutional Studies under the title of "Question to Al-Adly and Abul-Gheitt: Where is the citizen Ali Hussein? – on 15.05.2006

<sup>29</sup> Report on the Human Development for the year 2006

<sup>30</sup> Illustrating the table no. (2)

<sup>31</sup> "Project of Job Opportunity" belonging to the Authority in partnership with the Egyptian-Swiss Fund



attempting to find job opportunities for the complainants, and the authority has stated that it has already found job opportunities for some petitions referred to it from the Council and the Association is currently preparing a memo of the latest updates they have landed regarding the cases seeking job opportunities, and following are some cases which have resorted to the Council seeking job opportunities:

- Mohammed Abdul-Al Mohammed – disabled citizen from El-Fayoum Governorate – seeks an aid in obtaining permit to build kiosk inside the campus of El-Fayoum University, as he, despite his disability, has obtained his B.A Lit. from Cairo University, however he can't secure a good job opportunity, so he seeks a kiosk be built considering his health and economic conditions.
- Mohammed Ramadan Mohammed – a citizen from the El-Beheira Governorate, seeks job opportunity as he lost his left arm after having been injured in Taba bombings, and spent all his savings on medication, which has led to such deteriorating economic conditions, as he in the meantime lost his job because of this injury so he seeks help considering his conditions. Upon communicating the Ministry of Electricity and Energy, they have stated that appointments in the companies of Electricity are being made according to the actual requirements. And the Council still pursues this case with the other bodies to enable the complainant from obtaining an appropriate job opportunity.
- Younis Kamal Abdulaziz Mohammed; a citizen from Kafr El-Sheikh Governorate, seeks aiding him to obtain appropriate job opportunity as he has B.A Lit. – History Department and disabled due to having been contracted with Poliomyelitis and dystrophy in the right leg, which made him unable to find an appropriate job opportunity, so he sought assistance so as he could spend on his family and his old father who happened to have suffered from broken collarbone and required continual medication.

#### Right to work

From the foregoing complaints, 33.1% of the total complaints, delivered to the Council during this year, it has been revealed this right clearly from all over the governorates in Egypt at variant degrees, whether from the complainants or the Civil Society Organizations concerned with labour cases (Earth Center for Human Rights, El-Fajr for Supporting Human Rights, Society for Legal Assistance to Human Rights).

Most of complaints have revolved around the prejudice of complainants from dismissal or having been transferred without good reason, persecution, or not settling their functional status, not having their financial entitlements, following are some of the examples- the Council has received a complaint from some journalists in the newspaper of Nahdet Misr (submitted by Mr. Hussam Abdulmoney Jalal El-Sweiffy on behalf of them) relating their prejudice from not having obtained some of their financial entitlements with the newspaper, and some of them have been discharged without any obvious reasons, so they

have sought a quick intervention to obtain their entitlements and returning back to their work due to their bad circumstances.

- Complaint from the citizen Yassir Mohammed Hussein and et al of employees on pro tem basis in Atlas General Company for Contractors, Real Estate Development, Air Conditioning and Elevators subsidiary to the National Company for Construction and Development, wherein they complain from not being contracted in work without any clear reasons despite what has been published in the newspaper around resolution passed establishing that employees on pro tem basis for three years would be contracted with, so they sought prompt intervention for the sake of having them contracted with on permanent basis considering their circumstances. Upon communicating the Ministry of Investment, they have stated that contracting on permanent basis would be difficult owing to the failure to contract the current pro tem employees in the company on permanent basis.
- Complaint has been received from the Fatma Mahmoud Goma'a, an Egyptian citizen who sought the admission of her application to be transferred from Cairo Education Department to El-Qalyoubiya Education Department due to being close to her residence and her degenerating health state so as to be close to her children in who are enrolled to different education grades. Therefore, by communicating the Ministry of Education, they have stated in their reply that the ground of her complaint has been addressed.

### Social Security

The Council received complaints of 17% of the total complaints delivered around this right, whose petitioners demanded the obtainment of exceptional pensions or expeditious subsidies due to their bad economic and health circumstances. By reviewing these complaints, it has been revealed that their petitioners were elders, widowers, divorcees, or people suffering chronic diseases, and there are so many impediments that precluded them from having obtained their exceptional pensions and the expeditious subsidies, therefore, the Council has so communicated the concerned body demanding the facilitation of procedures and making them easier for the citizens so as they could obtain their exceptional pensions and expeditious subsidies, and following are some of the suggestive models:

Mohammed Bassiouny Ahmed El-Koumy, a retired citizen seeking the disbursement of his "end-of-service" bonus from Social Solidarity Fund in the company. The Council communicated with the company; the latter stated that the complainant wasn't compliant with the company's legal terms that would entitle him to such

Mahrous Tolba Abdul-Al Mohammed (a disabled citizen) and sought actions necessary be taken for obtaining the pension necessary due to his health state. By communicating the Ministry of Social Solidarity, they have stated that the complaint has been referred to the Ministry of Finance (Insurance Sector) and monitoring the situation is still in progress and the Council is being apprised of the results.

### Insurance and Retirement Rights of Retired Employees

Upon reviewing the complaints delivered to the Council during this year, which have concentrated on the prejudice inflicted by their petitioners from overlooking terms of the retired and oversight of other terms in such manner that has caused damage to the employees who have been retired and their families accordingly, let alone the slowness, inaction and slackness of giving them their pensions and failure to obtain their full financial entitlements, and following are some suggestive examples:

- The Council has received number of complaints regarding employees in Suhaj Textile Mill affiliated to Southern Company for Weaving and Textiles – Assiut Governorate – the complaints have revolved around the prejudice inflicted upon them due to non-implementation of the judgment adjudicated by the Higher Constitutional Court to issue them five special bonuses, and annulment of withholding the special bonuses upon calculating the early pension. And they have assured that upon receiving the pension, only two bonuses have been received by all employees retired by virtue of the early pensions, so they seek issuing the remaining bonuses due to them pursuant to that resolution.
- Complaint has been received from 136 employees in Atlas General Contractors Company subsidiary to the General Authority for Construction and Development, wherein they relate their prejudice due to downscaling the value of their early pension bonus from L.E. 1500 down to L.E. 1000 without good reasons, so they seek canceling this resolution pursuant to the equality principle and non-distinguishing between them and the employees who have already retired before them by virtue of the early pension scheme.

### Social and Cultural Rights

#### Right to Health

The analytical review of such complaints, 5% of the total complaints, received by the Council during 2006 has stated that all complaints of the citizens have concentrated upon either petitions requesting medication at the expense of the country, prejudice from negligence, or failure to secure for them the medical care necessary, and that have resulted in some deficiencies and the failure to make available the medicines required for citizens dealing with the Medical Insurance Sector, and the failure as well to make available quality medical care within the Health Insurance Hospitals and General Hospitals to such extent that balked citizens from dealing with such bodies despite their dire need to the health care as follows:

Complaint from the citizen Amal Hassan Bassiouny Abuzeid, wherein she complains from bad injury afflicted to her brother from motor accident while on his way, as a result he was rushed off to the Hospital of (Mabaret El-Maadi) where he suffered an exceedingly high

negligence in such manner that made him go into a coma for having received overdose of anesthetics, so the petitioner has drawn up report against the hospital's officials.

The Council has as well received complaint from Mr. Sayed Mohammed Abul-Hamd, who sought out obtaining medicines for his patient son who suffers cerebrum dystrophy and required all lifetime medication due to their bad economic and social situation.

Complaint has been received from Bakr Hammad El-Ma'adawy Shalby, whereby he sought agreement on undergoing an urgent heart surgery at the expense of the state due to the degenerative health state, so he required expedient surgery in a time he lacks economic means, so he sought being operated at the expense of the state.

A complaint has been received from Abdullah Fawzy Shokrallah Mansour who sought an approval upon surgery of Cornea Transplanting to his son Kirles in consideration to his degenerative health state and the deteriorating economic state which in turn would not enable his son to be operated on his own.

A complaint has as well been received from Essam Sayed Mohammed about his prejudice from the gross medical negligence from the physician who handled his wife's case, whereas she was operated upon by an erroneous surgery that has degenerated her case to such extent that required undergoing another surgery to avert and make right the errors pertain to the previous one.

### Right to Housing

During the period of the report last year, the Council has received complaints of about 10.7%, most of which concentrated upon requisitions from citizens seeking obtainment of alternative housing units instead of the old dilapidated ones which have been more than once restored and renovated, or from those who have suffered a great damage due to the 1992 quake, and some of them failed to obtain some alternative housing units as yet, or for citizens seeking obtainment of one housing unit due to their hard economic and social circumstances, and following are some suggestive examples:

- A complaint from 540 families of retired employees of Egypt for Weaving and Textile Company in El-Mehalla El-Kubra, represented in Eng. Ahmed El-Sharqawy on behalf on them. The complaint has revolved around their prejudice from the action taken by the administration of the company, when they have evicted them out of their own houses without securing the alternative houses. The Council has for this reason interfered to solve the problem by discussing which with the concerned bodies during 2005 and an agreement has been reached to make available for the complainants before eviction alternative place for living, so the complainants have sought by virtue of petition delaying the decision of eviction pending another alternative be available.
- Citizen Ms Zakiya Masoud Mustafa has sought by a complaint to have another alternative house for her as she, after her husband's death, has been kicked out of the house by her late husband's sons, and she no longer has any place to shelter her in,

besides her material and financial circumstances are so bad that she can't even manage another house.

- Citizen Abbas Abdulmajid Mahmoud who has sought by a complaint to have another house to shelter him and his family, whereas he was one of those whose houses have been leveled and turned into debris following 1992's quake, which thereafter he kept applying to many different bodies to secure him house, but his application was still in abeyance pending the approval despite the Council's striving support and follow-up with all concerned bodies to enable him obtain what he claimed.

### Right to Education:

In the framework of the action plan, the Council has held a roundtable session around the study of "properties and elements of human resources discourse in the scholar textbooks and curricula in the high school" on November 25, 2006, which is a supplementary to the study conducted by the Council concerning "properties and elements of human rights discourse in the scholar textbooks and curricula of the compulsory education stages", which has been extensively examined during the workshop organized by the Council on April 19, 2006 and for the sake of promoting and enhancing the culture of the human rights, the Council has executed cooperation protocol with the Public Authority for Adults Education with regards to implementation of the national project for promoting the human rights culture through the programmes of Adults Education. The Council has as well received a number of complaints regarding the applications submitted by the parents seeking their children be moved to schools closer to their residences, and petitions seeking exemption from tuition fees in the basic and university education stages, and following are some suggestive examples:

Citizen Mohammed Abbas El-Nagui – Cairo Governorate – petitioning the approval on release of the tuition fees in the Labour University due to bad economic conditions, and upon communicating the Ministry of Higher Education, they have stated the approval on release of the tuition fees of the scholar year and downscaling the tuition fees on the student to the maximum limit. And a complaint has been received from citizen Fou'ad Mohammed Mahmoud petitioning approval upon release of the remaining installment of the tuition fees in the Labour University due to the illness of his father and his bad economic circumstances, so the Ministry of Higher Education has made reduction of L.E. 430, and the application is being submitted to the board of directors for raising the reduction amount.

A complaint was submitted by Hwaida Mohammed Ramadan petitioning approval to releasing her two sons or either one of them at least from the tuition fees in the Labour University considering her economic circumstances.

### Right to Development

Since the right to development declaration has been issued in 1986, the international cooperation forged to solve the economic, societal, cultural or humanistic problems has gained a very high importance, as it should be comprehensive and aims to constantly improve

the population's welfare as a whole on the basis of their active, free and purposive participation, besides guaranteeing the right to development through the equitable distribution of the interests resulting there from; in the Egyptian Constitution, article 16 has provided that "The state shall guarantee the cultural, societal, and health services, and shall particularly use its utmost efforts to make them available to the village at their convenience and on a regular basis to elevate their standard of living". It's worth noting therefore that the development growth in Egypt has hiked up more than its previous years at 70%<sup>32</sup>, the development has embodied in building public utilities and making available potable water viable for drinking and development, developing human resources by establishing services in cities and projects that help build the local communities<sup>33</sup>.

Based on the importance of such right, the Council has given a priority to this right, since the complaints delivered to it, 6.5%, have focused on the prejudice inflicted upon the citizens from the lack of public utilities, particularly, lack of potable water and electrical power. And according to the geographic distribution of the governorates<sup>34</sup> came to the prominence Kafr El-Sheikh Governorate with about 24% of the total complaints received by the Council in connection with the public utilities, followed in the second priority by Al-Dikahliya Governorate at about 13%. The Council has additionally received some individuals complaints from (7) different governorates (Suhaj – Luxor – Assiut – Alexandria – Portsaid – Aswan).

By reviewing the complaints received by the Council in connection with piping and networking the public utilities, it has been revealed from their generic division that the complaints delivered by their petitioners requesting piping the potable water for drinking or irrigating the cultivated lands have reached 41.5%, however, the complaints in connection with piping the electrical power connections have reached 30.6%, while around 27.2% of the complaints has been confined to piping public utilities in some governorates (sewages and sanitary system – dimensions of high pressure pylons from the houses – establishing crossing walks – establishing irrigation water wheel, ...).

And following is the table illustrating the percentage of complaints delivered to the Council in connection with the public utilities in different governorates:

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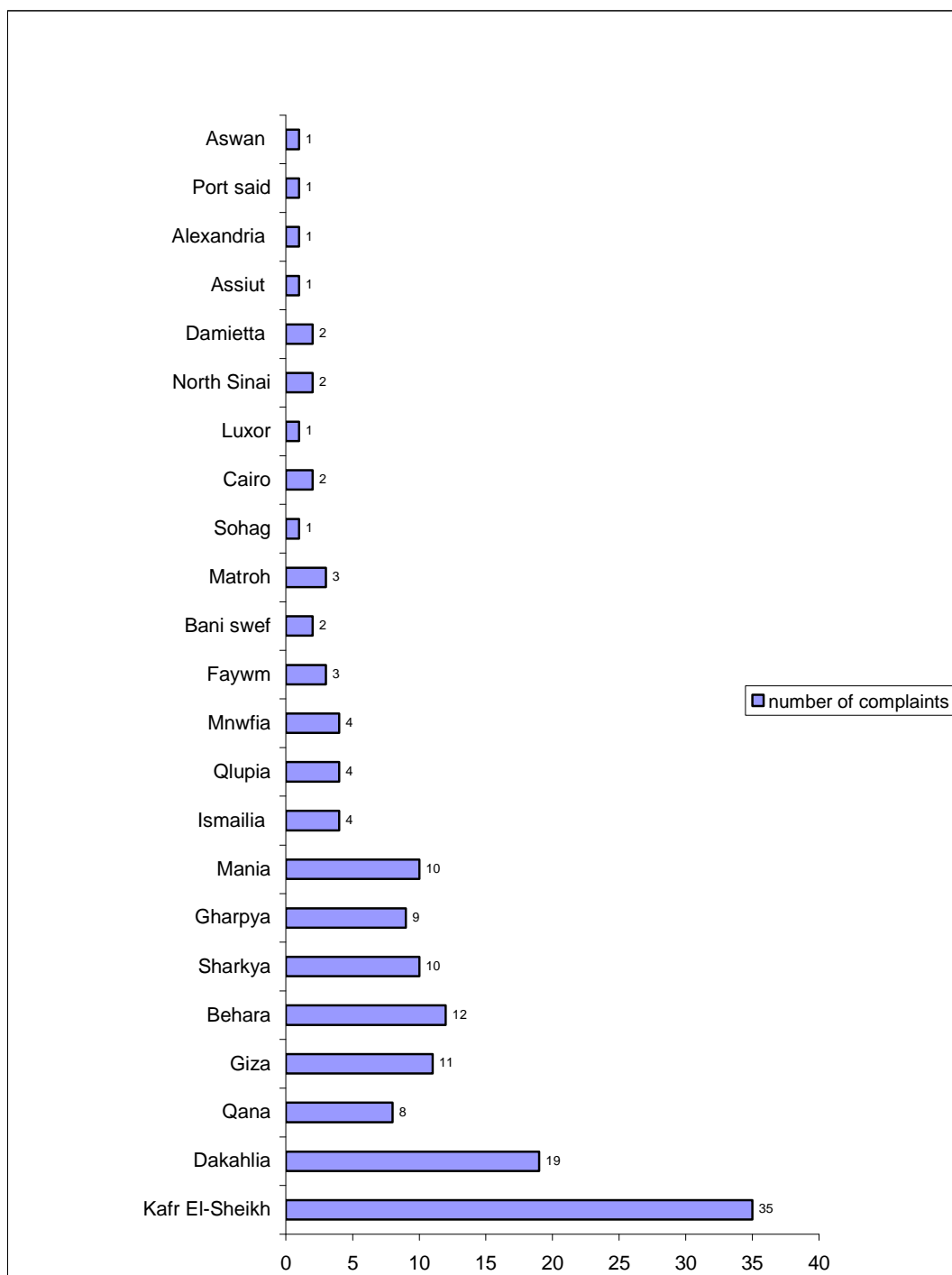
<sup>32</sup> Report of Human Development for 2006 (What's beyond the scarcity: Strength, Poverty, and World Crisis)

<sup>33</sup> Report of Human Development for 2006 (What's beyond the scarcity: Strength, Poverty, and World Crisis)

<sup>34</sup> The table no. (7) illustrates the geographic distribution of the number and percentage of complaints delivered to the Council

**Table no. 7****The Geographic Distribution of Numbers and Percentages of Complaints Delivered to the NCHR from Different Governorates**

<b>Governorate</b>	<b>No. of Complaints delivered to the Council</b>	<b>% to the overall number</b>
Kafr El-Sheikh	35	24
Dakahliya	19	13
El-Behira	12	8.2
El-Giza	11	7.5
El-Sharqiya	10	6.85
El-Menia	10	6.85
El-Gharbiya	9	6.1
Qena	8	5.47
El-Ismaelia	4	2.74
El-Qalyoubiya	4	2.74
El-Monoufiya	4	2.74
El-Fayoum	3	2
Mersa Matrouh	3	2
Beni Sweiff	2	1.37
Northern Sinai	2	1.37
Damietta	2	1.37
Cairo	2	1.36
Suhaj	1	0.68
Luxor	1	0.68
Assiut	1	0.68
Alexandria	1	0.68
Port Said	1	0.68
Aswan	1	0.69





A complaint has been received from some of the population of Malaf El-Cima, El-Kawmiya, El-Warrak, and El-Bouhy (represented in Ms Mona Sayed on behalf of them), wherein they have related their prejudice from turning the main street (El-Bouhy) until El-Warraq district to a landfill, which has caused the spread of diseases, so they have sought intervention by the concerned bodies to iron out this situation before it would get worse, and by communicating the Ministry of State for Environment Affairs, the latter has intervened forthwith to address the reasons of complaint.

Another complaint has been submitted by parents of the pupils of Tasla Co-ed Preparatory School in El-Monoufiya Governorate prejudicing from Sanitary Elevation Plant has been established on a surface area outside Nassir Co-ed Preparatory School, which is proprietary of the Ministry of Education. Despite the resolution of the Major General Governorator of El-Monoufiya stating the importance of searching for alternative place for establishing the plant, work has set out to build the plant on the same parcel of land, so they have sought prevention of the plant from being set up next to the school because of the damages and detriments it holds for the environment and health of the students of the school.

A complaint from submitted by citizen Mo'awad Abdul-Messiah Bora'ei on behalf of the residents in Dayer St. – Sanafeer district – Qaliyoub Department – El-Qalyioubiya Governorate, wherein they have related their prejudice from keeping the reservoirs of sewage in the village without pulling them down, which have caused great damages to the health of the citizens and made the transportation very difficult.

A complaint has been received from some villagers in Nahtai village in Al-Gharbiya Governorate, prejudicing from the noncompletion of the sewage system project, whereas it has been implemented in different parts of the village while remained unaccomplished in the remaining part without any clear reasons.

A complaint has been received from Mr. El-Sayed Bedir Shahin, on behalf of the residents of Project no. 4 in Bahril- Bakar district, wherein they have prejudiced from lack of electrical power despite the resolution passed approving the piping of electrical power to the said district in February 2002, but the resolution is still unfulfilled as yet.

### **Women's Rights**

The case of woman's rights is a case closely attached to the cases of comprehensive development politically, economically, culturally, and socially, and it's one of the main determinants of citizenship. However, the participation of the Egyptian woman, particularly the rural one in the public life and politics is still too limited and restricted, as the woman's participation and representation in the parliamentary bodies, trade unions boards, or even at the level of boards of the civil society organizations or occupying the leading posts and higher posts or otherwise participations in the public life are considered very humble participation as opposed to the female population census.

The woman's representation in the People's Assembly has reached in the election occurred in 2005 at about 2% (four female MP's elected and five ones hired) with reduction of (11)

female MP's from the elections of 2000, which has urged the civil society associations, Juristic Female Movement, and the National Council for Woman to demand a return to the positive segregation as a mechanism for propelling the Egyptian woman's participation into the political life and parliamentary Councils, and the Council has therefore assured the demand he called for in its previous reports by guaranteeing the woman representation in the parliamentary bodies at minimum of 20% and assured as well in its report about the constitutional amendments including provision for an electoral system that would take into account the relative list in such manner that would guarantee the representation of women and youth on *pari passu* basis.

The year 2006 has witnessed a widely expansive controversy around the right of the woman to be appointed in the leading posts in the society, particularly, in the public prosecution and judiciary, so the civil society organizations<sup>35</sup> have called upon the concerned bodies, particularly decision makers, to give Egyptian women the right to have access to the leading posts in general, and judiciary posts particularly, according to the provisions of the agreement stipulating the importance of eliminating all forms of segregation against woman, upon which Egypt has already signed in 1981, whereas the appointment of woman in such posts has been limited only to one judge in the Supreme Constitutional Court in 2003, and two members in the Mandatory Panel have been appointed in the same court in 2005, and the Higher Judiciary Council has principally announced during preparation of this report its consent upon the appointment of woman in the post of Judge, which is highly lauded and commended by the National Council for Human Rights. And the Council still reiterates its demands for making the opportunity available to women to have access to the judicial posts in the judiciary corps without being discriminated against in keeping with equality and toss-up principle and enhancing the judiciary system with the Egyptian legal high calibers.

On the other hand, of the most prominent controversial topics raised in 2006, came the cases related to the battery and violence against women, whereas violence against woman was defined, as per the declaration of the General Assembly of United Nations in connection with elimination of violence against woman issued in 1993, that it would be "any violent action sustained by woman, and more likely would make her suffer torment and hurt, whether physically, sexually, or psychologically, including, threats to inflict any of such acts, coercion, or arbitrary deprivation of freedom, whether in public or private life".

The Council has yet examined the violence against woman thoroughly through observing the status of the Egyptian woman in both family and community as a whole; batter and violence against woman could take any of the following forms:

#### Domestic Violence

It's rather difficult to put a precise definition to the familial violence, yet it could be said that it's that kind of violence inflicted upon one or more of the family members, or in other words, it's all aggressive conducts that have resulted in nonequivalent relations within the family,

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<sup>35</sup> Campaign of the Arabic Center for the Independence of Judiciary and Attorney for the woman could have access to the judiciary posts in Egypt

and most oppressed and vulnerable category within the family is woman, since the UN General Assembly has on December 17, 1999 declared by virtue of resolution no. 54/ 134 November 25 of each year to be the world day for eliminating violence against woman, and called by the same resolution upon all governments, international organizations, and nongovernmental organizations to organize certain ad hoc activities specially for promoting awareness of the problem on this day.

Familiar violence is deemed highly dangerous to the individual and society lives; on one hand, it causes disorder to the first nucleus of community to such extent that makes it unable to perform its contemplated primary social and education functions at most and best conditions, and on the other hand, it helps reproduce inappropriate patterns of conduct and misconducts amongst the family members, which requires scientific interest to address such problem and breaks it down to get to every details of its underlying reasons, not to mention devising the potential solutions.

### Community-based Violence

Community violence is deemed to be one of the negative phenomena that should be addressed forthwith particularly with the negative consequences that it might have upon the looseness of the community's elements and emerging feeling of dismay and insecurity inside the society. Such violence cropped up against woman in many forms, such as sexual molestation, which has been growing and taking several forms that share only one primary feature, which is certainly the aggressiveness and putting about the feeling of violence and insecure, such feeling that started to knock out all the whole society not only women.

The year 2006 has seen some unfortunate events, including the incidents that took place in the down town in the Islamic "Bairam" Feast "*Eid El-Fitr*", whereas the Council has communicated the concern bodies around these events in which a large group of young men have molested and raped many girls in the down town in front of Metro Cinema, Adly St., Tal'at Harb St., and Cornice, and because of this the Council has demanded investigation and taking immediate actions against the perpetrators. The Council has demanded to be conducted as well profound studies and researches into the violence against woman, not to mention developing a nationalistic plan to address such phenomenon from its different aspects, whether such violence was limited to the family boundaries, street, or the community at large.

And in this connection, some of the civil society organizations have issued some data that could condemn and denounce such atrocities demanding to pay attention to the incident not as fortuitous occasional incident, but to consider which as profound phenomenon which reasons and motives ought to be examined in order to avert it and help preclude it from taking place in our society, prevention of molestation and harassment in general, filling the legislature gap in the penal code, and enacting law that would counter violence against woman and sexual harassment for protecting the women and girls in the street and all public places<sup>36</sup>.

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<sup>36</sup> Egyptian Center for the Rights of Woman

## Child Rights

Despite all accomplishments achieved last year to improve the potentials in which child could be nurtured and grown, besides narrowing the gap between two genders in terms of enrolment to the schools, there are still classes deprived of attention, and such situation could be seen vividly embodied clearly in the rural areas in general, and Upper Egypt in particular. Not to mention that the children working and dropped out of school can be largely seen in Upper Egypt as opposed to any other place in A.R.E<sup>37</sup>.

### \* Primary Comprehensive Education:

According to the Ministry of Education, the percentage of enrolment to the primary education, among boys and girls alike, has increasingly hiked, as it reached average of (96.1%) at the national front, and the ratio suggesting higher education percentage in Egypt has risen from 74% to 76%<sup>38</sup>.

### \* Equality between genders and empowering the female children:

Gap between two genders in the primary, prep, and secondary schools is narrowing by degrees, however, still there's a need to exert more efforts for the sake of narrowing such gap at the level of the higher education, and the state will have along way to go in this area.

### \* Reducing Mortality Rates among children:

Reducing mortality rates among toddlers and babies under the age of five to the half during last decade is one of such uplifting issues as to the accomplishment of the target that aims at reducing -by as much as one-third- child mortality rate by the year 2015.

### Violence against Children:

Violence against children takes many forms ranging from physical abuse, emotional abuse, negligence, sexual abuse, and many other forms that could occur at home, school, and sheltering institutions. Despite the graveness of this case, violence against children is most likely harbored and not taken public, as no one proceeds reporting such cases whether at schools, houses, or shelter houses, moreover, the methodological information based upon survey data and research are so limited, however, efforts exerted to limit and eliminate such phenomenon are under way and augurs well enough to stand for them, as the National Council for Childhood and Maternity has therefore announced the hotline project through which complaints could be received from children and thus relief would be put in place. Following are some recommendations assured by the Council in this connection:

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<sup>37</sup> Report of UNICEF

<sup>38</sup> Report of UNICEF 2006

- The need to build capabilities to the members in the security, social and civil foundations, particularly orphanages and juvenile houses for respecting the children's rights and securing the necessary material potentials.
- Supporting impoverished and disadvantaged families, and guaranteeing their rights to the social security in order for their children to complete their education.
- Cracking down whoever inflicting any harm upon the children, particularly, parents who abandoned their responsibility for tending to their children, and such punishment must be deterrent and exemplary by amending the Penal Code, and Child Law by raising the Criminal Responsibility Age of Children, allowing homeless children of unknown origin and affiliation to be registered, and devising the controls required to protect the rights of children at risk, or might be exposed to deviation and perversion, not to mention the rehabilitation processes.
- Giving the due attention to the orphanages, welfare houses and rehabilitation houses, and affecting the control upon them. Let alone encouraging the establishment of Civil Society Associations for rehabilitating, protecting and supporting the homeless and foundlings.

#### Child Labour:

Labour children usually suffer long working hours and hard labour under very intricate circumstances; lots of children work in hard labour that does not absolutely suit their ages and might jeopardize their health conditions, besides some of them spend their times in worthless jobs that won't hold any future benefit for them, which hold no promise of any opportunity to a craft to earn their blessing. And the civil society organizations have organized many purposive activities and ceremonies that focus on child labour as a case<sup>39</sup>, yet such organizations have concluded some packages concentrating upon the following:

- Monitoring and pursuing the sanitary, nutritional, and educational conditions, and the situation of working children, and disseminating and illustrating information about them to the public opinion.
- Direct support to the working children through vocational training and industrial schooling in the polytechnic institutes that could qualify them to a productive job upon finishing training and attaining a good occupational education.
- Convincing employers to replace working children with adult labour, which might alleviate the problems attached with unemployment and minimize the problem accompanying children labour.

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<sup>39</sup> Public Authority for Child Protection (nongovernmental organization)

- Paying attention to policies and methods that could be capitalize upon to raise more funds in relation with rehabilitating labour children as a wider framework to tackle the exploitation and poverty.

### Street Children:

Street Children is deemed to be one of the most noticeable cases that directly impairs the children's rights, whereas some reports point out the phenomenal surge in their numbers to such extent that requires investigation and study due to the circumstances wherein they might be exposed to adopting criminal attitude in the Egyptian Society. The statistics of the Public Administration for Social Defense have further indicated the remarkable increase in the number of misdemeanor relating to the exposure of children to different kinds of outlawry; as the majority of misdemeanors are represented in robbery at about 56%, homelessness at about 16.5%, begging at 13.9%, violence at 5.2%, and disobedience at about 2.9%.

Researches made on street children in Egypt have displayed that there are different factors that might contribute in emerging the problem, most of which have unanimously concurred that the major reasons behind this situation lies with Poverty, lack of subsistence living for the family, family looseness, violence against children, slackness and negligence, dropout, children labour, and other social and psychological reasons that are closely attached to the social vicinity. It's undoubtedly true that street children in Egypt do have dire direct and indirect needs, including vocation, and settling for fixed source of livelihood from which they can sustain themselves and subsist their family to withstand starvation and poverty in case they were of any need.

Yet more, street children in Egypt are facing many grave problems and dangers, including violence which accounts for the major part of their daily lives, whether violence among their peers, in the surrounding society, or within their work environment.

Out of the observations spotted by the Council's Media Observatory, street children case has drawn a mega attention during 2006, particularly after breaking the news of the case of Ramadan Abdulhalim Mansour (El-Tourbini), accused of committing many raping crimes and murders above train roofs, for which, according to his confessions before the public prosecution, more than 14 of the street children in many governorates have fallen prey. And the Council has, as a result of the news, communicated with the National Council for Childhood and Motherhood stressing the need for cooperation and coordination for the sake of conserving the interests of the Egyptian child, making available all aspects of welfare, saving the souls of children , and developing solutions for the street children.

The Council has therefore vehemently asserted the importance of expediting the implementation of the national strategy necessary for addressing the street children phenomenon, provided that they should be treated as children exposed to danger and perversion, not as perverted, so the National Council for Childhood and Motherhood has duly declared developing a strategic plan in this connection, and they hereby demand the expedient implementation and support of such plan in all over the concerned ministries, and recommend

that this case be submitted under scrutiny during the upcoming phase for effecting the national strategy in protecting street children.

### **Rights of Persons with Special Needs**

In every society there would be found a category of the special needs (disabled), which requires a unique adaptation with the environment they live in due to their health situation. And in this connection the Council has received complaints from some people of special needs, whose calls focused mainly upon empowering them in terms of economic, and social rights, whereby they called for appointing them by virtue of the 5% class, which is the legal preset percentage allowable in some jobs, and some other complaints revolved around job opportunities and housing applications, so the Council, from its side, has duly communicated the concerned bodies for the sake of supporting those people with special needs in obtainment of their own rights and equality with other healthy citizens.

And within the context of the concern with enhancing the rights of this class of human, the Council has, during last year, participated in so many activities in relation with this class; some were in the framework of the Council's general action plan for fostering the human rights, as the Council has saved no efforts trying to foster the rights of the disabled through coordinated meetings with the National Council for Childhood and maternity that aims to discuss the draft uniform and comprehensive law for enhancing and protecting the rights of the disabled with all concerned parties, and reach a relevant formula that runs consistent with the esprit of the international agreement that's currently being prepared.

In further support from the Council for enhancing the rights of the disabled and those of special needs, the Council has – in conjunction with the Civil Society Organizations - issued a summary about his second annual report for 2005 printed in Braille based on their right to observe and note everything is going around them in relation with the human rights, which has highly lauded and appreciated from societies working with such class.

Auditing some data relating to their numbers, the Council has discovered that this class represents around 11% of the total population in Egypt, namely, 7 millions handicapped, however, lack of the necessary precision of such statistics could entail the lack of knowledge of the reality of such disabled due to the following reasons:

1. Lagging general social awareness of the disability and its repercussions
2. Consequences resulting from the contradiction of determining the disability criteria and its degrees, which could be resulting from lack of instruments and methods that could be used in measuring the degree and type of disability
3. Nonuse of the rights of the disabled as a social case, however, it's being used from the perspective of charity and service apart from the society itself, whereas most of societies dedicated with disabled in Egypt are more service-oriented societies than juristic ones, nevertheless, some societies began to give the disabled human rights the due care.

## **Right to Transparency**

Transparency was among the topics that drew too much attention from the Council due to its repercussions it had on lots of prospects relating to the state's associations and society development, which accounted for the reasons behind efforts of the Council in addressing the topic of "relevancy of the national legislations in lights of the United Nations Anti-Corruption Agreement" amid the meeting's agenda relating to the Legislative Affairs Committee in the Council, which has been held on 16.06.2005 wherein an agreement has been reached upon developing memorandum of the Egyptian Laws and Legislations required to be amended in order to be aligned with the Anti-Corruption United Nations Agreement in such a manner that would fulfill equality and toss-up opportunity principles, and protection of the economic and social rights. The Council further affirms the need to expedite effecting and putting in action the International Agreement on Anti-Corruption because of not disseminating it despite being ratified three years ago, particularly that this agreement has been put into action on 14.12.2005.

Transparency concept revolved around disclosure on one hand, and the accountability from the other hand in light of governance and management which take into consideration the principles and foundations of human rights. Such topic has drawn much wide international attention since the European Charter on Penal Code relating to corruption has been ratified on Jan. 27, 1999, United National Anti-Corruption Agreement that has put into action on 14.12.2005, and African Union Charter for Prevention and Anti-Corruption in July 2003, and the Open Society Justice Initiative held on September 28, 2005 on the ten principles in connection with disclosure and right to knowledge due to their high importance and taking the account of risks that might be cropped up in case of their default.

This right revolved around wide range of cases and topics which allow it, to the extent of waste of, to impair many other rights pertaining to the citizens. And should most of the aspects relating to what the right compromise could represent the right to transparency in negative effects addressed in details in the aspects relating to the civil, political, economic, and social rights, the most dangers effects resulting from compromising this right are represented in public funds, nationalistic wealth and economic resources in its universal concept that would include human themselves, so, the protection of such right constitutes the corner stone in counter corruption and protecting public funds and many other nationalistic resources from being frittered away or wasted and channeling them regularly to the extent that would maintain the comprehensive societal development, not to mention the illicit enrichment and misuse of position by some to such extent that would maintain unequal distinguishing or unjustifiable racketeering at the expense of the nation's resources and citizen's prosperity, or their health condition so to speak. And that would as well establish justice and spread equality and toss-up opportunity amongst the society members.

It's worth mentioning that the phenomenon of globalization has affirmatively contributed into widening the range of battle against corruption. The accelerating progress in IT and Communications has helped make available the information necessary for optimizing the role played by bodies willing to counter corruption and reveal its dimensions and risks, which



have reverberatingly started to mushroom in many other neighboring states wherein many CSOs and NGOs have emerged to defend the right to transparency and establish solidarity in countering corruption in all sectors and different fronts, not to mention lots of networks that have incorporated other societies and organizations for coordination between them at both regional and international fronts, and to this end, some international, regional and local conferences have been held aiming at coordinating for establishing and deep-rooting this genuine right considering which one of the major guarantees that would maximize and capitalize upon positive aspects of globalization favor of welfare of the people on earth and the future of their generations.

### **Approach to Combating Corruption**

The importance of combating corruption emanates from the importance of the corruption phenomenon that its diagnostic facets ranges from political, economic, cultural, social, and legal, which is a food-for-thought phenomenon, particularly from the perspective of human rights, which communities should think up good mechanisms for combating it. The mechanisms that guarantee transparency and disclosure of information, data and procedures are of high importance due to the efforts taken in preventing corruption, and combating the cases witnessing embodied corruption whether at the public level (state institutions) or civil society associations against the civil and political freedoms guaranteed to the citizens in constitutions and legislations, and the right to transparency is guaranteed and provided for in the Egyptian Constitution.

The National Council for Human Rights has held more than one workshop around combating corruption and supporting transparency as a main approach toward conserving human rights.

### **The Relationship Between Combating Corruption, Transparency Mechanisms, and Human Rights**

As well-learned lessons from the studies conducted by the NCHR and the Egyptian Presence in the international fora concerned with corruption and transparency cases, the Council's vision vis-à-vis the corruption issues, and related remedies in relation with transparency, accountability, monitoring, and other expressions commonly known and circulated along the joint dialogue forays against corruption, its consequences, and resulting damages asset that there's a relationship between the viable practices in administration and governance on one hand, and human rights on the other hand, which in turn is vulnerable to corruption, and the possibility of contribution to combating corruption as well.

The Council aims at enhancing the understanding of rational governance practices that could help combating corruption via focusing on the human rights approach, highlighting, revealing and clarifying relations and bonds between corruption, rational governance, and human rights through the following approaches:

#### **Influence of corruption upon human rights:**

- Corruption could have partial effects upon human rights through intermediate factor in different methods, and since the human rights are closely correlated and indivisible,

the effects of corrupt practices of any power or authority could impair all human rights.

- The corruption of the public resources administration could undermine the government ability to render lots of accompanying packages of services, inter alia, health, education, and mandatory social services for the sake of guaranteeing the economic, social and cultural rights.
- Any discrimination in obtainment of public services in favor of the well-offs by the personal interest concept in usage of job influences including briberies, could undermine the human rights.
- Corruption touches upon the possibility to enjoy all civil and political rights, since it impairs the democracy of institutions, whether being modern or deep-rooted democracies.
- The efforts undertaken to implement or maintain the current legal frameworks for establishing justice and maintaining equality principles before law and guaranteeing the equitable trial, couldn't be success in case of there being any corruption between judiciary, lawyers, D.A's, police officers, journalists, and members of monitoring and auditing organizations, particularly in view of the failure of those with limited income to give bribes to obtain their equitable rights.
- Corruption could impair the relevant accountability system relating to guarantee and protect human rights, and contribute as well in enhancing the culture of avoiding punishment.

#### How the principles and approaches of human rights contribute in combating corruption

- i. Carrying off efforts taken to counter corruption is dependent upon considering which as a public regular problem not as individual one. Furthermore, the response vested with speedy implementation of corruption combating should be comprehensive for establishing effective institutions and issuing new and effective law for combating corruption and making rational reforms in the governmental governance, besides engaging the stakeholders from within and without the government in an anti-corruption plan. Therefore, the Council has stressed that issuing the new law on combating corruption despite importance would not be useful without strong participation of the civil society and dissemination of integrity in the state institutions. The business of civil society against corruption requires therefore assistance so as to be able to achieve its targets in legal context accompanied with strength and open political system.
- ii. It's worth noting as well that combating corruption, on the fashion of human rights, is deemed to be a long-standing process that require profound changes in the society and include the state associations, laws, and culture. Therefore, the effectiveness of

strategy adopted in combating corruption is closely associated with benefit from the basic principles and elements of human rights; such as independence of judiciary system, freedom of press and publishing, transparency in the political system, accountability and all mandatory principles necessary for devising success strategy for combating corruption.

- iii. There's a dire need to determine the role and properties of associations that could help effectively in combating corruption, besides the role played by judiciary system and national associations in enhancing human rights in conjunction with the international organizations for combating corruption.
- iv. The transparency and accountability are one of the basis principles attached with human rights based on the development methodology, which is supplementary to the successful strategies in combating corruption. Remedies enhancing transparency and accountability, and sustain corruption combating efforts are closely attached with enacting laws that guarantee providing public with valid information about the governmental operations, decisions, policies, and institutional reforms.
- v. The participation by civil society and media in elevating the value of accountability and transparency is deemed to be highly important and vital in combating corruption considering which a well-learned lesson from the experience of human rights movement in the civil societies in elevating awareness of corruption, and building alliances between the state organizations and private sector in support of anti-corruption efforts. It's highly important also to discuss the role of the private sector in combating corruption and challenges facing such efforts.

### Combating Corruption and Protecting Human Rights

Bodies concerned with combating corruption and implementation of law often ignore or underestimate the possibility of occurrence of paradox between corruption combating policies and its technologies on one hand, and the principles of human rights on the other hand. Therefore, it's important that upon determining the types and policies for combating corruption considering they shall be aligned with the principles of human rights in such manner that would prohibit any negative influence upon the rights of all parties concerned, including criminals, victims and activists in combating corruption.

- For example, the privacy rights and equitable trial are of the basic rights closely attached to human, and could be exposed to violation amidst the campaigns adopted in combating corruption and usage of assault as a technology in combating corruption, and noncompliance with the administrative procedures provided by law.
- The Burden to Prove in the corruption cases represents a very crucial issue which requires balance between mandatory considerations in investigation, and interrogation in the corruption cases and the human rights that should be respected.
- In addition to taking account of policizing the campaigns used in combating corruption, and using them without transparency and authentication, as a governmental tools that is used to quell political opposition or liquidating adversaries.

- In this context, the importance of using effective means for bringing justice to the victims of violations against human rights resulting from corruption or remedies taken for combating it.

In concentration on the disclosure value and circulation of information, we do hereby stress the importance of the ten principles of the right to knowledge declared in the international annual conference on (OPEN SOCIETY JUSTICE INITIATIVE) on September 28, 2005, in relation with the right to have access to information with the partner states:

1. Access to information is the right of everyone
2. Exception is to reach confidentiality rules
3. The right applies to all national institutions
4. Right to ask for aid from officers in filling out the applications
5. Withholding information from the public should be justified
6. Public Interest shall have the precedence and priority as to confidentiality
7. Everyone shall have the right to challenge the decisions that might hold any harm against him
8. Public authorities shall take the initiative in disseminating the basic information
9. Right shall be accomplished by independent authority

#### The Egyptian Experiment

There are many fruitful and serious attempts to integrate and effect the committees system supervising the governmental performance in the legislative Councils, and there current practices undertaken to audit the Human Resources Management System in the governmental administration, adopting the decentralization, modernizing the financial management, auditing and public performance evaluation, and the progress levels toward implementing the modern methodologies in the public administration on the other hand.

Yet such efforts only require more of that, and consultation between officers for taking joint decision should replace the individualistic means in light of the predominance of centralization. It's undoubtedly true that the totalitarian "conventional rule" system does not reflect transparency above accountability is no more appropriate or relevant to the modern management system, which focuses upon the society as a whole for the service of the development; in light of the modern management approaches, there are elements in the society that flourish and bloom outside the framework of public organizations serving the development. And such elements should be engaged to make the decision required in relation with development in all field, and it's mandatory therefore making the public services available to the conveniences of the public, and such services should be rendered efficiently. It's true that developing and applying successful and effective policies require the participation of all concerned parties with respecting integrity, transparency, and accountability principles.

## Recommendations

3. Actions should be taken to combat corruption in Egypt in all fields and sectors, and so as to avoid such corruptions, following should be considered:
  - Enacting law on combating corruption that would guarantee securing information, transparency, disclosure, accountability, and amendment of the other laws so as to be aligned with the provisions of the International Agreement on Anti-Corruption.
  - Compliance with implementing the provisions of law
  - Supporting transparency and encouraging the civil society to take part
  - Raising the confidence of society in the government and its performance
  - Abidance with governing rules and mechanisms
  - Independence of media from service providers and government
4. The Egyptian government should issue and publish updated information on the internet, including balance sheets and appraising performance at both level, local and national, and in all fields.
5. The Egyptian government must implement effective nationalistic systems to report the corrupt practices sand violations of the human rights.
6. The granting financing and technical support bodies should be characterized with clarity and candor in terms of disclosure about the financial contributions submitted dates of submittal, receiving body, and real intents. And such entities should take measures necessary to evaluate their programmes using calculators and auditing techniques for rationalizing and optimizing the expenses in relation with remittances, improving efficiency, and minimizing corruption potentials
7. The Egyptian governmental should make available the protection to the informants of corruption practices for individuals in the institutions
8. Employees should in return receive appropriate consideration relevant to their respective education, skills, and training
9. Rules organizing interest conflict should be clarified pursuant to the principle of transparency at all levels, including selecting ministers and holders of public posts
10. Integrity Charter should be applied at the medium and large levels of commercial transactions, including agreement to be adhered to by bidders, and authorities contracted with, prohibiting any offer or acceptance of bribery in any public contracts.
11. Investigating bodies should stress clearly that corruption entails grave consequences, via pursuing the corruptions cracked down by law, and corrupt officers and those involved in any corruption should be put to trial
12. Necessary experiences, resources, and independence should be available to concerned authorities
13. Egyptian experiment should be showcased in the international fora, and exchanging the international experiences accumulating in the field of supporting the viable practices in the face of corruption, besides developing mechanisms for combating corruption, such as transparency, disclosure, and accountability

Therefore, we should then realize the importance of following the modern and new methods in the state governance system in such a manner that political, economic, and administrative authorities could cooperate and operate in an integrate system, each element of it would depend upon the effectiveness of the performance of the other elements, at all levels, in away that allows the private sector and civil society organizations and the public alike to express themselves in a manner that would help solve their problems despite differences in their opinions and interests, and they should cooperate to fulfill the targets of balanced and sustainable development<sup>40</sup>.

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<sup>40</sup> Attached report on combating corruption in the field of health

## CHAPTER TWO: COUNCIL'S ACTIVITIES (INTERNAL ACTIVITIES)

### Hearing Sessions "Citizens' Right to Safe Public Transportation"

- Social Rights Commission has held during months (May, June, and July 2006) a number of hearing session with officials in the transportation sector for discussing the right of the Egyptians to having access to secure transportation vehicles for the sake of determining the shortcomings and surpasses occurring in this field for reaching the suggestions and measures ought to be followed for improving the situation of transportation in Egypt – after having had access to some reports issued by the specialized National Councils, D.A. office, Industrial and Energy Production Committee in the Shura Council, Transportation and Vehicles Committee in the People's Assembly, and some other external sources discussed some incidents in the Transportation Sector during the previous period.
- The Hearing Committees have hosted both of Mr. Hamdy El-Tahan (Head of the Transportation and Vehicles Committee in the People's Assembly), Major-General Mukhtar Abdulwahid Ammar (Head of Maritime Transportation and Supervisor of Maritime Safety Authority), Ms. Fatma Abdulhameed (Head of the Central Department for Maritime Transportation), and Dr. Ibrahim El-Demeery (ex-Minister of Transportation)
- In the outset, the attention has been given to some incidents that happened in the field of the following types Transportation:

a. Maritime Transportation:

\* Accident El-Sallam 98

This accident took place on Friday, Feb.3, 2006, whereas El-Sallam Ferry 98 due to the outbreak of fire in two hours as of leaving from "Dabba" Saudi port, and continued for three hours during which a large chaos has occurred and grounded the ferry to drown and reports have stated that number of survivors has reached 387 Capita out of the total (1417) passengers, and the remainders died drowning in the waters of the Red Sea.

b. Real Roads Transportation:

- Anshas Trains Accident:

In the morning of Monday, May 1, 2006, at 10:00 am, two trains have collided at the entry of the city of Anshas between train no. (2010); which is composed of 26 compartments carried with grains leaving for Cairo, and Train no. 381 leaving for Zagaziz at the entry of Anshas in Al-Sharqiya, which have caused injury of 45 persons.

- El-Qaliyoubia Trains Accident

In the morning of Monday, August 21, 2006 passengers train no. "344" incoming from Benha city to Cairo, and the first train has collided into the second train beyond Qalyoub station and caused breakout of fire into both trains, and two compartments have turned upside down in such away that have thrown them out of the rails and upside down; and the death toll has reached (36) dead and around (133) injury cases, and some international news sources have stated that the number of killed people stood at (65) killed, and around (140) injured.

- The second accident of El-Qalyoubia Trains Collision:

On Monday, September 4, 2006, two trains of passengers and cargo have collided at Shebin El-Qanater Town in El-Qalyoubia Governorate 30 km from Cairo; whereas a train from El-Marg to Shebin El-Qanater has collided with one of Cargo trains leaving Shebin El-Qanater town for Abu-Zabal district. The two trains have oppositely collided at Tel-El-Yahoudiya turning point and have turned the two tractors and two compartments of both trains upside down, and the number of the dead has reached two, besides around (34) injured.

Therefore, the Social Rights Committee has observed a number of weaknesses in the field of Egyptian transportation and vehicles.

