

**Together to promote  
Human rights procession**

**The Fourth Annual Report  
of  
The National Council of Human Rights  
2007 – 2008**

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# Introduction

The National Council of Human Rights (The Council/ NCHR), while publishing its fourth annual report in accordance with provisions of Article 3 of its Charter, realizes both the magnitude of its task and the criticism directed at it. Therefore the challenge faced by the Council lies in the way it must declare its positions to justly gain the status of being a mirror to the Nation's conscience. The Council believes that its success in fulfilling its duties is an indivisible part of the nation's success in pressing forward with reform. The Council's achievements in the sphere of promoting human rights reflects an increase in society's capabilities and energies because a free, dignified and secure citizen can work towards a nation's renaissance for the citizen is an inalienable part of the nation.

Never the less, The Council realizes that its performance is bound by its consultative nature and its moral and ethical duty towards society. This is rather an ambitious task to achieve. It is these very righteous duties that hold The Council accountable in front of society; constantly requiring it to reform its mechanisms and compelling it to play an active role in society. To facilitate its task, The Council also anticipates for more cooperation and support from the State's concerned authorities as they share the same noble vision regardless of differences in the means of reaching it.

The Council appreciates the government's response to its second annual report and greets any position taken by any organization, authority or department to protect and promote human rights in this country, be it in the area of decision-making, a directive, an initiative, a reform, or even remedy.

The Council follows up on all communications and complaints received by individuals, non-governmental organizations (NGOs) and foundations throughout the year, amounting to 6,677 in the previous term. From which it derives indicators, factual data and places benchmarks to achieve.

The past year revealed violations in the spheres of civil and political freedoms and rights, as well as economic and social rights. Specifically, an

area of concern was those living in extreme hardship conditions that resulted from soaring prices, unemployment, housing shortages, and absence of medical services.

The Council condemns and is deeply concerned with torture taking place; data collected by media, witnesses and video evidence in the past year that has revealed violations of basic rights, demeaning treatment and torture of victims in some police stations and detention facilities. These actions have led to death in some instances. Despite efforts exerted by the Ministry of the Interior to investigate and try the accused officers on some occasions and the interrogation of others before disciplinary boards, police brutality continues. If this issue persists, it will have a dangerous and disturbing effect as it can hurt the dignity of the Egyptian citizen as well as affect the sense of loyalty towards the nation. This trend is unethical and incompatible with national interests.

In its last two reports, The Council has called for a comprehensive strategy to address these offenses. A strategy that includes policies and regulations to ensure torture is criminalized and interrogation techniques are applied to ensure that those that practice torture are tried before justice. Currently The Council is closely following a program set up by the Ministry of Interior, in cooperation with the United Nations Development Program (UNDP) and the Ministry of Foreign Affairs, aimed at raising awareness and education in human rights directed at the students of the police academy.

Moreover, The Council calls for the improvement in living conditions of inmates in prison cells and detention facilities. While The Council lauds the Minister of the Interior's decision to increase prison visits to twice monthly and to facilitate prisoner communication with relatives through a public telephone system in all prisons. Still, The Council notes of some prisons that need attention as due to overcrowding and closed off areas and no visitation hours, many inmates suffer from claustrophobia.

The Council hails the Prosecutor General's initiative to implement laws that require the unexpected inspection of prisons and detention facilities, and investigations on violations.

These inspections are significant as in the case of Al-Montazah police station in Alexandria. Inspections revealed glaring irregularities; the presence of torture tools and the detention of persons whose names were not registered in prison records. This disconcerting discovery demands immediate judicial, legislative, and administrative action. Judicially, The Council recommends an increase in unexpected and periodical inspection of prisons and detention facilities. Legislatively, The Council proposes that there be judicial review of the lawfulness of the detention and judicial administration of all prisons and detention facilities. Administratively, there is a need to raise living conditions of detainees as well as develop and reform prison facilities.

Since The Council believes that freedom of opinion and expression is the cornerstone to democracy and a pre-requisite for the development of critical social analysis and reform, The Council believes that the legislative amendment calling for the abolishment of the sentence in publication crimes did not achieve expected results as still journalists are being tried over these crimes. However it must be stressed that The Council believes that even though freedom is an inalienable right it should not be at the expense of privacy rights. The ideal is to reach a responsible freedom that creates a balance between the two.

The Council thus shows deep concern and distress with the narrowing of the area of freedom of expression and any action taken against protecting it. In the past year alone 500 lawsuits have been filed against members of the press and certain websites have been closed down. With the continuous lawsuits against people who are carrying out their professional and ethical duty to society, to publicize sources of negligence and corruption as well as the excessive misuse of the right to litigate, calls for, in the eyes of The Council, a need to raise awareness of both individuals and institutions on the role of the press in society.

It is also in this respect that The Council continues to monitor the progress with regards to the document issued by the Arab Information

Ministers<sup>(1)</sup> on the rules of satellite transmission. This Charter requires social dialogue in order to provide concrete solutions that are rights and legal based instead of just placing new restrictions that may squander or threaten the media freedom—a freedom that has helped trigger long awaited intellectual and cultural development in the Arab world.

The continued state of emergency law expected to be replaced by a new anti-terrorism act is another important and dangerous legal framework that has long sparked controversy and opposition. The National Council for Human Rights has relentlessly demanded that the anti-terrorism act not be a mere extension of the current emergency law. The Council appreciates the initiative taken by the Minister of State for Legal Affairs and representative councils, who met NCHR's members in May 2006, where debate took place and opinions exchanged around the bill of anti-terrorism. The Council further insists that more discussions take place covering all aspects of the new bill which should be submitted to The Council to be open for discussion within the framework of public consensus.