- The committee has accordingly following the hearings reached a number of recommendations to limit the accidents of transportation

### Land Transportation:

Establishing free and highway ring to connect the north and east of Egypt with the south and west of the country, and maximizing the roads existing already between and within the cities whenever possible, and taking this options into consideration while establishing the new roads, and giving the existing roads a second thought, and identifying the places wherein no minimum safety specifications observed, putting urgent time schedule for repairing and maintaining them, prohibiting establishing any artificial bumps in the roads unless by permission of the concerned body to avert the arbitrary bumps which could cause accidents, and making available the effective control over the highways and developing scientific specifications for enlightening the network of the land roads, with view of the technical check on cars before giving them or renewing their licenses or hardening the procedures of granting driving licenses unless it has been confirmed that their applicants have passed the legal procedures or providing the traffic officers with the latest technologies and high speed mobility means on the roads to help them perform their duties and pursue those in violation, qualifying and training them on the traffic manners and techniques, and the importance of coordination with the Meteorology Authority, Ministry of Information, Traffic Administration, and Ministry of Health for avoiding motor accident and saving



injured as soon as possible. Let alone making available sound collective and appropriate transportation network for protecting human, and expanding multi-stories garaging network and using them for very humble wages for the sake of encouraging the cars' owners.

### Rail Roads Sector:

There are number of crossing walks that could cause lots of motor accidents because of using them as vegetable markets, and building makeshift slums along those crossing walks, and operating them manually, therefore such slums and skid rows should be eliminated and crossing walks should be operated electrically.

Railroads amount to around (1250) trains for carrying passengers, including compartments, however, lots of them are still dilapidated and are not valid for humanitarian usage, so a replacement and renovation plan should be devised for replacing and renovating such compartments

Around (50) cargo trains passes on the same railroads on which the passenger trains pass, so action should be taken to guarantee non-collision, and traffic priority should be given to passengers train, and dual railroads should be operated as the same with Cairo-Alexandria line and Cairo-Aswan lines.

On railroads network established around (868) bridges, their life expectancy for most of which is over now, and a replacement and renovation plan should be devised

A long the railroads, there are over (1200) crossing- walks; one-third of which left open without any flyovers in such away that exposed it a hot place for many accidents, so the drivers should be advised to ease and slow down the speed of the train upon approaching the cross-walking in order to build flyovers, and electrocuting the cross-walking.

Semaphores should be developed in the stations and new technologies should be adopted as well

Training and qualifying employees in the Railroads Authority and conducting regular checks thereupon

Informing and educating citizens of the need to follow rational behaviors while dealing with the railroads for conserving them from waste or sabotage and not carrying inflammable objects and assigning Controllers in the Authority to watch the movement of passengers and employees

Making it conditional upon travelers by train not to take trains unless from the stations built for it

Developing the stations of the railroads, platforms, rests, and bath rooms in such humanly way

Abidance with the dates of starting and ending trips

It's rather uplifting that the state has now approved the amounts necessary for repairing and maintaining the railroads facility as soon as possible

### Maritime Transportation:

The state should abide by controls and criteria upon leaving the port, and the ship must in turn obtain the license necessary from the Egyptian Maritime Safety Authority, whether bearing the Egyptian flag or state's flag when leaves from the Egyptian port. And a report from the Safety Authority should be devised and delivered to the ship's captain, and a copy should be retained in the Authority, and it must be mentioned in the report that the ship is compliant with the safety criteria, specifications, and criteria fulfilling safety. And the captain should apply all documents that identify the life expectancy of the ship, cargo payload, staff certificates, and safety procedures, and their compliance with the safety specifications and criteria.

Giving due care to the scientific level in the Maritime Academy, putting foundations that would allow elevating the scientific standard through making snap checks for making snap tests to the captains.

Giving the attention necessary to training facilities, and organizing training courses regularly for employees working in the Maritime Safety Authority and the staff of the ship.

Establishing higher medical Council for monitoring the medical status of captains on a monthly basis, not every five years as it's the current case, whereas the medical status affects the decision making process.

Providing all Egyptian ports with the latest communication apparatuses and giving training on how to use them.

Giving the due care with the research and rescue centers by using the modern technologies and qualifying employees.

Making regular inspection by Safety Authority upon ships and establishing committees for conducting technical inspection and inspecting the passenger ships to define its seaworthiness and measuring such ships again to determine the number of passengers allowed to be borne according to the international agreements and conventions and the Ship Safety Law no. 232 of 1989 and the regulating resolutions.

The regulated companies shall comply with applicable laws, decrees, and international agreements and conventions, and training the ships' staff under the supervision of Safety Authority.

Companies shall regularly perform maintenance checks under the supervision of the Maritime Safety Authority.

Conducting training, increasing awareness, and guidance, and appointing personnel carefully and elevating the efficiency of inspectors.

Appointing officials in charge of ship's safety, and increasing the awareness of passengers in case of occurrence of any catastrophe or accidents.

Companies shall elevate the standard of ship's staff in conjunction with the Maritime Safety Authority.

Restricting and organizing the procedures of entering the ports and the relevant measures.

Transportation companies shall give directions and instructions to the ship's captain to make a drowning maneuver and combat fire during sailing in addition to displaying VHS tapes showing the actions required to be taken by the passengers upon the occurrence of any critical situations to the ship, provided that it should be made prior the departure of the ship, during its comeback, or introducing and educating the passengers with the places wherein survival equipment are usually stored, and the places of everyone on the lifeboats.

Ships shall comply with appointments of departure from the port avoiding jamming of travelers.

### River Transportation Sector

River transportation is deemed less costly than the other transportation mean due to the ability to transport non-standard length and weights equipment, and such transportation means are characterized with having the potentials of local manufacturing, and they could be used in tourism and carrying goods for reducing burden sustained by land roads, which could as well contribute into minimizing accidents, besides the cheapness of this means as opposed to the other transportation means and such means should be used after the following:

- a. Determining the navigational watercourse through river Nile and its navigational streams along with developing the guiding marks and cleaning it from impediments.
- b. Establishing riparian ports including storage spaces for goods.
- c. Connecting the riparian transportation network with land roads, railroads, and maritime ports to capitalize on the economic benefits resulting from adopting the integrate transportation system that would allow transporting goods from place to their destination without asking so from their owner to the railroad station, river port, or either way by river transportation.

### Aviation Sector

Automatic landing should be adopted by using the modern technology or when airports are scattered far from the populated area, and as per departure appointments.

## **Field Visits**

### **Delegation from the Council presided by Dr. Kamal Abul-Majd have visited Torah Prison:**

- On May 21, 2006, in context with the interest and keenness of the Council to identify the status of prisons and monitor the actions and updates inside those prisons based upon the complaints received either from detainees or those sentenced against, a delegation from the Council presided by Dr. Ahmed Kamal Abul-Majd has visited Torah Prison no. 992.
- The delegation was received by Major-General Hani El-Deghidly, Head of Prisons Authority, the delegation has been escorted inside and around prison, where they met a number of prisoners belonging to the Islamists in the yard of the prison, and Dr. Abul-Majd has talked to them about the Faith Case and different insights, then the delegation has moved on to the office of Prison Warder, whereas the Deputy Chairman of the Council has requested to meet the prisoner Ahmed Kamel Hussein Ogeiza, accused in the case of "Citizens returned from Albania", who has been extradited by Swedish Government to Egypt in the participation of USA in 2001 based on his complain to the Council prejudicing from the bad state inside prison, and upon fetching him to meet up with Dr. Abul-Majd in private, then he related the violations inflicted upon prisoners, including the negligence from the side of the prisons' administration represented in lack of cleaning inside the prison, except in the case of attendance by some top figures, and being there laws and regulations are constantly violated by State Security Officers, and he then demanded handing over and making available a copy of the prison's regulation inside the library for prisoners' access and for getting to know their legal rights, and he as well has demanded the need to put a definition and precise definition to the violation against prison's security.
- The prison's administration has mentioned that Ogeiza has got television set and reads the daily newspapers, while Ogeiza has stressed that the prison didn't secure him any television set, but they only comes through civilian assistances.
- Then Dr. Abul-Majd met him to listen to his complaint wherein he claimed prejudicing the maltreatment and bad condition inside the prison, which touch upon lots of prisoners, yet they are unable to convey their complaints to anyone, and after having finished with him, the officials in charge of the Prisons Authority have proceeded to ask Ogeiza whether he could have been exposed to any torture or maltreatment of whatsoever following the first visitation from the Council, but his answer was negative, and by asking him about his health condition and whether he received medication after the health problem he has undergone, he said that he was checked up by the specialist physician and has obtained the medication necessary.
- By the end of the visit, some prisoners belonging to the Islamists met up with the delegation of the Council, whereas they have stressed that they have duly made intellectual revisions of their own convictions and notions, and they have asked Dr. Abul-Majd to treat them accordingly and that the latter should intervene to demand their release.

### Delegation's visit to Torah Central Prisons Zone

- A delegation from the NCHR visited Torah Central Prisons Zone on September 10, to taking part in the celebrations of some prisoners who passed their High School exams, whose degrees have exceeded 96.8%. and the members of the Council, both Justice Gamal Shoman, trustee of Social Rights Committee, and Dr. Mohammed Said El-Dakkak, the trustee of Civil and Political Rights Committee has transferred those who have excellently passed the exams of High School with such excellent standard, and they have thus awarded them symbolic tokens from the Council honoring and motivating them to keep up this high level of excellence, and helping them with the tuition fees to proceed with their university study, and giving motivation as well to the rest of prisoners jailed at prisons for completing their scholar study in such away the would help them claim their rights in continuing education.
- Major-General Mahmoud Wagdi, Assistant Ministry of Interior for Prisons Sector, has responded to the demand of the Council's delegation to sit privately with prisoners, whereas an outspoken conversation has taken place, whereby the prisoners have stressed that there's an improvement in the treatment and standard of living, which has allowed the scholar excellence, yet they have reiterated their basic demand of immediate release so as they could complete their normal life in the future.

### Visitation from Researchers of Technical Trusteeship of the Council to hear the complaint of the family of the Coptic girl abducted from El-Fayoum

- On 18.09.2006, two researchers from the Council's technical trusteeship to El-Fayoum Governorate for hearing the complaint of the family of the Coptic girl, Mona Yacoub Kiriakis regarding her marriage from one of the Muslims and her absention accordingly, whereas the Council's delegation has moved to the domicile of the family in Ezbetil-Khamseen, in Damou village, in El-Fayoum Governorate to meet her family.
- Her mother has stressed that she proceeded with her daughter on 16.08.2006 to El-Fayoum for doing purchases, and in the meanwhile, her daughter has asked her leave to go for cosmetics shop to purchase some cosmetics and as yet she has not returned, so a report of this disappearance has been drawn up in El-Fayoum Police Station sub. no. 5898 of 2006 Administrative on 17.08.2006, whereas the uncle has stated the absence of his niece, Mona Yackoub Kiriakis, 24 years old, teacher in Othman Bin Affan School in El-Fayoum, and he stressed in the report that the reason behind that was an affair with a colleague of her own named Khalid Taha Umran, Teacher in Damou Primary School, due to rumor about the existence of an emotional affair between the girl and the complained against five months ago during working with the girl at the same school despite the decision passed of her relocation from Damou Primary School to Othman Bin Affan Primary School.
- And they have already stated in the report that their daughter has been abducted by the said person forcibly in the time she was engaged to her cousin and they were to get

- married on 07.09.2006, and there was a report of so doing in the church dated 24.04.2006 for taking actions necessary to solemnize the marriage and reserve the hall.
- Then the researchers have met the Major-General, Head of El-Fayoum Security, who in turn has asked the researchers to go to El-Fayoum Police Station, wherein the absence report has been drawn up to review the facts stated in the report, and then they met the station's commissioner who stated that the report has been referred to the public prosecution that has made the investigations into the incident and duly summoned the complained against "Khalid Taha Umran". By interrogation in the public prosecution, he acknowledged that he's married to the Coptic girl, Mona Yackoub Kiriakis on her volition by virtue of a contract of common law, so he's been discharged from the police station forthwith after having undertaken to present before the prosecution upon summoning him to and fulfilled the whole papers by asking the informant in her regards.
  - Then the Council's researchers moved on to meet he father Gebrael Girguis El-Ahmar, agent of archbishopric of Catholic Copts in the northern area who has related the facts of the absence of the girl and her marriage to one of the Muslims, Khalid Taha Umran Khalid, and he has already been satisfied with such particulars through contacting the concerned bodies in the Governorate to know the latest updates of the girl's situation, then he knew that the person to whom the girl has been married presented before the prosecution and produced the marriage papers and discharged, and they have discovered that the girl still Christian.
  - As for the reviews of the papers around the sit-in session by Christian youths inside the Church in protest against the escalation of the situation of the girl, he confirmed that it was only silent sit-in for 13 days, and no abnormalities have happened except for one case, when one of the youth carrying benzene bottle has tried to set fire in the surroundings, but for the church's staff who interfered to hold him back, but media have exaggerated the event and he eventually demanded the intervention of the Council, to appease the community, for giving permission to any one of the clergies to meet the girl to make that she wasn't under any pressure.
  - The Council has in due time communicated the concerned bodies of the situation and demanded intervention to clear the situation between the concerned bodes.

### **Cooperation With Civil Society Organizations**

The year 2006 has seen a great progress in the cooperation of the Council with the civil associations, and the civil society organizations on the background of the prior support and positive cooperation in the presidential and parliamentary elections occurred during 2005, which has made the Council hold the third forum with the civil associations and civil society organizations in Alexandria on May 10, 11, 2006 in the presence of more than 180 participants representing (76) of civil associations and nongovernmental organizations, besides number of representatives of national associations for human rights in the Arab states, representatives of some donor international authorities. The agenda of the forum has included three main points of high interest to the employees in the field of human rights in Egypt:

- Problems and circumstances of the national action in light of the law no. 84 of 2002 organizing the work of the civil associations

- Evaluating the experiment of oversight over elections taken place in 2005
- Citizenship right, and the vision of the civil organization of the role of the civil society associations

In the end, the forum has concluded "Alexandria Declaration" including the recommendations relating to the cause discussed in the forum, more importantly the following:

- Deletion of Religion Cell from the National Number Card
- Daily impediments before the civil associations
- Establishing independent authority for management of elections

Due to the importance of the causes raised in the forum by the representatives of the civil society associations and organizations, the Council has duly recommended separate fora be organized to discuss each case of the foregoing alone considering which cases that in whole enhance the human rights.

#### Activities Organized by the Council:

- Workshop deliberating the (Proposal of deleting the identification of faith from the Citizens' National ID Card)

On August 8, 2006, the Council has organized workshop around the suggestion moved on deletion of the religion cell from the ID card in conjunction with 160 representatives of the civil associations and civil society organizations, human rights, and a galaxy of intellectuals representing all denominations of society besides the representatives of the official bodies ranging from the Ministries of Internal, State for Legal Affairs, Parliamentary Councils, Justice, Foreign Affairs, Social Solidarity, Christian and Islamic Clergies, and representatives of the Media Agencies.

- The workshop has discussed many points in connection with the citizenship rights as stated in the Egyptian Constitution, optimization process, the circumstances, and questions raised by deleting the religion cell. And the representatives of the associations have made written forays and deliberations and contributed in open discussions around the dimensions of the case.

The work sheets, deliberations, and discussions have stated three major approaches in connection with deleting the religion cell as follows:

**First approach:** This approach concentrates on the importance of the deletion considered as called for by the civil society organizations. This approach as well runs consistent with the other prevalent international approaches in view of the globalization, such as dealing with the issues in relation with the religions, and beliefs, particularly that such deletion could limit discrimination between citizens, help expand the political participation, and guarantee the transparency and integrity in the elections by replacing the election card with National ID Card in such way that require eliminating any obstacles without obtaining such card by any citizen to practice his rights.

**Second Approach:** This approach has stressed that any prejudice to the religion cell in the national number card is deemed one of the issues that raise sensitivities and contradictions with constitution and law to such extent that which negative impacts might preponderate and go beyond its benefits upon the citizenship cause, let alone the other ripple effects accompanying this issue and their impairment upon the individual's legal rights, particularly in marriage, divorce, and inheritance cases. Conclusion is the paragons of this approach see that the situation should remain as is by mentioning the three religions only in the religion cell.

**Third approach:** This approach would rather stay the religion cell and not limit which to the three religions, but rather a record of all religions and beliefs could be made or it would be left optional for those who would like to fill it in, taking into account that 51% of world's populations are atheists, namely, they don't belong to any of the heavenly religions, yet they find no bones with coexisting with the thee religions only conditional upon our dealing with them in the context of wider concept imposed by globalization and coexistence.

The paragons of all approaches that there is actually an underlying problem contributing in suffocating the relations and fueling the citizenship cause, and a cooperation should be forged to reach a certain formula for tackling such problem through keeping the wheel of discussion and extended study rolling on to pursue the common ground for enhancing the citizenship principle and reinforcing the human rights in Egypt via a package of legislative and legal reforms, and formalities as well.

- Workshop on The Daily Obstacles Impeding the Activities of Civil Society Organizations In light of the Law no. 84 of 2002 and the legal standing of civil companies and foreign organizations operating in Egypt

On October 31, 2006, the Council has organized workshop for discussing the impediments of daily work before the civil organizations in light of the law no. 84 of 2002 and the legal status of the civil companies and foreign organizations operating in Egypt in the presence of 150 participants representing over 90 of civil associations and civil society organization besides representatives of the Ministries of Social Solidarity, Foreign Affairs, Justice, General Federation of Associations, Arab League, representatives of the United Nations Development Programme (UNDP), and number of concerned regional and international bodies, and some approved embassies in Cairo.

### **The approaches of discussion are summarized as follows:**

#### **First: General Approaches of Impediments:**

- The law contained lots of justifications of intervention from the side of security bodies, restricting and limiting the activities of the associations, including dissolving the board of directors, administrative solution, and liquidation.
- Restricting the independence and freedom of the organizations in organizing the activities or expanding their scope, and controlling their affairs, inter alia, developing and amending their statute.



- Duality of licensing bodies in case the association's activity is related to more than concerned ministry.
- Duality of Controlling bodies (Ministry of Solidarity, Central Auditing Agency, and Security Agencies).
- Issuance of any periodicals shall be associated and dependent upon obtainment of license from the Higher Press Council.
- Obtaining the approval of the administrative body upon the nomination of the board, and gaining the right to make inspection without prior notification.
- Noncompliance by the administrative body with the resolutions of Conciliation and Disputation Resolution Committee, and delaying the right to litigation.
- Imposing restrictions upon the admission and acceptance of donations, and establishing parties, and exhibitions (prior consent – post control).
- Problems in relation with accepting donations from foreign authorities authorized to work in Egypt.
- Vulnerable subsidies granted to the Subsidies Fund of the associations, generic and regional federations, and societies of developing the local community.
- Deficiency in the databases and information relating to the foreign authorities operating in Egypt according to the provisions of the applicable law.
- Delay by the administrative body beyond the period set in the law for accepting grant-in-aids in such way that the associations should return the amount or prorogate the implementation of the targeted activity.
- Restricting the accession right to the international and regional organizations and associations, which could obstacle the efforts in relation with establishing the cooperation network between of joint-target associations.
- Unobtrusiveness the rule of prohibiting the conflict of interests and personal benefits in the contradiction between both articles of (36 and 39) regarding combining between membership of the board and employment, and the permission to appoint a paid manager of the association from among the members of the board.
- Broad interpretation of the term of "Restrictions on political practices".
- Article no. 13 "in connection with tax advantages and privileges on service and economic activities practiced by the association in context that allow achieving the targets set" has not been put into action.
- Lack of uniform accounting rules of associations.
- Non-approval of the right of the civil associations and societies to institute legal actions or accession to existing actions for addressing cases beyond their scope of business.
- Maximizing the punishments for impairing freedom.

Second: Discrimination in dealing with associations:

- Discrimination between developmental organizations, businessmen societies, and geographical organizations.
- The governmental financing bodies and some banks didn't present any grants or loans to the developmental civil labour organizations on the fashion of businessmen societies.

- Intervention by the Ministry of Social Solidarity and security agencies in the business of the societies, and excluding certain figures and thoughts from its memberships

Third: Insider problems in relation with the civil organizations:

- Lack of potentials and makings, vulnerable financial capacities, and absence of technologies, professional and administrative calibers.
- Vulnerable training and education to the leaderships and members
- Personalizing work and dominance by the elite
- Ineffective role of the General Assemblies in controlling and disseminating detailed balance sheets

Fourth: As for the foreign nongovernmental organizations in Egypt:

- Contradicting interpretations as to the premises of the organization whether inside or outside Egypt, and their request to exercise their roles and businesses through opening another branch (article 3 of the regulation)
- Stipulating the HQ to be abroad takes away the opportunity from Egypt as a potential location for a number of Arab nongovernmental organizations
- Disputation in connection with the right of such organizations to enjoy the same advantages and privileges guaranteed to the Egyptian organizations in accordance with article 13 of the law.

Fifth: As for civil companies:

- Lack of legislation relating to the non-profit making civil companies, and treating them as commercial companies, which leads to nonconformity between foundation contracts, targets and principles of organizational works.

Workshop Recommendations:

Amending the law no. 84 of 2002 in terms of its provisions, such as:

- Amending article (13) of the law by exempting the products and services of the civil associations from public sales tax for encouraging productive and service projects of associations, and motivating them on development, and building mutual confidence and cooperation between the government and civil society in Egypt
- Amending article no. 16, which give the administrative body the right to object and prevent the association from contributing, and accession to the club, association, network or authority outside Egypt doing business goes consistent with the association's objectives, and the need to lift off the legal, administrative, and security restrictions, and examining the possibility of forming generic union for the associations operating in human rights field.
- Reconsidering article (32) of the law in connection with forming board of directors by making a provision for nominating and electing about 20% at least of youth (under the age of 35) for encouraging and fostering youth to go through the election and participating in decision making, and qualifying them to practice democracy as a second line of leadership, and considering the provision prohibiting renewal of

membership in the board for more than two successive terms to encourage practicing democracy and guaranteeing the freedom of the assembly and expression.

- Amending article (42) and article (63) which gives the Minister of Social Solidarity the right to dissolve the civil associations and societies by causative resolution and after convoking the association for meeting to hear their statement and piloting the opinions of the General Federation of Civil Associations and Societies in case of disposal of their monies in other appropriations than their respective objectives, raising donations, or obtainment of the funds flowing from abroad without the consent of the administrative body, making grave violation to the law, Public Order, or manners, or in case of accession or affiliation to a certain offshore club, organization, or authority outside Egypt in violation to article (16) of the law, or practicing any of the prohibited activities in accordance with article (11) of the law. Recognizing that the law authorize the relevant minister to suffice with the punishment of discontinuing the association's business, eliminating the violating action, eliminating the reason of the violation, or dismissal of the board, however, entrusting the dissolution authority to the administrative body might engulf constitutional infringement; the constitution that might establish that forming associations is but a constitutional right, and the conformity and abidance by any law with such constitutional principle could be measured by the intervention and authority of the administration in the phases of establishment and dissolution, namely, the birth and the demise of the civil association. Therefore, we suggest that returning to the idea of entrusting the competent and relevant minister with the right to issue causative resolution after piloting the opinion of the General Federation and taking the statements of the association by discontinuing the violating action or dismissal and disqualification of the board of directors and appointing a commissioner that calls for new holding new elections in case of grave violations and mistakes, with reconsidering the violations sheet stated in article (42), provided that the association or any competent authority shall be entitled to challenge the resolution before the administrative judiciary court, and the administrative body shall have the right to apply for dissolution by virtue of a ruling of the administrative judiciary court. And such dissolution will guarantee to the administrative body a prompt means for intervention of halting such violations, provided that intervention would not engulf or embellish any doubt of unconstitutionality.
- Making available for the community-based participation through establishing funds that would help raising the finance necessary for the activities and business entered into.
- Amending art. 62 in connection with the civil associations that would require the approval of the Minister of Social Solidarity upon the receipt of the civil association of third party's monies, and it's suggested that this article be eliminated and settling for the provision of art. 55, prescribing the effectiveness and application of all provisions established in connection with the societies over the civil associations.
- Reconsidering art. 76 in relation with the penalties for adopting the idea of civil penalties or punishment instead of punishments restricting freedom as for any violations committed by members of the board, who in the bottom-line happen to be volunteers, and eliminating criminal punishments upon breaches or violations deemed

crimes pursuant to the penal code with settling for the provisions of the penal code, being understood that in this case any criminal penalty might be stated by law would be limited to exercising the prohibited business according to art. 11 thereof, or establishing association of clandestine business, or financial crimes that might have not been provided under the umbrella of the provisions of the penal code, if any.

- Adding article that would confirm the right of civil societies and association to institution of lawsuits or accession to existing actions for the sake of addressing and holding the brief for certain societal, cultural, and national causes that fall within the scope of their objectives. The said amendment would allow, for instance, the societies operating in the field of medical care, to institute cases for halting damage in connection with the causes of water mixed with sewage sanitary waters or negligence and carelessness in the public hospitals, not only that, but it would allow also to the human rights organizations to officially defend the human rights causes in general. It's worth noting as well that such provision has proved its feasibility in the law on protecting the environment no 4 of 1994, and it has been adopted as part of the Consumer Protection Law no. 67 of 2006.

The workshop has as well recommended the following:

- Giving attention to developing bridges of confidence and mutual cooperation between government and civil society in Egypt.
- Eliminating all legal, administrative and security restrictions and limitations, besides examining the possibilities of forming generic federation of all societies operating in the field of Human Rights.
- Guaranteeing the freedom of assembly and expression.
- Making available the community-based participation through establishing funds that would help raise financing required for the businesses undertaken.
- Maximizing the patterns of civil societies and organizations, and promoting cooperation between them all in such a manner that would help cover all actions, businesses, and geographical areas in the Egyptian governorates.

- Workshop on (The Establishment of An Independent Authority for Administering National Elections)

- on November 13, 2006, the Council has organized a workshop on the suggestion of establishing an independent authority for controlling and managing elections in the presence of more than 161 participants representing 95 civil societies and civil society organizations in the presence of experts and stakeholders, whereas Dr. Ali El-Sawy, professor in the faculty of Economics and Political Sciences, a comparative study on how to establish committee; on the outset, he asked a bunch of questions relating to the role of the committee, and whether it would be interested in supervision or management. In addition to that, what is the meaning of elections? Are they presidential, parliamentary, or local? Is it independent committee or judicial supervision? Then a presentation has been demonstrated about the guidelines of the suggested committee, its constituting criteria and the organization of its activities and businesses and the elements that would guarantee its success whether in terms of the necessity to take political decision of its constitution, or the social digestion of it, and determining its

powers and the guarantees of its independence and being unbiased toward partisan tendencies and level of efficiency of their elements, and a presentation of experiments adopting such mechanism, whether at the regional level, such as Palestine, Yemen, and Iraq, or international level, such as Japan and France.

- The two sessions have witnessed a number of forays and deliberations from the side of the presents, which essence have materialized in the following:

- The main objective of this workshop is guaranteeing the integrity of the electoral process, and the participants have already settled to favoring and staying art. 88 in the constitution for its contribution into achieving this target.
- Out of the forays and deliberations made by participants, it has been revealed the difference between supervision and administration in terms of the election process, in a sense that a consensus has been reached upon the principle of the judicial supervision. However, as for the administration of the election process, engulfing many businesses and activities in relation with this process, its specialized nature, and expanding its geographical scope to include all governorates of the Republic affirms the difficulty to secure some sufficient calibers from the judiciary corps to handle the administration.
- Although the participants have voted for judicial supervision as the best resort, two forays and deliberations have warned against the risks of replacing the hegemony and hooliganism of executive authority with another hegemony of the judicial authority. In the meantime, the others have voted against associating the integrity with certain class of the community and denying which for others.
- In the end, there has been confirmation of the existence of concurrence and unanimity on establishing independent authority for managing and controlling the election process, however, two major different approaches have emerged in relation with the nature of constituting such authority and its affiliation:

First approach: This approach in favor of expanding and disseminating full judicial supervision over the phases of the election process, along with amending the law of the judicial authority to the extent that would guarantee its full independence from other authorities, and they also are in favor of expanding the powers of such authority for supervising all phases of election process

Second approach: Such authority should be formed from a mix of former judges, non-judicial calibers, jurists, public figures, professors, activists in the civil society, and nongovernmental organizations. This approach has been based upon the fact that keeping normal judges away would save their portliness and dignity, and will not neutralize the decisive justice, and avoid the judge becoming adversary and umpire simultaneously should any challenge has been petitioned by virtue of application against the authority's resolutions before judiciary.

- Therefore, the workshop has recommended the necessity to realizing the full judicial supervision on all phases of election process along with amending the law of the judicial authority to the extent that would guarantee its complete independence, and

such authority should be formed from a mix of judges and other calibers than judges of different capacities, not to mention taking the actions necessary that would guarantee the complete independence of the supervising authority over the elections. The authority has recommended the independence of the authority from the executive one, putting in place independent budget, and establishing thematic generic committees inside it to supervise the activities of the election process; ranging from filtering logs, defining constituencies, preparing papers, organizing and insuring the voting process through police squad under this authority.

#### Participation of the Council with societies, and organizations in the activities they organize:

- Cooperation with civil societies and civil society organizations during last year has included the participation in different activities whether by presiding over the sessions by one of the members, presenting deliberations, or commenting upon some papers presented. The Secretary-General has also participated in the opening sessions of many activities last year, besides presence of the employees working the technical trusteeship in this ceremonies, which reflect the appreciation and recognition of the Council to the role of the civil societies and civil society organizations in activities constituting a main momentum toward enhancing the human rights, following are some of the activities in which the Council has taken part:
  - Workshop on 11.01.2006 under the title of “the role of the parliament in supporting democracy and human rights” organized by the Earth Center for Human Rights
  - Workshop has been held on 19-20.01.2006 under the title of “The Caravans of Political Reform in the Arab world”, this workshop has been organized by the Arabic Programme for Activists of Human Rights
  - Workshop has been held on 20-21.02.2006 under the title of “Evaluating the progress in the democratic process through the elections of the People’s Assembly – 2005” organized by “One World Organization for Development and Welfare of Civil Society”.
  - The World Day for Human celebration organized by the Egyptian Society for equality and nondiscrimination in conjunction with the society of “Lovers of Egypt the Peacemaker” dated on 14.03.2006. In this celebrations, Dr. Zeinab Radwan, member in the National Council for Human Rights, has been honored
  - The Council has hosted on March 30 symposium around “Media Coverage of Social and Economic Cases of Human Rights” held by “Dialogue Forum Institution for Development and Human Rights” and attended by a number of activists of the civil society, journalists, and media officials.
  - Workshop has been held on 06.04.2006 around “the role of attorneys in operationalizing and optimizing the legal provisions, and judicial mechanisms for defending detainees “organized by Ma’et Center for Juristic and Legal Studies at the Attorney Institute in Alexandria.
  - Secretary-General has on April 26, 2006 received delegation from Center of Human Rights Research and Studies – affiliated to the faculty of Law – Assiut University, which comprised around fifty student under the presidency of Dr.

Shehata Gharib in the framework of the detour of the delegation in Cairo, which included the Higher Constitutional Court and Police Academy, besides other cultural institutions

- The first session for the training Programme around “role of the civil society organizations in protecting the human rights and the role of the Council in this connection as well”, which has been organized on 07.05.2006 by the Training Unit in the freedoms committee in the Public Lawyers Syndicate for 150 lawyers
- On 23-25.05.2006, the eighth conference under title of “Youth cases in the advent of the twenty-first century, 2006” organized by the National Center for Social and Criminal Researches
- In the context of the training courses organized by the training center in the Ministry of Interior for qualifying them upon taking office During the month of May of 2006, H.E Ambassador Mokhlis Qutb, the Secretary-General of the NCHR, convened a meeting with 146 newly elected Mayors of villages from different Egyptian Governorates, and (94) mayors in December 2006,.
- Conference on 23.05.2006 has been held under the title of “Toward Effective Partnership between Civil Society Associations, and Governmental Associations for reaching unconventional solutions for the population problem in Al-Gharbiya Governorate”, which has been organized by the Egyptian Society for Family Planning in conjunction with the Council.
- Workshop has been held and organized by the Earth Center for Human Rights on 03.06.2006 under the title of “Free Trade Agreements and their repercussions and impacts upon the status of the farmers in Egypt”.
- Workshop has been held and organized by the National Society for Defending the Rights and Freedoms on 05.06.2006 under the title of “Rural Woman and Participation in the political life – Mechanisms and Techniques”
- Workshop has been held and organized by the International Handicap Organization on 15.06.2006 under the title of “For those with special needs”
- Workshop has been held and organized by the Earth Center for Human Rights on 16.06.2006 under the title of “Enhancing the abilities and status of the rural woman”
- Workshop has been held and organized by the Egyptian Society for Promoting and Developing the Legal Awareness on 08.07.2006 under the title of “Evaluating the woman’s participation in the parliamentary elections in 2005
- Inaugurating the ceremonies of the thirteenth annual the training course by Cairo Center for Human Rights Studies for Universities’ Students on 10.07.2006 under the title of “toward operationalizing and optimizing the role of the youth in the democratic process.”
- Symposium has been initiated and organized by the Egyptian Organization for Human Rights on 07.08.2006 under the title of “the Israeli escalation in South Lebanon ... legal, political, and humanitarian dimensions”
- Symposium has been initiated and organized by the Egyptian Society for Advancement of Community-based participation” on 03.09.2006 around “The

participation cause and circumstances surrounding the Egyptian Parliamentary Elections during the last quarter of 2005”

- Workshop has been held and organized by the Arab Network of Civil Organizations on the period from 03-05.09.2006 around “Project of Evaluating Civil Society Organizations and the Guiding Manual for Evaluation”
- Closing Conference under the slogan of (Peace Talks – Outlook and Challenges) organized on 05.09.2006 by the Arab Society for Anti-Terrorism and Supporting its victims
- Symposium has been held and organized by One World Organization for Development and Welfare of Civil Society on 18.09.2006 under title of “Partisan System in Egypt after the passage of 30 years”
- Workshop has been held and organized by the Freedoms Committee in the Journalists Syndicate on 16.09.2006 under title of “Constitutional Amendments proposed during the upcoming period”
- Workshop has been held and organized by the Earth Center for Human rights on 07.10.2006 under the title of “Is rural reform possible in light of the current policies of Egyptian Government”
- Conference has been held and organized on 12.11.2006 by the Arab Center for Judiciary and Attorneys Independence in conjunction with the European Commission to Cairo
- The annual sixth conference for Alexandria Society for House Economics has been held on 21-22.11.2006 under the title of “the modern Arab Woman – Politically, Socially, Economically, Legally and Socially”
- And in the framework of cooperation with the civil societies, and on 10, 11.06.2006 in its own interim premises the Council has in conjunction with the Egyptian Society for Promoting and Development of Legal Awareness held training course for thirty trainees representing thirty civil societies operating in the field of development aiming at promoting awareness in the culture of human rights for those in charge of these societies.
- Ambassador Mokhlis Qutb, Secretary-General of the NCHR, received Mr. Hassan Youssif, Chairman of Candles Society for Human Rights and The Handicapped on 20 of September 2006 , during this meeting a number of ideas and suggestions were exchanged regarding the possibilities of cooperation. The following ideas were put forth :
  - Candles Society handed out the executive summary of the NCHR Second Annual Report -which was issued by the Council printed out in Braille- to the blind in all Egyptian Governorates during the implementation of the training programmes
  - The Possibility of cooperation between both sides on one hand, and the National Council for Childhood and Motherhood and the Generic Federation of Societies on the other hand in developing draft law for handicap
  - Examining the possibility by which the Council could integrate the idea of “the democratic schools” for the purpose of developing and promoting the juristic awareness of the schools students through



- organizing student elections in conjunction with the Ministry of Education and Civil Society Organizations participating in it (Candles Society – the Egyptian Society for Participation and Sustainable Development – the Egyptian Society for the Economic and Social Rights – the Egyptian Democratic Center), provided that the Council would take the charge of the administrative preparation and arrangement, and editing the training article.
- Continuing engagement in these ceremonies, the participation of the Council in the civil societies and civil society organizations has included the following actions:
    - The conference organized by the Arab Center for Judiciary and Attorney Independence in conjunction with the European Commission to Cairo on 12.11.2006 under the title of “the role of the civil society associations on empowerment of Egyptian Woman to take charge of Judiciary”
    - Constitutional Forum has been held and organized by Development Associates Society for Research, Consultations, and Development in conjunction with the German Conrad Eidenawer Association on 07, 21.11.2006 around the constitutional amendments in Egypt, and the first symposium was under the title of “The technique of amendment of constitution” and the second symposium was under the title of “Religion and Politics in the Egyptian Constitution”
    - Conference around “Training Handicaps on the activities and programmes of political participation” organized by the Candles Society for Handicapped” on 10.12.2006
    - The Council’s Chairman has received a delegation of the representatives of the Students Union and members in the teaching panel in El-Mansoura University during their visit to the interim premises of the Council on December 12, whereas the Council is preparing action plans in conjunction with the Supreme Council for Youth and Sports, including, training courses during the summer camps

## **Conferences, Symposia, and Local Workshops**

### **Conference on “Decision making process and its relationship with Human Rights and Population”**

\* The National Council for Human Rights has, in conjunction with the Human Rights Studies and Researches in Faculty of Law in Assiut University and UNPF “United Nations Population Fund” along with those concerned with decision making in the relevant Ministries and authorities, organized this conference, (from March 28 – 30, 2006) in cooperation with the public, such as , Ministry of Health and Population, Ministry of Social Solidarity, Ministry of Higher Education, Ministry of Justice, Ministry of Interior, Ministry of “Awqaf” Endowment, D.A.’s office, State Council, Church Representatives, representatives of the civil societies, and General-Secretaries of the Governorates of El-Fayoum, Beni Sweif, New Valley, Suhaj, Qena, Aswan, and El-Menia, besides media officials representing the national and independent journalistic foundations. And some former ministries and academics specialized in decision making process.

\* By the end of the conference, Assiut Declaration has been issued including the following recommendations:

- The importance of developing the methodology of decision making in all foundations and state agency in such manner that would reflect the importance of reaction with the citizen, welfare of their interests and aspirations toward better future
- It’s mandatory that the National Council for Human Rights would enhance and better its presence in the Egyptian Governorates and its interaction with the civil society associations and universities, and it should as well intensify the communications with all state agencies for reducing troubles and problems on the society with its different classes
- Demanding of promoting awareness of human rights through Al-Azhar clergymen, and church clergymen, and the Ministry of Awqaf “Endowments” should be borne in mind through callers
- Calling upon the National Council for Human Rights to hold more symposia all over the governorates, publish and distribute its documents on a large scale, and establish branches all over the country
- Demanding the UNPF to enhance its presence all over the governorates of Egypt in the field of welfare of population and those with special needs
- The need to develop the religious discourse to reflect the tolerant and mild thought that Egypt enjoys all over the ages and in such away that would reflect the citizenship concept and multi-culture in the community and its progress toward the democracy

- Giving the due care to the human rights in the field of Public Health, and reproductive health, and the welfare of the disabled “those with special needs”
- Schools and Universities should improve their curricula by designating certain topics for promoting the human rights culture, and educating the citizen in such away that would solidify their knowledge of their rights and duties, and enhance the national loyalty and reinforce the interaction between the members of the society without discrimination, or discrimination on the basis of religion or gender.
- The participants have called for giving due attention to developing laws and regulations in such away that would reflect their response to the progress and development of the society and enhance the concept of servicing the citizen in all state’s apparatuses and agencies, and they have as well appealed to the administrative leaders at all levels and taking flexibility into consideration while applying those laws and regulations
- The security measures should be in synch with the international criteria for human rights in a way that would guarantee conserving the dignity of citizen and guarantee their freedoms
- Effecting the censorial role of the judicial authority in the field of implementing judgments and supervision upon prisons
- Stressing the importance of facilitating and expediting the litigation proceedings, reducing the judicial fees in a manner help lessening the burden on the citizens and help achieve the decisive justice
- It’s rather mandatory that the governmental associations would display a document illustrating the rights and duties of service provider and service recipient in each and every association.

Cultural Forum around the latest escalations and negotiations in connection with establishing the new Human Rights Council in the United Nations

\* In the context of the cultural activities of the Council addressing all causes in relation with the Human Rights, a saloon has been held and organized on the human rights by the International Relations Committee in the Council on 22.03.2006 around the latest developments, updates and negotiations relating to establishing the new Human Rights Council in the United Nations, as H.E Ambassador Ms Naela Gabr, Assistant Minister of Foreign Affairs for Multilateral Relations, has been hosted due to her previous experience dealing with the human rights committee through her work as Egyptian Ambassador to Switzerland, whereas she has explained that the Council's premises would be locating in Geneva. The Council aims at improving the status of the human rights, and avoiding all drawbacks resulted from the business of the human rights committee, and she further explained that the new Council will be deemed new mechanism of wider framework for expression through a broader Council vested to express the equality and democracy in the international relations due to its basic correlation with the general assembly. She further affirmed the refusal of the developing countries of the provision stated with respect to auditing the works of the Council after five years for elevating its status to be closely attached to the security Council – the Council’s work mechanism has as to the meeting duration would

not be less than ten weeks and could be held as well exceptionally – and it also contained 47 members from among the states respecting the human rights (13 seats for the African group – 13 seats for the Asian group – 6 seats for Eastern Europe – 8 seats for Americas and Caribbean – 7 seats for Western Europe and other groups, including Israel), and the membership duration is two terms (six years). Not to mention that she has also addressed the resolution respective establishing the Council, as it has obtained 170 votes unanimously, while it has been voted against by four countries; USA, Israel, Marshal Islands, and Palau, in the meanwhile three countries abstained to vote; Bella Russia, Iran, and Venezuela. And she made it clear that although USA is one of the major countries that sought after establishing the Council, it has voted against the resolution on the pretext of being inconsistent with the American vision that has asked to limited-number Council, under the umbrella of the Security Council, and the necessity of stipulating condition in relation with the state records in the field of the Human Rights, and the membership should be permanent without suspension with noting the importance of adopting the right to development, which is an original right of the human rights.

Symposium around probing characteristics and elements of Human Rights discourse in the curricula during the Compulsory Education

\* On April 19, 2006, the Council has held symposium around the research prepared by the Council and published in the second annual report of the Council around the characteristics and elements of the human rights discourse in the curricula during the compulsory education conducted by a team of experts, included professors and researchers of the Mass Media and Communications Faculty in Cairo University in the presence of a group of journalists media officials, activists, education stakeholders, and representatives of the civil society and ministries, whereas a focus group, under the presidency of Dr. Farouk Abuzeid, has demonstrated the results they have concluded, which have included contributions and deliberations by the presence stating the uncertainty of the books authors from changing them should they have updated the books, being mandatory that such authors should be holders of high scientific degrees and they should not be opted by means of "nepotism and favoritism", and certain policies and tendencies, and stressing the importance of the media role, particularly for the current generation, as the media's impact materializes only in the long run, and immediate amendment of the textbooks that instigate people against one another or call for extremism, not to mention benefiting from heritage, ancient books, and old studies that underscore the topic, let alone examining the curricula taught in Al-Azhar education.

Workshop "The Rights of Persons with Disabilities to Healthcare and to Form a Family"

On the 19<sup>th</sup> of April 2006, workshop under the title of "the right of the handicaps in the health care, forming a family and gestation" has been organized by the Council in conjunction with the UNPFA. Representatives of the concerned civil societies and civil society organizations working in the same field have participated in the workshop in the presence of representatives of the Ministry of Health, UNDP, the National Council for Childhood and Motherhood, WHO in the Middle East, and Red Crescent; following are recommendations concluded:

- Adopting the right to marriage and forming family of special needs
- Stressing the awareness of the importance of prenuptial text for handicaps and other healthy ones as well

- Coordination between bodies entrusted to offer medication services and rehabilitative services to the handicaps, and mapping them out geographically
- Promoting the quality level of the Prosthetics and Disability Aids required by those with special needs, which the state makes available to those with special needs, provided that they remain affordable.
- Securing places for accommodating individuals with special needs, and giving them health and social welfare after having lost their breadwinner. The need to socialize those individuals with the society and raising awareness, via media, of the society of the need to mingle and socialize.
- Stressing the need to follow-up the carriage and birth for avoiding the disability resulting from birth mistakes

Conference on "Effecting partnerships between the civil society and government for addressing the population problem"

This conference has been organized on 23.05.2006 by the Egyptian Society for Family Planning in Tanta, in conjunction with the National Council for Human Rights and the National Council for Population in El-Gharbiya under the patronage of Prime minister Dr. Ahmed Nazif. The conference has addressed as well the population problem and its effects on the Economic Rights of the human, and the role of the Egyptian Society for Family Planning in the face of the population problem and the perspective of Islam and Christianity as to the causes of the reproductive health. And by the end of the workshop a strategy has been reached to address the effect of the population increase upon the economic rights of the human, as follows:

- Piloting questionnaire at the large scale, including all villages of the Egyptian governorates for defining the economic problems resulting from the population increase
- Preparing appropriate workshop for training youths on the operation and manufacturing skills in the fields seen necessary in the labour market in El-Gharbiya Governorate
- Implementing Illiteracy Project by using motivation
- Establishing centers called centers for empowering youths, which main task is empowering youths and woman, and elevating their cultures through development of skills in the business administration, projects, and coordination between them
- Calling upon the civil society organizations to enhance their participation in dialogue for the purpose of building awareness of society members of the economic rights, and the concept of the sustainable human development, and the right to development, and the impact of so doing upon the population increase problem, and demanding the civil society to give training to the unionist calibers upon the importance of the role of unions in effecting and effectuating economic and social rights.

Workshop around "Anti-Corruption in the Health Sector"

\* Workshop has been held and organized on 14.08.2006 around "anti-corruption in the Health Sector" by the Egyptian Alliance for Transparency and Anti-Corruption (Amel) under the umbrella of the Arab Reform Forum in Bibliotheca Alexandrina in conjunction with the

National Council for Human Rights and in participation with the Minister of Health, Pharmaceutical Industries Sector in the Ministry, representatives of the Ministry of Investment, number of Council's members, 120 participants representing the relevant civil societies and civil society organizations, parliament members, unionists, and academics. Attendees have unanimously agreed that negligence in the health sector limits the opportunities of the ordinary citizens in obtaining their health rights in favor of others who would take the advantage of that pointing to the fact that the potential risks of corruption in the health sector might exceed their corresponding in any other sector because they prejudice the human right to medication and at price appropriate and relevant to his level of income, and they have duly recommended the following:

- The need to take procedures necessary to combat corruption in the field of health, provided that mass media would enjoy independence in the background of mighty civil society pressures not included in the legal rules
- The need to secure some procedures in relation with the transparency within this sector, provided that such health associations and authorities submit to independent auditing and control as a guarantee for securing and publishing the information periodically by the government for evaluation
- The donor bodies should produce obvious and explicit plans about the funds presented in addition to providing evaluation for programmes and results achieved, and in the end coordination should be forged between health authorities and associations and the donor bodies for the purpose of rationalizing usage and achieving efficiency
- Attached  
(1) includes the results concluded by the workshop

#### Workshop on "punitive association more respectful to the human dignity"

\* On 17.09.2006, workshop under the title of "for punitive association more respectful to the human dignity" has been organized by the National Council for Human Rights in conjunction with the UNDP and in participation with the representatives of the Ministries of Interior and Justice, besides representatives of the relevant civil societies and civil society organizations concerned with the status of prisons, representative of the UNDP, professors of Law and judges.

- The workshop recommendations:
  - Serving to take procedures necessary to guarantee the improvement and living circumstances inside Egyptian Prisons, and enhancing the rights of prisoners and detainees in the fields of education and health care and the right to visitation and communication to the outer world
  - Developing the current law on organizing prisons and internal bylaws in keeping with the Egyptian Constitution, international charters on human rights, and the minimal optimum rules principles for treating prisoners issued by UN.
  - Calling for adopting the system of the Supervision Judge in charge of supervision upon implementation of penalties, whose mission will be limited to supervision upon executing criminal rulings, and hearing complaints, challenges, and grievances presented by the prisoners, and establishing public prosecution specialized in assisting the execution judge

- Calling for the importance of enforcing the authorities of public prosecution in the field of supervision upon prisons pursuant to the current provisions in the Criminal Procedures Code, and maximizing the scope of such inspection to include the rest of custody facilities.
- Calling for adoption of the right of the prisoner to the legal connubial Privacy (Khuluah Shar'iyah) due to the effects that might result from nonuse of such right; ranging from social, health and psychological damages, provided that such right be organized in light of the framework and according to the procedures and controls prescribed in the regulations in such manner that would guarantee exercising such right in a manner consistent with the traditions and lore, and in line with the human dignity.
- Enhancing the rights of the accused kept in custody and recognizing his right to administrate his own businesses and his right of visitation – let alone improving his accommodation inside the prison in such way imposed by the requirements of the evidence of his innocence.
- Calling for developing and upgrading the system of Judge in charge of implementing the precautionary measures in the field of juvenile perversion and deviation, and benefiting from models and experiments of foreign countries, such as, organizing the personal file.
- Calling for, in the context of adopting the system of judge in charge of implementation of the penalties, establishing judicial committee for implementing the penalties and maximizing the jurisdiction circle of the judge in charge of implementing the penalties in order for his powers and authorities include the conditional release, staying of execution accompanied with putting the accused under probation, and replacing the penalty of public interest without consideration.
- Calling for probing the aspects of judicial and institutional development required for more protection and enhancing the human rights of the accused in the accusation phases, investigations and trial in light of the implementation of the principle of presumptive evidence prescribed by the Egyptian constitution.
- Calling for examining the possibility of establishing specialized department for the judicial protection in the Ministry of Justice for prisoners in the punitive and rehabilitative institutions in conjunction with the public prosecution, whereas there is technical office for the welfare of prisoners. The functions of such department include examining and suggesting strategy for developing the institution.