The Council considers that while the expected anti-terrorism act, aims at protecting national security and ensuring stability through legal criminalization clauses, this must not be a means for thwarting or impairing citizens' rights and liberties. The Council, accordingly, expects the law to include provisions to ensure the inclusion and protection of public and intellectual opinion and freedoms and not suppress their rights.

In all cases, the Council reasserts its view that fighting terrorism must not be limited to mere security measures or excessive legislations. It must be accompanied by social, intellectual and cultural strategies that address the causes of terrorism and subsequently, its symptoms. The Council emphasizes that mobilizing social forces against terrorism, or in fact against any foreign attempt to penetrate Egyptian society, requires a steady effort to promote the principles of citizenship, to consolidate freedoms and political rights and to endorse mutual confidence between the State and its citizens.

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<sup>(1)</sup> Statement by 34 Egyptian, Arab and international organizations about this document.

In the area of civil and political rights, The Council confirms that continued detention of large numbers of citizens, irrespective of their intellectual, political or dogmatic affiliations, leads only to public indignation. This reaction is amplified when after detainees are held without charge and eventually released, the charges against them are verified as false and futile. These detentions have extended to include university students at times and excessive force has on occasion been used in troubled areas like Sinai. The Council reaffirms that increase in security measures alone will not lead to the desired results in Sinai. To succeed in eradicating the roots of the problem and cause of tension, there is a need for social, economic, and political strategy that will also meet the needs of Sinai inhabitants: water, land, work, housing, and other basic needs.

Last year saw witness to civilians being tried in military courts in contravention with the principles of the Egyptian Constitution and relevant international charters ratified by Egypt( Article 151 of the Egyptian constitution obliges Egypt to comply with its international obligations), which guarantee a civilian the right of trial before a civil judge. Despite the recent legal amendments to permit the right to appeal the rulings of military courts, referring civilians to military courts continues to receive harsh criticism both domestically and internationally.

The Council states that the underlying cause of various human rights violations in the political, civil, economic, social and cultural levels is the lack of existence of the notion of citizenship in society. Citizenship gained constitutional status pursuant to the last constitutional amendments. The Council calls for the need to take all necessary measures to incorporate this concept in administrative systems, policies and programs, as well as in all aspects of life. The Council in its capacity highly recommends the adoption of the outcome resolutions and recommendations of its Conference on Citizenship. The Council further emphasizes that enforcing a law based on the outcome recommendations of the Conference should result in a law on equality that bans prejudice and discrimination and guarantees equal treatment of all citizens in all spheres of life. A public commissioner shall

therefore be appointed along with a committee to investigate, remedy and prevent acts of discrimination in Egypt, through the necessary legal and administrative mechanisms and statutes.

The Council recognizes that the freedom of forming associations and political parties, non-governmental organizations (NGOs), syndicates, and trade unions constitute the basic components of sound democracy. Therefore, the Council reemphasizes its previous calls for lifting restrictions on the formation of political parties and abolishing the diverse mechanisms that have hindered official recognition of parties that have in the past applied for government licenses.

The Council also consolidates its demands made in previous reports allowing NGOs freedom of practice and holding activities. The Council calls on the government to bring to an end the freezing of the activities of syndicates that have been placed under surveillance and to re-open NGOs that have been closed down. Still, The Council recognizes and appreciates that human rights are designated the title of the political address and are the main component of political reform. The Council believes that the right to development is an inalienable right and that the protection and promotion of rights need to be done through the consolidation of transparency, the advancement of a just society, and the fight against corruption.

The Council commends the formation of the Committee of Transparency and Fair Judgment by the Ministry of Administrative Development and appreciates efforts exerted to fight corruption. Still The Council is deeply distressed over the phenomenon of corruption. Corruption constitutes a grievous violation of the values of justice, transparency, and accountability that form a just government. Corruption also drains the State's financial resources which is a major detriment to development. In this regard, The Council recommends that all existing anti-corruption legislation and regulations be enforced. Anyone found guilty engaging in corruption crimes should be brought to justice.

Recognizing the complicated dimensions of the corruption phenomenon, The Council asserts the significance of consolidating the

values of equality and transparency to prevent and fight corruption. The Council proposes enforcement of legal procedures to ensure that information on corruption is available and disseminated in society. Unlawful conduct as defined by the United Nations Anti-corruption Agreement and its legal implications must be enforced in the national law as the Agreement was ratified by Egypt and has, accordingly, become part of its national legislation.

Rights are indivisible and therefore The Council regards Economic and Social Rights and their protection as a priority equal to Civil and Political Rights. This is especially true taking into account the increase in suffering of the deprived social classes. Attention should be given to find effective solutions to secure decent living conditions for all citizens.

The Council recognizes that addressing such issues requires efforts and resources. At the same time, The Council confirms that there still remain ways to diminish these problems and alleviate their effects. The Council encourages a strict implementation of the law on consumer protection, supervision of the market to avoid monopoly, and the enforcement of all legal and administrative measures and regulations to confront illegal rises in price and the exploitation of the people's suffering through various methods of cheating and swindling.

The Council believes the State carries its share of responsibility in the stride to besiege poverty. The State should provide social justice; carry out campaigns to promote the value of social interdependence and to achieve human solidarity between the wealthy and the underprivileged classes of society. All stakeholders concerned must cooperate to advance economic and social rights and alleviate the hardships that affect the less privileged members of society.