#### Conference on "Human Rights and Reproductive Health"

\* during the period from (November 22-23, 2006) in the University of Assiut, conference on "Human Rights in the Reproductive Health" has been held pursuant to the MOU entered into by and between the Council and UNFPA with participation of both governorates El-Monoufiya and Assiut for demonstrating and discussing the results of the questionnaire made in four centers, two centers locating in El-Monoufiya; one is an urban center (Shebin El-Koum), and second is a rural center (El-Shohada'a Center), and the other two in Assiut governorate; one is an urban center (Assiut), and the second is a rural center (El-Badara

Center) for the purpose of recognizing the problems that might affect the reproductive health; whether at the service providers, recipient, or place. In the end of the conference, participants have assured the following:

- Citizens have the right to healthy productive life, considering this a substantially basic right for the citizen, which is the cornerstone to the achievement of the targets set for development, including reducing the mortality ratio of toddlers, children, mothers, and combating diseases.
- The need to complete the infrastructure of medical and treatment institutions and focusing upon the need to secure the appropriate places for service recipients, making available the refrigerators used in reserving vaccines, putting up labels displaying the working hours in the organizations, and in general inside the health institutions, and securing ambulances, and facilitating communications, privacy in the consultation and checkups, appropriate places for service recipients and allocating medical staff quarters.
- Improving the financial status of service providers with all categories, updating and development of training, making available the possibilities of obtaining scientific degrees and associating supervision with the management and motivating those with scientific degrees, updating the medical equipment, and redistributing the physicians and securing female physicians on equal basis, and developing the project of family doctor to include all governorates of the Republic
- Spreading the awareness with media levels (visual, readable, audio), dependence upon the registration certificates of the children, intensifying control over the medical institutions (governmental, private) to eliminate the female mutilation (Circumcision) phenomenon, and awareness of the sexually transmitted diseases (STD) for the grave health risks they might hold on the reproductive health.
- Enhancing the participation tendered by the individuals, civil society organizations, and local authorities in developing policies and awareness programmes relating to displaying rights and duties in the field of public health.
- Stressing the importance of the joint action, exchanging experiences, and supporting connection and correlation between the National Council for Human Rights, and Human Rights Centers and Associations for promoting and enhancing the culture of human rights.

Symposium around examining characteristics and elements of discourse of Human Rights in the textbooks and curricula of high school's students

\* On 25.11.2006, a symposium around examining "the characteristics and elements of discourse of Human Rights in the textbooks and curricula of high school's students" has been held to announce the research and display all results to the public in the presence of research team who have already presented the results pertaining to the characteristics and elements of the human rights' discourse within the religion textbook and public religious books, Arabic language textbooks, and public books in conjunction with number of leaderships, media figures and prominent journalistic figures, such as, Chairman of the Egyptian Television, Head of the Nile Cultural Channel, Professors and drama directors, Head of the Central Administration of Information and Decision Support Center (IDSC) of the Ministry of



Information, the Chairman of Dar-il-Ma'ref, Editor-in-chief of October Magazine, Chairman of El-Tahrir House for Publishing and Printing, Editor-in-chief of El-Gomhouriya newspaper, Assistant Editor-in-chief of Al-Ahram newspaper and supervisor of Opinion Page, Chairman of Dar-il-Hilala, Editor-in-chief of El-Mosawer magazine, and the representative of the Supreme Council of Journalism, besides representatives of Ministry of Foreign Affairs and Awqaf "Endowments", Human Rights Administrations and Committees in both the People's Assembly and Arab League, in addition to galaxy of professors, and representatives of relevant civil societies, civil society organizations, journalists, and activists concerned with Human Rights field.

- The study has incorporated as well analysis of a number of religion education textbooks, public religious textbooks, Arabic language textbooks, and books on different specializations for students of high school, industrial schools, commercial and agricultural schools. The study has concentrated upon the comparison between the juristic essences existing within the scholar textbooks and curricula of the high school students in all educational levels and grades, which has provided the chance to locate the learning and informational determinants effective in establishing and constituting the knowledge mentality, besides the tendencies and behaviors of such students toward different cases and topics raised by the social reality that contains juristic dimensions and concepts relating to the human rights system, and given the opportunity as well to define the efficiency and comprehensiveness of such system of juristic elements in expressing the juristic targets and values required to be cultivated in the students of such stage.
- Sessions have also discussed the analysis of the content of human rights discourse within the Islamic and Christian Religious Textbooks, and the Public Religious Textbooks, Arabic language textbooks, and public books
- Participants have as well recommended the following:
  - Selecting books authors from among the highly qualified authors
  - Choosing religious texts and verses that reflect the valid meaning of human rights concepts
  - Conserving and assuring the principle of equality between men and women, and the importance of the latter in the society on equal terms with men.
  - Cross reference with the scientific volumes in composing books with conserving the intellectual property rights of the author; and following a certain methodology that would promote and build upon the thoughts of the student instead of inoculating and cramming information method
- Attachment no. 2 illustrating summary of the research

#### Workshop around "A Person's Right to Sufficient and Secure Food: Egyptian Reality"

- Workshop has been held on 18 of September 2006. It aimed at displaying food safety and security strategy in Egypt, based upon the impact of the results concluded from the hearings organized by the Committee on Social Rights for discussing the citizen's right to healthy and safe food, whereas deliberations have been given by Dr. Fahmy Sedik, (Professor of Food Hygiene in the National Institute for Nutrition), Professor Dr./ Abdulazim Abdulrazik, (General Manager of the Public Administration of Food

Control in the Ministry of Health and Population), Professor Dr. Fawzy El-Shobky, (Professor of Nutrition in the National Research Center), Professor Dr. Fayza Ismael, (Consultant Nutritional Specifications in the Specifications and Quality Authority in the Ministry of Trade and Industry), Professor Dr. Zahra Saleh, (Professor in the National Research Center), and professor Dr. Nabieh Abdulhameed, (Director of Information Center for Food Safety in the Agricultural Research Center in the Ministry of Health), and following are the recommendations ensued in the end of the workshop:

**First:** Establishing National Authority for Food Safety

**Second:** Establishing Authority for Food Control

**Third:** Devising uniform law for food in Egypt in the context of a joint programme incorporating all relevant bodies, including the concerned ministries, particularly Ministries of Agriculture, Health, Industry, and Commerce, and this implicitly requires auditing, modernizing all old laws and executive regulations in connection with the safety of production and food circulation.

**Fourth:** All such issues relating to Education and Scientific Research:

- d. Making available all such potentials necessary for advancement of scientific research as a source of valid and solid information which the policy and decision makers focus upon, and promoting research and development initiatives considering them basic element for advancement of food industries and innovation in Egypt.
- e. Benefiting from the results of scientific research for developing and implementing the appropriate solutions for malnutrition problems in Egypt
- f. Promoting researches in the field of food safety in Egypt, which are financed by the civil society
- g. Establishing the Faculty of Nutrition Sciences in Cairo University and non-appointment of health observers upon graduation of the faculty, and they can obtain their masters and doctoral theses degrees in this field of expertise, and all such areas relating to the food safety, along with making available the chance before the current observers to continue their study in this faculty.

**Fifth:** Foods Marketing Channels:

There are huge chain of intermediaries between production and consumption phases, and more than channel through which lots of products could be marketed. It is well noted that the products marketed through top traders and great companies as opposed to the small intermediaries are so large, and it's been noted there being highly important central markets that would cover this sector and require many bodies for developing the method of receiving, storing, and distributing such products.

**Sixth:** Issues relating to the nutritional habits of the consumer and their impacts upon the food safety:

Creating the Egyptian consumer who would be able to distinguish and choose the sound and safe food, and developing this recognition has been incarnated in the Egyptian consumer, and devising preventive strategy that would contribute into the current deficiency in the activities of control over foods and food products.

Seventh: Issues relating to the self-control and application of Traceability method:

- Training courses to employees working in the field of quality control and foods inspectors on the method of application of risk analysis system and determining the critical points (HACCP)
- Developing guides or action manuals on the method of application of HACCP in the field of the agricultural production, circulation, manufacturing, and marketing
- Holding regular symposia for demonstrating the updates in the field of nutrition, and preparing coaches for implementing the method of HACCP for covering all food production chain
- Devising plan for applying the traceability of any product for recognizing the origin
- Applying programmes relating to guaranteeing food safety

Eighth: Issues relating to Environment Management and Food Safety:

- Raising awareness of quality managers in the food manufacturing companies for pursuing the optimum method in treating wastes in such a manner that would guarantee the safety of food products.

Ninth: Issues about Poverty Control, and Programmes of rationing foods upon the needy:

- Evaluating of the current initiative for solving the problems relating to the distributing subsidized flour rations and manufacturing the normal bread
- Auditing the scholar nutritional programme and examining the possibility of raising its nutritional value and increasing the number of the beneficiaries
- Promoting the community-based initiatives supported by local self-efforts that are able to manage and raise the resources and potentials in order to keep presenting meals all the scholar year around under the stewardship and control for guaranteeing the quality and food safety
- Raising the production of agricultural and food crops in general via expansion in reclaiming lands and using modern methods in agriculture, which would ensure increasing and improving agricultural productivity

Tenth: Role of the civil society:

Supporting the role of the civil society and enhancing its contribution into the fields, and activities in connection with insuring the right to foods.

12- Symposium around the book titled "Features of a renewable dialogue between the cultures"

- On December 5, 2006, a symposium around the book titled "Features of Renewable dialogue between cultures" by the author Mr. Antonio Badini, Ambassador of Italy to Cairo, has been held by the Council under the auspices and participation of Dr. Botrous Botrous Ghali, Chairman of the Council, who has stressed the importance of the dialogue between cultures and civilizations, and upon the importance of establishing democracy in the international relations, and deep-rooting the values of tolerance, integration and communication between civilizations, not to mention deepening dialogue with the others as a mandatory approach to understanding and cooperation. And the Italian Ambassador has stressed in his intervention the fact that it is too late for the United Nations to adopt a strong decision that would confirm the respect of religions all together and effacing offenses to their values and icons.

13- Interview with the representatives of the student union and members of the teaching panel in the University of El-Mansoura:

- The Council's Chairman has received delegation of representatives of the students union, and members of the teaching panel in the University of El-Mansoura during their visit to the interim premises of the Council on December 12, whereas the Council is preparing a very huge programme of action through coordination with the Supreme Council for Youth and Sports for using the summer camps organized by universities' students in educating them with the culture of human rights, and the Council is preparing as well training courses for this purpose besides media campaign that would cover all agencies of public media.

14- Symposium on the occasion of the fiftieth anniversary to Suez war:

- In this symposium, organized by the Egyptian Council for Foreign Affairs in conjunction with the Book and National Documents House on December 17, 2006 on the occasion of the fiftieth anniversary to Suez War, Dr. Botrous Ghali, the NCHR Chairman Member of the Egyptian Council for Foreign Affairs, participated. The symposium has addressed the topic of the participation of the International Peacekeeping Forces in disengaging the parties to the disputation during Suez War, which is the experiment he had deep-rooted and popularized during his tenure as Secretary-General in the United Nations, particularly during the disputations inflicted upon the African continent, considering which one of the major mechanisms for effecting the role of the international community in keeping security and peace in the hot armed disputed-areas.

## External Activity

### First: Receiving Delegations and Foreign Missions

- 1- On January 16, 2006, Dr. Ahmed Kamal Abul-Majd, Deputy Chairman of the Council, along with Ambassador Mokhlis Qutb, the Secretary-General, received Frank Wolf, American Congressman and escorting delegation, wherein the criminal aspect of the case of Dr Ayman Nour and the status of the Copts in Egypt have been unraveled, and circumstances surrounded the techniques used for addressing the sit-in of the Sudanese Refugees in addition to the stance of reform of the system of the United Nations.
- 2- He has received the congress delegation on January 18, and during this interview, the Deputy Chairman has explained all cases relating to the democracy and political regime reform in Egypt. He also touched upon the concerns of the Council with pursuing the phases through which the case of Dr Ayman Nour, indicating to the necessity of deeming it a point of internal affair, particularly that the case has not completed as yet the venues of challenge against the judgment determined by the law.
- 3- A delegation of the American Senate has paid a visit on February 1, so the Deputy Chairman has referred during the interview to the need to respect all religions and their shrines, besides ensuring the religious, and guaranteeing the freedom of belief, and exercising the religious ceremonies and incriminating religions' contempt.
- 4- The Council's Deputy Chairman has on February 2 received delegation on behalf of the Muslims Community in UK, as he assured the need to establish and build channels of mutual dialogue between Muslims and other religions' denominations for the sake of containing any disputations or challenges that could impair and adversely influence the status of the Islamic Communities in the west.
- 5- Mark Brian De Prechampoo, the Secretary-General of the European Security and Cooperation Organization, has paid a visit on February 28 to the Council, and in his reception was the Council's Deputy Chairman in the presence of the Secretary General who in his turn has assured the need to forge a cooperation with the National Council for Human Rights in accomplishing a number of studies relating to some important cases that come in the present at the top of the priorities, on top of that the racial discrimination – whether because of gender or religion and issues relating to the immigration, and mingling the immigrants into the new communities.
- 6- On the 5<sup>th</sup> of March the NCHR's Secretary General received Dr. Richard Villa Laurinti, Ambassador of Malta to Cairo, and Dr. Abdulrahman Awad, President of the Arab-African Center. They have talked about the need to maximize the communications range, mutual cooperation with the international blocs, corresponding similar Councils in Arab and Foreign states, including Malta, as the Secretary General stressed its importance as being one of the connection points between south and north of the Mediterranean sea, besides the common features and historic links between the peoples of Egypt and Malta.
- 7- On March 6<sup>th</sup> the Council's Secretary General received a delegation from the USAID; the meeting touched upon a review to the Council's activities and programmes that aim at enhancing human rights principles and rules of the democratic practice and an

explanation to the policy implemented by the Council with regards to the external assistance, and grant-in-aids bestowed from the foreign donor bodies, as follows:

- No support would be accepted unless it was consistent and in line with the Council's plan and the targets set to be accomplished for the sake of keeping transparency and an assurance of its independence.
  - Support should be spearheaded to implementation of projects enlisted among the Council's plan, and consensus must be made upon the mechanisms that guarantee the continuance of achievements.
  - He also suggested the authority to study and examine the project of establishing regional center for training the young calibers in all over the Arab states upon watching elections, and thus local experts and efficiencies necessary could be generated to promote the integrity of the elections and elevate the percentage of the political participation.
  - He also moved a suggestion that the authority coordinate with the Supreme Council for Youth for implementing a leading project for developing a number of youth centers currently existing and refurbishing them for improving the cultural, sporting, and leisure activities, and an agreement was reached upon studying and examining the idea of establishing tripartite cooperation between the National Council for Human Rights, USAID, and Ministry of Information for the purpose of promoting the culture of human rights and associating which with the economic and social development, and maximizing the role of the media agency in this field.
- 8- The Council's Deputy Chairman along with Members of the Council on April 5 received Ms Louise Larocque, Director of the Diplomatic Institute affiliated to the Canadian Department of State on the top of a delegation including (18) young Diplomats visiting Egypt in the framework of the fifth session of the Diplomatic Cooperation Programme between Egypt and Canada.

During the meeting the Council's Deputy Chairman touched upon the circumstances and nature of the establishment of the National Council for Human Rights, its goals, functions, and integration between its role and the role of the nongovernmental organizations operating in the field of the human rights, and the role of the Council in receiving the complaints of the citizens and attempting to solve them in cooperation with the relevant bodies, let alone the activities conducted by the Council in elevating the culture of the human rights in the community, achieving development, political and democratic reform, and guaranteeing the freedom of the opinion and equality between citizens. And as to the question of the Canadian delegation around the sensitivity of applying the international criteria for human rights upon the case in Egypt, the Deputy Chairman explained that globalization has imposed a commitment by all states in applying the criteria settled upon by the international community bearing in mind the privacy and cultural diversification, and around the response by the governmental bodies with the activities of the Council and the complaints they receive, Dr. Leila Takla made it clear that lots of governmental bodies have already established units on human rights, such as, Ministries of Foreign Affairs, Interior,

Justice, and People's Assembly. The Council's Deputy Chairman referred from his party that the ratio of responses of the governmental bodies to the complaints referred to them from the Council is on the rise to the extent that reflect the responsiveness of such bodies to the Council's referrals and its role in the community at large.

9- Group of the Council's members have on April 5 received a delegation from Human Rights Watch under the presidency of David Brown – the meeting touched upon the exchange of opinions in connection with the ways of support and protection of the human rights in Egypt and the whole world as a whole. The delegation of the organization took notes and posed questions to the Council's Members, which are as follows:

- h. Termination of Emergency Law: The Deputy Chairman reiterated the fact that the Council has adopted since the day one of its establishment the call for ceasing the law, and no other law would replace it in assurance to the sovereignty of the law in Egypt, stating the fact that the Egyptian citizen would not at all be present unless before the judge of competent jurisdiction, therefore the Council has called for releasing the detainees arrested by virtue of that law without trial, and he as well assured that there's no contradiction between the citizen's freedom and the nation's security, but rather conformity and concurrence between them represents the essence of the social contract sought after between the citizen and the state.
- i. Some torture practices committed by some of the security bodies, and whether the accountability thereupon would be limited to the rank and file officers or covers the top ranks as well; the representatives of the Council have had the sufficient conviction that the accountability upon crimes bear no relation to the personality of their perpetrators or their positions and that all citizens are equal before the law.
- j. As to the detention in custody and pre-trial detention: Members have made it clear that the Council would be preparing draft law for developing the detention in custody system in such way that would save the rights and dignity of the citizen through the delicate determination of crimes justifying issuing a warrant for provisional arrest, its duration and the other alternatives in place, besides the defense right to petition challenge against it.
- k. As to the question of the delegation whether the judges club has been put under pressures aim at abstaining from receiving the delegation of the organization, the representatives of the Council have made a confirmation that judiciary is independent in Egypt, on one hand, and the existence of mechanisms that would guarantee the auditing process to a democratic style, which compelled the club to preponderate the view point that is more in favor of standing back on receiving the delegation of the organization to rebel any suspicion of the existence of any foreign interference into the current standoff.

1. As to the petition motioned seeking the release of Ayman Nour, the representatives of the Council have stressed that the case is a mere criminal nature, and no linkage should be made between the political status of this case and the charge of forgery felony, pointing certainly to the need of treating all citizens on equal basis before the law.
- 10- The delegation of the Arab Association for Attorney and Training under the presidency of the association's president and 12 of its members have paid a visit to the Council on April 22 during the implementation of summer Programme for the coaches working in the field of human rights to (12) trainer; half of them from Yemen and the other half from Egypt for identifying the role of the Council and its different activities in enhancing and reinforcing the human rights, including the vigilance over the presidential and parliamentary elections, not to mention training the vigilantes of the nongovernmental organizations over watching works, and the delegation of the association showed its concern with getting to know the experience of the Council in dealing with the different problems surrounding the training process to take them into conclusion in the field of development of the training programmes. The delegation expressed the willingness of the association to deal with the Council to expand the scope of the training programme of trainers and coaches, and promote it in a way consistent with the modern developments.
- 11- On the 7<sup>th</sup> of May, the NCHR's Deputy Chairman in company with a group of the Council's esteemed Members and the Secretary General, received a delegation of the European Union under the presidency of Ms. Benetta Ferrero Valner, who, during the meeting, expressed willingness to know the Council's vision and its view of the beleaguering afflicted upon some Copts in Alexandria, and torture poured against some detainees, besides the standing of the Council from renewing enforcement of the Emergency Law. The NCHR's Deputy Chairman expressed the Council's interest in expanding equality and eliminating the justifications behind the racial standoff, and in this connection the Deputy Chairman referred to the fact that the Council has already established Citizenship Committee, committee on editing and revising the scholar curricula and suggestions moved to amend them to the extent that would deep-root the co-existence and tolerance principles, besides moving suggestion about the legislative amendments necessary to eliminate the reasons behind the sectarian standoff. He also made a point to the eagerness of the Council's members to pay a visit to the prisons and custody facilities, and debriefing their observations with regards to any infringements of violations against the human rights to the relevant bodies, and he stressed the Council's faith of the need to end the Emergency State, or amending the relevant law to the extent that would not affect or impair the basic freedoms of the citizen in the while that it would ensure spreading and expanding security in the face of terrorism. From her own part, the European Union Commissioner applauded the Council's role, objectivity of the reports issued in this concern, the strength by which problems have been panned out, and the logic of suggestions proposed, in the meantime, she made a reference to the second annual report and essence and results of



the third forum of the Council with the civil societies and civil society organizations in Alexandria during the forum's period May 10-11, 2006, and she confirmed the importance of putting efforts together for the sake of rectifying the external image about Egypt and clarifying the role constantly played by the Council in enhancing and solidifying the human rights for all citizens without discrimination.

- 12- On the 7<sup>th</sup> of May, the Secretary-General of the NCHR received representatives of Jehovah's Witnesses, who have inquired during their meeting about the possibility of finding official venue to register a branch for their association and normalize their existence in Egypt, however, Ambassador Mokhlis Qutb referred them to the Ministries of Foreign Affairs and Social Solidarity considering both of them as bodies of competent jurisdiction. His Excellency maintained that when the Council makes a contribution into solving some sort of situation or problems facing the Egyptians belonging to certain denominations – e.g. Baha'i Denomination, Jehovah's Witnesses...etc– the Council keeps solving their problem on the fashion of the procedures and actions taken vis-à-vis Egyptian citizens for ensuring their legal and civil rights based on their right to citizenship and equality imposed by the Egyptian Constitution and he advised Jehovah's Witnesses to take the legal procedures to display their demands, and the representatives of the group have assured that their Egyptian followers haven't been exposed to any violation since their first visit in February 2006, and they are keen on the peaceful and calm display of their calls represented in established Egyptian branch for their society in Italy on the officials in Ministry of Foreign Affairs, Interior, and Social Solidarity.
- 13- On the 9<sup>th</sup> of May The Deputy Chairman, Secretary-General and a number of the Council's esteemed Members received a delegation of the American National Faculty of War under the presidency of H.E Ambassador Marseille Wahba. The delegation comprised students belonging to the police, army, aviation, maritime, and Ministry of Foreign Affairs who wish to get to know the role of the Council and its respective activities, particularly that their visit to Egypt is deemed an integral part of the Masters Degree in the faculty, whereas it's conditional that every researcher should select a certain country to know their different cultures, habits, and important cases raised in this regards.  
The Deputy Chairman reviewed the role of the Council in enhancing the human rights by addressing many important cases, on top of those were: the Emergency Law, arbitrary arrest, Penal Code, and torture, referring to the draft law of freedoms protection and human rights proposed by the Council, and published reports published which essences gain the increasing concern and interest from the side of the government to the extent to which the responses given thereby to the complaints and remarks set forth in the Council's second report quadrupled the responses the Council received to the first annual report, and in the end of the meeting, the Ambassador, head of the American delegation commended the Council's effective role, despite being established recently, stressing her appreciation to the content of the reports issued as being honest observatory to the situation of the Human Rights in Egypt.
- 14- Mrs. Stephanie Ortoulozieh, Person-in-charge of persons with disabilities in the American Ministry of Foreign Affairs and Mrs. Janet Lord, the expert on U.S national laws for persons with disabilities, visited the Council on May 16 in the presence of

representatives of NASS foundation for Handicaps under the presidency of Dr. Ashraf Mar'ei, Chairman, in the framework of finding possible channels of cooperation with the American part due to great concern it bears for the Handicapped and the extraordinary capacities it enjoys in the field of extending material and professional support to the concerned bodies. The delegation reviewed all services extended to the handicapped in all fields of life, legislations, and laws concerned with providing them with education and transportation, and potentials available for cooperation with the Council in this concern, whether by providing it with the necessary information, or organizing the training courses in relation with enhancing the handicapped rights. From his part, the Secretary General referred to the concern and interest of the Council in such category, and he referred to the efforts exerted by the Council in this connection, including workshop under "Enhancing and Protecting the Disabled Rights" on 25.07.2005, and workshop under the title of "Disabled Rights into the health care and establishing family and carriage" on 19.04.2006. The most important points discussed were represented in auditing the laws of handicapped rights and problems facing them and their parents, particularly with regards to their rights to education, health, transportation, and many more of real life issues. Dr. Ashraf Mare'I demonstrated the dimensions of cooperation between the National Council for Human Rights, Civil Societies and Organizations concerned with the welfare of the disabled and those with special needs. Furthermore, he referred to the committee established to devise draft law on the handicapped, which would be based upon International and Regional Charters on Human Rights. The American delegation further commended the importance of the Council and its concern with the cases of handicapped persons and expressed its willingness to provide the Council the handicapped-related documents and information, and forge cooperation with the Council in the framework of protecting and enhancing the handicapped rights.

- 15- On the 5<sup>th</sup> of July the Council's Secretary General received a delegation comprised the Assistants of the American Congress, whereas the former reviewed the Council's activities and roles in enhancing the human rights in Egypt, and displayed the censorship experiment in stewardship upon elections during 2005, besides the problems relating to election tables, and the need to support and promote the culture of human rights. The delegation touched upon the case of Emergency Law and Dr. Ayman Nour and the Secretary General illustrated the whole situation.
- 16- The Secretary General, Dr. Nabeel Helmy and Ambassador Ahmed Haggag, in the presence of Ambassador Menha Bakhom, Assistant Deputy of Minister of Foreign Affairs of European Union, received Mr. Michelle Forrest, Secretary-General of the Consulting Council for Human Rights in France on July 8, and the Secretary General maintained the need to know the future of the Arab immigrants residing in France, who haven't standardized their situations until now in light of the Immigration Law submitted by the French Government to Parliament as this could lead to adverse effects on the status of the immigrants, particularly with regards to determine the numbers migrating from North Mediterranean and Africa, besides selected nature, in such manner inconsistent with the fixed standing of France considering which the Host State (Terre d'accueil), Mr. Forrest referred to the fact that although the law is not consistent with the instructions issued by the European Union, the French

Consulting Council for Human Rights criticized that law by memorandum to the Prime Minister stating its contradiction with the public freedoms. And around the status of Muslims in France, the French Host explained that Religion should not be taken as basis, upon which the immigrants would be integrated, and that France formed a committee on combating racism and punishing whoever exercises it, for instance, pecuniary sanctions have been imposed upon the racial aspects within the work environment. And as to the inquiry of Ambassador Haggag about the reference of laws relating to immigration to France, the French Host has assured that there are several factors attracting immigrants to France, most importantly are the Social, Political, and Economic statuses. Therefore, Immigration Law is relating to France and accordingly is not under discussion within the European Parliament; however, it goes in line with the instructions issued about the European Union with regards to Immigration. And in response to the question of Ambassador Menha Bakhoum to Mr. Forrest about the most prominent problems facing woman, inter alia, coercion for marriage by parents in South France, female circumcision, and polygamy, he said that the French Council issues statistical reports about the number of women suffering these problems, and ultimately the French Host promised to keep the Council posted with copies of the report of the French Council, and he made an assurance as well about their support to the Council at the European Level and the Francophone level in his aspiration to accession to the International Coordination Committee, and he warmly welcomed exchanging visits between young researchers in both Councils in the framework of exchanging expertise.

- 17- On July 31, NCHR Chairman Dr. Botrous Botrous Ghali, received the Ambassadors of the Asian States in Cairo, whereas he managed to talk about the activity practiced by the Council since established, cooperation between the Council and Human Rights Committees in the whole world, standoff situation in Lebanon and Palestine, the Council's vision toward the development of the Human Rights Charter in relation with the Developing Countries, and the Council's role in promoting the culture of Human Rights.
- 18- On August 29, a delegation of the Assistants to Congress Members paid a visit to the Council. During the meeting, an analysis of the situation in the area has been cast in light of the Israeli aggressions upon the Lebanese and Palestinian Lands, factors affecting the Development and Peace Processes in the Middle East, Efforts exerted by the Council in the framework of enhancement the situation of the human rights status at both levels National and Religion, revising the Civil Societies Law in Egypt, the procedures taken to appoint the Council's members, and establishing two new committees by the Council; one concerned with the constitutional amendments, and the other with the citizenship cases.
- 19- On September 3, the Council's Deputy Chairman, Secretary-General, and Dr. Fou'ad Abdulmone'm Riyad, Trustee of the International Relations Committee in the Council, have received the President of the American- Jewish Committee, Mr. Robert Judkind, which is "American Organization takes care and observes the best interest of Jews in the USA and the whole world, and is deemed to be one of the main tools of the "Jewish Lobby" in manipulating the Political Resolutions of the American Administration", along with delegation included both of Mr. Gibson Aiskin and Barry

Welsh. They have address the presentation of the delegation to the future of the whole situations in the Middle East in view of the current escalations, attempting to stress the point that Israel didn't start off the aggression neither on Lebanon nor Gaza Strip, and the Israeli Military Campaign has but aimed at destroying the infrastructure by which Hezbollah has taken shield, and they never aimed at civilians, yet still the Council's representatives refrained from buying that talk, however, they have explained the following:

- In the bottom-line, destroying the infrastructure is not justifiable by any means, besides, that cannot be done without the Human Structure itself and murdering hundreds of innocents
- Israel, by this campaign, has broken all legal, political, and humanitarian limits, and this cast doubts and accordingly threw cold water upon the credibility of Israel in cooperation to adopt permanent peace in the region.
- Moreover, they have expressed dismay and astonishment in return to the stance of the American Administration during the Lebanese Crisis, which has, accordingly, allowed and given green cards to Israel to keep bombarding and campaigning
- USA stood idly with hands down without any effective affirmative role after the aggression has been fiasco and failed to accomplish the political and military targets perceived accessible before staging their campaign, which has impaired its international credibility
- Representatives of the Council have warned from the fact that this situation might have a ripple effect on the status of the Jews in the whole world, which goes blindly with the willingness to avoid such crashes and encounters bearing religious characters
- Just and comprehensive solution should be devised for the Palestinian Problem, and Israel must pull out from Lebanon and Golan Heights, and Iraq must be liberated in order stability be maintained for Security and Peace, the main ingredients for cooperation and achieving the economic development far from ideas and slogans circulated, with regards to the Greater Middle East Initiative, which reflect a great ambiguity and doubt.

Then the Secretary General commented upon the suggestion moved by the Jewish committee to establish Jewish Museum on the fashion of the Islamic and Coptic Museums that Jewish rabbis themselves have objected upon using one of the temples as premises for the museum. And he reviewed as well the most important activities and programmes implemented during the year referring to the point that despite the affirmative development in the human rights status in Egypt, the report issued by the American Department of State used the same phrases and displayed the same problems stated in the previous report based upon undocumented reports. The visiting delegation hailed the role played by Egypt in pushing the peace process and expresses its appreciation to the role of the Council in sustaining and enhancing the toleration value and coexistence with others and other religions and civilization, and maintained its willingness to cooperate in any efforts would be exerted to promote robust climate that would serve converging cultures and religions in a manner that would help maintain peaceful coexistence for proceeding later on the development efforts. The Deputy Chairman of the Council agreed conditional

upon the availability of the favorable circumstances (establishing the just and comprehensive peace – adopting the legitimate rights of the Palestinian people – liberating Golan Heights and Iraq - ...) stressing the need to use other factors that would bridge the cultural gap, improve the outlook, and enhance peace in the region in order for peace prevail.

20- The Council's Secretary General in the presence of a number of the Council on September 10 received a delegation of the American Department of State under the presidency of Ms Erica Raglese, Assistant Deputy of the Secretary of State for Human Rights and Democracy, and Mr. Scot Carpenter, Assistant Deputy of the American Secretary of State for Near East Affairs, and Counselor of the American Embassy in Cairo. They have discussed many points including the following majors ones:

- m. Council's Condemnation to the Israeli aggressions on Gaza and Lebanon, and the need that Israel comply with the International Law rules for Human Rights, and the Humanitarian International Law including all such obligations and claims for compensations about damages sustained from the Israeli incursion to Lebanon and Gaza Strip, and inflicting the punishment necessary upon the perpetrators and those who take the decision of the way.
- n. The Council's astonishment from the American situation obstructing the efforts of immediate cessation of fire and the pullout of Israel, which has raised the dismay and indignation of the public opinion in Egypt and the Arab States, stressing that the human rights are an integral part and double standards should not be used in this concern.

The American delegation expressed interest in getting better acquainted with the Council's activities and efforts in the field of enhancing the human rights in Egypt and promoting the culture of the human rights. And they have stressed as well their understanding of the situation of the American administration, and made a confirmation upon the importance of peace built upon justice as a mandatory basis for stability and development, and for pushing the reforms in the region.

21- Mr. Michael Ryan, head of political department and consultant of political and economic relations in the delegation of European Committee in Egypt, on September 19 paid a visit to the Council. During this visit, he assured his eagerness to develop the European Union Relations with Egypt stating the hope to sign the "Neighborhood" agreement that would open up many important fields of economic and political cooperation, and pour into the best interest of both parties. He also stated his appreciation to the Council for its activities aiming at enhancing the human rights in Egypt and promoting the culture of the human rights, referring to his previous participation with the delegation that escorted the Austrian Secretary of State, during her visit to Egypt, through which she expressed appreciation to the importance of the role played by the Council in enhancing the human rights, and the need to mutual communication and cooperation for implementing the projects and programmes enlisted in the Council's plan. The Secretary General was keen on displaying the most important activities of the Council in the field of enhancing the coordination and

- cooperation with the nongovernmental organizations for the sake of enhancing the role of the civil society in the field of the human rights and enhancing the political participation. And he referred to the most important issued published by the Council, conferences, and workshops, besides the role in the field of filtering the studying curricula in a manner that would run in keeping with the international criteria of human rights, and mapped out the Council's vision in relation with the legislative and constitutional reforms aiming at enhancing the freedoms and expanding the scope of political participation and enhancing the comprehensive development process.
- 22- On October 2, the Council's Secretary General received Mr. Gerard Coeur, Ambassador of Republic of Ireland to Egypt. During the meeting the Secretary General discussed the Council's activity and its role in enhancing the human rights in Egypt and the current situations in the Middle East and the whole world.
- 23- He also received, on October 11, the delegation of the European Commission, arriving from Brussels, in the presence of Mr. Michael Ryan, Head of the Political Department and Consultant of Political and Economic Affairs. During the meeting, they have discussed the request of the delegation to get to know all future activities of the Council, as the Secretary General referred to the fact that the Council was preparing workshop for examining the law no. 84 of 2002 with respect to the civil societies and nongovernmental organizations, besides preparing the other two international conferences around the development and human rights, and role of the civil society in ensuring adherence to the Humanitarian International Law and protecting the human rights of civilians during the time of the armed disputes, and taking both Lebanon and Gaza Strip as case studies. The members of the delegation have expressed their interest in participating in the ceremonies and activities of those conferences. And as to the future cooperation, the Council reiterated that the European Union should wrap up the study of the project of the agreement relating to establishing Complaint Office, which would make available a very important opportunity to follow up and analyze complaints in a scientific manner, besides establishing two offices affiliated to the Council in Delta and Southern Egypt. At the end of the meeting, the delegation of the European Commission assured its agreement upon the project of the complaints office and the final form of agreement is being prepared, and they have as well stressed their willingness that the commission be one of the international bodies supporting the activities and programmes of the Council according to its plan in enhancing the human rights.
- 24- On the 11<sup>th</sup> of October, the Secretary General received Mr. Mikhael Agdafou, Ambassador of the Federal Russia, who stressed during his visit to the Council upon the importance of the effective role of the Federal Russia in the international politics, demanding the democratization of the international system in the view of the variable international situations. The Russian Ambassador expressed his appreciation to the vital and effective role of the Council in enhancing awareness of the culture of human rights, and actuated that cooperation between the Council and Russian committee is a very vital prop for both sides in the field of enhancing the human rights
- 25- On October 18 the Council's Secretary General received the Ambassador/ Charles Held and Ms. Joulanda Fester Heren, the Consultant of the Political Affairs and development affairs in the Swiss Embassy. During this meeting the Swiss Ambassador

referred to his reviewing of the second report of the Council regarding the human rights status in Egypt during 2005 hailing the comprehensiveness of the report that reflect the role of the Council in enhancing and protecting the human rights, and promoting this culture.

- 26- On October 18, the Council's Secretary General received Ambassador Tagrin Dzwein, the Ambassador of Netherlands to Cairo, who expressed his government's appreciation to the Council and its activities over the passed few years that have gone by since established to date, referring to the Council's annual report in noting and observing the status of the human rights in Egypt, and the suggestions moved by the Council in relation to the amendment of the laws, legislations, and constitutional articles that would guarantee setting the climate for establishing the human rights in Egypt. The Dutch Ambassador highly praised the presentation made by the Secretary General in connection with the action plan with concerning to promoting the culture of the human rights among different classes and over the governorates in Egypt.
- 27- In the framework of cooperation between Egypt and the EU, and in view of the Euro-Mediterranean Partnership Agreement, and the European Neighborhood Policy; the NCHR signed agreement, on the 2<sup>nd</sup> of November on the finance provided by the European Commission to establish advanced complaint office followed by a number of branches scattered all over the governorates of A.R.E.  
This project gained its importance as being the first developed office for receiving complaints regarding human rights in Egypt, taking actions necessary to solve them, besides its role in examining and analyzing these complaints and the cases of violations against the human rights, developing the reports and recommendations in relation with eliminating such violations, and mechanisms that would ensure non-frequency. The office would make sure examining and preparing the draft laws which would enhance the human rights and basic freedoms, limit violations, and promote the culture of the human rights  
In addition that it would allow implementing that important project by reinforcing the link between the Council and the complainants and grievances due to the fact that many branches of the office would be spread all over the Republic, whether in fixed lodges or mobile offices reach out to every citizen.
- 28- A delegation of UNDP paid a visit to the premises of the Council on November 5 for discussing the arrangements needed for the activities underway during the upcoming period.
- 29- Both of the Council's Deputy Chairman, Secretary General and Dr. Salah Amer have, on November 14, received the delegation of the ad hoc committee commissioned to investigate the Israeli practices that would affect the human rights of the Palestinian people and other Arab populations in the occupied Arab soils. The delegation included the Ambassador Brassada Kariawassan, head of the committee, and the standing delegate of Sri Lanka to the United Nations, and Ambassador Hamidan Ali, member of the committee, the standing delegate of Malaysia in the International Organization, Ambassador Mamado Su, member of the committee and the Technical Consultant in the Senegalese Department of State, and Ms Bridget La Croix, Committee's Secretary. This visit gained its importance through the role played by the committee, since

established by the United Nations in 1968, in observing and apprising the International Organization of the violations inflicted upon the Arab civilians, whether in the occupied territories or other Arab lands.

- 30- On November 14 the Council's Secretary General received Mr. George DeMitreo, Ambassador of Romania to Cairo. During the meeting they have touched upon the role of the Council and its activities in enhancing the human rights course in Egypt, and the importance of cooperation in the future between the Council and its corresponding similar associations in Romania
- 31- The Deputy Chairman and Secretary General have, on November 19, convened a meeting with delegation of the Spanish International Cooperation Agency. The meeting aimed at discussing the potential and suggested channels for cooperation and agreement upon the future cooperation between the NCHR and the corresponding similar associations in Spain, not to mention exchanging expertise in number of fields relating to the human rights between the Egyptian and Spanish sides. Moreover, concentration has drift off to cast upon topics of mutual interest of both sides starting from translating the reports and studies relating to the human rights and giving training upon the field of controlling elections, and the need to discuss the need to hold joint workshop in these fields, recruiting the training coaches and expertise. The meeting touched upon establishment, formation, activities, independence, role, and effectiveness of the Council in enhancing the human rights, let alone its interest in making the constitutional amendments in relation with the presidential and parliamentary elections, and the importance of the Council's role in supervising such elections.
- 32- The NCHR's Deputy Chairman received a delegation of the European Parliament, representing the Commission of Relations with the Middle Eastern states under the presidency of Ms. Biatrice Battrey, on Monday, November 21, 2006 in the context of the visit started on 19 until the 25<sup>th</sup> day the instant, whereas view points have been exchanges around the cases relating to fostering and promoting the human rights situation in Egypt.
- 33- On December 18, Mr. Daniel Le Roi, Ambassador of Belgium to Cairo visited the Council. During the meeting discussion revolved around the formation and activity of the Council and its role in enhancing the human rights in Egypt during the upcoming period and the intensive efforts of the Council at both levels, national and international, and cooperation between the Council and the international organizations.
- 34- On the 19<sup>th</sup> of December the Chairman of the Council received a delegation from the American Congress. The meeting centered around the Council's activity, formation circumstances, its role in solidifying the human rights in Egypt, the most crucial strategies used by the Council for the sake of promoting the culture of the human rights, the nature of the relation between the Council and the executive authority, and the importance of the existence of international solidarity between the Council and the similar Councils and organizations in the other states.
- 35- On 20<sup>th</sup> of December 2006 the Council's Chairman received a delegation of the socialist group in the European Parliament. The visiting delegation comprised four members combining their membership in the socialist group and the committee of the foreign affairs under the presidency of Bascalina Napolitano from Italy (Deputy



Chairman of the group and member of the sub-committee of human rights, and the person-in-charge of relations with the Arab Moor States and the Mediterranean Parliaments), Michelle Roucare, ex-Premier of France, Jean Marinous from Netherlands, Hanz Sopouda from Austria. The NCHR Chairman further reviewed during the meeting the origination process of the Council, its progress and development, the most crucial activities conducted, and the affirmative development of the human rights situation in Egypt, referring to the plans developed by the Council for enhancing the human rights, and promoting the culture of human rights during the upcoming period. From his part, the visiting delegation expressed its appreciation to and congratulated the NCHR for obtaining the full membership of the International Coordination Committee of National Associations, and enhancing the human rights relating to the International Council for Human Rights, which membership cannot be obtained but by the National Associations that have fulfilled the international terms and stipulations devised according to Paris Principles 1993.

- 36- On December 20, 2006 The Council's Chairman received another delegation of the Chinese Leaders, who have expressed their concern with getting acquainted with the activities of NCHR, and the contributions made by it in enhancing and fostering and promoting the human rights in Egypt, let alone all future plans and projects in this area. The visiting delegation invited the Chairman to visit China to get to know the development maintained in the civil society organizations.

## **Second: Cooperation with the International Organizations and Associations**

1. The Council during the period from April 19 to 26 received Mr. Steiner Acren, Member of the Norwegian Center for Human Rights, in context with the cooperation agreement between the Council and the Norwegian Center for finding out the foundations of the potential cooperation between both sides. The representative of the Norwegian Center have met up with members of the Council, Dr. Salah Amer and Mr. Mohammed Fa'ek, and the Secretary General, whereas they have agreed on the features of prospective cooperation, which covered the development of the library of the NCHR, which is the largest electronic library specialized in this field, training employees in the Council on controlling and supervising elections of Shura Council and other training courses have been taught to the members in the civil society organizations for the purpose of upgrading their performance in the field of monitoring and controlling the elections, giving training courses to teachers in the different phases about human rights, holding seminars and workshops on human rights, exchanging visits between the NCHR and the Norwegian Center for exchanging expertise in developing and promoting human rights culture, taking the preparation procedures necessary for establishing the Norwegian Center in Oslo University, which respects the religion and belief freedom and aims at establishing cooperation network between the European and Middle East States, and an agreement upon finishing the scenario of the project of cooperation between the Council and the Norwegian Center before the beginning of June 2006.
2. Swedish delegation, including Ms. Hana Johnson from Raul Wallenberg Institute in Sweden and Mr. Alef Ackdel from the Swedish International Cooperation Agency – SIDA, visited the Council on May 3. The meeting touched upon the Council's activities and action programmes, priorities that should be adhered to during the upcoming period that comes on the top of which the programmes in relation with promoting the culture of human rights in Egypt by revising and filtering the educational curricula in different scholar phases from what might be inconsistent with the principles of the human rights, and cooperation with the audiovisual media in preparing the infotainment programmes, integrating concepts of the human rights in the drama transmitted to reach the average citizen at his convenience, besides ending the emergency case, and the actions entailed from them in connection with the status of detainees, and establishing complaints office pursuant to the international criteria, so the Swedish delegation welcomed establishing bilateral cooperation with the Council and other human rights associations in the framework of enhancing the human rights course in Egypt.
3. On 8<sup>th</sup> of May the NCHR's Secretary General received Ms Margaret Gruck, Manager of Rule of Law Department in the American Support Association. The meeting was convened in the context of identifying potentials for cooperation particularly in the field of promoting and disseminating human rights culture. Ms Margaret reviewed the potential mechanisms of cooperation by which the association is compliant as to the new study of the projects suggested for cooperation and deliberation with the relevant associations and authorities for observing and taking account of their tendencies. An agreement was reached with the relevant parties, before allocating and rationing the

support required to the project, and she expressed that her association is willing to support the Council's activities with regards to promoting and disseminating the human rights according to its programmes and vision. And from his part, the Secretary General of the Council moved a suggestion of future cooperation with regards to awareness and disseminating the culture of human rights between mayors in the Egyptian rural villages, due to the influencing and important role of their position upon the citizens in their villages

4. On May 15, the Council's Secretary-General received a delegation of the American Donor Bodies, comprising (17) members representing (14) States and Donor Foundations in Europe and North America, and demonstrated the Council's activities and role in promoting and enhancing the culture of the human rights and supporting the efforts of development and reform in Egypt, then he answered the questions of the delegation around the progress in the human rights in Egypt.

The Secretary General also referred to the fact that there is a tangible positive development in the responsiveness rates of the government in replying the complaints sent by the Council in a manner reflecting the response with its role in the society, and he added that the Council would, in conjunction with the EU, establish complaints and grievances offices in the governorates that would operate in accordance with the scientific criteria in receiving and classifying complaints.

The Secretary General stated that promoting and enhancing the culture of the human rights are deemed one of the most important goals of the Council, and that the Council's plan for bringing them into force only hinges upon the following major points:

First: Revising the scholar textbooks in the different educational grades – in conjunction with the Ministry of Education and Learning for upgrading and enhancing the characteristics and elements of the human rights discourse.

Second: Forging an agreement with the Ministry of Information upon developing programme for promoting the culture of the human rights through audiovisual media

Third: Organizing training courses for increasing the awareness of the mayors in all the villages upon the principles of human rights due to their significant and influencing roles in the Egyptian countryside, which would certainly help raise the participation percentage, particularly by women, in the election process.

5. On 20<sup>th</sup> of May the Council's Secretary General received Ambassador Maher Nasser, Director of United Nations Center for Media in Cairo within the framework of the role played by the United Nations Center for Media in Cairo in conveying an obvious crystal clear picture about the cases raised in the Middle Eastern States to the UN Secretary-General, which could be tantamount to the impact and influence exercised upon the international organization due to its being in New York. The Secretary General displayed the major points of the project the Council studies, examines, and prepares in conjunction with the relevant Ministries and bodies, which would cover organizing training courses for mayors upon phases all over Egyptian countryside for the purpose of effecting and operationalizing their role in promoting

and disseminating the culture of the human rights in Egypt, and elevate the democracy by increasing the awareness of the citizens of the importance of exercising their electoral rights in a climate of freedom, integrity, and transparency; ranging from the registration of voters in the voting logs down to assortment process and announcing results, and passing by the voting process per se. From his side, the Director of UN Center expressed his conviction of the feasibility and importance of the project in the framework of the current reformation efforts, pointing to the fact that the Council's goals are concurrent and in synch with those relating to the United Nations, particularly with relation to raising the awareness and promoting citizens on exercising their political rights. Furthermore, he stressed his eagerness on conveying this motion to the office of the UN Secretary-General, and enthusiasm as well to the role of the UN Democracy Fund in support, referring to the importance and the need of communicating, in the meanwhile, the Coordinator of United Nations Office in Cairo to guarantee his support in adopting the project by the United Nations.

6. On the 5<sup>th</sup> of June the Council's Secretary-General convened a meeting with Dr. Mona Khalifa, Assistant the Resident Representative of UNFPA, and Dr. Mo'ataz Billah Mohammed, Consultant in the Reproductive Health. The meeting touched upon many prominent topics, as follows:
  - o. Displaying the idea of recruiting Dr. Hussam Badrawy as combining between the profession of Health Field and concerns with the Human Rights for displaying the experiment of Egypt in human rights before the delegation that would arrive to Egypt for getting an acquainted with and completing such experiment in order to be presented to the Book Assembly along with other experiments, and that came after having chosen Egypt among a very limited of developing countries considering them of the successful stories in this area.
  - p. The Council piloted the opinion of the Ministry of Interior regarding the idea of using the students in the Police Academy for completing the field study around Women Prison and paid many field visits to discuss the situations of the prisoners regarding the results of the questionnaire.
  - q. Assigning some specialists to prepare a project around the problems faced by providers, recipients and places of the services of the reproductive health, provided that it would be set up in El-Monoufiya and Assiut Governorates in the framework of the year's plan, and the results should be discussed during the meeting combining the representatives of both parties in the presence of relevant bodies.
7. Nicolas Stephenson, Consultant at the Swedish International Development and Cooperation Agency (SIDA), paid the NCHR a visit on June 18, 2006 to become better acquainted with the Council's activities in general and to receive feedback, particularly an evaluation, of the training programmes held by the Swedish Institute of Raul Wallenberg, financed by the agency.