In this context, The Council expresses its concern towards issues that result from citizens' social and economic suffering. The Council refers, in particular, to the rising rate of unemployment. The Council notes, in this connection, the attempts at illegal immigration by Egyptian youth – attempts

that often end in tragedy on both the personal and national level. Many loose their lives on road to seeking a better quality life.

Moreover, The Council calls upon all concerned agencies to develop a multilateral plan to put an end to child labor. In the labor market 1, 700 000 children are being exploited in jobs in contravention of all laws and charters promoting the protection of children.

The Council promotes the right of education as one of the basic rights provided for in the constitution and national legislations. While taking into account the increasing burden of securing education to all children on the one hand, there is also the obstacle of the rising phenomenon of informal education. This trend shows that parallel to the formal schooling system, there exists informal education that can be traced to disreputable and dangerous sources. These secondary sources of education thwart the principle of equality of opportunity for all citizens in education and employment. They may also pose as a threat to the nation and social homogeneity.

The Council affirms that one of the Council's main priorities is the dissemination of human rights culture with concerned stakeholders. The Council invites and supports any additional initiatives taken by the government to disseminate a human rights culture.

While submitting a report on the state of human rights and freedoms in Egypt during the year of 2007 before State institutions as well as the general public, The Council, urges for the continuation and sustainability of judicial and political reform – that the Government considers as main priorities – to enable for an environment in which protection and promotion of human rights and freedoms can be attained.

## **Chapter I**

### **Condition of Human Rights in Egypt**

## **Condition of Human Rights**

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During 2007 the human rights situation in Egypt was characterized by severe fluctuations. The government, in its candidature to the membership of the United Nations Council of Human Rights, made more than 30 commitments to the international community with respect to basic rights and public freedoms. The government also established two institutions to consolidate the infrastructure of human rights in the country, namely, the National Committee to Combat Human Trafficking and the Committee for Transparency and Integrity. As part of the government's initiative, several Ministries have laid human rights strategies to merge the national plan for human rights into the country's five-year plan (2007 – 2012). The government also renewed its pledge to end the emergency law immediately after the promulgation of an anti-terrorism act. This was followed by a release of hundreds of detainees who were detained under this law.

In Practice however the promotion of stability and national security has taken priority impeding the application of these strategies in the field of civil and political rights. Standards of economic growth were also given precedence over human rights values. But even this economic growth did not trigger down to the grassroots level triggering off an unprecedented wave of peaceful protests, strikes and sit-ins. Despite government response to some of the protesters' demands, these protests uncovered the magnitude of the hardships people are suffering from.

The government was sunk in controversy during 2007 regarding its human rights record. This came following the publication of international reports and statements, ranging from governmental, parliamentary and non-governmental sources. These reports and statements criticized the conduct and policies of the government albeit that some of these were politicized and subject to double-standards in judgment. There is much need for the government to openly discuss these criticisms to answer to the charges brought against it. It is simply not enough to proclaim general verdicts and

accuse international parties with interference in Egypt's internal affairs. For, in essence the international human rights movement, in which Egypt has played a leading role, seeks to merge the promotion of human rights with international affairs.

Egypt's memorandum request to gaining membership in the International Council of Human Rights entailed voluntary pledges to promote human rights. On the international and regional levels, the memorandum included 16 commitments of which the most significant are:

To consolidate efforts of the Office of High Commissioner for Human Rights by showing prospects of hosting the High Commissioner's North African regional office; to promote cooperation among third world countries in the field of human rights, to strengthen the constructive role of NGOs and civil society, to participate in the development of the jurisdiction of the Council of Human Rights, to consolidate efforts in the sphere of protecting the rights of civilians in armed conflicts, to work with U.N. member states to reform the U.N., to combine international efforts to better achieve the rights of women and children, to provide international protection to refugees, abide by its commitment to improve the African system of human rights, to ratify the Arab Charter on human rights, to strengthen the Arab League's permanent committee on human rights and improve the system of human rights in the Organisation of Islamic Conference.

Domestically, the Egyptian message incorporated 15 pledges, the most important of which are the following: to maintain press freedom, to ensure independence of the judiciary and the role of the Supreme Constitutional Court in examining the constitutionality of laws, to implement the national strategy for human rights, to strengthen national institutions and cooperate with international mechanisms to establish their jurisdiction, to commit to assisting and enabling Egyptian citizens to lodge complaints so that no wrongdoer may escape punishment, to sustain consolidation of the National Council of Human Rights as well as respond to its reports and studies, its recommendations and observations with the aim of enforcing them, to enable women socially, economically and politically through programmes of

positive discrimination, to mainstream "gender" in national development strategies; to fight violence against women, to support the National Council of Women and the National Council of Childhood and Motherhood, to carry out reforms in the political, economic and social spheres, to commit to lift the emergency law immediately after promulgation of the new legislation to counter-terrorism which aims to strike balance between public order and due respect for human rights and democracy.

Egypt's commitments also included a review of its obligations under the mechanism of periodical review throughout the duration of its membership in the International Human Rights Council, to ratify without delay the international treaty on the Protection and Promotion of the rights and Dignity of Persons with Disabilities, To revise the constitution to include articles protecting persons from forced disappearance in accordance with the international declaration on forced disappearances, to raise public awareness on the importance of a human rights culture by introducing human rights topics in all stages of education, initiating media campaigns and encourage the participation of civil society and non-governmental organisations to protect and promote human rights.

In parallel, on a legislative level, constitutional amendments were made in March 2007 and accordingly under the leadership of NCHR, legal amendments were introduced but are still to be endorsed. Local council elections were postponed for two years with no explicit explanation finally to be held on April 8<sup>th</sup> 2008, so as to fall under the new local administration law.

The "legislative agenda" of the People's Assembly and Shoura Councils are both filled with bills pursuant to constitutional amendments some directly related to human rights .

Among these bills are the amendments to the law on the exercise of political rights, the law of judicial authorities, the law of court systems, the child law, the law of access to information and law pertaining to the

protection of places of worship. Finally, a new election law is being prepared.

On the level of the Council, and in the area of legislative reform, NCHR focused on two main issues: the anti-terrorist act and legislation to promote citizenship rights.

In this respect, NCHR held an open dialogue on May 13th 2007 with the Minister of State for Legal Affairs and representatives of the assemblies on the anti-terrorism act. NCHR expressed its grave concerns and distress on the similarity in nature of the draft legislation to the emergency law. The new draft legislation also violates individual freedoms and questions were raised to the Minister around how to safeguard legal remedies and avoid pitfalls that exist in the current emergency law. Another concern for NCHR in drafting the new anti-terrorism legislation was the addition of Article 179 of the constitution designed to safeguard public security to counter dangers of terror.

NCHR in its concern about lack of clarity proposed instead of a vaguely drafted document that does not clearly define acts of terrorism, or its instigation activities instead a more specific anti-terrorism law with jurisdiction that can be determined according to clear criteria, not by the whim of an official, or the political circumstances of a case, or even by the identity of the accused. But this issue is also questionable on constitutional grounds. It violates the “natural judge” principle mentioned in Article 68.

**Hereby are the Minister’s responses:**

- Due to details on legal provisions related to terrorism specified in Article 179 of the current Constitution that require the constitution to include provisions contrary to the 1923 constitution that makes reference to these details in the law instead and not the Constitution.

-On discussing the anti-terrorism bill, the drafting Committee decided that including the anti-terror provisions in the Constitution will avoid challenges before the supreme constitutional court regarding its constitutionality.

-The difference between the anti-terrorism law and emergency law lies in that the former may be challenged before the constitutional court while the latter gives the president or his delegate broad powers in the state of emergency including imposing restrictions on freedom. The anti-terrorism law does not give this authority, as it is limited to case by case offences as defined and unanimously agreed on in the U.N. Security Council Resolutions and other documents. This legislation was drafted for many reasons that include Egypt's obligations under international treaties in this regard.

-As regards to the extension of the emergency law for two years, this time period was suggested as to allow time till the promulgation of the anti-terrorism law.

-As for obtaining warrants, the general rule is that they are issued by the attorney general (public prosecutor) and the exception is the state of emergency for reasons of time constraint. It is left to the officials who have jurisdiction to determine the state of urgency. These officials are then held accountable for the outcome and Article 57 of the Constitution allows the right to appeal without rejection of the lawsuit.

-In the area of instigation and preparatory (premeditation) activities, both of which are forms of participation in terrorist crimes, Egypt has adopted the definitions of the U.N. Security Council resolution No 1373 of 2001 made pursuant to chapter 7 providing notably that all countries should stop financing terrorist acts and the U.N. Security Council resolution No 1624 of 2005 made pursuant to chapter 6 providing notably that instigation of a terrorist crime is punishable. To date, this issue has not yet been decided in the bill, but in principle the aim is the prevention of terrorist acts of violence.

-As for the enforcement of the law, it is a matter related to legal integrity and culture. The deciding factor here is how to transfer respect of human rights to police officers. This also depends on the existing human

rights guarantees. It is also essential to draft legislation based on the principle of citizenship.

It was decided that the Minister would submit the anti-terrorism act subject to completion to The Council, nongovernmental organizations and to the general public so that all stakeholders may get involved in discussions.

To propagate legislative amendments promoting the principle of citizenship The Council held workshops on many areas of citizenship; equal opportunity, non-discrimination , preparation of a more just electoral system, protection of Egyptians living abroad and the rulings of administrative courts. The Council concluded all these efforts in a conference on the rights of citizenship. Conference participants made a review of the proposals derived from all previous discussions arriving at a unified document pertaining to the rights of citizenship.

In this context, The Council prepared a single draft bill for the construction of all worship sites. The underlying cross-cutting theme bears on equal opportunities and nondiscrimination<sup>(٧)</sup> clauses. Contextually, the NCHR would like to refer to some complaints<sup>(٨)</sup>:

1- A communication received by NCHR in February 2007 by citizen /Rania Enayat Rushdi (Baha'i faith) stated that her application for a plot of residential land was rejected by the Housing and Reconstruction Bank as she does not possess a national identification number. The national housing project (where she applied) entitled "Build Your House" was a nationally advertised project. She was incapable of obtaining an ID number because of her Baha'i faith that is not an officially recognized faith in Egypt. The NCHR reported the case to the responsible agencies but in vain.

2- A Complaint received in November by Hady Hosni Ali Koshair (Baha'i faith), a student in his 3<sup>rd</sup> year in the Faculty of Agriculture in Alexandria University stated that the plaintiff received expulsion threats by the faculty who also threatened to deprive him from sitting for his examination because he failed to prove his conscription status. A Baha'i,

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<sup>(٧)</sup> See the appendix .