The Swedish guest was received in the Council by Ambassador Mokhlis Qutb, the Secretary-General. The NCHR's Secretary General briefed the guest on the mission, mandate, structure and activities of the Council reiterating its independence (whether with regards to its activities or finance) and highlighting the priority allocated to

- maintaining close cooperation with the National Human Rights Institutions in the Arab States.
8. The Council's Deputy Chairman and Secretary General have received James Rawley, the Resident Representative of the UNDP in Cairo, and Ahmed Ghanem, the person-in-charge of the Capabilities Support Programme in the programme on September 24. The Resident Representative reiterated the request to continue the joint cooperation between the UNDP and the NCHR in its upcoming five-year plan in appreciation to the positive results achieved by such cooperation, and he suggested that such cooperation with the nongovernmental organizations operating in the field of the human rights expand to cover exchanging expertise and successful experiments. And the representatives of the Council have welcomed the ideas exposed conditional they would be examined and studied and prepared to action and implementation within the national plan that aim at enhancing and promoting the culture of the human rights in Egypt.
  9. In light of the study prepared by the European Union about the situation of the human rights and combating torture in the Arab States, the NCHR Deputy Chairman convened a meeting with Ms Litetia Seedo, member of the World Organisation Against Torture (OMCT), on September 24,. The meeting addressed the question regarding the means by which torture in Egypt is addressed, whereas the Deputy Chairman stated that the basic element in combating torture is represented in eliminating the aspects of physical abuse and ensuring the right to just trial, and followed by the right to defense of the opinion and expression, and he assured that the success in eliminating fear and instability of the citizen would contribute in raising the political and social participation and achieving development and progress in many fields, and he also stated the role of the Council in calling for the end of the emergency state and amendment of some articles of the penal code, particularly as to combating torture in prisons and respecting the human rights of those detailed provisionally, and he said the such amendment aimed at covering the penal responsibility for every participant, and agreed upon inflicting torture should he have proved to be guilty and involved in such crime. A reference has been made as well to the fields available for cooperation to the European Union with Egypt, particularly with regards to the Council's benefit from the expertise of the European Union in organizing the training courses to the employees in the national associations for human rights and the possibility of exchanging visits between the Council and the corresponding associations in the Union, and coordination in the international conferences in which both sides are participates.
  10. In achievement reflect the success in both local and international fronts, the Eight International Conference of National Associations organized by the International Council for Human Rights in the United Nations during the period from October 26-27, 2006, in Santa Cruz in Bolivia – upon the accession of the NCHR to the International Coordination Committee of National Associations and enhancing the human rights affiliated to the National Council in unanimous votes of participation, and a reference has been made accordingly to the fact that such committee is the body that takes charge of granting the approvals of membership in the national associations based upon fulfillment of the international terms.

Such accession is deemed to be a generic turning point of high importance in the NCHR's actions considering such accession to the highest international authority affiliated to the United Nations affirms the credibility of the Council and the wide success achieved in gaining an international reputation at local, regional, and international fronts, particularly that it would be built upon the precise results of the auditing conducted by the sub-committee specialized in accreditation of Coordination Committee upon the performance of the Council during the study, scrutinizing both annual reports issued regarding the status of the human rights in Egypt during the years 2004/ 2005 – 2005/ 2006, and other data and issued reflecting the volume of the activity and nature of the Council, besides the observations of the efforts exerted in coordination with the civil society organizations for the sake of fostering the human rights and supporting the civil society participation in the efforts of comprehensive development, not to the detailed study conducted by the sub-committee on approvals, held exceptionally along the side of the conference (which is normally held biannually), upon the statute and bylaws of the Council organizing its activities. Such audits have been conducted in light of its auditing to the situation of all national associations that have gained membership in the Human Rights Commission. Furthermore, he commended the NCHR on the obtainment of full accreditation and membership in the International Coordination Committee, which constitutes a new confirmation to the credibility of its work and activities that aim at enhancing and promoting the human rights course in Egypt.

11. In the context of the preparation to the final stages in the NCHR, which covers the upcoming five years, the UNDP requested renewing the cooperation and partnership agreement with the Council in appreciation from the programme to the positive return achieved during the cooperation period from November 2003 from financing many of the Council's activities that would contribute in promoting and enhancing the culture of the human rights.
12. UNDP expressed its concern about the application petitioned for extending cooperation with the Council, which started as of October 2005 for enhancing and solidifying association between the culture of the human rights and the reproductive health and applied to both El-Monoufiya and Assiut governorates. The cooperation addressed human rights of providers of reproductive health service (children, handicap, and women) and stakeholders, such as physicians and nurses. It's worth noting as well that there are lots of activities enlisted in the plan of the Council the Fund aims at forging cooperation for financing it.
13. In the framework of the Council's strategy in relation with promoting the culture of the human rights through different media vehicles over the upcoming couple of years, executive letters have been exchanged regarding the framework-based consensus with the USAID for financing part of the project of the NCHR for the purpose of enhancing and promoting the human rights culture after the Council secured premises of administration to such project effective as of the eve of November 2007.
14. It has, undoubtedly, reflected the eagerness of the Council in investing its external communications in financing the activities provided in the its plan in an attempt to reduce such activities which constitute a burden upon the public treasury. Further, the

willingness of the international donor bodies to cooperate with the Council only reflects the confidence they held in the Council's capacity in contribution into enhancing and maintaining the human rights and participation in the efforts of the political reform. Despite acceptance of the Council of international cooperation for the sake of helping implement the ambitious plans devised previously, it's made it a condition that such support be not only consistent with the Council's plan, but channeled as well to the Council's preset activities or projects enlisted in the Council's plan in order to keep up its independence and full transparency far from any pressure.

15. In the realm of furthering relations with regional and international counterparts from NHRI and committees for human rights, the Chairman of the Council has, on 19<sup>th</sup> of December, received Mr. Lumbo Garba, Chairman of National Committee for Human Rights in Niger. The meeting has touched upon the Council's different activities since established and potential cooperation between the Council and its corresponding body in Niger, and exchanging researchers between the Councils for exchanging experts and Niger's experiment in relation with integrating the human rights Council in the constitution.
16. He has also received Dr. Ahmed Obeidat, Chairman of the National Council for Human Rights in Jordan, the meeting has concluded agreement upon cooperation between the Council and the National Council for Human Rights in Jordan, whereas the preparatory meeting for conference of (6+6) would be held including six North Countries in Europe, Germany, France, Denmark, Greece, Norway, and Ireland, and another six countries of the Arab States, Egypt, Morocco, Jordan, Palestine, KSA, and Qatar from February 26 until the first of March 2007 in Amman in Jordan. The NCHR would be represented by the Secretary of International Relations Committee, yet the expanded broader conference would be held on April 10 in Jordan, and would be attended by the Council's Chairman and Chairmen of other participating corresponding Councils.
17. On December 29, 2006, the Council has received through Mr. Hafez AbuSeda, Secretary-General of the Egyptian Organization for Human Rights an urgent request from the International Federation for Human Rights and another one from Human Rights Watch Organization asking the NCHR in Egypt to do its good offices to preclude deportation of one of the Tunisian Citizens to his country, whom accused among the international network for recruiting youth for acceding the opposition in Iraq because he could be exposed to pressure and violations from the authorities. The International Federation pointed to the fact that they currently search for another country to deport him to.

Believing in the importance of cooperation with the relevant international organizations concerned with human rights, particularly with regards to securing the right to just trial to the accused although the timing in which such demand has been given is Greater Bairam Feast (Sacrifice Feast), the Council forthwith contacted the Ministry of Interior and offered this request and confirmed the recommendation made by Dr. Botrous Ghali, Chairman of the Council.

Following up this request by the Council with the Ministry of Interior, the latter has on January 2, 2007 confirmed that such request was taken into consideration, and the Council communicated the International Federation for Human Rights with the procedures and actions taken in this regards.

18. On the other hand, the Council received another request from the International Federation for Human Rights requesting the Council to exert its good offices with the Secretariat-General of Arab League to quickly establish regional premises for them in Cairo, to be the first offshore premises of the Federation. The Federation has further referred to the importance of holding the proposed conference quickly upon discussing the need to adopting the Arab Charter for Human Rights by the Arab League in Cairo, provided that the League takes part in the preparation and organization processes.

The Council has upon receipt of such request contacted the office of the Secretary General of the Arab League stressing the importance of holding the proposed conference, which would unprecedented combine the Arab League and the International Federation for Human Rights due to the positive return of such combination at both Arab and International levels and its contribution into enhancing and promoting the role of the civil society, which has unanimously stressed the importance of urging the Arab countries to sign and legalize the Arab Charter for human rights.

The NCHR received, on January 13, 2007, a letter from the Secretary-General of the Arab League stressing that the League was currently preparing for holding a symposium around effecting and enforcement of the Arab Charter for Human Rights in conjunction with the International Federation. The letter affirmed the conviction of the Arab League in the importance of effectuating the charter and discussing the ways by which it would be binding and enforceable. As to establishing regional office for the Federation in Cairo, this decision lies only with the Egyptian Authorities in this connection, and the NCHR would proceed following up their contacts and communications with the relevant bodies in this respect.

19. Within the framework of his visit to Moscow, Dr. Botrous Botrous Ghali, Chairman of NCHR has on January 23, 2007 met up with Vladimir Lukin, Commissioner of Human Rights in the Federal Russia, where they discussed the experiment of both associations in the field of enhancing the human rights, and their cooperation with the civil society organizations and regional frameworks in enhancing and protecting the human rights. Both parties have duly signed MOU on the cooperation between them<sup>41</sup>, and Ghali has invited his Russian counterpart to visit Cairo in the upcoming Spring, and both parties have agreed upon establishing some symposia regarding the enhancement of human rights in general in both Cairo and Moscow with particular concern with some topics that would serve the culture of human rights in both countries, and achieving mutual benefit from the accumulated experiments of both of them.

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<sup>41</sup> Attachment no. (9)





### **Third: Organizing International Conferences and Workshops**

#### Third: Organizing International Conferences and Workshops

##### 1- Second Regional Conference on Arab National Associations for Human Rights in Qatar:

\* Based upon the initiative of the NCHR on calling for the first conference on Arab National Associations for Human Rights in Cairo on March 2005 and the call for regular annual conference of the same fashion, the National Committee for Human Rights in Qatar along with NCHR in Egypt, and Higher Commission for Human Rights have in conjunction with the UNDP and the Arab League held during the period (from March 4 – 6, 2006) in Doha the second Regional Conference for National Associations for Human Rights in the Arab States interested in promoting and disseminating the human rights culture in the whole Arab world. The conference has witnessed 143 participations from the representatives of national associations, civil societies, civil society organizations, International Agencies around the Arab Region, media public figures, experts in UAE, Tunisia, Sudan, Algeria, Syria, Yemen, Iraq, Kuwait, Jordan, Morocco, Egypt, Palestine, Lebanon, Libya, Bahrain, representatives from the hosting nation, besides representatives of the international agencies, such as the African League for Human Rights, International Amnesty Agency, Danish Human Rights Institute, and Higher Commissioner for Human Rights in Geneva.

- At the end of the conference, Doha Declaration has been passed stating the invitation to the Arab Nations for:
  - Ratifying the International Human Rights Agreements, lifting off all reservations inconsistent with the essence of these agreements including the agreement on eliminating all such discriminations against woman, and expediting the ratification of the Arab Charter for Human Rights.
  - Establishing independent national associations for human rights in harmony with the world principles prescribed in the resolution of the General Assembly of the United Nations no. 134/ 48, known as Paris Principles 1993.
  - Supporting the independence of the national associations for human rights by way of auditing and revisiting the bylaws and statutes organizing them, securing all financial makings, human resources necessary, and broadening the scope of their powers and authorities by virtue of the resolution of the General Assembly no. 134/ 48, with invitation to the associations, governmental and nongovernmental organizations to devise national plans for implementing the World Programme on Education on Human Rights issued by the General Assembly of United Nations no. 113/ 59 of 2004
  - Developing national plans on the human rights that would determine their national priorities, steps required to be taken, mechanisms of implementation, and the timeframe for bringing them into reality by integrating the national associations and nongovernmental organizations operating in the field of human rights.
  - Taking the legislative and scientific procedures for securing the climate that would breed the free expression of opinions, promote democracy, eliminate

restrictions and limitations upon the freedom of composing parties, societies, and unions, guarantee the freedom of assembly, journalism, media, judiciary independence, and eliminating extraordinary laws and courts of special reasons.

- Studying the unique experiment of Morocco in transient justice and the need to adopt and generalize it all over the Arab region.
- Revising the educational programmes in all education grades for promoting and enhancement of the principles of peace, toleration, dialogue, respect, understanding others, eliminating bigotry, hatred, and racism, including training of teachers and officials upon implementing law.
- Reviving and supporting the culture that would help flourish and develop innovative thought via the activities of educational and cultural foundations affiliated to different Arab organizations.
- Enhancement of human rights, and encouraging education of this culture via partnerships between the media vehicles and national and nongovernmental organizations.
- Calling upon the governments and national human rights organizations to give woman exceptional interest and attention, and seeking the accomplishment of equality principle between two genders, tackling the violence and battery against woman, including the household violence and detrimental practices and habits against the health of women, and taking that in the awareness and educational programmes over the upcoming couple of years.
- The declaration has provided the following:
  - a. The Higher Human Rights Commission and Specialized UN Agencies must extend more support to the efforts of the national and nongovernmental associations and organizations all over the Arab States.
  - b. Arab League should take procedures necessary to facilitate and iron out all such impediments in the procedures and measures of accession by the national and nongovernmental associations and organizations to the Standing Arab Committee for Human Rights in their capacity as Watch and Vigilant, and enhancing their roles and participation in the committee's performance.
  - c. Nongovernmental organizations shall apply for approving the democratic methods in its statute and management by assuring the circulation and transparency in its relations and programmes.
- At the end of the conference, participants have stressed the fact that such meetings are affirmative and they are mandatory to be held annually, and they made an agreement upon forming Follow-up Committee comprised of the National Committee for Human Rights in Qatar, NCHR in Egypt, the Consulting Council for Human Rights in Morocco, and Higher Commission for Human Rights, which is entitled to follow up the actions and implementations of recommendations of both first and second regional conferences.

- They have further decided to report the recommendations to the upcoming Arab summit, hoping that they would be of concern and interest of the Arab leaders, and demanded the hosting nation to publish among the official documents of the Human Rights Committee in the United Nations in its upcoming session (March 13, 2006).
- It's worth noting that a coordinating meeting has been held of Councils of the Arab States that have participated on December 17 in Cairo Conference for preparing the third conference of Arab National Associations for Human Rights, which is set to be held in Morocco during the second half of May 2007, provided that the NCHR in Egypt would handle in conjunction with the Qatari and Moroccan National Associations the coordination in this respect.

## 2. Regional Workshop under the title "Toward Development of Performance and Integrity of the Arab Election Process"

- The Council has during the period from (March 12-13, 2006), in conjunction with the UNDP, organized regional workshop under the title of "Toward Development of Performance and Integrity of the Arab Election Process – Latest Parliamentary Elections in Lebanon, Egypt, Iraq, and Palestine during 2005-2006". Participations have been giving, during the conference, by some political public figures, supervising the election process from all previous countries, have taken part in the workshop, representatives of civil societies, international and local nongovernmental organizations, which have participated in supervising elections and a group of academics and journalists.
- Deliberations and inputs have concentrated upon the following:
  - Forming network for development of elections in the Arab nations under the title of (Network on Development of Arab Elections) that aims at developing the election process in the Arab Nations via participation in supervising the elections in the Arab Nations, and preparing the Arab calibers in the field of elections monitoring.
  - Actual monitoring shall be free from pluralism, it's rather mandatory to put worksheet upon the actual measurements taken in preparing the elections of all facets, and monitoring the election process per se. It's further mandatory to organize workshop in every country around the draft of the closing communiqué of conference for revisiting it.
  - Arabic elections should be a genuine action emanating from the Arabic circumstances, not a mere incarnation of the external orders or for serving objectives that could be detrimental to the Arabic conduct.
  - The draft issued shall not be deemed a mere document, yet it should be maintained as obligation and mandatory to be put in force including all principles. However, it's important that there would be harmony and consistency between such principles and their expression of the real behaviors and conducts of the elements of political process in the Arab nations.

- It's mandatory to form Arabic Commission that aims at monitoring the elections in the Arab Nations, and as to the issue of establishing Arabic Network for Arabic Elections, it will remain inchoate if not provided with real mechanisms for effecting and enforcing its role, and it should be concerned as well with development no control and monitoring part and incorporating within its membership all categories, particularly those who are able to affect the election process, and should further benefit from all aspects of development occurring in the election process recently and consistency between our Arabic privacies, and relevant international principles and charters.
  - Denying the international monitoring is not driven but by the willingness to harbor dubious practices in the elections in the Arab nations, so the situation should be arranged on the Arab front in such away that it would pave it to be acceptable to such proposed developments, particularly in terms of restructuring the parties operating in the Arab nations.
  - Developing ballot papers
  - Vigilant should learn the watching fundamentals in a professional manner and not as a basis for politics only.
  - Benefiting from the Elections Management Unit in the United Nations by moving a suggestion of establishing protocol or MOU with such unit for reaching framework for training the Arabic personnel specialized in managing the election process.
- The workshop has concluded the need to complement the efforts toward taking the measures necessary for holding several workshops required for enhancing and promoting the ideas and methods necessary for guaranteeing the integrity and credibility of the upcoming elections during the year, provided that it encompasses the way to know the **Code of Conduct** and its environment, and a study of the status of the committees supervising elections.

### 3. Workshop for officials working in the Ombudsman and Complaints Office:

\* The Regional Network of Arab Ombudsman in the Council has, during the period from (June 25 – 27) organized workshop for officials working the Ombudsman and Complaints offices affiliated to the National Associations for Human Rights and nongovernmental organizations concerned with human rights, and a number of representatives of Countries like Tunisia, Morocco, Qatar, Palestine, UAE, KSA, Bahrain, and Lebanon, and Director of the Swedish Institute in Alexandria, representative of the Swedish International Aid Agency in Cairo, and the Arab Organization for Human Rights for supporting and exchanging expertise between the offices referred to hereinabove, and consultation around the ways to increase its effectiveness and reviewing the suggestions of participants out of their professional experience, and establishing regional network for reinforcing and promoting the regional capabilities in this field, let alone finding ways of cooperation in this context, and at the end of the workshop the following recommendations have been passed:

**First:** The attendees have agreed upon integration into the regional network of Ombudsman Offices so as the latter be the contact point between the foundations acting on behalf of the Ombudsman in the Arab region and the complaints' offices in the National Associations for Human Rights so as to be mechanism for exchanging information and expertise, and elevating the awareness level of topics relating to the human rights in general in such away that would improve the situation of the human rights in the region.

**Second:** Enhancing the electronic web site established by the project ([www.arabombudsman.net](http://www.arabombudsman.net)) to constitute the following:

- r. Mechanism for promoting information, exchanging expertise, introducing the network, and publishing information.
- s. Database
- t. Parties should contribute in completing the database, introducing information, and expertise in their associations

**Third:** Issuance of Periodical Bulletin for introducing the activities of the network, its members, and the activities of different associations, and that should go off electronically.

**Fourth:** Organizing training courses for employees in the ombudsman offices, and complaints offices and committees for elevating their performance, and training them upon treating the complainants, solving disputations, assuring the rights of citizens, and getting acquainted with international conventions and agreements in relation with the human rights. And in this field, the member foundations and associations could be used in terms equivalent and relevant with their expertise and potentials. The Moroccan delegation has announced under the presidency of Mulay Walli the willingness of the Grievances Office to contribute in such training courses, particularly after attendees have considered the Moroccan Model an advanced model in the Arab region.

**Fifth:** Conducting researches and studies around the topics in relation with the Ombudsman, advancement of woman, and exchanging such researches over the web site.

**Sixth:** An agreement has been reached about the fact that the Arab Institute for Human Rights should prepare and arrange the layout of the Standard Form required by complainants to register their complaints electronically in light of the forms currently used, then they would be forwarded to all members for noting their remarks and issuing standard form to be used under the disposal of all those handling the complaints.

**Seventh:** Encouraging all offices of Ombudsman in the Arab nations, wherein there's no any of such offices, and granting technical support in establishing these offices if requested.

**Eighth:** Gathering all data and information that would help establish Ombudsman Arab Center of Institute.

**Ninth:** Collecting all laws organizing the offices of the ombudsman in the Arab world, on top of that the Grievances Office in Morocco, and some other countries that would be held of great benefit as a reference.

#### 4. Tenth Annual Conference of Forum 2000 Foundation

\* Dr. Botrous Botrous Ghali, Chairman of the NCHR, participated in the Tenth Annual Conference organized on October 10 by the of Forum 2000 Foundation, founded by the Czech former President Vatslav Havel, under the title of “Problems of the World Joint Coexistence”. Whereas the conference has discussed several important issues in this context, including the means by which the high diversity of cultures, ideologies, and religions could be treated, let alone the joint coexistence between cultures in the big cities, the world responsibility of great companies, human rights in the developing world, and lastly the problem of water in the Middle East. The conference has further touched upon the importance of democracy and its effect, and the role of religions in light of globalization.

\* During the conference, the Council’s Chairman called for originating active movement standing for globalizing the democracy, assuring that in order to be there a real embodied meaning for democracy; it should not be restricted or limited only to the level of the nation for each state, but it should extend to cover the international level, and he also stated that participation in an international regime based upon globalized democracy is not restricted and limited to states only, however, it would rather extend to involve other local players, like, local administrations, parliaments, universities, and nongovernmental organizations, and the multinational companies in such system should be active in the field of development.

#### 5. International Conference “Right to Development ... Outcome of twenty years”:

\*During the period (December 2 – 3, 2006), the Council has held international conference under the title of “Right to Development ... Outcome of twenty years” on the twentieth anniversary of the passage of Declaration of Right to Development by the General Assembly of the United Nations, which had been approved in November 1986 by the participants and bodies they represented. The conference has revolved around the vision of the third world of the comprehensiveness and association of human rights in light of globalization challenges and contradictions and in a time punctuating with establishment of the International Council for Human Rights as Institutional Alternative, besides deepening the national dimensions of the right to development and displaying the future prospects in enhancing the applications of such right at the national level as per the resolution of the General Assembly of the United Nations.

\* Participants have touched upon the following:

- The need to contribute into introducing the right to development and taking them out of the scope of the general principles to the scope of the applications and instances determined in away that would lead up to common principles denominators with respect to the relationship of human rights with the development and principles representing the framework of right to development, which ought to be integrated into the developmental and commercial policies at both national and international levels: justice, transparency, indiscrimination, accountability, and participation. The

conference has managed to exhume such principles from the general scope into the real application framework. From the most important applications ensued, came poverty combating based upon the human rights not only from the basis of solidarity, and being that poverty, according to the Higher Commissioner for Human Rights, Louis Arbour, one of the most atrocious and heinous violations upon the human rights which could be combated and controlled.

- And from the instances perceived as results of the conference, the pre-evaluation of the impact of the trade rules and development policies upon the less advantaged class in the society, and the need to compensate them for any adverse effect ensued from privatizations, liberalization of trade, or any other exigencies dictated by the market economy. The conference has as well discussed the absence of such evaluation at both national and international levels, particularly from the side of WTO.
- The Participants have also discussed the means to devise evaluation and assessment form and measurement tools for measuring the relations between the human rights, trade and development. The starting point in this respect has been set off the operations results reached by the taskforce around the right to development in Geneva. Whereas the taskforce has during the past three years reached lots of results and recommendations that haven't been out yet and still not known enough and accordingly does not have any dedicated mechanism of implementation. The taskforce has as well reached this year principle primitive criteria for evaluating the developmental participations for making sure of their integration to the elements of the right to development (Justice – Indiscrimination – Transparency – Accountability – Participation).
- The conference has unraveled as well the problem of inconsistency of policies between the international organizations, between the situations of different nations, and between the elements of the same nation itself as per the context of interaction. For instance, the rules adopted for trade liberalization necessitate the abolition and elimination of subsidies, and globalization of economy require privatization, yet both of them influence the economic and social human rights, right to work, health, dwelling, and food, and the possible contradiction between the International Commerce Law and Human Rights Law.
- The Deliberations have revealed as well that lots of current International Initiatives in line with the system of the United Nations and International Financing Organizations have instead of addressing such contradictions, they could have dedicate ambiguity and confusion, just as the case of addressing different approaches adopted to communicate the relation of the human rights with development, and the means by which contradiction could be lifted off, let alone increasing integration between them both. Among the articles of discussion came the Millennium Development Goals (MDGs), strategies for reducing poverty, development juristic approach, and the International Institute for Economic, Social, and Cultural Rights.



- It has been revealed that adaptation and integration between different approaches is deemed intricate and difficult, but possible, and the most important terms for effecting the link between the human rights and development is represented in the participation and involving the most important parties to commerce and finance in the dialogue around the right to development, of the most important parties; WTO and IMF.
- The deliberations have revealed particularly that there looms a significant turning point in the thought of the International Bank in terms of denial of terms and recognizing the state's right to determine the course and priorities of their developmental plans, and the need to make sure that the economic reform does not by any way lead to social corruption and infringement of the rights of the poor.
- The interventions made by representatives of the Egyptian and Arab governmental organizations participating in the conference have been characterized of diversification, and all of them uncovered the dire need and request upon the definition and concept of the right to development, not as new controversial legal concept, but as clear and applicable executive framework.
- Such interventions have stressed the fact that the right to development has an added value in contrast with other human rights. Moreover, the right to development is not represented in the right to international aids, and the right to development is not an international issue, but it's rather a national genuine need. The discussions have reiterated that the NGOs required measurement tools for the policies that go beyond the legal scripts, and to take the form of benchmarks used for evaluation and follow-up criteria.
- Discussions have revealed as well that there are two types of impediments that obstruct the right to development; the first is the national level, and the second on the international level in relation with the unjustness of trade rules. The discussions have affirmed that none of the two types depends on the other, and all national and international impediments should be eliminated simultaneously. And such simultaneity ensures eliminating the politicization of the concept of the right to development.
- Participants have assured that the human is the pivotal and the main target of development, and liberalization of trade is not target but rather leisure, and if such leisure was in favor of some against the other, whether a nation or individual, it would deepen the international disorder, increase the motives of disputations and that would represent violation to the right to the development, because justice, development, and just development are among the main foundations of the real peace.
- The deliberations have entailed a group of practical suggestions, most importantly was the need to keep rolling all current efforts aiming at formulating the measurement tools and criteria of appraising the environment including the development process on both national and international levels for the sake of determining the structural impediments

before development and the unjust rules of the trade and the logic priorities for tackling such impediments.

- Among the most important conclusions of the conference as well is that the civil society and nongovernmental organizations should assume major role in discussing, formulating, and following the execution of such criteria, whereas the popular participation is one of the five pillars of the right to development (justice – participation – indiscrimination – accountability – transparency), and the conference has stated particularly the importance of both issues: Building self-capabilities for the civil society in the third year, the second; devising cooperation between Egyptian and Arab nongovernmental organizations in this field, which could be one of the future results ensued from this conference.
- Among the results ensued from the conference as well was the fact that the right to knowledge and making available all precise information and data and credible statistics are but the starting point necessary for putting the right to development into force, which required the need to give priority to building the statistical capabilities of the developing countries.
- Among the results of the conference as well the assurance of the importance of the role played by the national associations for human rights based upon the model presented by the national Council for human rights via this conference, which is model for dialogue between the international mechanisms for human rights, and the Egyptian nongovernmental organizations. A dialogue not only around the existing rules of human rights, but rather around the rules of human rights that should be developed to be more clear and just, and more influencing upon the real situation.

6. International Conference on “The role of the civil society in guaranteeing the compliance with the Humanitarian International Law and protecting civilians in the time of armed disputation – Lebanon and Gaza Strip are case studies”

- The Council has on (December 16-17, 2006) held in conjunction with the Arab Organization for Human Rights an international conference under the title of “The role of the civil society in guaranteeing the compliance with the Humanitarian International Law and protecting civilians in the time of armed disputation – Lebanon and Gaza Strip are case studies”, and the role played by the civil societies and civil society organizations in limiting the effects of such violations, and determining the practical methods for promoting and enhancing the capability of nongovernmental organizations in dealing with such violations, and practicing upon effectuating the legal and informational international work mechanisms to the extent that would allow for the effective international pressure to put an end to such violations. And the conference has concentrated upon the following points:
- The facts of the violations inflicted upon the humanitarian international law and human rights in the Occupied Palestinian lands, and Lebanon as stated in the reports of the relevant International Fact-finding Committees and the reports of the Arab and international nongovernmental organizations.

- Evaluating the performance and responsibilities of different international parties, including the countries, UN, NCHR, its different mechanisms, and nongovernmental organizations, and probing the ways by which justice would be served and the mechanisms of complaints available to the victims of such violations.
- The participants have unanimously agreed in the conference that duality in the international dealing with the cases of human rights is a grave oppression that can't be slept over, and the responsibility for such oppression lies not only with the international and western communities, but part of it lies as well with the Arab governments and Arab Civil Society alike. The most important aspects and features of such responsibility is lack of enough coordination and solid preparation for Arabic initiatives, which makes the result of the Diplomatic performance less than what it should and could be achieved. Many of speakers have referred to the crisis of understanding and dialogue with the western countries that have represented in the reversal of the level of support by some to the Arabic resolutions, and they have considered it as phenomenon that requires profound analysis and critic vision to the situation of all parties for the sake of determining the underlying reasons and actions required to tackle it.
- The participants have referred to the fact that Arab nongovernmental organizations, despite honest efforts and endeavors, they haven't reached as yet a certain formula of coordination between one another to work as one team, and they haven't as well managed to establish overriding alliances with the international nongovernmental organizations, including the Israeli Organizations Standing for Human Rights.
- The participants have stressed the need to respecting the human rights in general in the Arab states for the Arab demands of condemning the Israeli violations of high credibility and effectiveness, and for making available a robust climate for the Arab nongovernmental organizations for achieving their national and international goals.
- The conference has as well discussed the need to integrate Arab states to the statute of the International Criminal Court, since unfortunately only one Arab State has signed this stature, which is (Jordan).
- They have also stressed that the globalization does not need in the present but liberalization of trade, privatization, and opening the portals before necessary patterns of consumption to prevail, in the meanwhile the most important aspect lacking globalization and requires to be addressed in this concern is defending common world values, and the most important value is protection of human rights without derogation or impairment.
- Human rights are integral part in the time of peace and war, which is more exposed to danger in time of armed conflict than in time of peace.
- They have also stressed the need to strengthen the regional Arab and African mechanisms for human rights, as it's illogic that developing countries complain from double standards of international mechanisms in the time their respective national and regional mechanisms are vulnerable.

- Representatives of the Palestinian and Lebanese nongovernmental organizations have displayed their endeavors to demand the accomplishment of international protection to the Palestinian and Lebanese peoples, and pursuing the perpetrators of Israeli war crimes after running out of negotiation means inside Israel itself, and demanded reinforcement of such efforts.
- Participants have as well reviewed the existing grant gaps in the international law system for protecting the human rights in the time of armed disputations, and the most important one is lack of the control mechanisms upon condemning countries to abide by the provisions of law, and putting special controls upon air war particularly. Suggestion has been moved around executing additional protocol deterrent to the four Geneva agreements in this connection as being target to the Arabic Diplomacy, which requires probe and examination for addressing deficiencies, protection gaps, and lack of institutional control over the practices of countries in this respect.
- They have also reviewed the role of the Arabic and Islamic Regional Organizations, particularly the Arab League, and the Islamic Conference Organization, and their failure as yet to go beyond accusing Israel by virtue of inoperable resolutions, and even such resolutions started to witness fallback in the international support, and Lebanon case was the most recent and evident topical scandal.
- The participants have reviewed also the reasons behind the Arabic and International Failure to pursue the Israeli perpetrators of such war crimes, whether as to the political, legal, or institutional reasons. Lack of communication and lack of understanding between Arab Civil Society and the International Public Opinion, and danger of continuance of the Arab Civil Society to soliloquy with itself instead of talking with others.
- A suggestion has been motioned about establishing world alliances of nongovernmental organizations concerned with the violations to Humanitarian International Law on the fashion of the International Federation for Human Rights.
- Reference has been made about the backwardness of many Arab National Legislations as to the lack and missing of the world specialization in connection with the perpetrators of war crimes and all inhuman crimes, and the need to integrate them among the national criminal legislations in order for the national judiciary system would be able to assume its role, and we should not consider the victims as exceedingly important mechanism for protection. And the civil society organizations have asserted that such legislative gaps represent only one of the impediments that interdict protecting the Arab nations against the continual Israeli violations for half century.
- The importance of the institutional, not the individualistic, action for documenting the damages resulting from the violations to the Humanitarian International Law, with hailing the role of the Arab Organization for Human Rights in preparing a detailed documentary file of the violations inflicted against the humanitarian international law in Lebanon and Palestine in conjunction with the relevant nongovernmental organizations, however, it was

just individualistic attempt that would require institutional and organizational effort to back it up.

- The need for all Arab states to access all charters of agreements and protocols of human rights that haven't been ratified yet for making available the complete usage of the international complaints mechanism before the Arab Civil Society, and the need as well to enhance the mechanisms of the national complaints, without which the endeavors taken to create Arabic culture of human rights would render impossible to make true in reality.
- They have talked also about the idea of establishing Arab legal taskforce for putting modular standard rules by which the Arab nongovernmental organizations in collecting the information and documenting evidences upon the violations against the humanitarian international law in a way that would fulfill the international technical and legal specifications that would ensure that reports of such organizations are credible at the international level. The participants have also demanded the Arab League and office of Higher Commissioner for Human Rights to materialize its role in this connection considering the legal responsibilities of the latter in this connection.
- Demanding the double standards to be cancelled should begin with the Arab League itself, particularly in terms of the relations of the governments with the Arab nongovernmental organizations, whether on the level of the legislations organizing such relations or in terms of the practical way.
- The importance of compliance with the technical precision, such as misplacing the term "Humanitarian Extermination", since that would detriment the credibility of the nongovernmental organizations.
- The need to define the Arab nongovernmental organizations with the role, powers and authorities of different mechanisms of the NCHR
- Participants have discussed in the conference the idea of the national security in all the whole world, as it needs respect to human rights, because any grave and methodological violation could lead to loss of the credibility of the mechanisms of the national and international human rights to the extent with which the desperate violence could be the sole alternative available.
- The idea of Human Security has been given the floor as well to address several influences summarized as follows: controlling fear, satisfying needs, and good standard of living in view of rational ruling. And the international community should skip the military option toward imposing security, and realize that respecting human rights of all peoples without discrimination or selectivity is condition for expanding the international security in its comprehensive meaning.
- The conference has also discussed the issue of the representation of the victims of violations in demanding compensations whether before the national justice or international mechanisms, and legal intricacies that might face victims for being in most cases from the vulnerable less advantaged classes that require accordingly earned and guaranteed legal assistance, positive discrimination and in the participation of the nongovernmental organizations in representing victims in submitting the international complaints and lawsuits.

- The conference has also demanded establishing network or assembly of Arab nongovernmental organizations for exchanging information and qualifying the supporters of human rights on treatment with technical aspects for demanding compensations for the victims of the violations inflicted upon the Humanitarian International Law. Ostensibly enough, for generalizing and popularizing knowledge of international rules and criteria in relation with compensating the victims of violated human rights, moving practical suggestions and mechanisms for supporting nongovernmental organizations upon using such rules. The participants have focused also upon the priority of initiating favorable criminal and national legislative environment for empowering the nongovernmental organizations in practicing their roles in defending and standing for the human rights.
- The conference has also touched upon the role of woman in the field of the armed conflicts, and protecting woman and child by virtue of resolution no. 1325 require enforcement. And such enforcement starts with integrating woman in all phases of decision making process of relevancy, and excluding the violence crimes against woman, particularly the sexual abuse, from any cases vested with comprehensive amnesty that might be attached with ending the armed conflicts.

#### **Fourth: Council's External Participation**

1. The second regional conference for National Associations for Human Rights in the Arab States has been held on (March 4- 6, 2007), in which participated Dr. Botrous Botrous Ghali, Chairman of the Council, and Dr. Ahmed Kamal Abul-Majd, Deputy Chairman, and other members, such as Dr. Zeinab Radwan, Consultant Adel Koura, Dr. No'man Galal, Ambassador Mokhlis Qutb, the Secretary-General, and the general supervisor, Mr. Ahmed Olwy, and from the researchers in the Technical Secretariat, Dina Sharaf, Mona Rouby, and Monira Morsy.
2. The meeting held in Rabat in connection with establishing network of researches around the economic, social, and cultural rights in the Arab states from (28.03.2006 to 01.04.2006), in which Dr. Mohammed Said El-Dakak (member of the Council).
3. Training course around "Rights of woman in the Middle East and North Africa organized by the Lebanese Association for Human Rights and the Human Right in conjunction with Raul Wallenberg Institute for Human Rights in Sweden and the Swedish International Development Agency" during (April, 2006), wherein the researchers in the Council Asma'a Fawzy, and Amira El-Tagui have participated.
4. Conference on the Current Challenges facing the Humanitarian International Law has been held in Switzerland from (22 – 24 of May 2005), in which Dr. Salah Amer (Member of the Council) has participated.
5. Conference around the role of the woman in the society has been held in Morocco from (14-19.06.2006), in which Dr. Fou'ad Riyad (Member of the Council) has participated.
6. Conference of the Arab Civil Society Organizations for preparing the Civil Society Forum standing for Democracy has been held in Qatar from (16-22.06.2006), in which Consultant Mr. Jamal Showman (Member of the Council) and Researcher/ Islam Rayhan have participated.
7. The second annual conference around the human rights in context with the criminal justice organized by Amman Center for Human Rights Studies – from (27-29.06.2006), wherein the researcher/ Huda Abul-Enien has participated.
8. Training course "Mondhir Anbatawy Sixteenth" organized by the Arab Institute for Human Rights and held in Tunisia for training personnel and members in the nongovernmental organizations operating in the field of the human rights from (22-31.07.2006), wherein the researcher Nabeel Shalaby has participated.
9. Complementary session to the training course around "rights of the woman in the Middle East and North Africa" under the title of "Rights of Refugees and Immigrating Workers" held in Turkey during August 2006, in which the researcher Asma'a Fawzy has participated.

9. Participation by Dr. Fou'ad Riyad in the conference on "The International League for Democratic Law Enforcers" held in France during the period from August 26-27, 2006.

11. Participation by members of the Council in a joint workshop between the Council and the Italian Institute for International Relations around "the international terrorism and human rights" held on September 12, 2006 in Italy for reaching joint vision regarding the controversial issues that still interdict reaching final draft of the comprehensive international agreement in connection with combating terrorism and making sure that the project of such agreement didn't engulf any derogation of the human rights well-established and agreed upon internationally. And Dr. Fou'ad Riyad has delivered a lecture around "Terrorism and Human Rights", while Dr. Salah Amer has delivered a lecture around "Terrorism and Opposition acts"

12. Participation by Dr. Leila Takkla in a workshop around "protecting civilians during acts of war and armed conflicts" that was held in France in September 2006.

13. Training programme organized by Raul Wallenberg Institute for Human Rights and the Humanitarian Law in Sweden around "Equal Standing and rights of the woman in the Middle East and North Africa" during the period from (November 3 - December 9, 2006), wherein the researcher Mai Naguib has participated.

14. The celebrations of the Indian Human Rights Council in New Delhi have been set off as of (10-15.10.2006), wherein Dr. Mohammed Said El-Dakkak, Member of the NCHR, has participated.

15. The Eighth International Conference for National Associations has been held along with the meeting of the International Coordination Committee for Protection and Development of Human Resources in Bolivia during the period from (22-29.10.2006), wherein Dr. Salah Amer, Member of the Council and researcher Islam Rayhan have participated.

16. The sixth conference on new or revived democracies hosted by Qatar State from (October 29 - November 01, 2006), wherein participated in the conference's actions and activities, Consultant/ Jamal Showman, Mr. Ahmed Olwy, and Researcher Monera Farid.

17. Conference on Combating Corruption in Companies, Economy, and Development on the international level held in Brazil during the period from (31.10.2006 to 06.11.2006), wherein Mr. Fahmy Nashid (Member of the Council) has participated.

18. UN Conference around the procedures necessary for combating corruption, sound governance, and human rights, held on Warsaw – Poland during the period from (07-09.11.2006), wherein Dr. Hussam Badrawy, Member of the Council, has participated.



### CHAPTER THREE: LEGISLATIVE REFORM

#### **First:** Legislative Accomplishments of 2006 in the realm of human rights protection

One of the legislative accomplishments made during 2006 was the passage of the law no. 145 of 2006 by amending some provisions of the criminal procedures law in the field of the detention in custody, enhancing right to defense, and expanding the scope of conciliation in the criminal articles, and the passage of the law no. 147 of 2006 by amending some provisions of the penalty code which has prohibited inflicted the punishment of imprisonment in the crimes of publishing, and the law no. 142 of 2006 by amendment of some provisions in the judicial authority law. In addition to such legislative amendments that aimed enhancing the political human rights, the right to human dignity, and assuring the independence of the judicial authority, the passage of the law no. 67 of 2006 in relation with protection of consumer law has come to represent backup to another kind of social and economic human rights.

Although such legislative laws and amendments seen in 2006 have achieved an important step forward on the way of protection and sublimation of human rights, the NCHR, by reason of its natural aspiration to expand protection on the human rights, still awaits completing the aspects of such protection in order for the nation and citizen have strong citizenship relationship that would maintain the rights and support loyalty.

The amendments to the provisional arrest/detention in custody system besides enhancement of the right to defense of the accused have come as a strong response to juristic and intellectual trends, which have long called for restricting the authorities of the detention in custody due to the fact that it representing violation of the principal of to the *innocence until proven guilty*, which is one of the human's basic rights, and the dedication of the right of the accused to retain the services of one lawyer during the initial investigation phases prior to trial was another positive aspect in the legislative development toward more protection of human rights in Egypt.

The NCHR has since established and assumed its role addressed the provisional arrest issue and enhancement of the defense rights, and proceeded with package of suggestions and ideas in this respect. The council has developed a number of such ideas into suggestion in the draft law communicated to the competent authorities. The passage of the legislative amendments adopting and materializing what the NCHR has called for is positive sign for initiating the legislative reform movement for enhancing the human rights seen by the council as comfortably convenient in continuing vote for the human rights and support to the whole nation in the meantime, and the council has as well testified with honesty and neutrality that the legislative amendment passed has come in some aspect more advanced than the initial suggestion moved by the council specifically in terms of the need to justify the orders passed adjudicating provisional arrest (article 136, para. 2 of the same criminal procedures code as amended by the same code no. 145 of 2006).

Yet the council has stressed that it was still waiting for more at the front of the provisional arrest system and made it more consistent and harmonized with the constitutional guarantees and international criteria that Egypt has complied with by virtue of ratification on the relevant international instruments and agreements.

The amendments of the provisional arrest system in the code no. 145 of 2006 have included the following aspects:

- Defining the reasoning justifications of the provisional arrest, as the Egyptian legislation included the least determination of such justifications in contrary to the other Arab and foreign legislations. And the law no. 145 of 2006 has come to amend article 134 of the Egyptian criminal procedures law, and according to this amendment, the warrant of provisional arrest has come dependent and conditional upon the availability of one of the cases or reasons prescribed by law.
- Raising the minimum punishment for which the accused may be imprisoned for commission thereof provisionally. As, according to the last amendment to the provisional arrest, that any arrest may be made provisionally unless in respect of felony or misdemeanor for which imprisonment has been sentenced for more than three months.
- Provisional Arrest/Detention in Custody and challenge thereof should be justified, which was one of the aspects of amendment in contrast to the previous status, which hasn't been prescribed by law, besides that it wouldn't allow for challenge against the order of provisional arrest, but allowed only for complaining, which is a venue for challenging the legal concept/
- Provisional arrest has been decided to initiate and continue for a period less than what law has prescribed for previously, as the period of provisional arrest shouldn't be in light of the last amendment more three months as principle (the period was six months before amendment). In addition that the amendment has adopted new provision stating that provisional arrest period, during the initial investigation period and the other phases of the lawsuit, shouldn't be more than on-third of the maximum limit of the punishment impairing freedom and no more than six months in the misdemeanor, eighteen months in the felony, and two years should the punishment prescribed to the crime have been life imprisonment or execution.
- Establishing the alternatives of provisional arrest system as the law no. 145 of 2006 amending the article no. 201 – first paragraph of the criminal procedures law authorizes the competent authority supervising the provisional arrest to issue in its stead an order of the following measures:
  - Condemning the accused not to leave their house or nation
  - Condemning the accused to surrender themselves to the police station in certain times
  - Prohibition accompanying the accused to certain facilities and places
- Condemning the public prosecution to publish every ruling of innocence of those who have been provisionally arrested, and condemning them also to publish every order issued that no reason to institute the criminal lawsuit against the accused in two daily gazettes of wide readership at the expense of the state, and publishing in these cases

should be done based on the request of the public prosecution, accused, or on of their successors. Although the last legislative amendment was deemed one of the punitive or moral compensations for provisional arrest of someone sentenced innocent from the court or to his benefit decision has been passed that “no reasons for instituting criminal lawsuit thereagainst”, the legislative has additionally established what could be called the principle of the right to obtain the material compensation for the provisional arrest, provided to be based upon rules and procedures of which a special law would be issued.

Despite the positive aspects included in the legislative amendment of the provisional arrest system, the council still hopes to achieve more advancement and development in this connection, particularly on the front of lifting off the minimum punishment for crimes for which provisional arrest may be issued on the fashion of other procedures that could be adopted by the Arab legislations. The council hopes as well that that law in relation with organizing the rules and procedures that guarantee putting the principle of material compensation for provisional arrest into action be issued and updating the provisional arrest alternatives system. In the same context, the NCHR has called for organizing prevention from traveling abroad to be one of those alternatives to the provisional arrest and to such extent that would run consistent in all events with the constitutional guarantees prescribed in this connection, and on top of that the ability of movement, in the manner that such alternatives be the origin that ought to be referred to, and the provisional arrest be the exception that should be applied in case of default of one of the conditions requiring usage of the alternatives, which is the system applied in a number of foreign legislations.

## **Second: Visions & Proposals of Draft Laws for the Promotion and Protection of Basic Human Rights**

### Adopting the system of Judge Supervising the execution of penalties:

#### Current text of article 42 of the criminal procedures code:

“All MP’s, presidents and deputies of the first-instance and appeal courts shall visit all general and central prisons locating in their jurisdiction and make sure that no one is jailed for no legal reason, and they to this effect shall have the right to have access to all prison’s books, records, and arrest and imprisonment warrants, and take copies or excerpts thereof, and contact and hear any person jailed would like to complain, and the prison’s head and employees shall provide them with every assistance to obtain all information they need”.

#### **Suggested Text:**

##### **New Article (Added)**

“In the circuit of each court of first instance one or more judges shall take charge of assignments and powers of the Supervising Judge in supervising the execution of the punishments, and such judge to be appointed by virtue of resolution from the general assembly of the court. Should there have been any impediment precluded temporarily the judge from proceeding his job in executing the punishment and powers, the president of the first instance court shall assign another judge to replace him.”

##### **New Article (Added)**

“The Judge Supervising the execution of the punishment shall according to the terms and conditions provided by law determine the relevant methods in executing the punishments impairing and limiting freedom, besides directing and monitoring its execution.”

“Each judge entrusted with executing the punishments shall visit the punitive institutions once a month so as to check on all circumstances within which punishments are executed against the sentenced against, and proceeding all powers and authorities prescribed in article 42 of this law, and he shall notify the competent authorities of all remarks to take the actions necessary, and shall as well send an annual report of that to the Minister of Justice”.

##### **New Article (Added)**

“In case the ruling passed against someone not jailed with the imprisonment punishment of no more than one year, or should the period remained from his applicable punishment have been one year or less, the sentenced against shall be notified to be present before the judge executing the punishments during period of no less than ten days and not more than thirty days for determining the method with which the punishment would be executed.”

##### **New Article (Added)**

“Judge supervising the execution of the punishments shall give his order of conditional parole whenever its terms stipulated by law have been fulfilled”.

#### **Amendment of legal structure of torture crime:**

Amendment of the text of article (126) of punishments law to be consistent with the first provision of the International Agreement on Anti-Torture to which Egypt has accessed in

1986 and was in force effective 1987, whereas the scope of torture, which is deemed felony by law, to cover:

- Torturing the accused into confession or for any other reason as revenge, scores settlement, or compliment to some of the top positions
- Torturing one innocent person to compel the accused to confess, or give information around the accused
- The definition of torture shall include any physical or psychological abuse
- Punishing employee or public worker should he or anyone acting on his behalf have assumed that, or his role has been limited to just abetting, consent, hush, or collusion and conspiracy to the torture process

Giving Instructions of preparing legislation that adopts the civil right of the plaintiff to institute the direct claim before criminal court in the crimes of attacks and aggression against the personal freedom, privacy of citizens, or torture crimes, and revoking the law no. 121 of 1956 in relation with amendment of article 63 of the criminal procedures act, which has restricted the right to institute the general lawsuit against the public employees and their equivalents, including police in the public prosecution, and returning to the older system, which was granting the victims the right to institute the direct claim.

#### **Updating the provisions with regards to corruption combating in implementation of the human right to development:**

The legislative committee has taken upon its shoulder the duty of calling to achievement of consistency and harmony between the Egyptian National Legislation and the Anti-Corruption UN Agreement given that combating corruption is one of the human right to the development and serve supporting his right to equality and toss-up opportunity, the committee has concluded the following:

- Corruption has become transnational phenomenon, and recovering and surrendering funds and accused require supporting legislative tool, represented in internal legislation of International Judicial Cooperation and criminal surrender, and up to the moment, there's no internal legislation in Egypt.
- Enhancing transparency principle and adopting the call for issuance of law affirming the right to obtain and circulate all information
- Call for expanding the concept of public employee to cover the international and foreigner public employees

#### **Protecting the human rights in the punitive institutions:**

With view to the goal set by the NCHR and based upon the considerations of contributions into the legislative reform movement, and promoting and protecting human rights, the council has therefore concluded the following recommendations:

First: Taking procedures necessary that would help improve the living state and circumstances inside the Egyptian prisons and enhancing the human rights of prisoners and detainees into education, health care, visit and contacting the outer world.