<sup>(٨)</sup> Enclosed .

Koshair could not obtain a national identification card required to determine his conscription status. Upon following up on the matter, The Council learnt from the president of the Alexandria University that the University in defense argued to be enforcing legal provisions found in law No 127 of 1980 on national and military service.

The government established two additional institutions for the advancement of human rights, namely: "The National Committee to Combat Trafficking in Persons" and "the National Committee on Transparency and Integrity". The first was established on July 15th 2007 by virtue of the Prime Minister's decree No 1584 of 2007 as an outcome to government commitments to ratification of relevant agreements and protocols. The Committee was formed under the discretion of the Ministry of Foreign Affairs with membership of 11 concerned Ministries, public intelligence agencies, the public prosecution, the National Council of Human Rights, the National Council of Childhood and Motherhood (NCCM), and the National Council of Women (NCW). Affiliated to this Committee are a technical secretariat and a service unit for documentation and information.

The Committee acts as an advisory body for State authorities. Its duties include the formulation of a national action plan to combat trafficking in humans, to offer aid and protection to the victims thereof, to submit its recommendations to the Cabinet through the Minister of Foreign Affairs, to communicate with the concerned agencies and to propose regulations and legislations required. The Committee prepares an annual report documenting the national effort made to address the problem of "human trafficking" that is to be submitted to the Council of Ministers.

The "National Committee on Transparency and Integrity" was formed on 3<sup>rd</sup> October 2007 within the Ministry of Administrative Development by the Minister Directive No. 86 of 2007. It includes four representatives of the relevant government authorities and four public figures. Its job is to further the studies made by the Ministry on the mechanisms of promoting as well as consolidating transparency and accountability. With concerned agencies, this Committee fights corruption in administrative agencies as well as public

and governmental sectors. It also provides for a follow-up on Egypt's international commitments in this field. The Committee prepares a periodical report on its work every six months to be submitted to the Council of Ministers.

## Civil and Political Rights

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### **a-The right to life**

*“Everyone has the right to life, liberty and security of person.” Article 3, Universal Declaration of Human Rights*

The year 2007 saw many forms of violation against the right to life. Security forces practices have resulted in the death of a number of citizens. Torture has been used in detention facilities, force and coercion to disperse demonstrations and riots, as well as the use of lethal force in prevention of aliens from gaining access to Israeli borders from Egypt. Likewise, Egyptian citizens were repeatedly killed across the borders by Israeli firearms.

In 2007 NCHR obtained information on the deaths of ten citizens as a result of alleged torture. Some of these casualties were reported directly to the NCHR, while others were documented by human rights NGOs. One of these cases was denounced by a judicial ruling.

#### **The following are reported torture cases:**

1- Magdi Nabawi Abdul Hafeez.<sup>(4)</sup> He was arrested by the Awseem investigation police on January 10th 2007. On the same day he was arrested his family went to the station to inquire about him but the officer denied his presence. They were later notified of his death. Evidence of torture traces found on the corpse led the family to suspect the death to be a result of torture by the investigation officer and his subordinates. NCHR sent an inquiry to the attorney general’s bureau about this case. It was reported that the petition was referred to the concerned district prosecutor for follow up.

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(4) (5) Report of the Egyptian Organisation of Human Rights, the Right to Life (1993 – 2007).

2- Ahmad Hasan Fouad <sup>(c)</sup> was arrested in 2006 by the Mina El Basal investigation police force. He was taken to police custody and during detention, a sentence was passed in absentia in criminal case No 10605, Mina Al Basal. His family testified that he was subjected to torture (battery) by the investigation officer till complete exhaustion. With no medical attention received he lost his life on 23<sup>rd</sup> December 2006. It was reported as a suicide inside the police station. The public prosecution has started an investigation and ordered for an autopsy to be carried out by forensic physicians. To date The Council has not yet received a reply from the Ministry of Interior who was contacted to examine the case.

3- Sayed Hasan Muhammad\* (37 years of age) was reported to have been a victim of torture and duress at the Armant police station (Kena governorate). Media sources documented that torture methods used included excessive force and electric shocks. His wife and his son were tortured before his eyes as a method of torture to force confession under duress. Upon NCHR's inquisition about the case, a reply was received on the 13<sup>th</sup> January 2008 sent by the general prosecutor stating that the incident was still under investigation.

4- Nasr Ahmad Abdallah (35 years, carpenter): Arrested on 31<sup>st</sup> July 2007 in Mansoura and taken hostage so as to compel his brother to hand himself over to the police. In custody he was sodomized and under excessive force incurred deadly injury that eventually led to his death. After examination, the forensic report cited head injury that led to fatal brain hemorrhage as the cause of death. The Mansoura criminal court charged the convicted and punished them.

5- Wael Ahmad Hasan Yousof\* (27 year old worker) was arrested by police force at the Al Montazah police station (Alexandria) in Nov 2007 for an unknown reason. His brother was notified that he died in hospital after suffering from vomiting and exhaustion. His family suspected that his death

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\* Al Dostour newspaper, Nov 23, 2007

was a result of torture. Al Montazah prosecution ordered an autopsy of the corpse to establish the cause of death. Al Montazah replied to NCHR's inquiry on the case on 22<sup>nd</sup> January 2008 stating that the case is still under investigation.

6- Naser Siddiq Gad Allah<sup>(٦)</sup> : His family claimed that a police force from Al Umraniyah police station entered the premises of his house to assault him throwing him off from the fourth floor to meet his death. The investigation report dated 7<sup>th</sup> August 2007 conveys that the police investigation officer (Captain Ahmad Nawawi) received a claim that during a police chase where the suspect hid in the deceased's apartment and during a struggle to seize the fugitive, Nasser fell over. The NCHR inquired about the circumstances of the incident and the attorney general's bureau reply came on 13<sup>th</sup> January 2008 stating that the case is still under investigation.

7- Abdul Wahhab Husein Aly Hammad<sup>(٧)</sup> (27 years, farmer) was arrested on 24<sup>th</sup> November 2007 by a force from Bani Muhammadiyat police station (Assiut). His family claims that under physical pressure Hammad was forced to sign a court decision on receipt of a piece of agricultural land. He suffered fatigue and was transferred to Abnoub hospital for treatment where he died. His family filed a police case No. 2973 2007 (Abnoub police station). Forensic reports cited a bruise in the left knee that may have occurred on the date cited in the prosecution memorandum. The torture he suffered – as cited in the prosecution memorandum – provoked the severe heart attack which led to death. In its reply to the NCHR inquiry regarding the incident, the attorney general's office reported that the prosecution referred the defendant officer Ebrahim Abdul Azeem Abdul Kader to the criminal court pursuant to article 236 of the penal code.

8- Mahrous Hassan Mahmoud, for 50 years an owner of a coffee shop passed away during interrogations under accusation of running an

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(٦) The Egyptian Organization for Human Rights, a statement entitled : "Torture leading to death", August 9, 2007

(٧) Egyptian Organization of Human Rights , a statement entitled : " The Organization calls for immediate investigation of the death of the citizen Abdul Wahhab Hammad at the time of his detention , June 3 , 2007 " .

unlicensed coffeehouse. His sister accused the police officer of torturing him. The prosecution moved to Raml second police station to find an encephalic wound on the victim. It ordered an autopsy on 28<sup>th</sup> May 2007. The NCHR contacted the attorney general who referred the incident to the concerned prosecutor.

9- Sayyed Rajab Abdullah was a political prisoner that was detained at the beginning of the year 2007. The charge against him was joining “the victorious sect”. The court of law ruled in his favor, ordering his release four times but the Ministry of Interior did not implement the court rulings. He was sent to Abu Zabal prison. During prison visits, his family noticed traces of torture on the victim’s body. On 26<sup>th</sup> September 2007, the family was notified of his death. The Ministry of Interior declared that he committed suicide by twisting electric wire around his body. The family’s lawyer submitted to the attorney general a request to look into prison administration interrogation records, suspecting that the victim’s death was a result of the torture he had always complained of. NCHR sent to inquire about the incident at the attorney general’s office on 4<sup>th</sup> October 2007 that was referred to the Tanta prosecution. On 30<sup>th</sup> December 2007 the attorney general ruled out the possibility of a criminal act and registered it as a suicide.

It remains to be noted that these cases were brought to the attorney general’s attention by the victims’ families and by human rights organizations. Investigation of some of these cases started and forensic reports confirmed torture allegations. Only one case was referred to the judiciary in 2007. The case of Ahmad Abdallah is a rare measure where in less than four months, the court completed its review of the case to deliver its ruling against the defendants Muhammad Mahmoud Mu'wwad (the investigation officer of Mansoura police station), two detectives and a governmental sentinel who were found guilty of charge.

On 27<sup>th</sup> November 2007 the Al Mansoura criminal court sentenced three persons to 7 years of hard imprisonment and discharged them from

service, and the fourth defendant was sentenced to 3 years of hard imprisonment and also discharged from service.

Allegations of suspected deaths resulting from torture in detention centers were also but not supported by forensic reports, such as the case of the child Muhammad Mamdouh Abdul Rahman who died in detention in Mansoura police station. His mother accused the police of torturing him to death while forensic reports cited his death a result of pneumonia.

Besides the aforementioned ten, one case stands out. Unveiled by sources affiliated to the Ministry of Interior, this case was neither monitored by human rights organizations nor did it receive attention from the media. The Ministry presented the chief investigation officer of Abu Kabir police station (Sharkia governorate), Hazem Abu Sati to the prosecution. Accused of getting rid of the corpse of Assayed Ahmad Abdallah, who was caught red-handed selling a stolen motorcycle,\* by throwing it in Bahr Al Bakar drainage canal.

The death of citizens under supposition of torture is a strong human rights concern; these perilous crimes are committed by the officials whose function is to enforce – and not violate – the law. These crimes also constitute of a large number of citizens complaints.

The Ministry of Interior does not deny the occurrence of these incidents but belittles their magnitude in comparison to the number of individuals that turn to police stations for various reasons (estimated at 20 thousand citizens) who proceed without any infringement. The Ministry asserts that these crimes constitute isolated cases. The Ministry also refers to the various measures of internal inspection and to the increase of human rights awareness by inclusion of human rights courses in affiliated colleges and institutions. Some nongovernmental organizations and U.N. agencies on the other hand, believe that torture practices are systematically carried out and that legislative loopholes enable the culprits to escape punishment.

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\* Al Ahram newspaper , August 18 , 2007 , p. 28 .

The NCHR, while carefully approaching the subject, emphasizes that current efforts are not sufficient to eradicate the torture phenomenon that has been on the rise. Despite all the policies and programs initiated by the State for disseminating the culture of human rights among police officers, the phenomenon of torture has been on the increase.