Second: Developing the current law regarding organizing the prisons and internal bylaws so as to be more consistent with the Egyptian constitutions and international charters in connection with human rights and principles of minimum rules in treating the prisoners issued by the UN.

Third: Call for the possibility of adopting the system of the supervising judge to supervise the execution of punishments, whose mission would be supervising the execution of the criminal judgments, hearing complaints, challenges, and grievances submitted by the prisoners, and establishing the specialized public prosecution to help the Supervising Judge.

Fourth: Call for the need to operationlize and effect the powers and authorities of the public prosecution in the field of supervision over the prisons according to the current provisions in the criminal procedures law, and expanding the scope of this supervision to cover the whole other detention or custody places.

Fifth: Call for adopting the right claimed by the prisoner to the Connubial Legal Privacy due to the effects that might result from nonexistence of such right represented in the social, health and psychological damages, provided, however, such right should be organized in light of the procedures and controls provided in regulations, in such manner that would guarantee using such right appropriately and properly in a manner consistent with lore and social traditions.

Sixth: Enhancing the rights of the accused jailed or arrested provisionally and recognizing his right to administrate his own private business, and his right to visit and improvement of his living standard inside prison in the manner prescribed by the requirements of innocence.

Seventh: Call for developing the system of judge of execution of the precautionary measures in the field of juvenile perversion, and capitalizing upon the forms and experiments of the foreign states, like organizing the personal file.

Eighth: Call for adopting the system of supervising judge to take the charge of executing the punishments to forming judicial committee for executing the punishment and expanding the jurisdiction of judge in executing the punishments in order to his powers include the release by parole, and his authority to the say of execution accompanied under probation, and the possibility of replacing the punishment of the public interest without consideration with the custody punishment/

Ninth: Call for examining the aspects of legislative and institutional aspects required for obtainment of more protection and enhancing the human rights of the accused in the phases of accusation, investigation, and trial in view of the restriction with the presumptive evidence principle prescribed in the Egyptian Constitution.

Tenth: Call for examining the possibility of establishing Administration for Judicial Protection in the Ministry of Justice for prisoners in coordination with the Public Prosecution, as there is Technical Office for the welfare of prisoners, among the roles of such

Administration is examining and suggesting a strategy for developing the punitive institutions.

#### CHAPTER FOUR: REPORT ON THE CONSTITUTIONAL AMENDMENTS

On 16.11.2006, the NCHR has debriefed his report on the suggestion of the constitutional amendment to the president and People's Assembly, based upon the keenness of the council to assume its role and responsibilities prescribed in its statute in protecting and enhancing the human rights in Egypt, and given that reforming constitution represents the fundamental and mandatory introduction for the success of any efforts aiming at enhancing the human rights, besides lots of other constitutional texts that influence directly or indirectly upon the human rights and basic freedoms claimed by the Egyptian citizens.

The constitution ensure protection of rights and freedoms and the law sovereignty is deemed the cornerstone in the country, therefore, all factors ensuring the unity and development of the legal system should be built to express the conscience of the society, its needs and values in an all-one consideration that reflect the hopes of the people and guarantee its growth and development, therefore, Dr. Botrous Botrous Ghali, the chairman of the council, has issued its resolution no. 15 dated 08.02.2006 to form ad hoc committee composed of twelve members of the council's and the constitutional experts who shall take the charge of discussing the constitutional amendments seen appropriate to suggestion with stating the reasons and considerations that call for making such amendments, and the chairman's resolution has assigned Counselor Mr. Adel Koura, member of the council and ex-President of Court of Cassation, to take charge of the presidency of this committee, which members have represented all kinds of political and constitutional trends, and the committee has held ten meetings effective as of 02.04.2006 to 26.07.2006, and concluded that detailed report ought to be developed on all amendment suggested<sup>42</sup>. The committee has summarized the conclusions by saying that it would be appropriate to conserve the existing constitution for having lots of basic principles that should be retained and preserved, with making amendments seen necessary according to the political, economic, and social development in such manner that would fulfill the required constitutional reform".

According to internal regulations inside the council, the council has given special attention to this report as it has been discussed in around six successive sessions of the council from 27.07.2006 to 17.10.2006, and concluded that report should be devised to suggest the council's insight into the amendment required and agreed by the council along with the interpretations and considerations based upon. (The report has included as well the points failed to agree upon, which is possible by all means). The report has indicated as well many opinions regarding the provisions failed to unanimously agree upon, along with the reasons upon which each opinion has been based, let it be, the council's actions and deliberations exchanged in the meetings about articles suggested to be amended under the full supervision of the bodies to which the report has been referred, and by presenting this report to the President and People's Assembly, the mission of the council would be accomplished giving the three bodies entrusted with the article no. 189 of the constitution the chance to suggest amendment of one article or more of the constitution's article required by the president to amend.

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<sup>42</sup> Appendix no. (3) Report of the Constitutional Reforms Committee



### **Articles suggested by the council to amend:**

The council has started discussing the report of the preparatory committee by reviewing the three major trends of the amendments suggested, which are the same approaches stating by the president in his electoral programme and concurred with the trends of all mouthpiece parties and newspapers, and the independent papers. In this report all discussions and amendments suggested by the council have been reviewed in the same order of the constitution, which is the order dismantled in the report of the special preparatory committee with which the council has complied.

### **First: Provisions in connection with the nature of the national economy and the society's basic factors:**

#### **Article no. (1)**

Agreement has been given upon deletion of "Its socialist system" from this article to become as follows:

"A.R.E is a state which regime is parliamentary democratic and the Egyptian peoples is part of the Arab nation that would maintain its comprehensive unity" and this suggestion has been agreed upon.

And a number of members have moved a suggestion on amending this article by adding the word "Civil" after the word of State to become "A.R.E. is civil democratic and parliamentary state...". Movers of such suggestion have stated that the purpose of this addition is to deny and exclude the idea of the religious or military state, and creates appropriate balance against article second of the constitution, yet the majority of the members of the council have seen the relevance of the text as is, based upon the fact that other texts in the constitution would achieve the purpose of the suggestion addition.

#### **Article no. (4):**

The council has agreed upon suggestion of deleting this article providing that "the economic basis for A.R.E is socialist democratic system" for creating harmony and balance between the provisions of the constitution and the contemporary economic statuses and policies in such manner that would allow for the freedom of choosing the economic orientation of the state as displayed by the President of the Republic in his electoral programme, and this article was deleted.

However, some members have seen that it would be better to search for new provision affirming the eagerness on expanding the social justice and protecting the grassroots of limited income, which has been added to the article no. 24 of the constitution.

#### **Article no. (5):**

The council has agreed upon amending this article to become as follows: "The political regime in A.R.E. shall be based upon the plural parties in the framework of all fundamental factors and principles of the Egyptian society provided for in this constitution, and the citizens

shall have the right to establish the political parties as stated in the law, and no religious, sectarian, ethnic, or military parties may be established."

**Article no. (12):**

The council has agreed upon the amendment of this article by deleting the phrase of "and the socialistic behavior", and the special preparatory committee suggested the phrase "clean environment" replace the phrase of "and the socialistic behavior."

However, the majority of the members of the council have found that the suggested phrase steered far from the context of the text discussing the religious education, ethical and national values, and the historical heritage of the people, the scientific facts and the manners" and the best wording would be settled by deleting the phrase of "and the socialistic behavior: and locating the best suitable place for approval on the need to conserve "clean environment"- and that it'd be appropriate adding the phrase of "and the responsible socialistic behavior" instead of the deleted phrase, the council has agreed upon this amendment.

**Article no. (24):**

The council has agreed upon the suggestion of the Special Preparatory Committee on amending this article to become as follows:

"Development plan devised by the state would organize the method by which the major production factors and their yields would be best administrated in a manner achieves social justice."

**Article no. (29):**

Some members of the council have suggested along with the Special Preparatory Committee the deletion of article 29, which prescribed ownership of all kinds to submit to the people's control, and their protection has been established by the state; and in this the provision stated three types of ownership; public domain, cultural ownership, and private ownership.

However, the council hasn't concluded its deletion as yet, but has suggested making a number of amendments to the articles followed:

**Article no. (30):**

The council has seen it's mandatory to amend it as follows:

:"The public domain is the state ownership and the public judicial ownership, and shall be protected and supported by the state" instead of the following text and "shall be affirmed by constant support to the public sector, and the public sector shall lead the progress in all field, and bear the major responsibility in the development plan".

**Article no. (33):**

The council has agreed upon amending this article by deleting the phrase (considering which a good mainstay to the nation's strength and basis for the socialist system and source for the people's welfare).

**Article no. (34):**

An addition will be made by inserting the phrase of "just consideration", and deletion would be made to the word or "nationalize it", and the text would be as follows:

"the private property would be preserved, and no receivership may be made thereupon unless in the cases stated in the law and by virtue of judicial ruling, and no ownership may expropriated unless for public benefit and for just consideration according to the law, and the inheritance right is guaranteed".

**Article no. (35):**

The council has agreed that this article be amended to become as follows: "Nationalization may be made unless for the consideration of the state's higher public benefit and by virtue of law for just consideration".

**Article no. (37):**

The council has agreed upon the suggestion of the Special Preparatory Committee by deleting the phrase of "in such manner that would assure the authority of the people's working forces alliance at the level of the village" with staying the possibility that the judge may appoint maximum agricultural property according to the social and economic circumstances.

**Article no. (48):**

Some of the members have suggested the amendment of this article to become as follows: The right to issue and ownership of press, mass media, audio, visual, and electronic, besides printing houses is vested to individuals, political parties, public and private judicial persons, and their issue may not be restricted by license, and it's prohibited in times other than war that censorship be imposed thereupon, warned, stopped, cancelled or confiscated by administrative venue, and right of journalists and media officials in obtaining information is guaranteed".

Unless the council has following discussions the need to stay the existing text in the current constitution.

**Article no. (56):**

The council has agreed upon deleting phrase of "and supporting the socialistic behavior" from article 56 in relation with establishing unions.

**Article no. (59):**

The council has agreed upon deleting the phrase of "protecting the socialistic gains, and supporting and conserving which is national duty". Following the previous meaning, the council has agreed upon amending article (180), and if provided in any other place.

**Article no. (180):**

The council has agreed upon deleting the phrase of "and protecting the gains of the socialist popular struggle (on the occasion of determining the roles of the armed forces).

**Article no. (74):**

The council has concluded suggestion of deleting this article settling for and in sufficiency of the authorities and powers granted upon the President of the Republic in article no. 147, which authorizes the President, if in the absence or recess of the People's Assembly a need has risen to expedite taking measures necessary that bear no delay, to issue presidential decrees that would be of full force and effect, provided, however, being submitted to the People's Assembly during the period prescribed in this article, and article no. 148 of the right entrusted to the President to declare the Emergency State, beside article no. 108 of the President's right to issue resolutions of full force and effect based upon mandate from the People's Assembly by the majority of two-thirds of its members within the limits stipulated in this article.

**Article no. (76):**

The council has recorded the justifications of return to the amendment of article 76 a new:

- a. The article existent after its first amendment has included details which scope shall be the law, and not the constitution
- b. Nomination quorum stipulated in the article exceeds by far the number required for disclosure of commitment of nomination, and in other words, exceeds the reason behind making quorum conditional, which has controversially aroused the criticism of jurists of the constitutional law.
- c. Therefore, the suggestion of median quorum – approximate to the French constitution which a sign of nomination commitment without exaggeration in a manner that would open up the door to more democratic life based upon the competition and authority rotation.

In consideration to the suggestion concluded by the council to amend article 76 (amended previously) to become as follows:

The president of the republic shall be elected by direct general secret balloting, and to accept the nomination to the presidium of the republic, the nominee shall be supported with 5000 citizens from at least ten governorates, or 150 members of parliaments, popular councils, boards of professional unions, Public Association of Egypt's Workers, and parties leaders represented in one of the parliamentary councils, provided, however, that from among the supporters there shall be ten from the members of parliament, People's Assembly and Shura Council".

**Article no. (77):**

The committee has seen that the provision should revert back to the way it was prior to the constitutional amendment conducted on May 22, 1980 stating that the President of the republic may not be elected except for only one more term for establishment of democracy and supporting the principle of authority assumption. However, one of the members has seen that there would be no need to such amendment in light of the dedication and eagerness on guaranteeing the freedom of elections and its integrity, and that electing the president of the republic for many terms would be not binding upon the voters, as they can always disregard voting for the president should he have not proved worthy of confidence, but the overwhelming majority of the members of the council has estimated that the current political

development is in favor of renewing the presidency, so the council has concluded reverting back to article 77 as was existing prior to 1980 amendment.

**Article no. (87):**

The majority of members have favored staying the prescribed percentage in this article for representing labour and peasants in both the People's Assembly and Shura Council for which deletion would be irrelevant in the current time, with developing the elections system that would fulfill representation of woman, youth, parties, and minorities in such two councils, therefore, the text has been amended as follows:

"The law states the means and controls that would realize certain percentage from labour, peasants, woman, and youths in the legislative councils", while in formulating the text, the majority of members has seen that the article (87) be amended as follows:

"The law shall determine the electoral system on the basis of the relative representation of the lists in a manner that guarantee representation of woman and youth by just share. The law shall determine the electoral constituencies to which the country was divided, and the number of elected members in the People's Assembly shall be no less than 350 members; at least half of them from labour and peasants, and their election shall be made via the direct general secret balloting, and the law shall identify the labour and peasant, and the President may appoint in the People's Assembly number of members no more than 10 members". And the majority of the council's members has favored this second suggestion amending the article no. (87) as stipulated by the council's resolution.

**Article no. (88):**

The council has studied thoroughly all legal and political considerations governing the means of supervising the legislative elections, some of members have favored the idea of establishing independent higher committee vested with which the supervision over the election process entirely, whether in connection with preparing the election tables, accepting nomination, or by balloting process, and telling the votes, or be announcing the results. Supports of this opinion have referred to the results of the judicial supervision experiment affecting the honor of judiciary and engaging justice in political corps led to the impairment of the one another or casting doubt on their neutrality and decency, which impairment could pursue them while performing their judicial work.

But the council has concluded that report on the preservation of article 88 should be devised due to the confidence held by the people in the judiciary, besides that judicial supervision experiment was in its entirety successful and realized the decency that would represent remarkable progress and reasonable approach from the neutrality and perfect transparency, and some shortcomings being registered from the side of the council and from the side of the most researchers and analysts in the previous elections of the people's assembly weren't attributable to disorder in the judicial supervision system, but rather to the intervention of other bodies. The council has paid heed to the idea of calling off the system of judicial supervision prescribed by the constitution and on its interpretation binding provisions have been passed by the Supreme Constitutional Court, due to the doubt of opening the way before intervention in the course of the election process and rigging their results:

In connection with this disputation and the considerations supporting both opinion, the council has concluded the article no. 88 without amendment stating that shall not preclude establishing independent authority taking the charge of administrating the election process in its phases prior to the balloting process, and such balloting shall be made under the supervision of the members of judicial authorities as prescribed in the upcoming text.

**Article (115):**

The council has conferred upon the People's Assembly the authority to amend the budgets, and thus the text would be as follows:

"Draft public budget shall be submitted to the People's Assembly at least two months prior to the beginning of the fiscal year, and shall not be valid and in force unless with the approval on it and the voting on the draft budget line by line, and shall then be passed by law, and the council shall have the right to amend the draft budget, and should such amendment have entailed excess on the expenditure, the council shall have to arrange the resources necessary for financing this excess."

**Article (127):**

The council has recommended that this article stays as is with inserting two amendments:

- a. Stipulating the majority of two-thirds upon reaffirming by the council its first resolution of the responsibility of the premier in light of the second amendment relating to the submittal of the President to state the premier's responsibility for the referendum.
- b. Deletion has been made of the part relating the conferment upon the President of permissible authority in submitting resolution of the People's Assembly on the premier's responsibility for the Popular referendum, and the text shall become as follows:

"The People's Assembly shall have the right to decide based upon request of the tenth of its members the responsibility of the premier, and its decision shall be passed by majority of the Assembly's members, and such resolution may not be passed unless after interrogation addressed to the government, and after at least three days from serving the application, and in case of establishing the responsibility, the council prepares report to be debriefed to the President including the elements of the topic and the opinion concluded in this connection and its reasons, and the President shall have the right to return the report to the council within ten days, so should the council have returned to establish it all over again with majority of two-thirds of its members, the premier shall be deemed resigned".

**Article no. (141):**

Council has seen the necessity to amend the article to become as follows:

"The president of the republic shall appoint and discharge the premier from his position, and appointing and discharging the Deputies of the premier, ministers, and their deputies shall be made by virtue of presidential decree based upon suggestion from the premier."

**Articles no. (144, 145, 146 of the constitution):**

The council has seen that it would be mandatory to amend these three articles in such way that issuing such regulations provided based upon the suggestion of the premier.

**Article no. (147):**

The council sees that this article of the constitution be amended to become as follows:  
"should in absence of the People's Assembly anything has happened requiring expedition of taking measures that bear no delay, the president shall have the right to issue in this regards decrees of effect and force as law after having taken the opinion of the premier and offices of both the People's Assembly and Shura Council together, and such decrees should be extended and submitted to the People's Assembly in a period of fifteen days as of the passage of which if the council was in session, and the same shall be submitted in the first meeting of convention in case of dissolution or adjournment. And should they haven't been submitted, any legal force and effect thereof shall no longer be effective and shall accordingly expire retrospectively without the need to have issued any resolution or decree of so doing. And if submitted and not adopted by the council, any legal force and effect thereof shall no longer be effective and shall accordingly expire retrospectively, otherwise the council has seen approving which enforcement during the previous period or settling its results by another means".

**Article no. (148):**

The council has agreed upon amending this article to become as follows:

"the president shall declare the state of emergency as prescribed by law after having taken the opinion of the cabinet, being understood that it's mandatory that such declaration be submitted to the People's Assembly during the following fifteen days to see what should be done in this connection. Should the People's Assembly have been dissolved, the issue would be submitted to the Shura Council, and in case absence of both councils, the issue would be submitted to the new People's Assembly in the first meeting in session, and in most cases, such declaration of emergency state should be for a period of no more than ... and may not be extended unless with consent of the People's Assembly".

**Article no. (195):**

The council has agreed upon amendment of this article to become as follows:

The Shura Council's agreements shall be sought in the following cases:

- a. Suggestions with respect to amending one or more of the constitution's articles
- b. Draft laws supplementary to the constitution
- c. Draft the Public Plan for Economic and Social Development
- d. Conciliation and alliances conventions and all agreements by which amendment could be made to the soils of the state or in connection with the Sovereignty rights.
- e. Draft laws referred to by the President of the Republic

- f. And the president shall have the right to adopt the opinion of the council in what it sees relevant to the state's public policy or its politics regarding the Arabic or External Affairs.
- The council shall notify the President and the People's Assembly of its resolution or opinion in such issue.



## CHAPTER FIVE: HUMAN RIGHTS NATIONAL PLAN OF ACTION (HRNPA)

### **Introduction**

In accordance with Article 3 of the Law establishing the it, the NCHR is studying the possibility to devise a strong national action plan for enhancing and developing protection of the human rights in Egypt, let alone suggesting means for accomplishing this plan”, and some analysts have referred, based on their comparative studies, to that this right conferred upon the Council makes the latter characterized and more distinguished than a number of corresponding national Councils around the world, and may be more than all such corresponding Councils all over Arab states<sup>43</sup>.

Since was established and was in force in July 2004, the Council has been eager to put up “Framework” for three-year-period, and has, after having been adopted by the Council as a whole, been debriefed in parallel with taking all actions necessary for effecting the provisions stipulated in the Council’s statute about preparing national plan, whereas a number of international contacts have been made for getting to know exactly the latest experiments of some other corresponding Councils in preparing such plan and the dimensions of the model prepared by the UN to be as guidelines upon preparing it.

The Council has formed “Committee for Preparing the Plan” for studying everything relating to such issues, ranging from papers, experiments, and studies as follows:

1. Dr. Ahmed Kamal Abul-Magd – Head of the Committee
2. Dr. Ahmed Youssif – Committee’s Rapporteur
3. Dr. Fou’ad Riyad
4. Dr. Soliman Abdulmon’em
5. Mr. Moneir Fakhry Abdalnour
6. Ms. Mona Dhulfukar
7. Mr. Ambassador Mokhlis Qutb – The Secretary General

The plan committee has nominated two of experts widely known to the United Nations as being two specialists in this field (Mr. Brian Burdkin and Mr. Abdullah Khalil) for participation in preparing the plan, and due to apologizing by the first expert – for having urgent commitment, Mr. Abdullah Khalil and a group of researchers have been assigned this task.

The formed committee has developed the first scenario and the primary principles of the plan for improving the human rights in Egypt, which was handed out to the members of the Council for expressing their view points in this regards. The members of the National Plan Committee have been invited to discuss the general framework of the plan in the meeting designated for this purpose, and the meeting referred to on July 30, 2006 has been convoked to be convened.

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<sup>43</sup> Development of the National Associations for Human Rights in the Arab World, compiled by Mohsen Awad, Abdullah Khalil – First Edition – December 2005.

After having finished the draft of the plan project, it has been handed out to the members of the relevant committee, the executive committee, and members of the Council for giving their opinions about what has been said, and it has been concluded by having held meeting of the Plan Preparing Committee and another one of the executive committee in November 2006

And based upon the observations paid by the members, the project has been presented in the meeting of the Council held on November 29, 2006, and this project has been adopted in the joint meeting held between the executive committee and Plan Preparing Committee on December 6, 2006.

### **Interactive nature of the plan**

The NCHR has been keen on that the national plan reflect harmony between the approaches of all sectors of the society and relevant political, economic, and social forces within the state as opposed to the cases in relation with enhancing the human rights, each to its own share of jurisdiction, and in conformity with that, the Council has sent messages in the middle of June 2006 to 23 ministries, five unions (journalists, lawyers, pharmacists, physicians), nine political parties (National, Wafd, Socialist Arabic Egyptian, El-Takaful “Solidarity”, Nasserite Democratic Arabic, Social Justice, Nation “El-Uma”, El-Tagmu’a, El-Khodr), nine of the union associations (Exporters, Businessmen, Commerce Chambers, Building and Housing Cooperatives, Industries, Consumptive Cooperative, Productive Cooperative, Housing Cooperative), and a round 35 of the Civil Societies and Human Rights Organizations effective and activist in promoting the human rights and development of society. The Council has also convoked all societies, civil organizations, activists in the human rights, law jurists through the site on the WWW and NGO’s to be convened to participate with their opinions in the efforts aiming at preparing national plan for the upcoming five years (2007-2012) as to be inserted in the state’s plan.

The Council has received a group of invaluable suggestions from six ministries (Interior, Foreign Affairs, Ministry of State for Administrative Development, Ministry of Housing, Ministry of Information, and Ministry of Finance), and the Council has received number of suggestions from the Board of Trustees of ERTU, the Central Agency for Public Mobilization and Statistics, two political parties (Socialist Arab Egyptian, The Greens Party “*El-Khodr*”), and two NGO’s (Cairo Center for Human Rights Studies, and Earth Center for Human Rights).

### **Consent of the government on executing the proposed plan**

The Council has received letter from Dr. Minister of Economic Development, issued sub. no. 86 dated 14.01.2007 wherein he commended and lauded the efforts exerted in preparing the plan prepared by the Council in conjunction with the Governmental and NGO’s, and he stressed that Ministry of the Economic Development was studying then the project presented by the Council in a complete form for concluding the programmes and policies necessary for effecting the proposed plan in such away that would ensure integrating such policies and programmes in the Economic and Social Development plan prepared by the ministry during the period from (2007/ 2008 – 2011/ 2012)/

Attached (4) copy of the letter referred to.

### **Main components of the HRNPA**

The NCHR has, on preparing this plan, been keen on complying with the criteria and rules necessary to devise the national plan issued by the United Nations, and such plan includes four major points as follows:

#### **First: Improving the situations of the Human Rights:**

This point includes editing and revisiting the articles of the constitution, legislations, and laws issued to be consistent with the economic standing and the international agreements for human rights, along with guaranteeing a large variety of basic freedoms, such as, forming parties, unions, sufficient food, education, health, and environment, and the right of the citizen to the thinking right, belief, opinion, and expression.

#### **Second: Promoting, educating, and publishing the culture of human rights:**

And that would be only through usage of instruments and means of the public media on one hand, and the programmes in relation with training, increasing awareness, and education on the other hand.

#### **Third: Supporting the mechanisms of national protection of human rights:**

The most important right to judicial protection, investigating complaints received by the Council, and protecting the economic, social, and educational rights, and establishing an edifice approximate to “Grievance Administration”

#### **Fourth: Attainment of the Millennium Development Goals (MDGs):**

Represented in:

- Eliminating poverty and famine,
- Promoting compulsory basic education,
- Gender equality,
- Reducing child mortality rate,
- Improving the reproductive health,
- Ensuring a healthy environment, and
- Establishing a global partnership network for serving development purposes.

The Council has also prepared an executive summary for researchers and those interested in the topic of the subject, and “Popular Guide” has been issued with simple language in a way that would fulfill communication between the Council and citizens in relation with its role in connection with promoting the culture of the human rights. And the plan’s original script has been made available along with the executive summary and the Popular Guide on the Council’s web site ([www.nchr.org.eg](http://www.nchr.org.eg))

Ultimately, in the framework of effectuating the process of execution and expanding the participation basis, the Plan Preparing Committee has suggested establishing ad hoc committee under which the Coordinating Secretariat would be affiliated for the purpose of monitoring, and evaluating the implementation process periodically, and publishing the results in this relation.

## CHAPTER SIX: EVALUATING THE COUNCIL'S PERFORMANCE IN ITS FIRST SESSION (February 2004 - January 2007)

The annual report of the NCHR has coincided, this year, with the end of the first session of the Council, which has taken from February 2004 to January 2007, sufficient time for evaluating the performance of the Council and estimating its success or failure in achieving its goals, analyzing the strengths in its experiment, which is deemed to be the first of its kind at the national level for enhancing it and stating the impediments facing this experiment for surpassing it.

The experiment of the NCHR has caught, during the first three years, the attention of the society and state alike, and most of which sides were under scrutiny and auditing from the side of the national, partisan, and independent media, not to mention the NGO's operating in the field of the human rights academic research center, side by side with the evaluations of the government, which replies have been inserted with the reports of the Council, and it was natural that such insights would vary around the evaluation of the Council's evaluation; some analyses have inclined to the positive sides, and others to the negative sides, and the NCHR (out of conviction in learning about criticism as means for progress and performance reform) has greatly benefited those two readings; *the first*: favorable prompted it to give more and more, *while the second*: the critic that has drawn its attention to the weakness for avoidance.

*The Council has been urged to do this evaluation because of three factors:*

**First:** to present before the society with complete transparency the summary of its experiment during its term

**Second:** to convey to the Council in its new formation the summary of its expertise that could be the cornerstone of development by supporting its positive aspects and avoiding what could be defaulted or flawed.

**Third:** what caught its attention during this study of the evaluations issued about the performance of the Council or some of its aspects about contradictions, some of which are attributed to lack of uniform criterion for the evaluation process, and the others could be attributed sometimes to self-convictions or personal expertise,

*Our suggested criterion for giving our appropriate judgment about the Council's performance:*

**First:** the nature of the national Council as national institution with the posture and standing vested therewith as organization amongst the governmental bodies and society, and the powers entrusted therewith due to such position and posture.

**Second:** its articles of association, bylaws, goals set, and authorities and mechanisms.

**Third:** its priorities set based upon the society's interaction, as without such three factors being taken into account, no objective evaluation would be able to function in such away that would achieve its goals in advancement of the Council's role and performance.

*This report discusses the subject through three sections:*

**First:** about the Council's performance in enhancing and defending the human rights, enhancing the institutional structure of the Council and its mechanisms.

**Second:** discussing the government's reply to the Council's report

**Third:** analyzing the difficulties encountered by the Council and the means to iron them out

**First: Brief about the Council's activities**

The Council has held during its first session (39) meetings, last one dated January 11, 2007, and the executive committee has held (17) meetings, the last one was on January 17, 2007, and the Council has decided during its last meeting authorizing the executive committee to administrate business in the Council pending resolution of reshuffle be passed, and following is summary about the main activities of the Council discussed during its first session.

**In the realm of Promoting Human Rights**

**a. Promoting the *culture* of human rights**

The Council has given since established a great interest and attention to the cause of promoting the culture of the human rights considering which basic pillar, without which defense about such causes would be different. The Council has developed a scenario to the action plan in the field of promoting the human rights culture, on the top of that the need to effect the role of media, whether audio, visual, or readable in expanding the scope of definition and introduction to the concepts of human rights and deepening which in the citizen's culture and mindset based on the Council's view to the media officials working in all fields as partners thereto in the efforts aiming at enhancing and promoting this culture.

In this context, the Council has held under title of "toward media strategy for promoting the culture of the human rights" (June 2005) calling upon representatives of the Ministry of Information and lots of experts in the field of media and officials working in media and causes of human rights in Egypt. The symposium has discussed the project of the media strategy and the discussions have concluded general and specific recommendations.

Among the most significant of the seminar's general recommendations were:

1. The formation of a joint committee between the NCHR and The Egyptian Radio and Television Union (ERTU).
2. Drafting a media plan, for the TV & Radio Union, that allocates special attention to the agenda of political reform in Egypt, civil and political rights received attention, women's rights and child rights.
3. Conducting advocacy and training courses for media personnel.
4. Publishing of a series of national and/or translated books and other publications in the realm of HR.
5. Calling for the revision of the penal code with regards to crimes of publishing and the special laws on newspapers' activities. This would help lighten the restrictions that run counter to the very essence of the right of expression guaranteed by the constitution.

Specific recommendations dealt in detail with the role of both, the audio and visual media, in addition to the role of the press. As a result of the newly establishment joint Committee

between the NCHR and the Ministry of Information, the Council became cognizant of the following steps, taken by the Ministry:

1. Adapting the broadcast and televised programs according to the agenda of political reform in Egypt.
2. Running, in cooperation with the TV and Radio Institute, training for broadcasters, photographers and TV/ Radio presenters under the supervision of Ambassador / Ahmed Haggag, national coordinator of the HR Capacity-Building Program.
3. Incorporating HR-sensitive material in dramas as a part of a long-term plan taking into account the profound effect of dramatic works on the mind and soul.
4. Nominating the NCHR's Secretary General to the membership of the Radio and TV Union's Board of Trustees and appointing him head of its HR Committee.

**b. Educating about human rights**

With the assistance of a specialized team led by Dr. Farouk Abou Zeid (Cairo University former President and Dean of the Faculty of Mass Communication), a study on the "Distinctive features of the human rights address in the basic-stage schoolbooks" was prepared.

The goal of the study was not only to determine the extent to which school textbooks treat human rights issues, but also how far they get the message across to the young.

The study adopted a number of sub-goals:

***Highlighting*** the characteristics of human rights discourse through focusing on two pivotal elements. ***First***, the principles and values related to equality, fairness, freedom and tolerance. ***Secondly***, individual rights such as: freedom of expression, right to elect and be elected, right to work...etc; in addition to specific rights relevant to women and children.

***Analyzing*** the textbooks' content which underlie the use of the human rights discourse in schoolbooks.

Unfortunately, the study revealed a plethora of inadequacies in school books' handling of human rights messages. Thus, the focus group designated for this purpose has concluded the following recommendations:

- To form a national committee entrusted with drafting a strategy to link the school curriculum goals and content to the development process and respect for human rights;
- The Committee will be entitled forming specialized groups, each one of them would suggest secondary goals and the development required to the content of each scholar curriculum according to the specialization, and announcing national contest for authoring each one of such books for which a valuable award be designated;
- The national committee along with its affiliated committees will select three winning projects in each curriculum, and will be entitled to merge them, or use their essence in such purpose, and there will be need that such curricula be renewed every three years

to be consistent with the renewing needs of the community and the development of the sciences;

- Reconsidering all mechanisms currently used in assigning the production of text books to high caliber authors;
- To encourage best schoolbook writers in every field by proposing competitions in which lucrative awards be conferred on winners;
- To repeat the process every 3 years to keep in step with updates in educational curricula and methodology and better serve society's renewed needs;

The study was followed up by another study that was based upon reviewing 46 secondary school textbooks to determine how efficiently and sufficiently principles of human rights discourse were incorporated; the 46 books covered the following subjects:

- Religious education: 15 books;
- Arabic: 19 books;
- General religious books: 5 books;
- Miscellaneous: 7 books.

Two seminars were held to present the outcome of two studies:

1. On the 19<sup>th</sup> of April 2006 was held to discuss the characteristics and elements of the human rights discourse in the scholar textbooks in the compulsory basic education where a number of academics, educationalists, human rights activists and media officials have participated, in addition to representatives from the civil society and relevant ministries. The interventions reiterated the imperativeness of assigning the production of textbooks to high caliber authors; furthermore deliberations advocated the need to expedite the amendments of texts that incite hatred or extremism; moreover, recommendations at the closure of the seminar, called for a revision of Al-Azhar curricula.
2. The second seminar was held on the 25<sup>th</sup> of November 2006 deliberated the characteristics and elements of the human rights discourse in secondary-level textbooks. Recommendations reiterated the need for exercising prudence in choosing textbook writers, and adopting religious texts that denote the true meaning of human rights, the concept of parity between men (gender equality), the use of scholarly sources and the necessity of adopting a plan to develop the young people's sense of reasoning, active learning and research skills.

c. In the area of the human rights-conducive *legislations*

Developing the legislations for eliminating such ones in contrary to the human rights, and supporting all legal guarantees for protecting and enhancing the public freedoms were among such major fields that occupied the Council since established, so the latter has called and is still calling for ending the State of Emergency that has lasted for more than twenty three years now, and constitute threat as to the legal and practical aspects the right of the citizen to the personal security and physical safety and other rights, and that the citizen shall have the right

to just trial in all the elements prescribed according to the jurisprudence and justice. The Council has yet said that the exceptional circumstances that required imposing the emergency state have changed now. The government has also issued in 1992 important legislative amendments to the criminal code, known by then as the counter terrorism code, which have enhanced the capabilities of the government on combating terrorism, besides continual use of the Emergency Law and the effects entailed there from, such as continual custody of citizens without accusation or trial have caused a state of permanent tension and clutter in the society, within which the political reform would be difficult.

Additionally, the Council has proceeded to call for amending number of provisions of penal code and the criminal procedures code that represented naked violations against the rights and freedoms prescribed in the constitution, on top of that the provisions incriminating torture of accused or those put to custody in the penal code, and other provisions organizing the procedure and controls of the provisional arrest and other entailed effects as prevention from traveling abroad for terms that could reach five year, and other legislations in relation with protecting persons against coerced disappearance and enhancing the right to defense. The Council has as well prepared drafts on amendment of such laws, and many recommendations by the Council have been adopted, particularly with regard the law organizing the controls and procedures of the provisional arrest, publishing crimes, and the right to defense, however, the suggestions in relation with amendment of texts relating to the torture crime, judge in charge of executing the criminal penalties, and organizing the prevention from traveling are still under scrutiny and examination of the government and nothing in this regards has been reached by the legislative Council.

In light of the remarks, via visits paid by the NCHR Members to a number of prisons, and dialogues with prisoners and detainees, the Council has issued a number of recommendations regarding advancing the Egyptian punitive system, more importantly the call for establishing “System of Judge in charge of execution” vested with controlling the execution of the penalty and its consistence with the laws and regulars, and minimum principles in treating prisoners, and until that the Council has stressed the need to effect and put into operation articles (42 and 43) of the criminal procedures law through regular and irregular inspection by the public prosecution upon prisons, and making sure the full compliance with opening the prisons without exceptions before visiting by the families of the prisoners, and extending the authorities of the public prosecution to inspecting and visiting the custody facilities, the authority of determining which was vested by law with the Minister of Interior, like the premises of the State Security Investigations and camps of the State Forces.

The Council has also issued recommendations on securing the decisive justice in relation with amending the legislations concerned with the procedures administrating litigation and securing proper number of judges qualified enough, and reforming the auxiliary agencies of justice, and establishing judicial police specialized in enforcing the rulings and finding the alternative means for resolving disputations and treating the execution problems, and expediting the project of the justice academy.



The government has thus seen that, by virtue of legislative amendment, the powers and authorities of the Disputation Resolving Committee could be extended to cover all disputations between individuals and bodies working in arbitrating system which is applicable and able to decide a number of disputations without putting them to the courts, and there being a number of provisions in the law of the State Council no. 47 of 1972, and the law of the State Cases Authority that effecting and expanding the application of which could lead to presenting a remarkable contribution in securing decisive justice, which is sought after for promoting the role of the Authority of State Commissioners in the State Council in presenting settlement regarding the administrative disputations to the parties of the dispute according to the principle established by the Supreme Administrative Court, to the extent seen appropriate by article 28 of the State Council Law, and on the other hand, the State Cases Authority could contribute largely in resolving disputations between the state and the citizen through recommending the administrative body to end and resolve the disputation therewith amicably in such away that would satisfy the right in the disputation elements and suggesting conciliation, then directing the administrative body to give the agreement of the State Cases Authority of the non-feasibility of instituting lawsuits or challenges against the judgments issued.

The Council has issued as well some recommendations regarding improving the treatment of citizens in dealing with other agencies in the state, and others regarding the remedy of the violations inflicted against the rights of the Egyptian abroad.

The recommendations of the Council have included, for enhancing women's and child rights, eleven recommendations, the most important one was approving the positive discrimination for guaranteeing the minimum participation by woman in the parliamentary Council by no less than 20%, and developing legislation that incriminates circumcision of female blankly and the female's course of education, and raising the minimum of criminal responsibility age of child to fifteen years old, and incriminating the child's labour as the children working in quarries or factories. The government has stated that they study these recommendations to insert some legislative amendments to the current existing provisions in this connection after having discussed the people concerned about the health, psychological, economic and social dimensions.

The citizenship rights have occupied a very important place of the Council's efforts in enhancing the human rights, and finding the way to avoid the means by which sectarian seditions could happen in society to such manner that raised concerns, so the Council has formed ad hoc committee for this purpose in September 2005 for examining complaints regarding citizenship and events that could impair such right, and many meetings have been held, during which different causes in this regards have been discussed outright with the representatives of the Ministry of Interior, and public figures concerned with these issues, and the meetings have concluded number of recommendations, among which amending the legislations that could lead to sectarian seditions, like these one regarding worshipping houses building, participation by Copts in the parliamentary Councils and the high level positions, and clarifying the right concept of citizenship and respecting religions through different media

vehicles and religious institutions and enhancing the tolerance culture and non-internationalizing such local cases, particularly the Copts case.

The Council has pursued followed recommendations by developing draft uniform law for building and renovating the worshipping houses<sup>44</sup> by referring which to the relevant bodies in the state during month of October 2006 and has been enlisted on (the legislative agenda) in the current parliamentary session, and has interfered in a number of complaints and investigated into a number of which.

d. In the area of enhancing the *public freedoms*

The Council has repeatedly warned against the negative effect of the law no. 100 “In relation with the democracies of the unionist organizations” of 1993, and the amendments of 2005, and Dr. Mufid Shehab, Minister of Legal Affair and Parliamentary Council has called to be convened hearing session around the suggestion of amending the law presented by the Professionals Committee in the National Democratic Party. The Council has also hosted workshop under the title of “New Law for the Professional Unions” held by the National Society for Defending the Rights and Freedoms in conjunction with Ma’et Center for Legal and Constitutional Rights, and attended by a number of unionists and people concerned with the unionist field. The Council has presented suggestion around the amendment of the law, and the workshop has been wrapped up by concluding number of recommendations, most importantly: Presenting the draft of the alternative law to the law no. 100 of 1993 to the professional unions for giving their opinions, and suggesting of forming the Public Association of Professional Unions.

The Council has assured the need to give a free reign to establishing new parties, besides the freedom of opinions, thought, and innovation considering which basic right, and the right to expression by all means written, audio, and visual, and the constitution should be the only reference that regulates and protects the freedoms.

The Council has also stressed the need to eliminate the punishment of imprisonment in the crimes of publishing and opinion by virtue of the declaration of the president and in keeping with legislative reform speech of the government, and such amendment should be done in the context of the balance required between practicing the freedom of opinion and expression guaranteed by constitution on one hand, and between preserving the dignity of people and their honor from abuse or trespassing on the other hand.

The Council has also called for reconsidering the student regulations of 1979 involving in some parts an unjustified restriction on practicing democracy in the student activity, which inconsistent with the democratic development of the society nor with the need to alert the feelings of citizenship and loyalty of such important segment in the society/

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<sup>44</sup> Appendix no. (4)

## **Significant Activities**

### **a. Conferences, Symposia, and Workshops organized by the Council:**

Organizing conferences, symposia, and workshops and hearings is one of the main mechanisms important for enhancing the respect of human rights and developing the opinions and insights to attain such goal. Such activities reflect the nature of major interests of the organizing bodies, and reveal as well, with the partners and public, nature of relations of the organizing bodies, and the audience.

The NCHR has during the first term organized 35 conferences, symposia, and workshops, and hosted and shared national organizations in organizing three other symposia, which have reflected a greater diversity in the interests and causes of human rights, as one-quarter of which has been about the causes of the civil and political rights in the field of developing the situations of prisoners, freedom of press, and democracy, or other concerned events, such as El-Areesh and Sirenau events (March 2005), and disengaging the Sudanese refugees by force (March 2005). And “the right to participation” has witnessed major concentration, as it has alone been discussed in three conferences and one hearing, which are: Democracy and Human Rights Conference (December 2005), and symposium about Development of Performance and Integrity of Election Process (March 2006), and workshop around the suggestion of establishing Independent Authority for managing and administrating the election process 2006. As for the hearing session, it has been held with Mr. Consultant Usama Attawieh, Head of the Election Committee (21.09.2005), and such concentration was consistent with the role adopted in supporting the project of the political reform in the country, and integrate with many other activities contributed, such as the participation in controlling elections and developing suggestions on the constitutional reform, and many others.

The type of symposia have reflected obvious interest from the side of the Economic, Social, Cultural, and Developmental Rights, such as the World Conference for Development and Demining in the North-Western Coast (December, 2005), and workshop relating to the relationship between having access to human rights, development and investment (November, 2005), and symposium around the decision making, and the relationship of human rights and population (March, 2006), and symposium on the rights of the special needs and disabled (May, 2005), and another around the right of the handicapped to health care and forming families (April, 2006), and workshop on the right of the humans to sufficient safe food: the Egyptian reality (September, 2006), and two workshops around the population problem (May, 2006), and the reproductive health (November, 2006) in their relations with the human rights and development, and the international conference around the right to development ... harvest of twenty years (December, 2006).

It has also reflected interest in the rational governance, such as the parliamentary session around the UN Agreement on Anti-Corruption (June, 2005), and hearing session around the criteria of appointment in the governmental jobs, particularly with the judicial posts, and workshop in relation with the elimination of the corruption phenomenon in the field of health (August, 2006).

Some of which were organized in consultation with the NGO's for the purpose of forging cooperation with them and exchanging opinions around the most commonly cases, and such events and function have been held regularly as of the beginning of 2005, as around five sessions have been held in January and June, 2005, and May, August, and October 2006, the most important was the symposium focusing on the need to amend the law no. 84 of 2002, organizing the civil societies and associations, and certain suggestions have been moved to eliminate the restrictions and limitations upon the freedom of civil work, and some of which revolved around cooperation with the Arab national associations corresponding to the Council, which have expressed interest to hold it annually around certain topic as of the beginning of 2005.

One symposium revolved alone with treating an important case in light of the Humanitarian International Law, which is symposium around civilians in time of armed conflict (and taking Lebanon and Palestine as case studies) in the framework of supporting the two peoples in confronting the grave violations against the Humanitarian International Law inflicted by Israel during its comprehensive aggression on Lebanon in July, 2006, and the current aggression against Palestinian, specially since June, 2006.

The Council has alone organized some of these activities, and cooperated with other national, Arabic, and international organizations in organizing the other, and among such national organizations contributing the organization of some symposia: The Arab Organization for Human Rights, Bibliotheca Alexandrina, and "NASS" organization for welfare of certain categories, and "Candles" society for the welfare of handicapped and human rights, and the Egyptian Association for Training and human rights, and the National Society for Defending the Rights and Freedoms, and "Ma'et" Center for Constitutional and Legal Studies, and the Public Authority for Adults Education, and the Egyptian People's Assembly. And among the Arab organizations participated in organizing some symposia were the Arab League, Arab Parliamentarians against Corruption Organization, and the International Center for the Humanitarian Sciences (Biblous/ Lebanon). However, as to the international organizations that have participated in organizing some of these symposia, came to the fore the Higher Commissioner Office for Human Rights, UNDP, UN Office for Programme of Rational Governance, UNF for Population Rights, and UNESCO.

#### b. International Conferences and Symposia in which the Council has participated

Together with the conferences and symposia organized participated by the Council in the context of enhancing the respect to human rights, the Council has been keen on being involved in the revolving international dialogue around this case, during its first session, the Council has participated in twenty international meetings.

Cooperation with the corresponding national associations has come to occupy prominent place in the framework of their international networks of about one-third of these participations, whereas the Council has participated in the Seventh Meeting of National Associations held in Seoul (December 2004), and the first was that one held by the African National Committees for Human Rights in Addis Ababa (October, 2004) and the conference of the Francophone Association for the National Councils for Human Rights held in Montreal

(September/ October, 2005), and the General-Assembly held by the same Organization in (October, 2005), and the Fifth Conference for African National Authorities for Human Rights in Abuja in (May, 2005).

And the Council has also participated in the actions of the Human Rights Committee in Geneva (April, 2005), International Symposium around United Nations and Human Rights Activists held in Oslo (May, 2005).

The Council has as well participated in the symposium around the Hatred to Islam for the sake of Tolerance, which was held in New York (December, 2004), and another one around Tolerance, counter racism, and xenophobia, which has been held in Brussels (September, 2004), and third one around the civilizations, and human cultures held in Tunisia (January, 2006).

**Fact Finding:**

Fact finding is deemed to be one of the important mechanisms in the performance of the Council, which include visiting prisons, delegating missions for finding the facts in certain events and field visits.

**a. Visiting prisons:**

The Council has during its first session paid a visit to four prisons; Torah (October 13, 2004), El-Qanater El-Khairiya “Women” (February 15, 2006), El-Qanater El-Khairiya “Men” (the same date), 992 prison heavily guarded and known by the name of “Scorpion” (January 5, 2006). The visits have included the utilities of prisons relating to educational, health, productive, wards, and cells. Although such visits have been made in presence of the prison’s officers, the delegations of the Council have had the chance to talk alone with the prisoners and talk their opinions around the situations of the prisons and treatment of prisoners and detainees, and giving attention to their complaints, knowing that they have also attended during some of the release session.

The Council has prepared detailed reports around these visits, which have reflected the Council’s judgment to some achievements made, like eliminating the whipping punishment, and elimination of the barbed wires between prisoners and visitors. Yet they have handled the complaints of the prisoners from some perspectives, some were relating to torture and the reaction pattern of the office of the Public Prosecutor, and they have concluded a number of important results in connection with the Provisional Arrest, pattern of supervision over prisons, and system of inspection on prisons.

The Council has also concluded in the evaluation process of such mechanism the special importance of this mechanism, and the need of enhancing and developing it qualitatively and quantitatively in such manner consistent with the international criteria of prison’s visitation, not only that but extending it to the regional prisons, juvenile houses and other prisons.

b. Fact Finding Mission to examine the accidents of Taba:

Following the bombings of Taba, lots of allegations have been raised around the occurrence of arbitrary arrest, custody, and torture of hostages taken from men and women, in order for the wanted to be surrendered, the Council has decided to send a delegation to El-Areesh City to identify the real facts as stated in the reports issued about this issue, and the delegation has proceeded to El-Areesh forthwith on 18.05.2005.

The delegation has met up with the governor and MP, besides tens of released prisoners and the families of the detainees, and the visitation report has reflected wide gap between the opinion of the officials who have played down the number of detainees and pattern of treatment subject to, and the complaints of families, which have reflects the grave violations impairing the rights of citizens and their dignity, and the Council has informed the Ministry of Interior of the conclusions made by the Council after having visited the prisons, and presented to the ministry all complaints received, and published accordingly detailed report about the visit and its results. But the comment of the Ministry of Interior has come consistent with the opinion of the officials met by the mission during the visit, as it has focused upon the terrorist attacks that have caused the murder of Egyptians and foreigners. The Council has mentioned that investigations have denoted involvement of 60 persons in the planning and execution of such terrorist attacks, and the research and seizure have been restricted to elements tipped off to have been involved to wide extent in commission of such atrocities, but haven't expanded to cover anyone of the families, and the Council has referred to no one has been found subjected to any torture or maltreatment, and that all allegations referred to have come in the context of pressure practiced by the families of the seized on the remand of the events for having them released.