It is notable that investigative measures and the trials of suspects of these crimes are delayed. Legislative language that is full of loopholes also enables culprits escape punishment. Moreover, deterrent rulings proportionate to the enormity of the crime are seldom delivered. To date, the government has yet to adopt significant recommendations presented by nongovernmental organizations and by the NCHR to overcome legal shortcomings. Furthermore the government has not made enough effort in cooperation with international organizations to eradicate this phenomenon. The State has not indicated any readiness to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

In this regard, the NCHR renews its recommendations for preventing torture cited in its previous annual reports;

- Amendment of Article 126 of the penal code so as to be compatible with Article 1 of CAT. This agreement was ratified by Egypt in 1986 and came into effect in 1987. The definition of torture should be extended to criminalize confession under duress of the accused or his family. The definition of torture must also include corporal punishment or psychological assault. The punishment of the official or the public employee that executes by order, instigation, approval or plot of torture must also be included in the definition.
- Drafting legislation recognizing the right of the plaintiff to litigation before criminal courts in case of crimes against personal liberty (including torture) and intimacy of private life. The NCHR also recommends abrogation of law No. 121 of 1956 which limits the right to file claims against public

officials including police officers, only through public prosecution. There should be a return to the former system that gives the plaintiff the right to file his claim directly to the court without going to public prosecution.

- The Egyptian government is encouraged to ratify the two clauses in Articles 21 and 22 of CAT. By virtue of these two Articles, it is left to the Committee of CAT to decide whether the complaints submitted by countries and individuals concerning Egypt's violations meet the criteria for submission. Ratification of these two Articles will also act as indication that the Egyptian government is transparent with regard to its obligations to recriminate torture and abuse in prisons and detention centers. Some Arab countries like Bahrain, Lebanon, Tunisia and Jordan have preceded Egypt in this direction.

The second pattern of violation against the right to life appears in security dealings with citizens, specifically when dispersing demonstrations or addressing riots. In these practices, some incidents occurred. A citizen called Alaa Sabri Ezz Errigal died on 25<sup>th</sup> December 2004 after he was stoned pursuant to traffic officer directives in a traffic chase in Facous city (Al- Sharkiah).

A quarrel that started as a clash over driving a motorcycle with no license led policemen to open fire on the citizen Muhammad Naser Ebrahim (23 years) who was carried to the hospital where he died of his wounds within 24 hours. The reply of the Attorney General's office to the NCHR's inquiry about the incident came on 19<sup>th</sup> January 2008 reflected that the defendant is in detention and the case is under investigation.

Several international human rights organizations were deeply concerned about the murder of three Sudanese citizens on 1<sup>st</sup> August 2007 in Sinai while attempting to cross the international borders to Israel. The *Human Rights Watch* called for an investigation of the incident demanding clarifications about an alleged bi-lateral agreement between Egypt and Israel

about the treatment of other states' citizens on Israeli borders and those who enter Israel from the Egyptian territory\*. The Minister of Foreign Affairs denied the existence of such an agreement.

On the other hand, the International Committee for the Protection of Immigrant Workers and their Families called for an investigation of the death and injury of some Sudanese squatters in December 2005. Also, five Egyptian and international organizations\* renewed their call upon the Egyptian government to form an independent judicial committee for investigation of the incident. Their perusal of preliminary investigation uncovered coordinated effort to clear the police from wrongdoing.

Moreover, in mid January 2008, Egyptian citizen Hamdan Salman was killed in front of his house in Rafah city, North Sinai near Israeli borders. There is evidence that he was shot by Israelis. In their reply to a number of urgent appeals, the Minister of State for Legal Affairs and the Parliamentarians emphasised that Egypt would not accept any violation of its security or its citizens' safety. If proved that the shooting came from the Israeli side, Egypt would take all legal measures to record the incident as a contravention and to uphold the rights of the victim's family. Armed forces would notify the international peace keeping forces of the conclusions of final investigations to prove that the incident constituted a contravention of the agreements signed by the two countries.

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\* Human Rights Watch site , hrw. Org/Arabic docs/07/08/2007/Egypt 16608 ht .

\* The five organisations are : Amnesty International , Human Rights Watch , Egyptian Initiative for personal Rights , Hisham Mubarak centre for law , Nadim centre for rehabilitation of Violence Victims . They made their call on Dec 29 , 2007 .

## **b- The Right to liberty and security of person**

*"Everyone has the right to life, liberty and security of person "*  
**Article 3, Universal Declaration of Human Rights**

Violation of this right has been a result of to two principal phenomena: the first is the persecution of the banned Muslim Brotherhood and the second is security measures in Sinai.

Reports show that 3245 of Muslim Brotherhood leaders and activists were detained during the year 2007 in a consecutive series of persecutions. Their detainment took place using different methods: 2204 of them were detained under investigation, 613 were imprisoned under martial law and 428 were interned. By the end of 2007, the inmates that remained in detention were a number of 207 in total. 33 of them were tried before military courts, 84 in prison and 90 detainees. 103 cases were referred to State Security Prosecution: 3 of them involving Brotherhood leaders, 93 involving Brotherhood members from various social classes (businessmen, professionals and students) and 3 involving former People's Assembly representatives and candidates. According to many experts, most of these detentions are political; the majority of which were nullified under legal investigation while some were acquitted by courts of law. Yet on the very same day of their acquittal, the Ministry of Interior renewed their detention immediately after their release by public prosecution decision.