The Council, reaffirming repeatedly the condemnation of all terrorist attacks and appreciating the hardships engulfing the security measures undertaken for such events, has stressed the need to abide by the legalities in tackling such cases, which is not Egyptian only, but has exceeded the national borders to cover the whole international community, and therefore the Council has warned against confronting such endemic virus.

c. Fact Finding in the case of Dr. Ayman Nour and Journalist Asma'a Hureiz:

In another fact finding pattern, the Council has delegating two representatives of its members and the technical secretariat to visit persons and public figures whose legal rights have been gravely violated; toward the concern state prevailing the political communities as a result of the treatment of the case of Dr. Ayman Nour, MP and Head of Opposition El-Ghad Party, the Council has proceeded to form committee composed of the consultant Public Prosecutor, Minister of Interior, Minister of Justice, and Dr. Ayman Nour, whom allowed to be visited by the delegation in his cell for fact finding purposes and getting to know the procedures taken against him. The Council has also delegated on 01.12.2005 one member of the technical secretariat to listen to the Journalist Asma'a Hureiz about the grave violations she sustained during their journalistic activities in the second phase of the parliamentary elections, as she has been abducted and relocated into unknown place, and she has been beaten up by armed men and women until she was gravely injured, after which she was moved on in a car and thrown in Abdul-Mone'm Riyad Sq. under October Bridge, the Council has communicated

with the Ministry of Interior in the due course of time, but have not received any information or reply, NCHR, furthermore, demanded that the State bear the costs of her medical treatment but her family preferred bearing all expenses . This case manifests the imperativeness of the cooperation between the executive government bodies and the Council in order for the NCHR to carry on with its role in protecting the rights freedoms of the citizens.

d. Field follow-up on the election:

The Council has called for, effective the preparation to the elections, participation by the civil society organizations in controlling the elections, and made a number of contacts for the convenient of its mission in this control and the Council from its part contributed in such follow-up according to the potentials available.

The Council has formed six secondary committees from its members for field follow-up of the presidential and parliamentary elections, and the president of the Council has, along with members of the Council, visited the premises of more than 60 public and affiliated committee in the governorates of Cairo, El-Giza, Al-Qaliyoubia, Alexandria, and El-Behira for the purpose of observing sample of committees and putting indications around the public trends on the election process administration, besides monitoring room, and reports from the organizations of civil society participating in the follow up of the elections to give complete picture about the elections process, and the Council has depended upon team of lawyers in auditing complaints, who have been trained for this purpose, and they have been deployed into the governorates, whether in presidential or parliamentary elections (one lawyer for each electoral constituent) for documenting all complaints and responses received by the Monitoring Room to assure that all information and data are complete in order for the Council intervene with the competent body for solving which.

During presidential and parliamentary elections, the Council has formed Monitoring Room – works in parallel with the complaints committee – that would receive all complaints received by the Council during the elections period since the campaigns started, and during voting. The room has counted upon observing and verifying complaints against the observations of the field monitoring committees formed by the Council of a number of members and the Secretariat-General, and after confirming the seriousness of the complaints, the Council was reporting the competent bodies of their essence and the intervention necessary to iron this out through the telephone calls for the sake of expedition for taking action necessary.

The Council has received through the presidential and parliamentary elections 512 complaints, including 106 complaints in the presidential elections, the most important one was the trespassing accident on the members of Kifaya Movement and its supports on the referendum on article 76 of the constitution on May 25, 2005, besides the thuggery and beleaguering and exceeded this limit to cover ripping off the outer and inner clothes of ladies participating in the demonstrations, despite the intense security presence, in an atrocious violation to the right of peaceful assembly and the freedom of opinion and expression, not only that, but it has included the code of ethics and values of modesty. On the same day of the occurrence of such accidents, the Council has made its contact with the public prosecutor office and Ministry of Interior for reporting the accident, and completed the efforts on the

following day by having contacted Mr. Counselor, Manager of Technical Office of the Public Prosecutor with the essence of the complaints delivered to it from the Human Rights Organizations, and kept following up the whole issue with the updates, and has kept providing the Human Rights Organizations with reports and police records around the circumstances of the issue to the office of the public prosecutor.

The public prosecutor has heard the statement of the victim and defendants, and established the occurrence of trespassing crime by beating the victim, and the medical examiner has established the injuries detected. Yet the public prosecution has concluded that "there is no reason for instituting the lawsuit temporarily" for not knowing the doer, and assigning the police to keep investigation and interrogation, and based upon the slackness of the victim in reporting the accident and vulnerability of the substantiating evidences to the manner that has rendered attributing the accusation impossible, and has as well based upon the failure by victim to submit them personally, which were inconsistent with article (25) of the criminal procedures law that has conferred upon everyone to whom the knowledge of crime has been made the right to legally report it.

The Council has referred to the relevant bodies the complaints received by following up the parliamentary elections, and received in return the responses to the communications, inter alia, two responses from the Higher Committee supervising the parliamentary elections, 160 responses from the Ministry of Interior including 86 responses on the complaints regarding the intensive presence of security before the premises of the electoral committees, closing the premises of the electoral committees by the forces of central security, preventing the voters from voting, and using gas tears before such premises. The essence of the response has stated that security's presence has been intensified in cases about which precise information have been received around intentions of some thugs to create criminal riots and attacks in favor of the nominees besides violations against the security, and that in cases of rebelling and rioting, the forces have been used in degrees, and denied any use of the security forces in the elections, or preventing any voter from balloting.

As for the remaining responses averaged 74, complaints revolved around the prejudice of their petitioners from preventing the deputies of nominees by judges from attending the assortment process of votes, and preventing the civil society organization by the presidents of the electoral committees from entering the committees, and casting doubts in the results of some electoral circuits, and the reply of the Ministry of Interior has stated the challenge to the jurisdiction of the ministry of these complaints for having been connected to the actions of the members of the Judicial Authorities supervising the administration of the election process.

The Council has been keen on the cooperation with the representatives of the civil organizations during the follow up of the presidential and parliamentary elections, and many coordinating meetings have been held with the representatives of the civil organizations, and issued training guide for controlling the elections which has been handled on a large scale for helping the observers on improving their controlling process. During the preparation for monitoring the parliamentary elections, a small-sized committee has been formed from the Council and representatives of the civil organizations for formulating the detailed suggestions



around the observation process and communicating the concerned bodies, which has concluded into a project “Mechanism for coordination between the Council and Civil Society Organizations”.

In enhancement to the role of the organizations in monitoring, the Council has during August and December organized four training courses to the journalists in conjunction with the Egyptian Association for Training and Human Rights that aimed at training 70 journalists from all press newspapers upon all skills of the journalistic coverage to the elections, and has organized in conjunction with the General Union of Lawyers, and the Egyptian Organization for Human Rights a training day for qualifying 245 lawyers in documenting complaints received by the Monitoring Chamber in the Council all over the Republic (and auditor in each circuit should give the consent).

The Council has also organized training programme aiming at supporting the capabilities of the civil society organizations upon the process of monitoring, from which around 600 observers from 11 governorates representing 16 civil societies have benefited.

The Council has gone through many discussions and deliberations for enhancing the right of the civil society organizations to monitoring elections, yet the committee supervising the presidential committee didn't give any positive response unless in the morning of September 7, 2005, namely, the election day, by allowing entry to the elections premises, which wasn't circulated among all judges and threw the monitoring out of its targeted meaning.

In the meanwhile, the Higher Committee supervising the parliamentary elections upon “Mechanism for coordination with the Nongovernmental Organizations” by allowing the civil societies to pursue the election process, yet the disputation was still existent during the period of preparation to the elections upon “Who will have the right to monitor”. Both Ministries of Interior and Justice have agreed upon granting permits to the unregistered civil organizations by virtue of the Societies Law no. 84 of 2002, or which didn't settle their situations and standings.

Amid the insistence from the officials of the Ministry of Interior, the Council has along with the organizations rejected discussed the issue of coordination with other organizations that have already settled their situations and has added to the technical secretariat some of the observers upon these centers for supporting their participations in following up the electoral process, and has warmly met the judgment of the court by empowering the civil society organizations in observing without coordination with the Council, and shall then have the right to proceed directly to the committee, and the right of the observers to attend the sorting committees

### **Complaints:**

The complaints received by the Council have reached during its session around 17204 complaints, around 4569 complaints, that have come beyond its jurisdiction and referred accordingly to the competent authorities, have been excluded, and this corresponding percentage goes up to around 26.5%, which very favorable.

The civil and political rights have come to hold 5031 complains at about 29.24% of the total complaints, however, the economic, social, and cultural rights have gone to 5823 complaints at about 34.85%, and the complaints related to the cultural rights have reached 18 complaints, which a very trivial percentage among the other complaints, and the complaints regarding public cases have reached 454 complaints at about 2.64, which represents the total citizens and does not represent individuals, while the remaining complaints have been distributed under the Miscellaneous Classifications, such as, the Legislative affairs, and Egyptians working abroad.

The Council has referred these complaints to 77 relevant bodies in the state starting with the premier's office and the ministries and other equivalent bodies, like, public business sector, public sector companies, banks, universities, and private companies. The response received represented a tight and narrow sense in the first year, but a remarkable improvement during the following two years.

Analyzing the method of delivering these complaints to the Council has shown fixed patterns; whereas the complaints delivered by mail comes to prominence, followed by fax and telegraph, while the email has brought to the bottom of the list with percentage of now tangible volume. All such method cause delay in addressing the complaints, whether because of delay in arriving, as the state of the mail which might take period of somewhere between five to ten days, or the need to complete data, while the optimal method used is the presence of the complainant or whoever acts on his behalf, which reaches almost one-quarter of the complaints. The Council has previously discussed in its previous two reports analysis of such patter.

The analysis of the geographic distribution has shown as well a fixed pattern; as the governorates of Greater Cairo come up to the prominence at percentage of more than 30%, followed by the governorates of the northern, and followed by the governorates of the south, while to the bottom of the order came the coastal and borderline governorates.

However, the analysis of the type of complaints delivered to the Council, according to the pattern of the allegations, has shown the same way, as the complaints about the civil and political rights have come to occupy the first rank during the first year of the Council, while during the next two years it has been marginalized and pushed to the back because of those complaints concerned with the economic and social rights, and the complaints in relation with the cultural rights reached the all low levels.

### **Second: Preparing the project of “National Plan for Improving, Enhancing, and Protecting Human Rights”**

The Law establishing NCHR mandates it with developing a national action plan for enhancing and developing human rights and suggesting the methods that would bring this plan to the life.

Developing such plan is deemed to be one of the major and important mechanisms agreed upon by the international community in the Second World Conference for Human Rights held in the mid of 1993, wherein Egypt has participated. The concept of the plan is based upon the fact that improving the human rights should be objective goal of the state's public policy, which could be put in force during the ordinary planning process and the process of allocating the state's resources, which by this integrates the objectives of human rights within the state's public goals, particularly the development that would then be helpful and of great benefit to the whole nation after all.

Based on this concept, the Council has taken to preparing and developing this plan since the early year of its nascence, and formed committee composed of some of the Council's members under the presidency of Dr. Ahmed Kamal Abul-Majd for preparing it, let alone studying all similar plans in accordance with the UN's model. The committee has held many meetings, and used a team of experts under the presidency of Mr. Abdullah Khalil who has prepared draft project of the plan, and discussions have been deliberated at many different levels within the Council with the relevant bodies.

The plan draft has included four strategic goals: (1) Improving the status of the human right, (2) Publishing and promoting the culture of the human rights, (3) Supporting protection mechanisms, (4) Attainment of the millennia goals, and to this end the plan has been based upon wide list of studies, reports, and information issued by the state's official organizations, NGO's, plans of the national Councils, responses of the concerned associations and ministries, responses of the political parties and the NGO's to the Council and experts team, and other remarks by the international committees concerned with the human rights in the United Nations around the periodical reports presented by the Egyptian government, besides all evidences issued by the Higher Commissioner Office for Human Rights around all criteria and rules of the national plans, and other relevant state's literatures.

The timeframe of the plan covers five years, (2007-2012), and from each of the four strategic goals, secondary goals stems, which total has gone to about 54 goals. The plan of each one determines its legislative, regulatory, or procedural elements and requirements and the bodies vested with participation in the implementation process.

The plan has thus suggested building Coordinating Committee for pursuing the implementation of their goals, and is composed of approximately from ten to twenty members. The committee represents all relevant sectors ranging from the government, ministries entrusted with implementation, representatives of the civil society organizations, experts and representatives of the public sector for the best application of the plan. The plan also suggests that the committee shall have secretariat for coordination and follow-up, which would be selected in accordance with objective criteria that would serve coordinating the activities involved in the phases and preparing the report of the committee, which is based upon the action progress.

The implementation of the plan shall be subject to constant evaluation process for gaining wider knowledge about the progress achieved in obtaining the targets, and the success of the

efforts exerted to attain such goals for the sake of improving the programming in the future and comparing the results attained through the activities against the targets by using scientific and practical measures. The draft of the plan assumes initial evaluation of the plan be conducted and in light of this evaluation all weaknesses and strengths of applications would be defined, and the plan would later be amended accordingly, or taking the measures required for improving the supervision and monitoring systems, engaging other in the field of expertise, attempting to gather more information, or integrating new elements to the plan.

The Council has received letter from the Minister of Economic Development by 14.01.2007 wherein he lauded the gigantic efforts taken in preparing the draft of the plan devised by the Council in conjunction with the Governmental Organizations and NGO's, and assured that the Ministry of Economic Development was then studying and examining the whole project presented by the Council complete for deducting and developing all programmes and policies necessary to effect the suggested plan in such away that would guarantee the integration of such policies and programmes in the Economic and Social Development Plan developed by the ministry for the period from 2007/ 2008 – 2011/ 2012.

### **Third: Developing the Institutional Structure and Enhancing the Action Mechanism**

The Council has proceeded after having been burgeoned to complete its institutional structure by forming six action committees provided for in the statute, which are: Civil and Political Committee, Social Rights Committee, Economic Rights Committee, Legislative Committee, and International Rights Committee. The Council has as well established a new committee for the grievances and complaints, which wasn't considered before materializing, due to the importance of the central treatment in addressing the complaints, and its regulations and statute has provided for choosing the president of the committees by election, and such presidency would be rotated by the members annually.

The Council was established by the issuance of a statute, appointing Secretary General of the Council, forming the Technical Secretariat, and providing the premises of the Council with the necessary work requirements for performing the tasks.

The Council, by virtue of a resolution, has established executive committee under the presidency of the Council's Chairman or whoever acts on his behalf that would include all secretaries of the standing committees and Secretary General of the Council. This committee would be entitled coordination between the performances of the committees, settlement of any disputation that might be cropped between them, and devising draft of the annual report prescribed therein in article thirteenth of the articles of association of the Council.

Due to the work requirements, the need has arisen to founding some other interim committees that might have been needed for tackling and addressing certain cases, so the Council has formed committee for discussing the constitutional amendments and other for discussing all matters in relation with the citizenship.

The Council has been keen from the very first moment of being established as well to enhance the mechanisms of its performance by establishing and promoting its relations with the government on one hand, and with the civil society associations operating in the field of the human rights on the other hand, so the Council has formed joint committee with the Ministries of Interior, Foreign Affairs, and Justice, D.A's office (Political Committee) which would be held periodically with the Council's officials at the level of the Minister's Deputy and the Assistant D.A for considering the issues in hand by an invitation from the Council and in its premises. The Council has as well organized periodical conferences for consultations and talks with the representatives of the civil society organizations operating in the field of human rights (Forum of the Council and the civil organizations), which has held five broad meetings.

The Council has achieved a crucial accomplishment by accession to the International Coordination Committee of National Associations that has agreed in its last session held in Bolivia on October 26, 27, 2006, upon approving the membership of the Council. It is worth noting that this committee grants the approvals of membership to the national associations based upon the fulfillment of the international conditions, and such approval has come by virtue of unanimous votes of the participants in the meeting.

#### Establishing Special Units in the Council

In the context of developing internal work mechanisms in the Council characterized with special nature, fast performance, and effectiveness, specialized units have been established, each designated to perform one of the projects that would achieve one or more of the goals set, each specialized unit has the organizing structure of its own in the framework prescribed by the statute of establishing the Council and its bylaws. The actions and activities of these units would be financed from the budget of the Council and financing programmes granted by foreign bodies for this purpose as agreed with the Council, and such units shall have the right to retain the services of the experts and researchers as one of the expertise works for material consideration for a fixed period that might be renewed or assigned on volunteering basis.

#### Specialized Units already established by the NCHR

- Regional Network Unit for Complaints Offices in the Arab States, supervised by Mr. Mohammed Fa'ek.
- Education and Human Rights Unit, supervised by Dr. Zeinab Radwan.
- Communications and Cooperation with the UNFPA under supervision of Dr. Hussam Badrawy.

#### The following specialized units are to start as of March 2007:

- The Complaints Office (in cooperation with the European Union) under the supervision of Justice Gamal Shooman.
- The Media and Human Rights Advocacy Unit, under the supervision of Justice Dr. Adel Koura.

- The Library, Database Updating and Documentation Unit, under the supervision of Dr. Salah Amer.
- The Research and Training on Monitoring Elections Unit.
- The Legal Research and Development Unit, under the supervision of Dr. Soliman Abdulmon'em Soliman

#### Establishing and Developing the Web site of the Council:

The Council has also built a web site on the internet under the name of ([www.nchr.org.eg](http://www.nchr.org.eg)), this website included detailed information about the Council and the articles of association (Law no. 94 of 2003) and its bylaws and the standing and provisional committees. And a special page relating to every committee has been provided with detailed information about establishing it and the objective of its establishment and the major activities. The web site has been provided as well with a copy of the constitution and some laws relevant to the human rights and the public freedoms introduced by the law no. 174 of 2005 on regulating the presidential elections, the law no. 73 of 56 on regulating the exercise of the political rights and its amendments, the law no. 40 of 77 on regulating the political parties and its amendments, the law no. 120 of 80 concerning the Shura Council, the law no. 84 of 2002 regarding the civil societies and associations, and the law no. 96 of 96 on regulating the journalism. And the website has been provided with different issues of the Council. Since the web site has been established, the Council has kept developing it in such manner that would achieve the purpose from its establishment. And such development has included adding an entrance that would allow guests of the website to record complaint in accordance with model characterize with simplicity and easiness to achieve the direct link with the complainants and facilitating the delivery of the complaints to the Council and adding an entrance to the important such as the United Nations, International Court of Justice, and Congress Library for the purpose of securing the information sources for researchers in topics relating to human rights, whether from within or without the Council, and the data issued from it for informing the site guest with the activities and effectiveness of the Council, and shedding light on the upcoming Council's activities. In addition to the list of detailed list of scientific books and references on the human rights and available in the library of the Council so as the researchers and those concerned with this field, and banner of the most important news concerning the activities of the Council that would be updated daily.

#### Developing the media monitoring unit and work mechanism

The Council has developed Media Monitoring Unit as secured by different sources classified and updated on daily basis for observing the state of the human rights not through different journalistic sources only, but based as well on the information published on the internet, news agencies, and different satellite channels, and the current year's plan of the Council includes as well implementation of integrate programmes for benefiting from different applications made available by the modern development in IT for achieving complete mechanism for work inside the Council whether with connection to the monitoring sections, issued and delivered, complains, and media monitoring to the extent that would allow achieving accuracy, fastness, benefit from these developed applications, and programmes in analysis and monitoring.

### **Issues of the Council:**

1. Annual Reports: the Council has issued, since established, periodical annual report, which number has reached in the current report, three reports, and made available its first two reports in Arabic and English in hard copy, and another electronic copy on the internet, and has made available (in conjunction with Candles society for the welfare of the disabled) a summary for the second report in Braille for the blind, and the concepts of these reports have varied, and the responses have differed and varied, but in most cases have discussed all major concerns of the society in enhancing and protection and presented many governmental recommendations, and raised useful discussions within the society.
2. Special reports: the Council has promoted group of books including reports in relation with certain cases the Council has pursued (presidential elections – parliamentary elections – draft of the plan for improving and enhancing the human rights – development of national associates for human rights in the Arabic states – Guide of the parliamentary elections observer in November/ December, 2005 – means and authorities of committees and offices ombudsman in bringing justice on the complaints worldwide and Arabic-wide – closing report for conference on past harvest and horizons of future – the three fora of national Council for human rights and civil society organization “January, 2005 –June, 2005 – May, 2006” – the fourth forum for discussing the suggestion of deleting the religion cell from the National ID Card – fifth forum in connection with discussing the suggestions of amending the law of the civil societies and associations no. 48 of 2002 and the legal status of the foreign companies and foreign associations working in the human rights field – and the sixth forum book, relating to studying the suggestion of establishing independent authority for controlling and administrating the elections, is being issued.
3. Researches and Studies: The Council has issued some researches conducted, research of the characteristics and elements of the human rights in the curricula of the primary education stage, another in the curricula of the secondary school, study of developing the national associations for human rights in the Arab word, third about the means and authorities of committees and offices of ombudsman. The Council has made available these researches and studies in electronic versions on the website, while some of which have been secured in its annual reports, such as those relating to the education curriculum.
4. Monthly Reports: Effective as of January, 2006, the secretariat – general of the Council has begun to issue the monthly report on the Council’s activities and published it on the website in such away that would allow the guests to review the most important activities of the Council, besides getting to know its upcoming activities.

#### **Fourth: Analyzing the reaction of the government to the Council's reports**

The NCHR has received with attention and profound concern the response of the government on its first annual report, as the Premier has decided in its session no. 20 held on May 10, 2005 that the Ministerial Group for the Political and Judicial Affairs would study and examine the report with all remarks on it and call upon the concerned ministers to respond and reply to the remarks and observations of the Council. The Secretariat-General of the premier's office has received detailed replies from none relevant ministries on the topic of the report; Ministries of Justice, Interior, Insurance and Social Affairs, Workforce and Immigration, Awqaf "Endowment", Health, Population, Education and Learning, Higher Education, and Administrative Development, in which light an articulate memo was developed on the response of the government upon the Council's report for the year (2004 – 2005) and the Council has warmly welcomed the government's response and provided its text in the annual report issued for the year (2005 – 2006).

The Council has warmly welcomed the presidential decree no. 74 of 2006, on February 22, 2006, by determining the powers and authorities of the State Minister for Legal Affairs and the Parliamentary Councils that have provided in the fifth paragraph thereof among its powers and authorities on "coordination between the government and the NCHR, and the government's opinion regarding the reports of the Council including all remarks and recommendations in conjunction with the relevant ministries" which a great step that would show the government's interest in the Council's activities and role.

The response of the government could be summed up in two major sections: First: explaining the government's achievements in enhancement and development of human rights which weren't provided in the Council's report despite its concern and interest to give hints and inferences to its role in so doing.

Second section: discusses the government's insight with regards to the provisions of the Council's report of recommendations and remarks.

The Council has not had any comment on government's reply provided in the first section but reaffirming its welcome to every step the government takes on the way to advancement of the human rights in the countries, and its keenness to highlight such positive aspects, and it has already done so during the period covered by the report, but most of which has occurred in years prior to the report.

#### **The second section of the government's reply, discussing what has been provided in the report of notes:**

1. Remarks seen by the government as necessary and should be taken into consideration: which are relating to the deteriorating replies incoming from the relevant bodies as opposed to number of communications sent by the Council in connection with violation against the individual's rights and rights of the groups, impairment of which, or delaying such replies, and the premier's office has been eager in its session held on



May 10, 2005 to warn the relevant ministers and persons in charge – each within his own powers and authorities – to expedite studying the complaints, topics sent to them from the Council and responding thereto, and taking the actions necessary to eliminate them.

2. Observations the government sees necessary to be investigated in terms of accuracy: includes:
  - a. Objection to observation provided in the report with connection to “the deteriorated performance and inaction by the Ministry of Interior and Justice, and the Public Prosecution Office with the correspondences and communications of the Council addressed thereto regarding violating the civil and political rights of the complainants, which infer that those bodies are not willing to cooperate with the Council in enhancing the decent exercise of the human rights” though the report, in so many different places has recorded its appreciation to the response from those bodies specifically despite remarks and recommendations given by the Council (The response quoted examples), and the government has seen that description of the performance of the concerned bodies “lacks accuracy” and affirmed the eagerness of the said bodies to cooperate with the Council.
  - b. Objection upon the display of many allegations and complaints by the Council, and believing their essence without talking to their petitioners for confirming their authenticity, and that have led to the fact that the report has included a number of extraordinary contradictions and reservations that came lacking substantiating evidence, and the government’s response has given evidence in four examples: first: the observations in the report regarding the death of the so-called Mohammed Morsy Saleh due to shooting fire by one of the police squad upon him on 13.04.2004 in the meantime it has been revealed that the said man has been medicated and rushed off to the hospital after having the medication necessary., second: the provision made in the report about the death of the so-called Nefeesa Zacharia El-Marakby due to torture in the time the report of the medical examiner has said that her death hadn’t any faint of criminal doubt, third: the provision in the report stating that allegation of the death of three persons in a relocation process from Matrouh City to Cairo, while the number of the dead was two persons only, and lastly some other complaints in relation with violating the freedom of ideology, rights to freedom and personal security, right to traveling, or rights of prisoners and they have been proved with substantiating evidence to be untrue”. Accordingly the government has decided to warn the NCHR to investigate and make sure of the accuracy and make sure of the soundness of the complaints and their commitments from before proceeding and delivering them to the relevant bodies and talking to them in this connection, as by talking to some bodes, it has been revealed their having summoning the parties complained against and facing them with copies of the complaints delivered to the Council, they have wriggled out and denied knowing so.

As a matter of fact, demanding the Council by the government to audit and examine the information provided in the complaints are certainly one of the Council's constant concerns, yet more such auditing is deemed to be one of the profound concerns of all human rights associations in the whole world, and it's worth noting that there are two facts; the first is that however hard the human rights associations have gone exerting their utmost efforts in auditing, there will still some errors in the information provided, and the second truth is that the most important approved means for auditing in the whole world is communicating the concerned bodies with the replies received from the government, which would help in achieving more advancement in the Council's performance, and human rights simultaneously, as it has contained comments on all allegations of grave violations provided by the report and their authenticity, and not forms thereof on the fashion of what has been made in terms of clarifying that the victims of relocating the prisoners from Matrouh to Cairo were two not three, or the survival of the citizen shot from the side of the police officers after being medicated, particularly that the report has included allegations of grave accusations against the human rights which would be deemed, if substantiated, penal crimes that would worth punishing their perpetrators.

The last section of the report is the part discussing the government's comments upon the Council's recommendations, the government's response has denoted that the Council's recommendations included recommendations carried out by the government previously, such as teaching the subject of human rights in the schools and Education Faculties, organizing the traveling and immigration processes through bilateral agreements, facilitating the procedures of issuing pensions to the persons to whom pensions should be dispensed, improving the treatment of the citizens in dealing with the state's agencies, advising the citizens of the procedures of services rendered, securing appropriate number of judges for addressing the increasing number of cases, enhancing the woman's and child's rights, welfare of Egyptians abroad, and reconsidering the minimum pension. The government's reply has denoted as well other recommendations the government is carrying out, such as the right of husband to the pension of his wife, adding criteria for evaluating the efficiency of the public employee about expediting the applications of citizens, finding judicial police for enforcing provisions and new means for settling disputations or the need to find harmony between the legislations caring about the poor, and effectuating the commercial representation abroad for addressing any violation against the human rights of the employees working abroad, and some recommendations relating to enhancing the child's human rights.

The last section of the government has provided under the title of "Recommendations of the Council that the government would like to clarify, which addresses the recommendations of the Council in eliminating the emergency state, as the reply of the government has stated that the Emergency Law bears no longer, as is in the present, the same concepts or entrusted with the same topics that have long been given after eliminating the law no. 105 of 1980, under the

jurisdiction in connection with establishing the Higher and Summary State Security Courts, and the presidential decree stating that the martial orders issued by the martial law, except what have been seen necessary for conserving security and public order, particularly with connection to the Terrorism and Narcotics Crimes, and that the emergency law in Egypt resembles, in its rules and powers, the laws on counter terrorism enforced in many countries of the world, including the European Union and United States, and shall authorize the internal security agencies to protect security and public stability through the confronting the extremism and terrorism forces, and that the government's programmes in the upcoming period would include preparing new law on counter terrorism to be substitute for countering it with the Emergency Law.

It has also referred to the Ministry of Interior assuring that though the Emergency Law is provisional by nature, the ministry retains many authorities provided in the law, in case of enacting substitute legislations, considering which minimum rules grants the security agencies the opportunity to maintain public order and stability, and aborting schemes and preparatory actions of the extremist and terrorist sects.

Knowing the responsibility of the government in sustaining the legislative means that would expand security and counter terrorism, the Council realizes in the same time its responsibility for maintaining and protecting civil rights and freedoms guaranteed by the constitution, and reaffirms in the meantime the importance of the fact that no proposed legislation may copycat or imitate any guarantees provided in the constitution for maintaining and protecting the civil and political rights. The Council sees as well that any law addresses the cases of terrorism and organized crime shall take the account of protecting the public rights and freedoms, and it calls for discussing any draft law in which all state's sectors would take part.

## **Fifth: Impediments faced by the Council and the means to overcome them**

The major obstacles and impediments could be summed up as follows:

### **1. The modernity of the experiment at the national front:**

The state and the society have been accustomed in Egypt to handle the type of the associations working in the field of human rights, such as, governmental administrations, and civil societies, and the social work front was witnessing clear retention, as the criteria used to judge the success of any governmental body working in the field of human rights from the perspective of the government is their ability to explain and interpret the state's policies and procedures and pleading for them. The government used to deal with the human rights organizations as opposition organizations, and accordingly has dealt thus with them from the legislative and practical perspectives, in the meanwhile the civil societies were looking at the governmental agencies concerned with human rights as being part of the government, not as being part of internal control system, and accordingly reciprocated the government the same treatment and held it the responsibility of marginalizing it.

With view to such conceptual orientation, the NCHR has been established as being independent national institution lying in the lap of the state and society, however, the standard picture of the bilateral concept of the organizations remained the same as the government felt the same toward the criticism from the Council of its performance in some areas, and showed its indignation from some situations of discomfort, and so did the civil organizations toward the government and its policies maintained by the Council, wherein it the Council adhered to persuasion concept prior to the remonstrations and condemnation for sustaining and enhancing the respect of human rights and addressing the violations.

However, this analysis refrains from shifting the responsibility behind this hardship upon other parties; as such hardship faced all national human rights institutions all over the world, particularly during the initial years of establishment, as the NCHR per se, due to its diversification, was subject to that alienation, which was sometimes reflected upon some of its stands. However, the Council has strived from the day one of its existence to sustain and enhance its independence and attachment to the principles, and adherence to its objectives in enhancing the respect of human rights, and it's rather certain that abstaining from duality of concepts won't be perfected unless with cumulative effort requiring long time to amend the prevailing convictions.

### **2. Complaints from citizens:**

Addressing the complaints received from citizens is deemed to be one of the hardships faced by the Council during the first period of its jurisdiction; on one hand, the state's agencies didn't show sufficient interest to reply to the complaints referred by the Council thereto, and although such improvement cropped up as a result of the instructions passed by the premier, and the Council's has been duly notified, the improvement has taken in some times subjective and not objective trend, namely, the concerned body would take the charge of replying in procedural issues more than its interest in solving the problem and ironing out the reasons of existence of such complaints.

On the other hand, the Council's potentials have interdicted, until the end of its first term, from having institutional arrangements for auditing complaints and investigating their commitment before communicating the bodies concerned, as it has approved certain criteria for admitting the complaint in form but not in merits, such as the jurisdiction or whether the complaint has been heard by the courts, or the complaint was driven by disputation between people, and determining the body concerned with addressing the complaint at the governmental level or localities.

Despite advancement of all such aspect in degrees by developing the criteria of admitting complaints, procedures of expediting, and evaluating the replies of the bodies concerned to which the complaints are being referred, the potentials available have delayed developing the organization necessary that would guarantee its effectiveness, even the last months of 2006 (November, 2006) during which the Council was completing the potentials that would perfect that via important project by support of the European Union that would hopefully be fruitful during the upcoming period for enhancing the role of the Council in addressing all problems of the citizens, and contains as well the procedures that would be taken for the sake of facilitating the treatment of citizens with the Council by opening branches of the complaint's office in the regions.

Albeit the Council's role in handling the complaints of citizens, its quick intervention in some of them for finding the solution necessary, has had some positive effects, as a result thereof, violations have been deterred or reasons have been ironed out.

### 3. Problem of separation and integration between the juristic and political

On the front of human rights, there are barely conceptual problem of as much controversial as this one caused in connection with settlement and integration between "the juristic" and "political", and discussion in this regards does not stop at the national fronts, but it extends with the same degree to cover the international fronts as well. And discussing which is not limited either between governments and civil society organizations, but it has extends between the governments and its one another, and sometimes between the civil society organizations and one another, and the worst still in this arguments is not its topic but the employment of such topic. It's undoubtedly true that each field has its own organizations and not confusion may be made between them, and there's no doubt either that no separation is allowed between the juristic and political work, as supporting political plurality is juristic work and political to the nine, and discussing laws of elections and its guarantees for competitiveness and non-marginalization is juristic as good as political action in the same time, and the final main criteria in the focal point of political activity is who rules!, and in the juristic activity is how they rule?

And it's worth noting that the national front has seen chapters of this discussion, the widest one was what happened upon preparing the law of the civil societies no. 153 of 1999, (expired for unconstitutionality) which has assured the principle, then has interpreted it again in the executive regulation, and most recently was what has been raised around discussing by NCHR of the constitutional amendments, as the Council has instituted, despite criticisms, in

preparing report of the opinion in the constitutional amendments in conviction of him that this would represent one of the most important duties.

#### 4. The need to amend the Law no. 94 of 2003 by establishing the NCHR

The experience of the Council during its first session has displayed the existence of some aspect that required amending the law on establishing the Council for achieving the following:

- The possibility for appointing freelance commissioners from amongst the members of the Council and assigning them to certain authorities for fulfilling the needs of work and expanding the activities of the Council, which is adopted by many national institutions
- Condemning the bodies concerned to make available all information and take procedures required in investigation and probe into the complaints referred thereto and eliminating the origination reasons
- The right of the Council in instituting judicial lawsuits or intervention in cases that so require, for defending the human rights, which is the right of the civil societies in the protection of environment and protecting the consumer, and it'd be strange if the NCHR is not entitled such right.

## CHAPTER SEVEN: RECOMMENDATIONS AND VISION FOR THE FUTURE

The NCHR assumes its responsibilities and duties gained from the law of its establishment no. 94 of 2003, particularly article third thereof empowers the Council the powers and authorities required to contribution in enhancing and protecting the human rights in Egypt. Realizing the situation to which the human rights have culminated, ranging from priority, expansion, and sophistication worldwide and locally at greater extent, and the political, economic and social aspect reflected thereby, which are evidently clear from the complaints relating to violations against the economic and social rights, which have come to prominence during 2006 from the total number of complaints at about 38.5% against 30.2% for the complaints relating to the violations inflicted against the civil and political rights, which assured that human rights system is an indivisible wholeness.

And repeating what have been provided earlier regarding the need to establish citizenship due to the principles it has assured regarding realization of equality and justice for all Egyptian without difference on the basis of sex or belief.

The Council hereby reaffirms that integrating roles with the government, despite different locations and exchanging situations, is a viable relationship valid for a modern advanced society, the Council has been bent on considering the protection of human rights the first items in a new social contract that would allow launching citizenship agreement in which framework the rights and duties, mutually available between the citizen and the state, are determined.

Appreciating the legislative reform movement seen in 2006, particularly, on the front of the amendments relating to the provisional arrest and enhancement of the right to defense, eliminating the custody punishment in publishing crimes, by reason of its natural tendency as human rights activist toward more protection for sublimating the human rights, the Council still awaits continuing the legislative reform movement to cover wider reform in connection with the provisional arrest at the level of the texts and application and eliminating the punishment of custody in all publishing crimes without exception.

The Council has received the suggestions of the president of the republic with request calling fro amending 34 articles in the constitution with deep and profound concern hoping that the state's institutions and all forces and society would participate in enriching the public argument around such suggestions that would end up constitutional amendment that would make the hope of the nation come true into political and democratic life viable and valid for this genuine people.

Commemorating the role assumed by the civil societies and associations operating in the field of human rights based upon the partnership relation therewith, the Council stresses the need to understand that correctly as being cooperation, not competition, relationship.

Considering by its relations with the society as w hole that the case of human rights is cultural, social and historical affair, efforts, energies, and thoughts should be mobilized for promoting that in light of cultural reform project and social modernizing, wherein the society

will be held, in the society as the state, part of the responsibility for establishing the culture of the human rights ...society that would turn all its moral and religious values relating to human rights to living behaviors and social interactions, and a state that would turn the human rights from legal texts to practices.

Renouncing the results entailed from researches conducted by focus group specialized in the characteristics and elements of human rights discourse in the textbooks for the students of the compulsory and secondary school, besides the corruption phenomenon, particularly in the health sector, the Council affirms that our responsibility toward the upcoming generations require serious consideration into the recommendations ensued in connection with revisiting the scholar curricula from doubts of contradictions with the human rights' values and as to the procedures taken for combating corruption and imposing transparency values in different fields of expertise provided in different places in this report. The Council also recommends expediting the publishing the International Agreement on Anti-Corruption due to failure to be published despite ratification from Egypt thereupon for three years now.

Approaching to the end of its first session, the National Council for Human Rights by this report, after experiment lasted three years, recommends the following:

**First:** Demanding the authorities and bodies concerned in the state to more proficient action and response to the complaints on violations and trespasses on the human rights.

**Second:** The need to take procedures and measures necessary to put an end to the practices made by some of the public figures in authority by adhering to the derogative treatment with persons arrested and detained that has reached to the extent of torture, physical and sexual abuse. Giving the due attention and concern to the initiative conducting the referral of the accused of committing such morally atrocious deeds incriminating by law to interrogation and trial, the Council calls for addressing such trespasses via comprehensive insight starting from integrating, adopting and intensifying the culture of human rights in the curricula of Police Academy cadets among the training programmes of those officers, and continual integration of criteria of respecting human rights among the professional evaluation system commonly know by the police officers down to circulating the legal procedures required to be take against whoever proved to be guilty committing such deeds and crimes. In this context, the Council has stressed its previous suggestion included in its first report of the necessity to amend the legal structure for torture crime provided in article 126 of the penal code to the extent that would allow expanding the scope of this crime, and maximize its punishment, and guarantee its harmony and consistence with criteria and provisions included in international agreements and conventions approved by Egypt and become part of the Egyptian legal system according to article no. 151 of the constitution.

**Third:** Emending the situations of detainees to the extent that might have seemed involving violation to the constitutional, legal, and international criteria guarantees with which Egypt complied by virtue of the international instruments, agreements and conventions, and to the top of this pressing emending there will be need to put an end to the phenomena of recurrent



administrative detention, and ignoring the implementation of the judicial rulings of releasing detainees.

The Council in this context reaffirms the need to end the declaration of Emergency State and all such extraordinary provisions, prescribed in the Emergency law, applied. And any law to be enacted as substitute to the Emergency Law should be consistent with the basic human rights and freedoms within the framework of harmony between the requirements for preserving the security of the nation and the stability of the whole society on one hand, and the requirements of respecting and human rights and dignity on the other hand.

**Fourth:** Enhancing the human rights in punitive institutions and improving the living conditions inside the prisons and guaranteeing prisoners' their visitation right and eliminating all legal, administrative and security impediments and obstructions that could preclude from guaranteeing such right, particularly with connection to the closed prisons phenomenon.

The Council also calls for effecting all public parliamentary authorities in the field of supervising prisons, expanding the scope of inspection to cover the remaining custody facilities, and approving the system of supervision judge in charge of supervising the execution of punishments applied in the most of foreign legal systems, whose mission would be restricted to executing the criminal judgments, hearing complaints and challenges and grievances submitted by the prisoners, and establishing public prosecution specialized in assisting the execution judge.

The Council also sees that pending the adoption of the "supervision judge" system supervise-who would supervise over the execution of punishment-, the Council suggests establishing administration for judicial protection in the Ministry of Justice for prisoners in the punitive institutions in conjunction with the public prosecution.

**Fifth:** Protecting and supporting the opinion and expressing and belief freedoms in the context of respect of the private life, and seeking amendment of the building law no. 106 by integrating articles that would achieve uniformity of procedures necessary for establishing the worshipping house wherever it was, and the need to make available all such probative documents for all and not withholding them from any citizen, and calling all society's forces, cultural trends, educational, religious, and media institutions for disseminating and promoting the culture of human rights and values of tolerance, dialogue and acceptance of the other, and giving greater space for human rights in the scholar curricula, religious speeches and sermons, and media programming in implementation to the society's responsibility for establishing and advancement of the values of human rights.

**Sixth:** Stressing the need for protecting the economic and social human rights, as being fundamental cornerstone in the system of the human rights that won't be divisible by any means, and sublimating the equality, toss-up chances of equal opportunities in work, and social solidarity rights in the fields of employment, appointment, and anti-unemployment, health care, and housing.

The Council sees that there's a need that the private sector takes charge and the civil society should participate in combating poverty pursuant to the principle of ethical and social responsibility side by side with stressing the need that the state assumes its responsibilities in this connection via new and innovative programmes for helping those whose income is limited as being disadvantaged class and the most deserving favor in the area of protecting the human rights.

**Seventh:** The need to amend the current law regulating the civil societies ((No. 84 of 2002)) to an extent that would gain more confidence and cooperation between the government and civil society: and would help eliminate the legal, administrative and security restrictions and limitations that would limit from creativity and unleashing energies of the civil associations in Egypt.

**Eighth:** It need to consider combating corruption as top priority in the legislative, administrative, and political reform programmes due to the close correlation between corruption combating and protecting the human rights and society as a whole in the development.

The Council sees as well in this connection the need to establish the principles of transparency, integrity, accountability, and rules on interests conflict as to who shall take the charge and be assigned the responsibilities, and the governmental or political powers as being duty for combating corruption, and the need as well to expedite passing law that would establish the right to gain and circulate more information. The Council demands as well in the same time that all efforts and policies of corruption combating would be within the framework of compliance with human rights and freedoms and all constitutional and legal controls that should be abided with.

**Ninth:** Supporting and defending the right to participation in administrating the public affairs of the country and empowering all society's elements to effectively participate and iron out all impediments that could limit from such participation of some forces or segments, and in this light, the Council sees that the parliament representation of woman won't be consistent with her diversified and increasing contribution in all action and production field, and that won't be in line with the political role of the Egyptian woman who has previously been among those in the lead since along time ago, and the Council deeply stands for any legislative efforts or political ideas searching for electoral alternatives that would guarantee positive discrimination in favor of woman in such manner that would fulfill wider representation for her in the parliament.

The Council has also demanded enhancement of participation by youth in the public administration and making the chance available to the university's students to seriously contribute into the intellectual, social, and cultural activities, and guaranteeing the freedom and independence of the student unions in terms of material and administration, besides developing student regulation (regulation no. 79) to become more in keeping with such hopes and aspirations.

**Tenth:** Supporting and developing the underpinnings of political and democratic reform, and on the top of that development of the role of the parties committee in such way that would allow for eliminating restrictions that prevent burgeoning parties from emerging, and searching for the best optimum electoral system that would best suit the reality of the Egyptian Society to the extent that would allow increasing the parliamentary representation of all society's segment and forces, and the need to guarantee as well the political plurality and achieving the authority rotation via the constitutional reform that would be the first stone toward a comprehensive and progressive project.

## APPENDICES

### Appendix no. 1

#### COMBATING CORRUPTION IN THE SECTOR OF HEALTH

##### Introduction:

Corruption is a phenomenon, which diagnosis requires multifaceted analysis, including political, economic, cultural, social, and legal aspects, since corruption is an aging phenomenon that requires study and confrontation, and since the health sector, is essential sector that affects the lives of millions of Egyptians, particularly the poor, and as per the recommendations of the NCHR, the Egyptian Alliance for Transparency and Corruption Combating (AMEL) and Arab Reform Forum in the Alexandria Library (Bibliotheca Alexandrina) have organized workshop around the transparency and corruption combating in the field of health on Monday, August 14, 2006 under the auspices of Dr. Botrous Botrous Ghali, Chairman of the NCHR, and by an invitation from Dr. Ismael Sarrajildeen, Director of the Bibliotheca Alexandrina and President of the Arab Reform Forum, and Dr. Hussam Badrawy, Member of the NCHR and rapporteur of the Egyptian Alliance for Transparency and Corruption Combating, and his Excellency Minister of Health and Population, and representatives of Ministry of Health and Health Insurance, and Pharmaceutical Industry have participated. Not to mention Ministry of Investment, Civil Society, Academics, Members in the Legislative Authorities, Private Sector, Journalism and Media. A number of topics have been discussed, including declining standard of health care because of the lack of control, fallback of ethics and professional conduct, corruption and squandering of public funds in the public expenditure upon the health sector, not to speak of the aids and foreign grant-in-aids, corruption in the Medical Insurance, besides the health effect resulting from bad vaccinations and serums from the perspective of protecting the human rights and welfare of the basic requirements of the Egyptian Citizen. And after many fruitful deliberations and actions, the following have been ensued:

##### 1. Importance of addressing the issue of corruption in the health sector:

About \$ 3 trillions are the annual world expenditure on the health services, most of which is financed by the tax payers. Such substantial financial flows constitute an attractive lure for misuse, and this means that there are huge risks surrounding such precious sources, and such funds, which have frittered away because of corruption, could have been channeled upon purchasing medicines or furnishing hospitals with the medical equipment and apparatuses, or even recruiting medical staff if need be.

Diversifying the health system in Egypt, multitude of the concerned parties, scarcity of book keeping in most of cases, intricacies, difficulties and ambiguities environing the ability to distinguish between corruption and inefficiency, and unintended errors could all render the determination of the total costs of corruption in this field rather difficult. In addition to the fact that scope of corruption in all rich and poor countries alike is deemed widely broad and expansive; in USA for instance, which is the largest industrial country expenditure on the health care, whereas about 15.3% is expended over such welfare out of the total GDP – and Medicare and Medicaid, the largest medical care programmes in the USA, have estimated the

volume of funds wasted due to overpayment of the costs of the medical care of about somewhere between 5 to 10% of their budgets. And in Cambodia, medical care officials, with whom conversations were taken in the context of preparing the report of the World Corruption 2006, have stressed that over 5% of the budget appropriated for medical care is waster because of corruption, even before having left the premises of the Federal Government. Even corruption has precluded those health care services from reaching out to the intended persons, which could lead to error in the prescriptions.

The poor are variably affected and impaired from corruption in health sector, as they are the less advantaged class and are the least class to offer trivial bribes in exchange for obtaining the health services, which are supposed to be offered for gratis, or paying for obtaining the special services, whereas the corruption has extended to deplete the public health services. One of the studies conducted around systems of rendering the health care services in Philippine and according to the reports has referred to the fact that the queuing hours in the public dispensaries and clinics in the poor and limited-income localities increase as opposed to their corresponding in the rich areas, and the number of cases deprived of preventive serums is closely attached to the penetration of corruption.

Limiting corruption could help redirect the funds once again into the health sector, and report developed and established by Anti-forgery Unit in the health services sector since 1999 suggested that it's due to eliminating corruption, around one hundred and seventy millions Sterling Pound (\$ 300 millions) have been recovered in the UK, and the volume of financial earnings for national health care service that included as well recovery of losses sustained due to fraud, and reducing the losses volume thanks to the intervention of the anti-fraud unit to the four times such amount, which is sufficient to build ten new hospitals.

Corruption, according to the International Transparency Organization, is "Misusing power and authorities for the sake of making personal benefits" in the field of health care, and corruption could materialize in many forms, including the following:

- Giving bribes to officials in charge of organization and those working in medication
- Manipulating data of the medical experiments
- Manipulating the distribution of medicines and medical requirements
- Corruption in governmental purchases
- Overvalue of receipts extended to insurance companies

Corruption thus is not restricted or limited to misusing authority, but rather extends to illicit gaining or enrichment, and misusing positions officially, and misusing the powers for plundering the invaluable resources required for improving health.

## 2. Recommendations in connection with health sector:

- a. Actions should be taken for combating corruption, which should in the meantime be consistent and proportionate with the medical welfare system in Egypt, and as deemed appropriate in many other sectors. And in order to minimize the potentials of emerging corruption in the field of health, following should be taking into account:

- (1) Compliance with provisions of law

- (2) Transparency and Trust
- (3) Compliance with rules of public sector, effective systems in organizing the civil service, and the mechanisms governing the accountability system
- (4) Independence of media vehicles
- (5) Attention should be paid to the system of purchase, rules governing practices in the health sector, whether for institutions or individuals, and procedures about transparency and observation.

Considering that the foregoing actions represent in total pressure tools used for the sake of promoting honorable and honest behaviors and practices of good conduct, which aren't covered by the legal rules, but could be used as effective mechanisms for combating corruption.

- b. Egyptian Government shall along with the health bodies issue updated information periodically and publish them on the internet, including data about balance sheets of health services rendered, performance on the local and national fronts, and the health services centers. Governmental administrations, hospitals, and health insurance institutions, and other relevant bodies dealing with medical services should be subject to independent financial auditing.
- c. The government and bodies responsible for health services shall be liable for making available all data and information in relation with tenders, submittals, terms, evaluations, and final decision on the internet.
- d. Egyptian Government shall apply the effective national system for reporting the counter effects of medicines prescribed for compelling and urging physicians to report such information.
- e. Public database including list of protocols and results pertaining to all experiments conducted upon the clinical drugs should be developed. Compelling all medicine manufacturers to report the experiments of the clinical drugs, and a testimonial should be paid upon all financial contributions offered by medicine manufacturing companies to the medical research units or physicians.
- f. Donor Corporations should be highly open in terms of clarity and disclosure of financial contributions submitted, dates of submittal, and granted bodies. Those bodies should further evaluate their programmes in terms of results of the health services, not the phases or quickness dispensation. The donor corporations should coordinate the support submitted to the health sector via usage of the same accountability and auditing mechanisms for rationalizing the expenditures relating to remittances, improving the efficiency, and minimizing the emerging potential corruption cases.

Rules of practice:

- Developing and publishing the rules of practice, via the continual training in the context of the health system, is deemed to be mandatory and overarching for entrepreneurs, physicians, pharmacists, and employees working in the health care. Such rules should refer outright and blankly to prevention of corruption and conflict of interests, which could originate corruption practices, clarifying the details around

penalties relating to violation of rules, and the independent bodies should assume the application.

- Medicine, biotechnology, and medical appliances and equipment manufacturers should adopt and integrate the principles organizing the business sector in the face of bribery, through which any company comply with rejecting any possible chance of accepting bribes during their transactions for applying comprehensive and integrate programme on combating corruption.

#### Participating and monitoring the civil society

- Health bodies in charge of the health sector in Egypt should make available the methods necessary to monitor and the society, which could help expand transparency and accountability, including monitoring, and supervision over purchases and choosing medicines, and places for presenting the health services all over the society.
- It's mandatory to make available the public policies and practices, and articles of the inspection and auditing agreement by the society and legislative authority. It's rather important as well to make available all such information relating to the phases of developing and executing the balance sheet and the relevant associating reports to the civil society.

#### Protecting Informants of Corruption:

- The Egyptian Government should ensure protection to those informing corruption practices from the people operating in the bodies in connection with purchases to the health authority, health care services providers, and medicine and appliances providers.
- Medicine manufacturers should put the mechanisms and programmes of protection to the informants on the corruption.

#### Minimizing the factors motivating corruption:

- To secure medication according to the status of the patient not for increasing the profits potentials, the governments should constantly monitor and control the payment mechanisms (money for service – salary – taxes – individuals – comprehensive budget ... etc.)
- Physicians and nurses in the health sector should be paid appropriate packages relevant to their standard of education, skills, and training.

#### Rules organizing the conflict of interest:

- Entrepreneurs should be held liable for applying the rules governing the conflict of interests, which should prevent individuals or cartels producing medicine, stakeholders, from conducting experiments on the clinical drugs.
- The Egyptian government should support transparency in operations of organizing medicine, not to exaggerate promoting medicines, developing strict rules and laws that would prohibit physicians prescribing large amounts of medicines, and imposing firmer control on the relationships between the health administrations and medicine industry.

- The bodies issuing medical permits should need to determine the rules regulating the medical code of conduct in terms of conflict of interest, and particularly, regarding their relations with manufacturers of medicine, medical requirements and equipment, and obtaining the resources required for applying such rules.

Charters on integrity and prohibition:

- Charter of integrity should be applied in the grand operations and transactions in health sector, including agreement binding upon all tender bidders, and contracting bodies, which prohibits offering or accepting bribes in the public contracts.
- The government should deprive the companies proved to have been involved in illegal transactions by excluding it from participation in the deliberations for a preset period of time.

Firm Trial:

- It's mandatory that investigating bodies stipulate strictly that corruption is a punishable act, by pursuing those involved in the corruption acts punishable by law, and putting those manufacturing adulterated or misbranded medicine to trial, besides all those involved with them.
- Necessary expertise, resources, and independence should be put in place to the relevant bodies by combating corruption and uncovering fraud in the health sector, so as they assume their functions, besides supporting them via independent courts.



## **Appendix no. (2)**

### SUMMARY OF THE STUDY ON HUMAN RIGHTS DISCOURSE IN SCHOOL TEXTBOOKS

The study has address, with analysis, the characteristics, elements, and pillars of different causes relating to the human rights within the scholar discourse within the high school education. The study in this connection has been based upon a number of methodological tools revealing to the main features of human rights discourse, *inter alia*, analyzing content, analyzing proving and evidencing courses, analyzing the reference framework, and analyzing operation forces. The analysis has thus covered group of all high school grades' textbooks, which have reached around (46 books) divided as follows:

- 15 books on religion education
- 19 books on Arabic
- 19 public religious books
- 7 general books in different specializations

And following are group of basic results that describe the characteristics and elements of the human rights causes within each group of the previous textbooks.

First: Characteristics and Elements of Human Rights Discourse:

In the religion education books:

By analyzing the elements and causes of the human rights inside fifteen books of the Islamic and Christian religion education books, the study has concluded a number of results that could be summarized as follows:

- 1- We can see the discourse presented in the religion education books (Islamic and Christian) as being collective product in the framework of number and genre of participants in authoring and auditing of such books. The discourse reflected by Islamic religion education books is characterized with masculine-oriented speech and full discrimination against woman at the level of authors, and such issue materializes relatively in the discourse of the Christian religion education books, in which only one authoress has contributed. Not only that some sort of discrimination has also materialized as to the willingness of authors in contributing in producing the religious discourse between the religion education books addressing high school students and others addressing polytechnic education; there have been multitude of authors in the Islamic religion educations addressing the high school in comparison to the books of polytechnic education, in the meanwhile, a large number of authors have showed their willingness to author the Christian religion education books in the framework of books addressing the student of polytechnic education.
- 2- The discourse overlooked, sufficiently, to highlight the main meanings closely attached to the causes of human rights upon choosing the Quranic verses (Ayaat) and scriptures of the Holy Bible, which in turn have formed a basic component of the religion education books; in a sense the Mecca-revealed Suras (Chapters) have

predominated the Quranic verses prescribed in the Islamic religion education books, which have basically associated with the dogmatic education topic and relevant concepts, like, divinity, servitude, paradise, hell, doomsday, punishment and reward, qualities of the faithful and disbelievers, and many other related issues. In the meanwhile, the Quranic verses revealed in El-Medina have focused the interest upon establishing foundations of building Muslim society and rules governing the relationship of Muslims with one another, besides their relations to the other. Even though, even in the cases of retrieving verses from El-Medina-revealed Suras, selection has been made from holy verses that focus, in the first place, on and support the dogmatic and ideological belief of the student far from choosing the holy verses that could be used in cultivating the culture and elements of human rights into the mind and soul of the student.

The Christian religion education books have limitedly counted upon the scriptures of the old testaments as main source of scripts established in the Christian religion education books, except for Psalms, and the selection of the scripts has reflected the existence of some sort of concentration upon establishing the ideological belief to the believer in Christianity, besides focus on building the spiritual structure of the faithful and all such relevant behaviors, which sometimes could be relative to the causes of human rights, however, the direct speech and discourse about the concepts relating to the human rights, only cropped up a few percentage of scripts presented by authors upon expounding and interpreting the holy scriptures, and that has materialized only upon speaking about the Christian teachings in issues pertaining to, for example, to be dutiful and good to the others even if there were wrongful foes, which is a basic foundation upon which the Christian jurisprudence had been built in to materialize the concepts of human rights.

- 3- Cases of Human Rights have been shared and divided inside books of Islamic and Christian education books upon five basic sub-systems, included; civil and political rights system, cultural and social rights system, economic rights system, woman rights system, minority's rights system, and children's rights system. Such focus focused mainly on the highlighting the cultural and civil rights within the discourse, in the second place came concentration ranging in convergent relative percentages upon the cultural and social rights on one hand, and the economic rights on other hand. Concentration percentage goes down upon highlighting woman rights as opposed to the previous three system, then the discourse shed less attention to the children's and minority's rights.
- 4- Civil and political rights system, highlighted within the religion education books discourse, has covered three basic sectors; the first sector covers a group of rights relating to indiscrimination of different forms, yet the most prominent form within the discourse was the indiscrimination on the basis of religion, right of indiscrimination on the basis of birth, and right to indiscrimination on the basis of wealth. The positive treatment dominated the style of the discourse in handling the right to indiscrimination of all kinds, except for two cases only. And within the context of the second sector, came to the fore a group of rights relating to the right to security, yet the most centered

rights in the discourse, in relation with this sector, was the right to arbitrary non-interference into the private life, besides the right to dwelling, right to recourse to the courts, and right to antislavery or anti-bondage, and not to submit human to torture or harsh treatment. Yet the third sector is related to the right to administrating the public affairs. Nothing in the context of this sector has appeared but only one right, which is the right to accession the public positions.

- 5- Despite the rise in the percentage of cultural rights within the discourse of the religion education books, they didn't gain the diversification degree that has characterized the political and civil rights system, since they have been found significantly in four basic rights; the most prominent one was the right to promoting understanding and toleration between people, knowingly that the method positive treatment has predominantly prevailed the way religious discourse has displayed such right, except for three observations depended upon the method of the negative treatment followed by the right to thought and emotion freedom. Such right was displayed in a very negative context within the discourse, as the least number of the relevant observations have occurred within the positive context, in addition to the right to conviction of any opinion and belief, and developing the human personality by education. The social rights have concentrated, in the discourse, within the context of only one right, represented in the right to enjoy physical and mental health.
- 6- Within the framework of the economic rights, the discourse has, significantly, touched upon the case of labour within more than one place, however, its style has resembled, in the way of displaying this case, with the discourse of the religion education books in the compulsory education grades, whereas discourse has focused mainly on labour and its importance in the perspective of duty, not as a right. The discourse as well has focused upon the importance of indiscrimination between the human being on the basis of labour, and such statement has been predominantly evident within the discourse, provided in the religion education books addressing the polytechnic education students. In return, the percentage of both the right to improving the living standard and the right to distributing the local and international food resources has fallen equally.
- 7- With regards to the woman rights appeared two basic rights within the discourse of the religion education books; first restricted mainly to indiscrimination against woman, second; appeared slightly, which is recognition of joint responsibility of parent for educating their children. Yet the discourse, in the religion education books, has swiveled in a hesitating fluctuated approach upon treating the indiscrimination against woman between the negative and positive approach to such right, which has displayed the existence of disputation between the producers of discourse in terms of the situation of woman, and masculine prevailing orientation might be one of the most significant factors.
- 8- Within the context of minority's rights, came to the prominence two basic rights; first: which has mainly focused upon the right to protecting the existence of minority, and

its religious and cultural identity. Second: which has slightly represented in the right of the minority to announce and practice the religion rites. In this connection, the discourse has mostly witnessed the used of projective methods and steering from direct methods in displaying those rights in the discourse.

- 9- No highlights have been shed upon the rights of the children in such intensive manner with which the other human rights systems have been highlighted within the discourse in the Islamic and Christian religion education books, yet they have focused upon two major rights; the right of the child to enjoy health care, and the right to stay child out of any sort of punishment.
- 10- The discourse in the Islamic and Christian religion education books has used different levels of proof courses for giving evidences upon the sayings and verses related and in connection with the causes of human rights. The Islamic discourse has therefore hinged upon the Holy Prophet's Sayings and Traditions (*Hadith*) as means for giving evidence, then followed by Holy *Quranic* verses, then citing different evident live situations from the Islamic History, Egyptian History, and some of the contemporary events for giving live evidence upon the sayings recited in this discourse. As to the Christian discourse, larger dependence was steered to paddle with the accounts of messengers, particularly St. Paul, in contriving and evidencing the sayings, followed by functioning sayings from the four versions of the Holy Bible, then verses from the Pentateuch (Old Testament). In view of this, we can say that the Islamic and Christian discourses were mainly focused upon dependence on the less sacred proofs. Among the most important results of the study in this context, was that some of sayings by which the discourse has touched upon causes of human rights came out void and vacuum from any proofs, which have thus turned out as aimless and desultory digressive speech, which have lost it much more of its ability to convince and cultivate the culture of human rights into the mind and the emotion of the student.
- 11- As to the cross-reference of discourse, most of religion education books, Islamic or Christian, to the references which they have depended upon in ferreting out the information and interpretations talked about, and in so limited cases, references were made to such books upon which the authors have counted in building the material and introducing the content. The Islamic discourse has counted upon number of basic references represented in the interpretations presented by the ancient Ulama for the Holy Quran, particularly the volume included the rules of the Holy Quran for Cordova (*El-Qurtoby*), interpretation of the Holy Quran by *Ibn Katheer*, and the only contemporary interpretation whereupon they have counted in introducing some materials of the Religion Education Books was the Intermediate Interpretation for the Holy Quran by Dr. Mohammed Sayed Tantawy. Among the most catching issues in this context that some Islamic education books have counted upon the interpretation of "*Within Shadows of the Holy Quran*" by the late Sayed Qutb without inference to that. The Islamic discourse has used as well the books of *Al-Sahah* in the parts relating to the Holy Prophetic Traditions, particularly, *Sahih Muslim* and *Sahih Al-Bukhari*. The references, upon which the Islamic discourse has largely depended, have

widely varied in producing materials upon Religious Observances and biographies from heritage books and contemporary books. However, the case was the other way around as to the references of the Christian religion discourse; as they have certainly hinged upon the Bible as a main source, other than that this discourse has based upon number of contemporary books in producing the material intended; and books of the Holy Eminence of Pope Shenouda III have taken much account of such references, upon which the discourse has largely and evidently depended, followed in the second place the books of *Anba*(Father) Younis, and the least share came the books of the *Anba* (Father) Gregarious and *Anba* (Father) Mata *Al-Miskeen*.

Second: Characteristics and Elements of the Human Rights discourse:

In the public religious books:

This group includes five books prescribed in the curricula of the students in the high school and polytechnic education schools in the context of the religion education, which represents a content addressing and interact with topics and causes most relating to the important contemporary causes, which are introduced by basing upon religious reference citing and evidencing the doctrines and theses with proofs and evidences extracted from the Holy Quran and Prophetic Traditions, observations, experiments, role models from the Biography of the Messenger Muhammad, P.B.U.H, and the biographies of the Well-Directed Caliphs.

#### 1. Causes of human rights in the discourse of public religious books:

Analysis has displayed the existence of certain arrangements in relation to the intense of different juristic system within discourse; the system of civil and political has come to represent the main focus of interest for the discourse of public religious books (40.8%), to the second rank came the system of the social and cultural rights in terms of the circulation ratio and the discussion of their topics and elements within the discourse of the public religious books at about (29.6%) assuring the importance of the cases of tolerance, coexistence, and freedom of thought and ideology.

In the meantime, came the system of the woman's rights in the third rank in terms of the existence of cases and topics displayed at about (14.1%), then causes of children rights at (9.9%), followed by the system of the causes economic rights at about (5.6%) to represent the least centered talked about juristic causes and elements in this discourse.

#### 2. Proving Courses and Framework of Human Rights Causes:

##### a. As to the Elements of the System of Civil and Political Rights:

By analysis, they have been found scattered around three integrate sub-branches; the first and most intensive ones are related to the elements around indiscriminate causes according to the religion, wealth, birth, ethnic, or social origin and so forth, whereas the discourse has touched about and included elements relating to such juristic element, which have represented (55.2%) of the total juristic elements within the system of the political and civil rights within group of public religious books.

It's worth noting here that all such treatments and adaptations haven't produced a complete and absolute support case toward the nondiscrimination between humans in general. Although the prevalent percentage in such adaptations 81.3% was inscribed toward supporting the juristic element in connection with the nondiscrimination between humans, there is still a very

limited number of adaptations (3 adaptations) at about 18.7%, which have presented a negative approach that supports discrimination, yet the juristic element in relation with the right to feel secure and safe came to represent the second pillar in terms of the intensive presence within the system of civil and political system presented within the discourse at about 41.4% of the total juristic elements panned out, and all of them are of positive characteristic that support the right to feel secure and safe via recognition of equality before law, incriminating the violence and trespassing against individuals and properties, and prohibiting aggression and trespassing against the human soul in general.

The element of the right to opinion and expression freedom came to represent the third elements in terms of percentage of presence within the civil and political rights at about 3.4%, and it's worth noting in this connection that the willingness of discourse to steer away of the political affairs has resulted in limited adaptation of the causes in relation with the opinion and expression freedom due to its direct correlation with the political dimensions.

However, certain significant theses have come out, such as, calling for being good to the neighbors and preserving their rights without inference to the difference in beliefs or thoughts, to represent principles supporting the nondiscrimination. And among the most important topics in this way are those concentrating upon the element of nondiscrimination among humans and respect their differences "Muslims have believed, based upon the teachings Allah (Glory be to Him) has bestowed upon them, that He, Allah (God) has judged, for a certain cause best know to Him, that people be different and varied in their beliefs, goals, and mental capacities", and the conclusive argument supporting the authenticity of such cause is that "the Islamic religion needs people to have consensus upon everything in contrary to the judgment of God (Glory be to Him)".

Yet, the theses suggested toward assuring the individual's right have varied regardless of their religion in terms of holding the public posts, and the importance of such adaptations came as a result of interaction with the pressing contemporary causes and intertwining with some stressing fundamental ideas in this area to confute them on the basis of the same religious reference.

Thus, from analyzing this discourse, it has been revealed that such theses and arguments pour into the same way of assuring this juristic elements relating to nondiscrimination due to its being deepened in reality through historical citations.

The theses also ensure obviously the element of nondiscrimination among Muslims and non-Muslims as to duties and obligations; under the title of "Case of Treatment of Non-Muslims by the Muslims", came the value of this thesis that engages with Egyptian contemporary and disruptive cares to devise a solution based upon religious rule and reference consistent with the characteristics of the religious verses, which is a thesis ensuring the value of citizenship as a basis for the relationship of individuals with one another "in this case should Muslims and Non-Muslims live together in one country, bear one nationality, and under one nation and common interests as the case with Egypt, we can say that non-Muslims, however small their number was, will be entitled the same rights and obliged to perform the same duties of

Muslims, and in the meantime, for each side, the respective religion and belief chosen for themselves, because there's no compulsion in religion.”

However, as to the elements supporting this case of indiscrimination among humans; their theses have represented the exception within the discourse dealing the cases of indiscrimination, as they have been limited to three theses at about 18.7% of the total theses.

b. As to the elements of the system of social and cultural rights:

The element of the right to entertain religion and forsake bigotry and respecting differences between humans came to represent the most present inside the system of the social and cultural rights at about (90.5%) of the total juristic elements, which might bear significant signs upon the association of discourse with the cases of contemporary reality, and the attempt to reflect it and interact with its dimensions. Because the problem of bigotry and extremism represented one of the most dangerous causes to the safety of the society, and its social and economic health, the discourse has focused upon this value refuting the cases of bigotry, fundamentalism and introversion.

The theses on the element of the right of selecting religion, forsaking bigotry, and enhancing tolerance between individuals and the people have come to occupy the prominent place inside the social and cultural rights system, and they have signified the correlation reflecting the causes of reality, and evident desire of positive interaction therewith in such away that would be helpful in solving such problems by building positive perceptions in this regards to the students in the crucial educations phase.

c. As to the elements of Woman Rights System:

Such theses have been materialized in the elements of giving assurances regarding guaranteeing the rights of developing woman socially, economically, and culturally. Such adaptations have come to express, via such theses presented within the discourse, the interest to highlight the woman's rights to learn, work, choose the husband, and practice the civilian rights in possession and disposal, and many more adaptations that have established the major juristic values in this connection. It's undoubtedly true that it's worth noting the importance of such values due to their roles in representing the cognitive case and mental perceptions of the students, which would in turn constitute a sound knowledge of the woman's rights and appreciation to her roles in the public life.

The adaptation of the woman's rights was predominantly occupied by the positive feature inclined toward assuring such rights, in the meantime, such idea underestimating those rights has been restricted to only one thesis at about (10%) of the total theses included in the discourse about the elements of woman's rights.

d. As to the elements of the Child's rights system:

These adaptations, on the child's rights, have only concentrated upon the element of guaranteeing the children's education rights in order to be raised righteous of high benefit to themselves and others at about 85.7%. In the meanwhile, the juristic element on the child's right to safe nutrition and health care has come to represent lesser presence at about 14.3%, yet the most of theses based upon religious reference that has assured its topic and justified its destination, and it's been observed that the theses in this connection have presented adaptations bearing full positive approaches conserving and supporting the child's rights.

e. As to the elements of the economic rights system:

Such economic rights weren't addressed but via four theses, which represent (5.6%) of the total theses presented in this discourse, and it's worth noting that all these four theses have presented a case of support to the economic rights.

### 3. Problems of the Human Rights Discourse in the Public Religious Books:

a. Complete absence of the woman's role in the field of authoring, compiling and editing books:

The first remarks that might worth discussion here are those in relation with the full absence of the woman's role in relation with authoring, editing, or compiling these books despite the availability of some women who have the ability to assume this roles, which could have of large benefit in terms of choosing some topics, patterns and properties of adaptations in hand, particularly that some of such books might be discussing public causes of high importance in relation with rights and roles of woman in the field of the public participation and work. While the woman's participation was supposed in the first place to address in authoring ancillary and branched out discourses that take the generic features of the recipient public. And other significant indicators have cropped up in this connection in relation with the previous result, which have referred to being the recipient of this discourse was mainly (masculine), which could be easily concluded through analyzing the language and essence of the guiding phrases and titles addressing students as stated in the outer cover of the public religious books, which signifies blared bias by addressing males.

b. Problem of establishing absolute general discourse pivoting around the ego:

The first problem in relation with the nature and elements of human rights discourse within the public religious books directed to the students of the high school about there being some features of the absolute discourse in the adaptation and approach.

c. Sublimation of ego in the context of comparison and exposing other egos and contexts:

The discourse comes out in a way that does not focus on their dimensions and aspects highlighting the elements of distinguish, namely in the case of talking about the ego, yet such mechanism conducted in synch with underestimating the other could be seen by discourse as present competitor, such other could be for instance the legislative and legal environment from which the contemporary human rights system is derived.

d. Problem of devising question around thorny causes for which the discourse does not propose any answers:

The questions, under the title of "Discussion" at the end of one of the chapters, have included a question that has come as follows "Who will address the mischievous acts by hand? Who will change it by tongue? Who will change it by heart? Give the reasons.

Despite being thorny cause in relation with the concept, types, and limits of role of authority, and despite the grave circumstances raised in this case previously, that question came



critically general, without the discourse containing explanation or obvious interpretation that would highlight the meaning and significance to the students in this age.

### Third: Characteristics and Elements of Human Rights Discourse:

In Arabic Books:

#### 1. Human Rights Cases in discourse of Arabic Language Books:

The cases and topics of human rights observed in the Arabic books have divided and distributed along many ancillary systems, each one of them represented sub-agenda within which cases and topics branch out. System of topics in connection with the social and cultural rights has come to the first rank in terms of the percentage of provision of their cases and topics inside the units of the Arabic books (32.9%).

In the meantime, topics in relation with the woman's rights have come to the third place as to the topics relating to woman's cases and rights at about (30.3%), the topics in relation with the civilian and political topics have come to take up the third rank at about (21.3%), yet the system of economic rights has come to occupy the fourth rank in terms of the importance of adaptations of the Arabic books at frequencies (10.5%), followed by the system of cases and elements relating to the child's rights at frequency rate of (5%).

#### 2. Proof courses and framework of treating and adapting cases of human rights discourse:

##### **A. As to the elements in relation with the social and cultural rights:**

Theses have varied and its importance has manifested in assuring the humanitarian aspect as being the mainstay in the human's relations between one another, and such drills have included theses supporting the importance of peaceful openness to the whole world and coexistence in amicable terms with others of different mindset, beliefs and ethnics.

##### **B. As to the elements of the system of women's rights:**

Arabic books have witnessed different adaptations to cases and topics within the scope of system of woman's rights. Unlike the other ancillary systems of human rights upon which books have presented theses predominated or prevailed by positivity as to the framework of presentation and approaches of adaptation of such juristic elements; adaptation of human rights cases in these books has witnessed the supremacy of the negative approaches and biased presentation framework, which has contributed into building a distinct case of discrimination against the rights of woman.

Frequency of theses presenting the case of prejudice against the woman's rights has varied to the extent that displayed the central appearance of adaptation of the system of human rights of woman inside the Arabic language books of the high school, which has constituted generic contradiction in the discourse of scholar books under analysis. Because as far as the adaptation and portrayal of different elements and units of human rights were concerned, the system of woman rights has come to occupy the only case which adaptation has come as very negative at about (88.6%) of the total adaptations.

And the topical field of such theses has broadened and varied as follows:

1. Deliberate use of the names of males in majority of topics and drills
2. Restricting the role models of studious and laborious work and action of high expertise, thinking, education, culture, or sportive exercise mostly to masculine figures, and to the contrast, all traditional, sedentary, and non-mental disposed actions have been assigned to the woman.
3. Presenting a remote untouchable social context, wherein no one could move or carve its main features and values but male.
4. Depicting woman in the picture of menial servant to the man who moves according to wishes of the centrifugal force, which could be no other than man.

**C. As to the elements of the civilian and political rights system:**

Theses supporting the elements of the civilian and political rights system have taken up the larger volume and presence inside books, and expressed the following elements:

5. Supporting the rights of difference in opinion, expression, and right to political participation
6. Confirmation on the indiscrimination among humans
7. Affirmation on the right to feel safe and secure
8. Right to participate in administrating and controlling the public affairs
9. Theses against civilian and political rights

Some of the topics discussed in the Arabic language books have borne a waste to some of the juristic elements in relation with some theses that have carried essence stating some sort of discrimination but at different levels, and despite the limitation of such theses, they have constituted bothering case that require tackling for realigning and avoiding them.

**D. In terms of elements of the economic rights system:**

The essence of such theses has focused on the importance of the produced action, manifesting the right to innovation and creativity, excellence in work, and the importance of improving work conditions via the right to work according to relevant conditions, and then affirming the individual's right to feel economically secure via the affirmation on the right to improvement of living standards, and improvement of production techniques and distribution of food resources.

**E. As to the elements of the child's rights system:**

The adaptations of child's rights in the discourse have come to represent the least ancillary juristic agenda in presence in different topics in the Arabic language, particularly in the high school and polytechnic education through (14) theses, which have represented (5%) of the total theses in connection with different adaptations of the human rights in these books.

3. Problems of human rights discourse in the Arabic language:

Researchers have observed a number of problems in relation with the structure and approaches of this discourse as follows:

- a. Problems in connection with the features of composition process, compiling, and editing of Arabic language, and the dominance of masculine discourse over the total adaptations.  
- Overshadowing the role of the woman in connection with the participation in authoring, compilation, editing, and amendment.

- b. Absence of cognitive and procedural parameters that disintegrate the overlap between concepts and processes of “Authoring”, “Educational compilation”, “Editing” and “Amendment”:

Such case manifests apparently clear in terms of the Arabic language books in the curricula of high school education, while it vanishes in case of Arabic language books studied by the students in the polytechnic education.

As the inner cover, for both Arabic language books in the second and third high school, throngs with fully congested lists of authors, editors, and proofreaders, which undoubtedly requires editing and explanation for conferring a manifest credibility upon those disclosed roles.

Of the important observations in this connection that could grant researcher signals about certain distinction, in terms of the extent and type of interest designated to the Arab language curricula of secondary school’s students in commercial, agricultural, industrial, and hotels, on the token of Arabic language curricula of high school students, we can observe the committees for educational preparation or editing, amendment and proofreading in the books of the high school grade, in the meanwhile, such committee are missing in case of books of the polytechnic education.

- c. Marginalizing the juristic approach in adapting the topics presented in the books:  
Analysis has revealed relative presence of lots of concepts and elements of the system and cases of the human rights, whereas the explicit or implicit existence of juristic topics addressed within complete lessons has fallen back, and despite diversity and distribution of the elements of rights along different objective areas of interest, which could be of greater interest in the multi-units and topics Arabic language books.

Such issue has reflected the absence of the system of human rights as contemporary and comprehensive juristic system as determinant. Accordingly, the presence of elements and values of human rights has come irregularly scattered within the sole book, or inside the system of the books addressing students of certain educational grade, due to the absence of strategy encapsulating juristic elements within the curricula in the grade sixth.

- d. Infringement of the rights of intellectual properties of authors and the material properties of publishers:

The dimensions and forms of infringement to the intellectual properties rights, which are one of the elements of the system of contemporary human rights, vary; such

infringement takes up many forms, which presence features could be observed and stated within different Arabic language books as follows:

- Absence of complete documentation process and methodology in the field of establishing the references of selected topics and excerpts inside books.
- Phenomenon of “Disposal” in the intellectual production of the original authors inside Arabic books

e. Problems ensuing from dependence on general cognitive sources:

There is another phenomenon relating to the previous remarks about the obvious inclination of the authors and compilers of some Arabic books, particularly polytechnic education books, to depend upon press (newspapers and magazines) in excerpting the texts presented to students as topics inside those books, whereas articles or topics in such general cultural magazines, or daily press are being quoted and presented to students, which raises the case of the specialized writing, and the determinants of selecting texts liable to be incorporated within the books prescribed in the different curricula.

f. Wasting opportunities for presenting and analyzing concepts and elements of the human rights system:

No greater efforts have been exerted in the field of incorporating and concentrating upon appropriate contexts for putting observations and values that affirm to the students the importance of human rights system as contemporary valuation and behavioral framework, except for some certain forms that don't represent general governing framework to the different adaptations. Hence, lots of opportunities have been there for developing the concepts, discussing problems, or presenting models and experiments supporting the juristic system in the contexts of their different presence, which haven't been invested and developed in this direction, which is, in our opinion, mainly due to the fact that the juristic system wasn't incorporated in the reference framework directed to author some topics, and selecting other topics among the Arabic language curricula, which could be related as well to non-renewal of the texts and contents of such books for long years to cope with crucial updates and developments in this connection, and that lots of developmental efforts of such books are mainly channeled to subjective aspects in the first place.

g. Existence of models could be names the illusive and equivocate juristic discourse:

Whereas some texts, addressing some juristic topic or case, have on purpose presented title suggesting the dedication of the juristic values, while the deliberate analysis of the discourse and significance of the presence of different concept inside discourse has revealed that the things are not run that way, but on the contrary the other way around could take place.

h. Problems of intensity of the relative presence of elements of human rights discourse:

Within the short texts of linguistic drills books in contrast to the Arabic language books: Which have presented a recommendation upon returning to the complete texts from which such excerpts and short texts drills have been extracted, and incorporating some of which as Reading Topics instead of other topics, which, by analysis, proved void of knowledge and

cognition necessary to the student in such stage let alone the absence of any juristic elements and varied models.

#### Fourth: Characteristics and Elements of the Human Rights Discourse in the public books:

Public books, undergone analysis in this research, have incorporated large group of varied books pouring into different specialized books relating to the specializations of the high school education (Scientific – Lit.), and different educational branches of such stage (Thanawiya Amma – Commercial – Industrial and etc.), and the analysis has concluded a number of results, the most prominent are the following results:

1. A kind of discrimination has been found out against woman in choosing the book's authors, and some sort of discrimination has been found as well on the basis of religion, whereas no Coptic name has been found in the public books authored, except for only one book, and the general average of the number of authors participating in producing the books four authors, and participated in preparing each book of the public books a committee called the Amendment (Proofreading) Committee, and sometimes appeared along with it another committee called "Integration and Editing Committee", and in certain circumstances such committee was taking the name of "Development and Upgrading Committee".

2. The public books have counted in presenting their contents upon two distinguished methodological frameworks; the first one has been related to the books including two educational curricula in one book, and the book in this case is divided into two parts; each part of it focuses on presenting certain curriculum in a group of sections that are divided internally into chapters, while the second was relating to books discussing a separate one educational curriculum, and in this case the book was divided into several sections, in the framework of each section, a number of topics relating to the curriculum are being reviewed through a number of chapters. Public books have variably showed concern with determining their targets, while some of the books have given particular concern and attention to this question clearly, the others have overlooked it. And in all cases, there have been no signs within any of such books that among their targets there have been the target of increasing the awareness of the student of cases of human rights, or cultivating the culture of human rights into the mind and soul of the student.

3. The discourse presented in the public books was more predominated by concerns with the cases relating to the system of the cultural and social rights of human than other ancillary systems appeared within the discourse, followed by the political and civilian rights system, then by the economic rights. And we can, in this context, say that the prevalence of cultural and social rights causes is deemed to be a prevailing characteristic upon all kinds of scholar discourses in the high school grade, as such characteristic has taken place as well in the framework of the scholar discourse in the religion education book.

4. Political and civilian rights, within the scholar discourse in the public books, have set to take on three frameworks represented in indiscrimination on the basis of religion, the right to election, and the right to antislavery and anti-bondage. And the right to election was among

the most prominent rights, despite being negatively pigmented by adopting some despotic concepts in governance and denial the right of the people to choose their ruler.

5. The cultural and social system wasn't characterized only with the quantitative intensity of appearance, among other juristic systems, in the human rights within the discourse addressed in the public books, but characterized as well with higher diversification, as it has included four rights, the most equally prominent were the right to thinking, the right to freedom of opinion and expression, besides promoting the culture of peace and tolerance, and the right to assembly and forming societies.

6. The economic rights, appeared within the discourse, have materialized in the context of two basic rights; the right to subsistence level, and the right to work, which have appeared within the discourse at almost approximate percentages; the discourse of the public books has variably dealt with the topic of the labour in a different way from the discourse discussed in the religious education books, as the first discourse has concentrated upon labour as one of the human rights, but has not addressed it as being duty as done by the religion education books.

7. As far as woman's rights are concerned, the discourse has focused upon only one right, represented in indiscrimination against woman, and the adaptation of such right has swiveled hesitatingly between the positive approach supporting the concept of equality between man and woman, and the negative approach stressing the idea of discrimination against woman, and the discourse of the public books has by this way resembled the discourse included in the religion education books.

8. The discourse in so limited places has touched upon some rights in relation with minority; including the right to announcing and practicing religion, yet talking about minorities within the discourse has been out from the perspective of the *Dhima* People (Christians) concept, and has therefore been connected to the topic of Head Tax that should be paid by the people belonging to certain religious minority living in Muslim community for gaining the rights of citizenship.

9. The historical proofs were the most used proofs to assure the sayings borne by the discourse in terms of human rights causes and elements, followed by the conduciveness and deducting the religious proofs by dependence upon the Quranic verses particularly, then followed by conducting the figures and statistics, yet there is a huge percentage of sayings adopted by the discourse profusely without substantiation, which has therefore debilitated and enfeebled the cogency of discourse.

10. As to the reference framework of discourse, lots of public books, unlike other religion education books, have complied with enlisting the references and sources they have counted upon. Larger percentage of references has been ancient and belonging to previous historic eras, which has stripped the discourse off the contemporaneity and presented most of its sayings in a historic portray unrelated to the reality in which the student is living, and sort of remarkable variance has been discovered among the public books in a number of references upon which those books have depended. And some books have settled for referring to the

titles of web sites on the internet presenting a subject relating to the topics presented in the discourse.

### **Appendix no. (3)**

#### **SUGGESTIONS FOR CONSTITUTIONAL AMENDMENTS**

The resolution no. 15 of 2006 has been passed by the Chairman of the Council for establishing committee for studying and suggesting the constitutional reforms and relevant laws relating to the political rights. The committee has proceeded with work in nine sessions effective as of 02.04.2006 to 26.07.2006, and they have discussed, in the very beginning, whether it'd be possible and appropriate to recommend devising a new constitution or suggesting amendments to the existing constitution? Some have said that it'd be better off to devise a new constitution consistent with the economic, social, and political variables cropped up in the society since the current constitution passed in 1971 until now. The current constitution has been developed in view of a totalitarian system, came down from the previous stage, which has adopted the unity of the political organization and alliance of the working people's force, in the meanwhile, the plurality of parties is the mainstay of political organization. And the economic system was led then by the socialist system and the predominating public business sector, which were then accounting for the progress and responsibility of the development plan. Yet the situation has turned upside down, and the free market system and private capital have taken up the economy by scruff and assumed their roles in the economic development wheel accompanied by tangible social development. And all the foregoing, as seen by some, required devising new constitution that runs consistent with the radical change that has revolutionized the society as a whole.

In the meanwhile, the committee's members have been swept by another opinion, which voted for the 1971 Constitution as being generic turning point toward establishing the principles of democracy, constitutional legitimacy, and protection of personal freedoms, because, despite adopting lots of the political and economic principles that have largely prevailed the stage prior to its issuance, it has adopted commonly agreed consensus and originated the post of the Socialist Public Attorney and entrusted him the duties of keeping and conserving the socialist gains. However, on the other hand, it has affirmed the constitutional legitimacy by establishing the Supreme Constitutional Court, which takes over controlling the constitutionality of laws, and provided for guaranteeing the personal freedom and privacy of the people, and deemed any infringement against it as felony which criminal and civil lawsuit would not expire by prescription, which therefore makes the existing constitution viable, in all its basic pillars, against all social and political updates with amendment of some provisions toward constitutional reform consistent with the political, economic, and social developments, which is the same approach followed by the constitutional project by amending the current constitution in such manner that would be relevant with the development occurred in the society, some of the provisions have been amended in the referendum conducted on May 22, 1980, by virtue of which the seventh section has been added to the constitution; the first chapter of which about establishing the Shura Council, while the second chapter was about the fourth estate (Press). Accordingly, by virtue of that referendum, some of its articles have been amended toward adopting the plurality of parties and the compliance with the totalitarian and central socialist system has been commuted, besides the amendment of article 76 by



referendum of May 25, 2005 with adopting the selection of the Republic's President by the direct free election instead of referendum.

Therefore, and by the hierarchy of authority, it'd be relevant to stay and preserve the current constitution due to containing lots of the basic principles that should be adhered to, with making the amendments required by the political, economic, and social , which would achieve the needed constitutional reform.

And after having decided the previous issue, the committee has started reviewing the provisions of the constitution and suggested amendments as follows:

**First: Provisions in relation with the nature of the National Economy and the Basic pillar of the society:**

The first and second sections of the constitution have included the basic pillars of the state, main approaches of the society, whether social, economic, or political.

It's also known that such two sections have been amended in 1980. by virtue of which the economic system no longer aimed at "Bridging the gaps between classes", yet aimed at "converging the gaps between incomes". The political regime that built upon "the unilateral party is the Arabic Socialist Union", which represents the alliance of the working forces, such as peasants, labour, cultured people, and national capitals, that has been replaced, pursuant to that amendment, political regime based upon the plural parties.

Accordingly, after a fresh development as to the economic system, under which the free economy has been settled and flourished, the citizen has become accordingly able to own the production facilities, the private sector has magnified, the public sector has no longer been able to assume the lead in bearing the responsibility in the development plan in contrary to article 30 of the constitution, and many political parties have emerged; some of which is available already, which is the socialist orientation, and others based upon the free liberal thought, and the idea of "alliance of the working forces", prevailed in the foregoing stage as a basis for origination of only one party, has died away. Therefore, it's mandatory to make amendments in the provisions of these two sections.

**In this connection the Committee has suggested the following:**

Amending article (1) to provide for the following:

"A.R.E is a democratic parliamentary state, and the Egyptian people are part of the Arab nation, which serve achieving its comprehensive unity".

Thus, from the current text "its socialist system: will be deleted and "will be based upon the alliance of the people working forces".

Deleting article (4) stating that "the economic basis of A.R.E is the democratic socialist system ..." for "achieving harmony between the texts of constitution and the contemporary economic statuses in such way that would allow for the freedom of choosing the state's economic orientation" on the fashion suggested by the President in his electoral programme.

Substituting the phrase of "and the clean environment" with "and the socialist behavior" in article 12 with view to the economic conversion, and because protecting the environment became one of the state's duties in such manner consistent with the human rights principles.

**Amendment of article 24 to become as follows:**

"the development plan devised by the state shall organize and regulate the method and approach of managing the major production tools and directing the surplus " instead of "the people dominate all production factors and tools, ...", and accordingly the state would have the chance to choose the economic orientation with preserving the need to put the development plan as to the major production tools and factors.

Deleting article 29, and amending articles 30 and 33 in such away that would fulfill the previously mentioned targets in the way that the provision of article 30 has become as follows "the public domain is the property of the state and public judicial persons under the protection and support of the state" instead of "the public property is the people's property and affirmed by the continual support to the public sector, and the public sector shall lead all fields and bear the major responsibility in the development plan", thus this amendment will achieve the following:

- a. Scientific definition to the public property
- b. Confirming the state's protection and support to the public property
- c. Freedom of the state in choosing the appropriate economic orientation, and taking into consideration the importance of the role of the private sector in supporting the national economy.

Amending articles 34 and 35 in away confirming the principle of the fact that nationalization is prohibited, yet exceptions are only allowed "for considerations of the state's best interests only", and that would be done for a just consideration whether as to nationalization or expropriation.

Deleting the phrase of "in such way that would affirm the authority of the alliance of the people's working forces at the village level" from article 37 and staying the possibility that law defines the maximum land property according to the social and economic circumstances.

Deleting the phrase of "and supporting the socialistic behavior" of article 56 relating to establishment of unions.

Deleting article 59 stating that "protecting, supporting, and conserving the socialistic gains are national duty"

Article no. 20 states that "education in the state-owned educational institutions is free in all different stages", and the committee has thus seen that gratuity is mandatory in the compulsory education stages without any restriction or limitation, and has seen that, as to the university education, that gratuity is the original case, and the law should regulate the way by which it could be rationalized, such as approving it for excellent students who can't afford the tuition fees and denying which to those who have frequently failed, and so many liking controls, which could lead to increasing the state's capacity to address the education burdens, support its quality, and promote it to a higher state. So they have also stated that the provision

should be as follows: "education in the state-owned institutions should be free in all compulsory education, and regulate the means by which gratuity should be capitalized upon in all education stages".

Deletion of the phrase "and protecting the gains from the socialist popular struggle" from Article 80 of the constitution stipulating the functions and roles of the Armed forces.

**Second: President and Executive Authority:**

It's noted that the current constitution, despite adopting some parliamentary principles that separate between sovereignty and the rule and maximizing the role of the parliament in the legislation and the control, has approached too much to the presidential system, particularly in connection with the powers and authorities of the president in assumption of the ruling affairs, and the committee has seen according to its discretion:

That such issue would be referred to median system between the presidential and parliamentary system considering establishment of balance between the executive and legislative authorities.

The Premier and ministers should participate with the President in assuming his powers and authorities. It's particularly true that the President shall exercise some powers and authorities in conjunction with the premier, such as developing the state public policy and supervision upon implementing it (article 138 of constitution), however, lots of powers vested with the executive authority are exercised as well by the president alone, such as objection to the bills of laws, dismissing People's Assembly, and enacting all regulations: executive, regulating, realignment regulations, enacting resolutions by laws as per mandate or attorney from the People's Assembly, and if need be during the absence of the People's Assembly, declaring emergency case, and taking the actions and measures necessary for addressing the risks according to article 74 of the constitution.

Because the Premier and ministers are alone the persons-in-charge, politically before the People's Assembly, their participation in the decision making requires reconsideration in accordance with the public rule stressing that "where the responsibility lies, there's authority and vice versa".

Establishing balance between the executive and legislative authorities

Therefore, the following amendments are suggested:

Article 76:

The article referred to in "how to elect the president and the nomination quorum", and the committee has decided that the text would be as follows: "the president shall be elected via direct general secret balloting, and to accept the nomination to the presidium of the republic, the nominee shall be supported with 5000 citizens from at least ten governorates, or 150 members of parliaments, popular Councils, boards of professional unions, Public Association of Egypt's Workers, and parties leaders represented in one of the parliamentary Councils, provided, however, that from among the supporters there shall be ten from the members of parliament, People's Assembly and Shura Council".

Reason for amendment is:

The details of scope of current article have included the law, not the constitution.

The nomination quorum provided in such article referred to has largely surpassed the extent required for disclosure of the nomination commitment, in other words, it has surpassed the reason behind stipulating the quorum to the extent that has been subject to a wild controversy of the jurists of the constitutional law, as they have said that reconsideration should be paid to this provision in a radical way that such required quorum becomes a guarantee to the commitment, not as impediment to the nomination.

Therefore, a median quorum suggestion, approximate to the French Constitution, has seen significant as evidence to the commitment of nomination without surfeit in such away that opened the door to an increasing extent of democratic life based upon competition and assumption of authority.

Article 77:

The committee has seen that the provision should revert back to the way it was prior to the constitutional amendment conducted on May 22, 1980 stating that the President of the republic may not be elected except for only one more term. For establishment of democracy and supporting authority assumption, it has been said, truly, that "much longer stay in authority will be accompanied with risks and precautions, and it's natural that the door be opened for assuming power and authority, and fixing the terms of the president as one of the means of assumption".

The provision of article 139:

As for the appointment of the President of republic, the committee has seen that appointment of Vice President is compulsory and not an optional; as he acts in the place of the president should any obstruction has occurred to preclude him from assuming his powers according to article 82 of the constitution. Therefore, article 139 has been amended to become as follows "the president of the republic shall appoint one or more vice-presidents to act for him ...". As a result of this amendment, article no. 84 has to become as follows: "in case a vacancy has occurred in the presidency post or total incapacity to assume his duties, vice-president shall fill in the vacant post for the time being, and in case of absence, the President of People's Assembly shall take charge of the presidium, provided, however, that the latter shall announce hence the vacancy of the post of President, and a new president shall then be elected during period of no more than 60 days effective as of the vacancy" and amending article 82 by replacing the word "acting for or replacing him" with the word of "Deputized on his behalf", as the deputization in this case shall be effected by virtue of constitution and not by virtue of resolution passed by deputization.

Article 74:

As for entrusting the President to take up immediate actions for addressing any danger threatening national unity, nation's safety, or impede the nation's institutions from performing its constitutional role. Constitution draft makers have cited this article from article no. 16 of the French constitution without incorporating the restrictions and procedural guarantees included in article no. 16, the last article has required from the president to take the opinion of

both the first minister, president of the parliaments, and the constitutional Council before taking his decision by announcing the application of article no. 16, then taking the opinion of the constitutional Council before taking any extraordinary measures, and has further prohibited dissolution of the national association during application of article no. 16, and required holding it in session permanently during such period, but article 74 of the Egyptian constitution has been found void of all such guarantees.

In this connection, the committee has accordingly tended to confirm deletion of this article and settling for the provision of article 147 of the constitution, which has conferred upon the president the authority to take all such measures that can't be delayed "if in absence of People's Assembly anything has required expediting the measures". And its authority in announcing emergency state according to article 148 of the constitution, and this could be sufficient instead of the provision of article 74 of the constitution.

Others have favored that in case this article has stayed as is, guarantees should be devised to announce the president of the republic by virtue of article 74, which is represented in piloting the opinion of the premier, offices of the People's Assembly and Shura Council together before announcing the implementation of the article referred to. And in case of prohibiting the dissolution of the People's Assembly during the application of this article, the referendum of the people would be excluded after having taken the procedures required due to being useless after taking such measures. Therefore, it's suggested that article 74 would be as follows: "the president of the republic shall be entitled, in case of any dangers threatening the national unity, nation's safety, or any impediment obstructing the state's institutions from performing their constitutional roles, to take the immediate actions for addressing such danger after taking the opinion of the premier, People's Assembly and Shura Council together, and then delivering statement to the people of the procedures that should be taken, and the People's Assembly may not during application of this article be dissolved".

The committee has, in spite of seeing that the president shall have the right to dissolve the People's Assembly if necessary without appealing to the people as stated mostly in the most parliamentary based states, dedicated crucial guarantee, which is that the Council may not be dissolved once more for the same reason, as re-dissolving the parliament for the same reason shall bear the meaning of contravention to the popular will. Therefore, the committee sees that article 136 should be as follows: "the president may not dissolve the People's Assembly unless if need be, and the dissolution shall cover appealing to the voters to conduct new elections for the People's Assembly in a period of no more than 60 days as of the date on which the dissolution resolution has been passed, and the new Council shall be convened in session within thirty days and shall not therefore be dissolved once more for the very same reason".

Articles 137 and 138 have provided that the President shall take over the executive authority and develop in conjunction with the cabinet the public policy of the state, and the same shall monitor its implementation, which prompted some to call for the participation of the premier and ministers in all powers and authorities of the Executive Authority as stated in the constitution, and not in devising the state's public policy alone as stated in article 138 of

constitution. Due to the fact that the cabinet and ministers are the persons-in-charge before the parliament, the committee has recommended the two articles 137 and 138 be integrated and merged into one article, which text shall flow as follows: "the President shall in conjunction with the cabinet take over the executive authority as stated in the constitution."

Therefore:

Appointing and relieving the Deputy Prime Minister and Ministers from their positions shall be made by virtue of presidential decree as per suggestion from the premier in case the article 141 has given the president the full powers to appoint and relieve the deputies of premier and minister without referring to suggestion of the premier. Therefore, the committee has recommended article 141 be formulated as follows: "the president shall have the right to appoint and relieve the premier from his position, and such appointment and relief of the premier, ministers and their deputies shall be made by virtue of a resolution from the president as per motion moved by the premier."

The executive regulations, controlling regulations, and the organizing regulations shall be passed upon suggestion by the premier, which required amendment of articles no. 144, 145, and 146 of the constitution.

The committee has therefore seen that opinion shall be sought after from the premier, the People's Assembly and Shura Council together, if in session, in case the President of the republic has, in absence of the People's Assembly, taken measures that bear no delay, which has therefore amending article 147 of the constitution to become as follows: "should in absence of the People's Assembly anything has happened requiring expedition of taking measures that bear no delay, the president shall have the right to issue in this regards decrees of effect and force as law after having taken the opinion of the premier and offices of both the People's Assembly and Shura Council together, and such decrees should be extended and submitted to the People's Assembly in a period of fifteen days as of the passage of which if the Council was in session, and the same shall be submitted in the first meeting of convention in case of dissolution or adjournment. And should they haven't been submitted, any legal force and effect thereof shall no longer be effective and shall accordingly expire retrospectively without the need to have issued any resolution or decree of so doing. And if submitted and not adopted by the Council, any legal force and effect thereof shall no longer be effective and shall accordingly expire retrospectively, otherwise the Council has seen approving which enforcement during the previous period or settling its results by another means".

Declaring Emergency State: The committee has seen the declaration of the president an Emergency State after having taken the opinion of the cabinet, and the Committee has further seen that the issue be submitted to the Shura Council should the People's Assembly have been dissolved and in recess accordingly, and fixing the maximum period for declaring the Emergency State, which could be extended by the consent of the People's Assembly, which accordingly required amendment of article 148 of the constitution to become as follows: "the president shall declare the state of emergency as prescribed by law after having taken the opinion of the cabinet, being understood that it's mandatory that such declaration be submitted

to the People's Assembly during the following fifteen days to see what should be done in this connection. Should the People's Assembly have been dissolved, the issue would be submitted to the Shura Council, and in case absence of both Councils, the issue would be submitted to the new People's Assembly in the first meeting in session, and in most cases, such declaration of emergency state should be for a period of no more than ... and may not be extended unless with consent of the People's Assembly".

Third: Legislative Authority:

The committee aims, from such amendments proposed in this connection, at achieving the following goals:

- That the programme should express the political and social trends prevailing in the society in such way that would reflect honest expression about the people's will.
- Establishing balance between the legislative and executive authorities
- Enhancing the monitoring authority of the People's Assembly
- Enhancing the powers and authorities of the Shura Council

And in implementation of such goals, the following amendments seen necessary:

Electoral System:

It's widely know that the election system prevailing among the countries is restricted in three major approaches:

- Individualistic election with overwhelming or relative majority
- Election by virtue of relative or overwhelming apparentment
- Mixed system combining the individualistic and apparentment systems

1923 Constitution has adopted the individualistic election system by absolute majority and on a single degree. In the light of the 1971 constitution: the legislations regulating the legislative elections have organized the procedures taken by virtue of the individualistic election system until the year 1983, then the law no. 114 of 1983 has been passed to adopt the overwhelming apparentment system, and by 16.05.1987 a judgment has been passed by the Supreme Constitutional Court of stating that this law is unconstitutional based upon that this system, according to the provisions of the law referred to, deprive the independents from the right of nomination, that's why the jurist has called off the system of election by the overwhelming partisan apparentment and invented a new system by virtue of the law no. 188 of 1986 based upon combining the relative apparentment system and individualistic election, yet the Supreme Constitutional Court has adjudicated and condemned it unconstitutional, as it impairs and prejudice the principle of toss-up chance between the nominees. Thus the jurist has had to revert back to the individualistic election system for both of the People's Assembly, Shura Council, and the local popular Councils.

Deliberations in the committee evolved around: which one of these systems could be suggested; shall we stay the current system or shall the committee adopt the application of the

current election system? And will it be run according to the overwhelming or relative apparentment? The committee has also reviewed, in this context, the characteristics of each system individually, and its relevancy to application inside the Egyptian society, and brought up the justifications of judgment of unconstitutionality of the election system by apparentment in the previous two experiments.

The committee has concluded selecting the election system by the relative apparentment due to its characteristics achieved; most importantly was debilitating the influence of money, administration apparatus, primitive, familial, and local bigotry and fanaticism, and the voter can differentiate upon the basis of the political and partisan programmes, and could achieve some sort of justice in the distribution of seats according to the proportion of votes obtained by each apparentment, which could make the way before the woman to get to the parliament by inserting her name in the apparentment and represent the minority party in the parliaments.

The committee has also seen that for avoiding any challenge by unconstitutionality of relative apparentment system, it would be better to include in the constitution provision allows for application of the apparentment system according to the law.

#### Supervision on the elections:

The committee has studied and examined the supervision upon elections of the People's Assembly and Shura Council as well, which is restricted, generally, to two systems:

First: Establishing independent higher committee vested with the responsibility to supervise on the elections all together, whether in connection with preparing the elections tables, accepting nomination, balloting and sorting process, or announcing the results.

#### Second: Judicial Supervision

Due to the high confidence held by the people in judiciary system, and for lacking any independent authority enjoying the guarantees of neutrality, as is the case with judiciary, so the judicial supervision is the only way to supervise over the elections to the extent required by the Supreme Constitutional Court in the interpretation of article 88 of the constitution, considering full judicial supervision over the balloting is more like acceptable to the society to believe in the authenticity of the election despite the painstakingly costly responsibility borne by the judicial panel in this connection.

### **3. Elements of formation of the Parliamentary Council and the capacity of the worker and the peasant:**

The Egyptian Political System has alone, since 1964 constitution, apart from all constitutional systems all over the world, allocated percentage of no less than 50% to the workers and peasants out of the total members elected of both People's Assembly and Shura Council by virtue of the charter of the national labour issued by 1964, which has recommended that constitution would include provision ensures to the peasants and labour half of the seats in the popular and political organizations at all levels including the parliamentary Council, considering them as being the majority of the people that have long been deprived of their primary rights in making and directing their future. Despite conversion to the liberalism and



presenting the principle of conflict between classes, the current constitution preserved such allocation, and the majority of the members of the committee has seen that such allocation has lost its legal and social justifications, as the social conversion and spread of education have thawed the differences between peasants labors and their children, and the middle well-educated class in the society. Adopting such allocation of application principle has also lead to much more legal problems and challenges of the authenticity of the elections to surpass by this thousands challenges in the last elections, and the others have voted for staying such allocation for irrelevancy of the present time to make such amendment.

#### **4. Adjudicating the authenticity of the membership:**

In this connection, three trends could be differentiated:

First: Jurisdiction of adjudication in the authenticity of membership could lie only with the parliament Council alone, whether as to the investigation or adjudication in the authenticity of membership.

Second: Granting such jurisdiction, whether the investigation or adjudication to the judiciary system.

Third: Restricting the role of the judiciary to investigation and giving opinion, and restricting the decision in the authenticity of the membership to the parliamentary Council alone.

#### **By reviewing the Egyptian successive constitutions, the following have been revealed:**

The 1923 constitution has provided that the jurisdiction of the parliamentary Council would lie alone in adjudicating the authenticity of the membership (art. 95)

The 1930 constitution has adopted the jurisdiction of (cassation court) in adjudicating the authenticity of the membership (art. 90)

The 1956 and 1964 constitutions have entrusted the parliamentary Council with the adjudication in the membership authenticity based upon investigations made by the Supreme Court (art. 89 of the 1956 constitution, and art. 62 of the 1964 constitution).

The current constitution has provided in article no. 93 the jurisdiction of the People's Assembly to adjudicate in the authenticity of the membership of its members after having taken the opinion of the Cassation Court based upon investigation made thereby in the challenges referred thereto by the People's Assembly. Therefore, the opinion of the Court of Cassation is not binding on the People's Assembly, and the membership shall not be invalid unless with the agreement of the majority of two-thirds of the members of the Council.

So the committee has seen that the judiciary shall adjudicate the authenticity of the membership, whether in connection with the facets of invalidation raised with regards to the nomination decisions preceding the balloting process or disputations raise around the challenge in the authenticity of balloting. It's thus worth noting that the practical application has settled for the jurisdiction of the State's Council justice by adjudicating in the challenges

motioned against the nomination decisions preceding the balloting process, such as, challenges against the rulings of the committee on inspecting the nomination applications and the rulings of the committee on hearing the objections by the nominees. In the meanwhile, the court of cassation shall consider investigation and giving opinions in the challenges moved in the balloting process and violations inflicting during voting and assortment processes, and could lead to rigging the wills of the voters (Ruling of the Supreme Administrative Court in May, 2001).

**The committee has voted for that opinion with the following arguments:**

The adjudication in the authenticity of the membership is in reality adjudication in controversy or disputation regarding the worthiness by the nominee in winning the elections, which falls under the jurisdiction of the judiciary system to hear and adjudicate its ruling thereupon.

The challenges with regards to default one of the nomination terms, which should be seen by the administrative justice lead to the invalidity of the nomination and membership accordingly, even if the ruling has been passed after the Council has been in session by virtue of the principle of presumptiveness of the decisive judicial rulings.

Granting jurisdiction of adjudicating the ruling or judgment into the authenticity of membership in the People's Assembly would certainly make it adversary and arbitrator in the same time, and strip off such disputation from its natural judge and refer it to the parliamentary Council whose functions and roles would preclude it from hearing and adjudicating such disputations.

It's not appropriate that the role of the cassation court would be restricted only to investigation and giving opinions while on top of the ordinary justice, adjudicate in the disputations by unchallengeable ruling.

In time the committee has in any way taken the side of the opinion saying that judiciary shall be entrusted with adjudication in the authenticity of membership, the opinion has disagreed in connection with the judicial body of concerned jurisdiction in adjudicating the relevant ruling in such disputations. Some have favored such jurisdiction to lie with the state's Council by saying that disputations about the authenticity of membership is by natural administrative disputation that might be cropped up among nominees and the administration body organizing the elections, while others have seen that the Supreme Constitutional Court should have the relevant jurisdiction as is the case in the French constitution, which has restricted the jurisdiction in hearing such disputations to the Constitutional Council. And the committee has thus favored the jurisdiction of the cassation court or Supreme Administrative Court to consider and adjudicate its ruling in the disputations regarding membership.

Therefore, the article no. 93 has accordingly seen mandatory to be amended to become as follows: "Court of Cassation (or Supreme Administrative Court) shall adjudicate its ruling in the authenticity of membership of the People's Assembly. And the President of the Council shall refer all challenges petitioned thereto about authenticity of membership to the court

within fifteen days as of the date on which challenge has been petitioned, and the court shall have the jurisdiction in adjudicating its final binding ruling within nineteen days as of the date of challenge.”

#### **5. Increasing the effectiveness of the legislative authority: as follows:**

We have previously mentioned that the committee has suggested the participation of the Legislative Authority along with the Executive Authority in proceeding the extraordinary powers and authorities prescribed to the President in articles 74, 147, and 148 of the constitution.

And its have therefore been decided that the People’s Assembly would be given full powers in amending the budget draft as may have been seen earlier in the 1923, and 1930 constitutions, which has therefore required deletion of the sentence “the People’s Assembly may not amend the budget draft unless with the consent of the government”. As Stated in the deficit of the line no. 115.

It has been decided, in connection with withdrawing confidence from the government that it should be done by virtue of resolution from the People’s Assembly with the majority of its members without the need to make any other procedure in exchange for the authority of the president in dissolving the parliament without the need to make any referendum. Thus the article no. 127 of the constitution was suggested to be amended to become as follows: “the People’s Assembly shall have the right to decide based upon the application of tenth its members the responsibility of the premier, and the resolution shall be passed by the majority of the Council’s members, and may not be passed unless after interrogation addressed to the government and after passage of no less than three days from application of the request.”

6. The current constitution, upon passage, has adopted the Sole Legislative Council System (People’s Assembly) and after amending the 1980 constitution, the Shura Council has been established, and many articles have been added to the chapter one of section seven, determined the powers and authorities of the Shura Council by giving opinions, unbinding the government or the People’s Assembly, in the draft laws supplementary to the constitution, referred thereto by the President of the republic. As to the suggestions regarding amendment of the constitution articles, and conciliation convention relating to the state’s soils, and other sovereignty-related issues, and giving opinions in the project of the public plan for social and economic development (article 195). And such Council shall have no jurisdiction over the monitoring, as article 201 has provided clearly that the premier, deputies, and ministers, and many other of the government members are not liable before the Shura Council.

However, the scientific application, which was almost constitutional tradition, has focused upon confirming the importance of the role of the Shura Council in legislation, hence, such situation was supposed to be refuted forthwith.

Some have tended to say that bicameralism should be used back, as the case in light of the 1923 constitution, in such away that with which the Shura Council will become as “Senate” and shall in this regards have all legislative and controlling powers and authorities for the

purpose of enriching and deepening the legislative process whereby the legislations would be enacted after deliberate investigation and without any rush that might entail distortions in the legislation.

Nevertheless, most of the committee's members have adopted the incrementalism and hierarchy, and giving the Shura Council legislative binding powers and authorities in terms of article 195 of legislative powers, while it would remain as is in terms of the monitoring over the actions of the executive authority.

**Therefore, the committee has suggested the following amendments in this connection:**

(a) Amendment of article 194 to become as follows:

“The Shura Council shall be entrusted with examining and suggesting what it sees guarantee to support the national unity, social peace, protecting the basic pillars of society, its higher values, rights, liberties, and public duties”.

(b) Amendment of article 195 to become as follows:

“The Shura Council shall give consent to the following:

- Suggestion in connection with amendment of one or more of the articles of the constitution
- Draft laws supplementary to the constitution.
- Public budget draft, closing account of the state's balance sheet, and project of the Public Plan for Social and Economic Development
- Conciliation and alliances conventions, and all agreements by which amendment could be made to the soils of the state or in connection with the Sovereignty rights.
- Draft laws referred to by the President of the Republic

And the president shall have the right to adopt the opinion of the Council in what it sees relevant to the state's public policy or its politics regarding the Arabic or External Affairs.

- The Council shall notify the President and the People's Assembly of its resolution or opinion in such issue

(c) Amendment of article 205, by adding the articles 115, and 116 regarding the budget and closing account to the articles whose provisions are effective regarding the Shura Council.

(d) Amendment of article 189 of the constitution, providing the procedures taken to amend the constitution for the purpose of effecting item no. (1) of article no. 159, by giving the Shura Council binding power in connection with the procedures of hearing the suggestions made with regards to amending one article or more of the constitution, therefore, the committee has suggested that the provision of the article no. 189 becomes as follows: “The president and the People's Assembly shall have the right to request amending one or more of the constitution's articles, and shall mention in the request the articles require amendment and there reasons behind that. Should the request have been applied by the People's Assembly, it should then be signed by at least one-third of the members of the Council. And in all events, the Council shall discuss the principle of amendment and pass its resolution in this connection by the majority of its members; should the application have been rejected, no other application may be applied once against requesting amendment of the same article before passage of one year

to such rejection. Yet should the People’s Assembly have agreed upon the amendment principally, it should be submitted to the Shura Council for discussion and deliberation, and if the latter have agreed on the principle of amendment by the majority of its members, the articles required to be amended shall later be discussed after two months of the date on which such approval has been given in each Council; and should both Councils have agreed upon amendment by the majority of two-thirds of the members of both of them together, the amendment shall then be submitted to the people in referendum, and if the latter has given its consent upon amendment, the amendment shall then be deemed valid and effective as of the date of its promulgation.”

**Fourth: Judiciary Authority:**

In the field of constitutional reforms in connection with the support and independence of judiciary, and assuring the principle of just trial before the natural judge, the following amendments have been suggested:

Deletion of article 173 in relation with the Higher Council of Judicial Authorities, as its jurisdictions have tapered out after establishing the Higher Judiciary Council, and the affiliated Council in different judicial authorities, and it has become appropriate to be deleted in affirmation of the principle of independence of judiciary.

Deletion of article 179 in relation with the Socialist Public Attorney – the justifications and reasons led to establishing such apparatus have expired and relinquished by the changing social and economic circumstances, followed by deleting the Values Court, and such deletion shall support the judiciary unit and enforce the principle of the natural judge.

**Fifth: Press Authority:**

In 1980 the seventh section has been added to the constitution, and the second chapter thereof came under title of “Press Authority” provided in article 206 that press is independent press authority, and articles 207 and 208 have provided the principle of press freedom, independence, and prohibition of censorship thereupon, or warning, stoppage thereof, or eliminating it by virtue of administrative venues. And article 209 has restricted the property of press to the public and private judicial persons and political parties.

**This chapter has recommended to be deleted for upcoming reasons:**

Despite the greater influence of press upon forming the public opinion, it couldn’t be deemed authority in its terminological real meaning of such word as it provided that the authority owner shall possess the ability to bind others to comply with the owner’s actions and performances, or decisions taken.

Article no. 48 of the constitution has included the same principles provided in articles no. 206, 207, and 208.

Restricting the ownership of press to the judicial persons and parties is prescribed by law if seen necessary to remain, as it does not include principle of constitutional nature, and it has been decided that, with deleting such chapter, it would be mandatory to amend article 48

referred to, by restricting censorship imposed thereupon to the time of war alone, and it should not be imposed unless in a state of emergency.

Those were the suggestions seen necessary by the committee with regards to the constitutional reforms and their justifications, and the opinions raised in the committee to the extent provided in the minute of the meetings.

## **Appendix no. (4)**

### **DRAFT LAW ON UNIFORM REGULATIONS FOR THE ESTABLISHMENT OF PLACES OF WORSHIP**

In the name of the people  
In the name of the President of the Republic

The People's Assembly has hereby decided the following, and we have passed it.

#### **Article 1**

“By virtue of law, all utilities shall abide in connection with building, rising, supporting, or renovating all worshipping houses in A.R.E., and where no special provision has been prescribed, the provisions of the law used in directing and organizing the building activity issued by law no. 106”.

#### **Article 2**

The following expressions shall have, wherever occurred in the provisions of the Utilities Law, the meanings attributed thereto in the following:

1. Worshipping Houses: Mosques, Churches, and Temples
2. The relevant religious body:
  - a. Egyptian Ministry of Awqaf “Endowments” in relation with Mosques
  - b. Patriarchy of the Orthodox Copts, Catholic, or Protestant, in connection with the Churches and worshipping houses relating to each denomination
  - c. Jewish Rabbi Administration, in relation with the Jewish Worshipping synagogues (Temples)
3. The relevant administrative body:
  - a. The governor within his jurisdiction, the worshipping houses required to be licensed, exist
  - b. Engineering Department in the local department in its jurisdiction circuit the Worshipping houses required to license any rising, extension, support, or renovation exist
  - c. Relevant Court of Jurisdiction: Administrative Judiciary Court, within which jurisdiction the performances required license are existing.

#### **Article 3**

The premier shall pass the executive regulation of the provisions of the law on Utilities within three months as of the date of effectiveness, and pending such regulation has been issued, all regulations and decrees existing on the date of enforcement of such law shall remain effective and in full force.

#### **Article 4**

Every provision in contrary to the provisions of the utilities law shall be rescinded and revoked.

#### Article 5

This law shall be published in the official gazette, and shall be of full force and effect as of the day following its publishing.

This law shall be affixed with the state's seal, and shall be enforced as one of its laws

### Law For Uniform Regulations on Building the Places of Worship

#### Article 1

Building, rising, extending, amending, supporting, or renovating the Worshipping houses shall be made by virtue of license from the relevant administration body.

#### Article 2

No license may be granted for building any worshipping house within any existing actual building is being used for other purposes.

No license may be granted for changing the usage of existing building to become fully or partly worshipping house.

#### Article (3)

Application for obtaining license of any actions stated in the article one of this law from the relevant religious body on the forms set for this purpose attached with the title of the land ownership under building required license, and receipt of the fees due in no more than two thousand Egyptian Pounds, and all documents and submittals provided in the executive regulation".

#### Article (4)

The relevant administrative body shall establish the date on which the application for license has been submitted on a copy thereof that would be delivered to the applicant with registering it in a special relevant register therewith, and it shall after having conducted all such necessary inspections and piloting the opinion of the security body relevant in giving the decision required in the license application during period of no more than four months as of the date of complete application. Should the issue have been related to renovation or support, the application shall be settled in a period of no more than two months.

#### Article (5)

Resolution of building new worshipping house shall be passed by the relevant governor, and passage or expiry of the period referred to in article four of this law without motivating or causative resolution from the relevant administrative body stating rejection of the application shall be deemed agreement and consent upon the license application for building, and in case of rejection, the relevant body shall pass causative resolution wherein the applicant shall have the right to challenge it before the courts of relevant jurisdiction.



Article (6)

The administrative judiciary court shall exclusively have the right to settle all challenges petitioned against the resolutions issued pursuant to the provisions of this law and all execution circumstances with regards to those resolutions or any judgments released against which, and expedite settlement in this regards.

Article (7)

A circuit in the Supreme Administrative Court shall exist and have the right exclusively to settle all such challenges petitioned against the judgments of the relevant administrative judiciary courts by virtue of resolutions passed for building, extending, rising, amending, supporting, or renovating the worshipping houses

Article (8)

Anyone commits any violations prescribed in this law shall be subject to the provisions provided in article 22 of the law no. 106 of 1976 in connection with directing and regulating the building acts.

## **Appendix no. (5)**

### **THE NATIONAL PLAN FOR IMPROVEMENT, ENHANCEMENT & PROTECTION OF HUMAN RIGHTS**

#### **Executive Summary**

##### **Introduction:**

The initiative of the NCHR is deemed to be the first initiative of its kind for developing national plan for improving, enhancing, and promoting the culture of the human rights in Egypt, and supporting the mechanism of national protection pursuant to the duties assigned thereto in its statute (article no. 3 – Para. 1), and pursuant to Vienna Action Programme 1993, which has required engaging the national associations in formulating and devising the national action plan illustrating the steps and priorities followed by the state for promoting and enhancing the protection of the human rights.

In the Millennium Declaration, the member states in the UN were compelled to devise plan for improving and enhancing the status of the human rights in their respective countries to express the political will in respecting and enhancing such rights, and in expression of their respect to their international obligations originated from ratifying the international instruments relating to the human rights, and fulfillment of the developmental goals of the Millennium.

And the foregoing was assured as well by the World Summit Conference of 2005, upon which all leaders of the world have approved including “Enhancing and protecting the full exploitation of the human rights and basic freedoms for the advancement, development, peace, and security.

##### **(The Strategic Goals of the Plan):**

- (1) Improving the status of human rights
- (2) Promoting and enhancing the culture of human rights
- (3) Supporting protection mechanisms
- (4) Attainment of millennia goals

In this introduction we have come to touch upon preparing the plan, whether in terms of the basic line of methodology of preparation, foundations counted upon, postulates have been followed in preparing its elements, the practical phases through which the plan has gone through until preparing the final draft formulation, the plans that were integrated in its framework, positive points and hardships that have faced the project of plan preparing, the solutions suggested to overcome them, index of the plan pointing to all contents, whether as to the general and private sections and the practical plan, wherein all goals and targets are illustrated. However, as to the practical activities, performance indicators, execution bodies, and the timeline which could be referred to by this index.

### **Methodology of Preparing the Plan**

First: Basic Line for the methodology of preparing the plan

“The Correlation between human rights, the right to development, attainment of the MDGs, and rational governance”

#### **Relationship between the Economic, Social & Cultural Rights on one hand, and the Civil & Political Rights on the other**

The joint third paragraph of the preambles of both the International Covenants in relation with the Civil, political, economic, social, and cultural rights has provided the following:

“The only way to achieve the higher role model embodied and materialized according to the World Declaration for Human Rights in the fact that human are free and liberal of fear and poverty, is the way used to set the necessary circumstances for empowering each human to claim his own economic, social, cultural, civil, and political rights.”

#### **The statements of the members in UN:** <sup>45</sup>

((All human rights are international, indivisible, intertwined, and correlated, and the international community shall treat human rights comprehensively, justly, equally, on equal terms, and with the same concentration. In the time where the national and regional privacies, besides the historical, cultural, and religious backgrounds should be borne in mind, the states shall be liable, regardless of their political, economic, and cultural system, for promoting and protecting all human rights and basic freedoms)).

The results ensued from Millennium Summit Conference of 2005 have assured the international nature, integration and association of all human rights.<sup>46</sup>

#### **2. Organic Interrelationship between the Rights Categories and the Right to Development**

Concentration has been shed upon this interrelationship by virtue of the resolution of the General Assembly no. 41/ 128 dated December 4, 21986, including the declaration of the Right to Development, and article 6 of the declaration has so provided evidently:

- 1- All human rights are correlated and interrelated, and attention should be cast upon the equality for implementing, promoting and enhancing all civil, political, economic, social, and cultural rights, and giving them the due consideration.
- 2- States shall take steps necessary for ironing out all such impediments in the way of development resulting from lack of civil and political rights, besides the economic, social, and cultural rights.

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<sup>45</sup> Vienna Declaration and Programme approved unanimously by the World Conference for Human Rights on June 25, 1993 – Para. 5

<sup>46</sup> Resolution adopted by the General Assembly of United Nations without being referred to Major Committee (A/60/L1) item first (13) Values and Principles.

### **3. Organic Interrelation between the human right and achievement of the Millennium Development Goals**

First: In this framework, the state shall be obliged to develop plan for improving and enhancing status of human rights in their states, expressing their political will in respecting and enhancing such rights and expressing their respect to their international obligations originated from ratifying the international instruments relating to the human rights, and fulfillment of the developmental goals of the Millennium, which are as follows:

- (6) Eliminating the abject poverty and famine
- (7) Empowering children, whether males or females, from completing their primary education stage
- (8) Achievement of equality between two genders and empowering woman
- (9) Reducing mortality rate among children
- (10) Improving the puerperal health
- (11) Combating the HIV (AIDS) and (Malaria), and otherwise diseases
- (12) Ensuring the environmental sustainability
- (13) Establishing international partnership for the sake of development

Second: Such close correlation has affirmed the results of the World Summit Conference of 2005, which have been assured and stressed in the values and principles materializing in the following:

- (2) Recognition of the fact that peace, security, development, and human rights are the pillars upon which the UN System is based, and the foundations necessary for prevailing consolidate security, welfare and well-being, and state that development, peace, security, and human rights are correlated issues and interdependent upon one another.<sup>47</sup>
- (3) Reaffirmed that equality between genders, and promoting the full access to the human rights, and basic freedoms for all are but indispensable issue for advancement, development, peace, and security.<sup>48</sup>
- (4) Correlation and interrelation between millennium developmental goals, and economic, social, and cultural loom evidently clear through the following:
  - a. Eliminating abject poverty and famine is relating to the right to subsistence sufficient and appropriate level, and in continual improvement of the standard of living stated in article 11 of the covenant.
  - b. Empowerment the children, males or females, from completing the primary education phase, is relating to the right to education and learning as stated in article (13/a), and the right to gratis compulsory education as stated in article 14 of the covenant.
  - c. Equality between genders and empowerment of woman are relating to guaranteeing equality between males and females in claiming all rights stated

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<sup>47</sup> Resolution adopted by the General Assembly of the UN without referral to the Major Committee (A/60/L1) – (9/ first)

<sup>48</sup> Resolution adopted by the General Assembly of the UN without referral to the Major Committee (A/60/L1) – (12/ first)

in article 3 of the international covenant for civil and political rights, and the international covenant for economic, social and cultural rights.

- d. Ensuring the highest level of health service, reducing mortality rate among newborns and toddlers as stated in article (12/1/2/a) from the International Covenant for Economic, Social and Cultural Rights.
- e. Improving the puerperal health is related to the right to protect the health of mothers before delivery, followed by article 10/2 and the right to the health as stated in article (12) of the international covenant for economic, social, and cultural rights.
- f. Combating (AIDS), (Malaria), and otherwise of diseases is correlated to the right to the health as stated in article (12/1) and the right to prevention from epidemic diseases as stated in article (12/c) of the International Covenant for Economic, Social, and Cultural Rights.
- g. Ensuring the Environmental Sustainability is related to the right to healthy, appropriate, and robust environment, and the right to dwell as stated in article (11) of the International Covenant for Economic, Social, and Cultural Rights.
- h. Establishing international partnership for the sake of development is related to the right to work as stated in article (6), the right to medical insurance and health care as stated in article (12/d), and the right to have access to the benefits of the scientific advancement and applications as stated in article (14) of the International Covenant for Economic, Social, and Cultural Rights.

#### **4. Rational Governance is a prerequisite for promoting human rights**

Human Rights Committee has in its fifty sixth session<sup>49</sup> decided that (Sound governance practices and determining exactly the responsibility and accountability for determining and implementing such practices, and creating and preserving favorable environment conducive to having access to all human rights at the national level are but borne upon the shoulder of the state. Given that the transparent, responsible, and participative governance, which respond highly to the people's needs and aspirations is the cornerstone upon which Sound Governance is built, and such cornerstone is a prerequisite for promoting human rights.

The closing charter for millennium summit of 2005 has assured as well such correlation by affirming that the rational governance is a vital issue for accomplishing the sustainable development, and devising the sound economic policies and establishing mighty and strong democratic institutions respond to the people's needs and requirements, and improvement of the major structures upon the positive economic growth, and eliminating the poverty and finding the job opportunity, furthermore, the freedom, peace, security, local stability, respecting human rights, including the right to development and legal sovereignty, gender equality, market-oriented policies, and obligations to establish democratic communities are but major and basic issues that support one another.<sup>50</sup>

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<sup>49</sup> UN Charter 23/2000/E – Resolution of Human Rights Committee – Fifty Sixth Session – Resolution 2000/64.

<sup>50</sup> Resolution adopted by the General Assembly of the UN without referral to the Major Committee (A/60/L1) – (24/b mobilizing the local resources)

## **Second: Plan's Foundations**

### **(1) Faith in the abilities of the Egyptian Citizen**

Faith in the fact that humans combine during their lives a huge and substantial deal of knowledge and expertise, the best form of practices, profoundly influencing, and accordingly the plan will stem from the interests of the humans and the different sections of society and experiment of the real life.

### **(2) Participation**

The plan has been kicked off from the need to participation from all community-based activities and sectors, whether they were political, social, or economic with the government for the sake of examining and fathoming all common problems of interest, and attempting to devise solution thereto via participating by the whole parties through description, analysis, suggestion, planning, and decision making.

### **(3) Dialogue**

Developing the plan has taken account of the different forms of dialogue and not to be just unilateral or required process of communication, as preparing the national plan for improving, promoting, and protecting human rights should be interactive process, through which individuals and groups would think and meditate about the situation and status of human rights in such manner that would enhance the ability to understand circumstances and statuses in a broader aspect, and by which those working upon formulating and developing the plan would be able to take such circumstances and statuses into account. The dialogue process points to practicing equality in context of respecting the differences between parties.

### **(4) Faith in Human**

Having faith that accomplishment of the whole human being is right to all human since birth, and not advantage restricted to the elite.

### **(5) Enhancing and promoting the culture of human rights on the basis of participation and empowerment**

Raising awareness of human rights is a process of gaining all relevant information, skills, and values for the sake of exploring what the human might have of different rights and assuring them, and establishing their right to them based on some of the international criteria relating to the human rights, therefore, human rights are some of the empowering tools, hence, awareness of human rights, and its nature shall represent positive approach into the life of the citizen.

Moreover, it is not based, accordingly, upon the presumption that spreading information about human rights criteria is a goal per se, and making available more information about human rights is deemed accordingly a positive result of such approach, however, awareness is necessary lest any of such structural factors underlying the problems of human rights could spread and influence thereupon.

Accordingly, awareness and spreading the culture of human rights shall be a good incarnation to the idea of that awareness is part of "Social Interactions" and form of the "Cultural Policies" that contribute in materializing lots of varied human capacities by encouraging them

upon developing abilities and capacities that could broaden the meaning of the citizen's humanity, and awareness should seek empowering all those living marginalized in the economic, social, and cultural sectors from demanding appropriate standing considering they are citizens participating completely in the society.

#### **(6) Prompting the critical thinking**

The plan aims at empowering the individuals and groups in the society from achieving their humanity completely and it is rather mandatory that such plan should not be restricted to facilitating action alone, but should prompt the critical thinking to contribute into that action; knowledge is not only talking about reality, but more related to perception of the existing paradoxes in reality including the best interest of authority, as the critical awareness is a process that aims at changing the limited understanding to reality and expanding it to cover wider extent of understanding that reaches to critical thinking.

The human that has reached the stage of critical thinking can link facts and problems, understand the relation between famine and production of food, between food and agrarian reform, between agrarian reform and counter reactive thinking, between famine and economic policies, and between famine and violence, and should see the famine as being a form of violence, should see relationship between famine and aware voting in favor of advanced politicians and civil parties, and between famine and voting against the reactionary politicians and the reactionary parties that which discourse might have been advanced in disguise.

The individual that has reached critical awareness level can thus realize clearly that famine is more than just lack of eating, namely, it's just embodiment of political, economic, and social reality; as human believes in God and prays to Him, so he would then focus on invoking supplications that would call for strength to address any derogation that might adversely affect him, and that human who has reached to that level of critical awareness and believes in God, he would see God present permanently and that universe is an artifact of God's production, however, he should realize that history made from people not from the God's creation. Therefore, the one who would attain the stage of whetting and mobilizing conscience will then understand the history and his role in it differently, and only then he would refrain from standing about idly, and would rather then move about to mobilize his enthusiasm in order to change his standing and circumstances as whole.

Therefore, preparing plan does not mean the mechanic transformation of advertising copies and agreement, yet it aims at improving, increasing awareness, and effecting the mechanisms of protection of human rights, as they are after all an issue relating to mobilizing the conscious awareness for the sake of development and advancement of society.

#### **“Postulates used in preparing the plan's components”**

- (1) Analyzing the constitutional and legal structure of the Human Rights System in Egypt
- (2) International agreements ratified by the Egyptian Government
- (3) National Protection Mechanisms of Human Rights
  - a. Judicial Organization

- b. National Foundations and NGO for Human Rights
  - c. Administrative Justice Mechanisms
- (4) Reports and information issued by the official foundations ((Central Agency for Mobilization and Statistics – Egypt Information Portal – Government Plan – Plan of the Ministry of Social Solidarity – Plan of Ministry of Housing))
  - (5) Replies received from official institutions and concerned ministries ((Ministry of Foreign Affairs: Reply has been limited to providing the NCHR with list of the international agreements signed and ratified by the Egyptian Government, upon which such agreements and conventions have been electronically mobilized by the technical expertise – ERTU – State Ministry for Administrative Development – Ministry of Finance – Ministry of Information – Ministry of Interior)).
  - (6) Plans of the National Associations for Human Rights, and their activities:
    - a. Reports and Issues of NCHR for Human Rights
    - b. National Council for Woman ((Report of 2000 – 2005, Evaluating the reflections of Woman National Council in the Egyptian Society))
    - c. National Council for Childhood and Maternity. ((Plans and Programmes of National Council during the period from 2000-2006)).
  - (7) Responses from the political parties ((Green Party – Socialist Arab Egypt Party))
  - (8) NGO: ((Catholic Secretariat: Digestion about group of student conferences held by the secretariat in conjunction with the Ministry of Education and Learning and Republic Students Union – Earth Center – Cairo Center for Human Rights Students)).
  - (9) Background Papers presented from the committees of NCHR:
    1. Legislative Affairs
    2. Social Rights
    3. Cultural Rights
    4. International Relations
    5. Committee of Complaints and Grievances
    6. Civil and Political Rights
    7. Characteristics and Elements of Human Rights Discourse within the scholar textbooks in the compulsory education stage
    8. Report on “Toward developing the performance and integrity of Arabic Election Processes” the last parliamentary elections in Lebanon – Egypt – Iraq/ Palestine (2005 – 2006)
    9. Report on – Conference of “Decision Making Process and its relationship with the Human Rights and Population” – Assiut (March 28 – 30, 2006)
    10. Suggestions of the Council with regards to amendment of the law on Professional Unions submitted in the workshop held in the premises of the Council on Thursday, 19.01.2006
    11. Suggestion toward national action plan for the advancement of human rights
    12. Report of the NCHR in Egypt (2004 -2005)
  - (10) Reports and Studies issued by NGO in Egypt
  - (11) At the international level:
    - a. Comments by the HR Committees



- b. Remarks of the committees concerned with the periodical reports submitted by the Egyptian Government
  - c. Principles and Rules adopted by the UN in the field of Human Rights
- (12) Evidences issued by the Higher Commission of United Nations around the criteria and rules relating to developing the national plans and practical plans for attaining the millennia goals.
- (13) Guidelines in relation with implementation and application of the international criteria for human rights issued by the UN
- (14) Resolutions of the General Assembly of the UN, and declarations issued thereby with relation to the Human Rights
- (15) Rules relating to rational governance particularly the agreement on combating corruption and those rules relating to the responsibility of Transnational Corporations.

### **“Plan Preparation Process”**

#### **First: Consultation Stage**

1. Preparing background paper about the project
2. Conducting consultation with proposed partners for carrying out the plan ((Government – NGO – Professional Unions – Unions – Experts – Academics – Businessmen Societies – Associations of Commerce Chambers – Association of Industries – Political Parties)) by asking them to extend their suggestions, and proposed plans for achieving the strategic goals of the plan, which is enhancing and improving the protection of human rights.

#### (APPENDICES): **Second: Collecting Information & Preparing Databases**

1. Building database on the international conventions in relation with human rights signed and ratified by the Egyptian Government
2. Preparing databases of all laws in relation with human rights
3. Preparing databases in relation with all governmental initiatives and initiatives of the civil society in the field of improving, enhancing and protecting the human rights
4. Preparing databases on the researching and field studies in relation with human rights
5. Preparing background about all topics relating to the human rights
6. Inspecting all responses received from the sources

#### **Third: Building draft of the plan project**

The project of the draft plan has been developed by considering all international controls and criteria in relation with the development of national plans, whereas the plan has been divided as follows:

First section: including a description about the human rights state, problems and hardships

Second section: including a description about the practical plans for overcoming the problems and impediments relating to the human rights state, including:

- Goals
- Targets
- Activities and Responsibilities
- Performance indicators
- Bodies responsible for implementation
- Timeline of Implementation

#### **Fourth: Final drafting of the plan**

After receiving observations about the project of draft, which has pointed to the need to expand the activities of promoting and educating culture of human rights, and the problem of the immigrating Egyptian workforce, the final draft has been developed including:

- (1) General Section: Wherein a general description has been established about the state of the Human Rights in Egypt in relation with every right of the generic rights stated in both international covenants for human rights for assuring compliance with the basic line, and a reference in this line to the remarks of the committees operating in human rights in the UN, and the closing observations of the covenantal committees upon the reports submitted from the Egyptian Government, let alone all such reports submitted by the General Assembly in the UN in relation with any rights of the generic rights. We have, in this section, touched upon ((Description of problem)) regarding each right by reviewing the status of each right of the human rights depending upon the determinants of this report. And in light of the data and information referred to, and preparing background papers regarding the state of human rights relating to each and every right individually.
- (2) Second Section: Relating to the practical plan. This plan handles the goals, targets, practical and legislative activities, performance indicators relating to evaluating the achievements and the bodies in charge of implementation, then the timeframe in relation with implementing the plans  
We have thus laid out this section after the form of tables according to the approved method, and then we have re-edited it textually in the same section stated in the tables. According to the form attached, the strategic goals have been set forth in the forefront, and the secondary goals of the plan (thirty five secondary goals), and attached to such goals a number of targets to which a large number of activities for achieving the targets and secondary goals for reaching “the strategic goal”, and they are all relating to the performance indicators for helping the evaluation committee to measure the progress achieved in achieving goals and targets during prefixed period, and attached thereto as well the bodies in charge of implementing such goals and targets, and the timeframe suggested for this plan.
- (3) Third Section: includes elements of evaluation, follow-up, and indicators in relation with measuring the achievement of the project, then establishing coordinating committee to monitor the implementation of the plan, determining and forming priorities, its assignments and powers, and then we have handled in this context the

mechanism of monitoring for establishing coordinating secretariat of the committee, and the need to designate media agency among the coordinating committee for promoting and advertising the achievements and publish the information. This section has included as well the need to devise primary evaluation of the plan after passage of 12 months as of the actual implementation of the plan.

- (4) Executive Summary ((Citizen’s Guide)) – ((Executive Summary)) has been developed for the plan, wherein a quick review has been made to the strategic goals of the plan, secondary goals, and targets” and we have duly suggested turning this summary into (Citizen’s Guide) attached to it questionnaire for getting to know all priorities of the different social sectors and publishing which at larger full scale at the popular level for effecting the participation of the citizens, and civil society organizations and associations, the private sector in the participation in the plan’s activity, which has supported the credibility of the NCHR before the public opinion, help the average citizen to trail the plan through achievement of the goals and targets via the schedule lifetime of the plan, monitoring the periodical evaluation of the achievements, and achieving the performance indicators referred to hereinabove in the detailed plan.

**Fifth: Plans integrated in light of the National Plan**

The objective criteria of developing the national plan require there being no conflict with any national plans concerned with the generic rights in relation with the human rights, such as (Child – Woman – Handicapped – Elders) rights. And there are plans, activities, and programmes for the National Council for Woman, and National Council for Childhood and Maternity, which we have deemed mandatory to integrate in the context of such plan for integration between national programmes and plans, particularly that some of them have already been integrated in the government and budget plans, and therefore, such plan would be deemed supplementary to the previous plans and activities, and such plans have been submitted at the end of the practical plan as a plan supplementary to the national plan.

However, we have touched upon the rights of the handicapped and woman in all details of the plan intersecting with every generic right, whether economic, social, cultural, civil, and political rights.

**Sixth: Activities of the NCHR supporting the plan in conjunction with the Civil Society Associations and Governmental Foundations**

<b>Date</b>	<b>Topic</b>
March 4-6, 2006	Promoting the culture of human rights (participating the Council with the HR Committee in Qatar)
March 12-13, 2006	Regional Workshop under the title (toward developing performance and integrity of the Arabic election processes) (Egypt – Lebanon – Iraq – Palestine)
March 28 – 30, 2006	Decision making process and its relation with the human rights and population (Assiut)
April 19, 2006	Right of the handicapped in healthcare and establishing family and carriage
April 19, 2006	Characteristics and Elements of Human Rights Discourse in the

	scholar textbooks in the compulsory education stage.
May 10-11, 2006	Third forum for NCHR and Civil Societies
May 21, 2006	Visit to Torah Prison, heavily guarded (992)
May 31, 2006	Draft law on the provisional arrest
May 25-26, 2006	Workshop under “Ombudsman Offices in the Arab States”
July 30, 2006	Draft uniform law on Establishment of worshipping houses
August 8, 2006	Workshop under “Suggestion of deleting the religion cell from the National ID Card”
August 14, 2006	Transparency and corruption in health sector
September 10, 2006	Visit to the premises of the central district of Torah Prisons in Cairo on Sunday, 10.09.2006
September 17, 2006	Workshop under “Human Rights in the punitive implementation stage”
September 18, 2006	Workshop under “Human Right to sufficient safe food: Egyptian reality”
September 18, 2006	Fact-finding mission from the Council for define the fact behind the disappearance of the Coptic girl in El-Fayoum
September 20, 2006	Suggestion around the constitutional amendments
October 31, 2006	Workshop under “Legal situations of the civil societies, civil companies, and foreign institutions working in the field of the human rights”
November 13, 2006	Workshop under “Establishing Independent authority for managing the election process”.
November 22 – 23, 2006	Workshop under “the reproductive health from the perspective of human rights”
November 25, 2006	Workshop under “Examining the Human Rights Discourse in the scholar textbooks in the secondary school”
December 2-3, 2006	“international conference around the concept of development and human rights”
December 16-17, 2006	International conference around “discussing the role of the civil society in insuring the compliance with the Humanitarian International Law and protecting the human rights of civilians during armed conflicts” – Palestine and Lebanon are case studies

**Seventh: Strengths and Difficulties facing the preparation of the project of the plan in the preparatory stage**

**\*\* Strengths:**

1. Information and Decision taking Support Center ((Egypt Information Portal)), and the Egyptian Agency for Mobilization and Statistics.
  - They have constituted a rich support to the information in the field of the economic, social and cultural rights

2. Activities, and actions of the committees, and reports of the NCHR – Constituted a very substantial part of the fundamentals of forming the draft project
3. Suggestions and Plans of the Ministry of Foreign Affairs, Ministry of Information, ERTU, Ministry of Administrative Development, Ministry of Finance, Ministry of Education and Learning, and Ministry of Interior.
4. Sites of the National Associations for Human Rights, such as ((National Council for Woman, National Council for Childhood and Maternity))- via plans and strategies presented in the fields of woman, childhood, maternity, handicapped, and those with special needs, and elders.
5. Sites of Egyptian NGO, which have constituted rich content as to the reports of the Human Rights, studies, and researches regarding the human rights state in Egypt.
6. UNDP's site in Egypt – which has constituted a very rich content in reviewing the reports of the human resources development, and development indicators during the period from 2001 – 2005
7. Identifying sites and linkages concerned with the General Assembly of the UN, Economic and Social Council, and the committees on Human Resources, which have constituted large content in getting acquainted with the resolutions of the General Assembly and reports of the specialized agencies, and remarks of the committees in relation with the human rights for preparing plan.

**\*\*Difficulties:**

1. Scarcity of information in relation with the progress achieved in the field of human rights has represented, except for the legislative development, one of the most prominent impediments for measuring the progress accomplished in civil and political rights as to the practices and evaluation of performance, such as, ((suggestions of the Ministry of Interior have come out void from any statistical data as indicator on the evaluation of the performance and progress in welfare of prisoners and detainees at the level of all fields, and they have as well been void of statement around the evaluation of the return of education of human rights in the Police Academy or evaluating the extent of benefit and influence of the training courses held to the Policemen, or benefiting from scholarships presented to the excellent police officers, and using researches or studies in the field of practical application, or any other measurement relating with the return of the services performed by police to the public through questionnaire to the targeted categories of such services, and they haven't either presented any of the data or information required in connection with the right to live the life)), and the project of the plan has referred to different sources attempting to obtain information regarding the targets, activities and performance indicators, and the project of the plan has called off some phenomena threatening the right to live, such as ((Murders and Violence)) for determining the reasons of such phenomenon and its dissemination, the levels of education of perpetrators of such crimes, influence of the social medium and the environment upon committing such crimes as attempt to develop the activities necessary and performance indicators to limit such phenomenon for lack of sufficient information through the reports of public security, and in any other official database.

2. No response from the Ministry of Justice to the requirements of the Plan Committee to the request of suggestions or updating the committee of any data, information, or suggested plans in the field of judicial reform for improving the statuses of the human rights, and around the return and effects of the training courses particularly with promoting the culture of the human rights upon the members of the prosecution and judiciary, and around the material and human impediments that might obstruct the judicial reform, and they haven't presented any information in respect with any questionnaire or statements for participating the public in the improvement process of the performance of the courts or the return of the services presented by courts to the targeted public.
3. Lack of any information or statistics about the progress gained in the field of preparing database in relation with the NGO's, and civil associations, categorized according to the fields of activities and work, which constitutes an impediment to the process of preparation of the partnership between government and NGO's in implementing the plan, and determining the participating organization in the field of action plan.
4. Lack of any information or data, and lack of response from the NGO's and political parties, businessmen societies for proffering any information or suggestions in connection with improving the status of the human rights or the participation in the plan, except for only one center for human rights, and two political parties; the plan committee has received no notification from the political parties, the NGO's, or businessmen societies in participation in developing the plan despite the primary role played by the NGO's and Businessmen Societies in partnerships for the sake of achieving the goals of the millennium.
5. Lack of precise statistics about the immigrant workforce, and lack of cooperation from the Ministry of Workforce and Immigration in connection with making available to the Plan Committee with its suggestions or the plans regarding protecting and improving the situation of the immigrant workforce, or policies of the ministry in solidifying the unions in the face of the alliances of the businessmen, or the policies of the WTO, and the transnational corporations.
6. Lack of practical plans disclosed to the Ministry of Industry and Commerce, and Ministries of Agriculture, and Environment despite all problems that face such sectors referred to in the statistics of the Central Agency for Mobilization and Statistics, particularly in the areas of food, biological diversity, preserving environment, and development of the industry.
7. No announcement has been made by groups of businessmen around their participations in the state's plan, and their prospective plans in the partnerships' transactions despite the five-year plan of the government counts largely upon the businessmen in making available the job opportunities, reducing unemployment, and participation in the development process at the level of all state's sectors, although there are some businessmen societies in Jordan and Morocco that have officially announced their practical plans for the future partnerships transactions in the framework of the state's plan and achievement of the millennium goals, enhancing and respecting human rights.
8. Scarcity of information in connection with the civil and political rights have influenced deeply upon the development of precise performance indicators at the level

of measurement of practical practices in relation with respecting all kinds of rights stated in the International Covenant for Civil and Political Rights.

**A Vision To Overcome Future Difficulties**

1. Publishing the plan and its components at a large scale for prompting people and civil society associations to kick in.
2. Availability and announcing political will, and the plan should be characterized with national duty through congruence and harmony between the participating parties, which could propel official associations to deal with the plan as being national duty.
3. Medic coverage to the plan, which guarantee wider participation from the Public and sectors in developing and application of the plan and realizing its importance

**List NCHR's Publications**

<b>Ser.</b>	<b>Topic</b>	<b>Date</b>
1	First Annual Report (Arabic)	March, 2005
2	First Annual Report (English – French)	July, 2005
3	Report on the presidential elections	September, 2005
4	Report on the National Associations for Human Rights in the Arab World (Study) Instruments and authorities of committees and offices of the human rights in dealing with the complaints internationally	November, 2005
5	Report on the National Associations for Human Rights in the Arab World (Study) Instruments and authorities of committees and offices of the human rights in dealing with the complaints at Arabic level (Study)	December, 2005
6	Parliamentary Election Report	November-December, 2005
7	Second Annual Report of the Council (Arabic)	April, 2006
8	Three fora of the NCHR and Civil Society Organizations (Jan, 2005 – June, 2005 – May, 2006)	July, 2006
9	Second Annual Report of the Council (English)	July, 2006
10	Executive Summary of the second annual report (Braille)	July, 2006
11	Fourth forum of NCHR and Civil Organizations for discussing the suggestion of deleting the religion cell from National ID Card (Cairo, August 8, 2006)	September, 2006
12	The fifth forum of NCHR and Civil Organizations for discussing “Impediments of the civil work in view of the law no. 84 of 2002 – and the legal status of the Civil Companies, and foreign organizations” – (October 31, 2006)	December, 2006