Legal controversy started in reaction to sending civilians to be tried in front of military courts and establishing a right to appeal before a higher military court (which may be a positive step since military court rulings are no longer final). Still, NCHR remains adamant by its stand that a " civilian " must be tried before his natural judge.

The second event concerns the Sinai detentions characterized by violence from both the security forces and citizens. The incidents started on 29<sup>th</sup> April 2007 when a security unit, near Al Goarah village, opened fire on a car loaded with cement and on two Sinai citizens. Suliman Hasan was killed instantly on the spot and Khalil Suliman, was severely wounded. As a result, thousands of citizens sat in protest completely blocking the road from Al Masourah village (to the west of Rafah) to Al Mahdiya village (south of Rafah) demanding reparation from the culprit believed to be an officer named Sami Lotfi. Security forces besieged the Al Mahdiya area near the Karam Abu Salem pass and citizens were randomly arrested. The government sent delegates to end the sit-in through negotiations and promised to review people's demands.

In a different context, a dispute broke out between Attorabiyeen tribe and Al Fawakhry family in November 2007. It led to the destruction of the headquarters of the National Democratic Party, of all governmental offices and local administration. Popular local council members' cars were set afire and international roads were blocked. Large police forces imposed security using tear gas, violence that sometimes led to shooting.

North Sinai prosecution interrogated tens of Sinai Bedouins. A number of them were charged of instigating riots and destroying governmental offices.

By the end of July 2007 after rumors broke out of the Egyptian government intention to abolish homes 15 meters from border lines of Rafah village, another round of confrontations took place between security forces and inhabitants. The people rallied in Al Masourah square, three kilometers from the Rafah crossing point. Using stones, they blocked the Rafah – Al A'rish international road, uprooted the guiding posters and burnt tires. The police intervened to disperse the demonstrators using tear gas which caused a number of them to suffocate and leading to the death of Oada Muhammad Oada (15 years) in Al Masourah zone.\*

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\* Al Ahram newspaper , Aug 1 , 2007 , p. 33 .

Since the escalation of security incidents since Taba in 2005, NCHR has been closely following up in concern of the serious human rights violations that accompany them. The Council therefore calls for a comprehensive review of the way security problems are handled in the Sinai governorates. This approach should take into account economic and social magnitude of the problems since it is anticipated that the region will be besieged by more security tensions due to Israeli aggressions on the Gaza area and its obstinacy regarding the crossing points and the presence of Egyptian forces in Sinai.

Parliamentarians in the People's Assembly from the Sinai region in previous session devoted to terrorist incidents in the governorate asserted the need for a political, social and economic solution to the problem in parallel with a security policy. They invited the government to implement the Sinai development national plan that was previously approved that calls for: equal treatment of Sinai habitants to other Egyptian governorates regarding land ownership, to supply the region with public utilities lacking in a large area and to provide job opportunities to the youth by dedicating part of Assalam canal for labour and settlement purposes. They also called upon the government to pay special attention to the center of Sinai which suffers from shortages of services and infrastructure and to build houses for Bedouins so that they may enjoy a stable and respectable life.\*

The Shoura Council Committee of industry and energy after a field visit to Sinai was assured by the Shoura speaker that the Council would pay special attention to its outcome fieldwork report.\*

On a different note, NCHR has been concerned about the maltreatment of Egyptians working abroad whose legal rights have been violated. The Complaints Office in the Ministry of Foreign Affairs supported the efforts of NCHR that led to the release of Sheikh Sayed Ahmed Moussa, Al Azhar's representative to the Philippines. Arrested in Konabatu (south of the Philippines) and charged with the possession of materials and tools that can

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\* Al Ahram newspaper, Aug 31, 2007 .

\* Al Ahram newspaper, Feb 19, 2008 .

be used in manufacturing explosives. The Egyptian Embassy in the Philippines played a major role in transferring him from military intelligence to civil police and eventually led to his release on 27<sup>th</sup> December 2007.

### **c- The Right to fair trial**

*"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."*

#### **Article 7 of Universal Declaration of Human Rights**

The year 2007 witnessed some developments regarding the independence of the judiciary. The president of the Republic petitioned against legislative amendments that judges argued would increase the judiciary's subjection to the executive power. He ordered the withdrawal of the bill submitted by the Minister of Justice in this concern. He also intervened to prevent bringing a member of the judges' Club's board of directors before an efficiency panel – a measure that may have led to the dismissal of this judge. He was later charged of insulting the president of the Republic.

The same year witnessed a positive development in the field of the appointment of women to the bench. Thirty women were chosen from the Administrative Prosecution and from the State Lawsuits Authority to be made judges. This significant step forward makes Egypt follow in path to Lebanon, Sudan, Syria, Morocco, Tunisia, Libya and Jordan.

However the NCHR believes that the status quo is incompatible with the principle of the separation of powers of the executive and the independence of the judiciary, both of which constitute essential criteria for

a fair trial. Indeed, judiciary authority legislation grants the executive power – represented in the Ministry of Justice – the authority to appoint and fire judges, as well as to appoint the chairman and members of the Supreme Judicial Council. Moreover, administrative and financial affairs of the judiciary are in the hands of both the Supreme Judicial Council and the Ministry of Justice.

The year 2007 also saw the continuation of exceptional trials that are incompatible with the conditions of equality and justice. Civilians are tried under martial law and held in military courts. The year, however, saw a legislative amendment that enables one to challenge military courts rulings before a higher military court.

While this may be a positive development in the interest of the military, it does not alleviate the severe criticism against referring civilians to military courts that are not the civilians' natural judge.

The executive authorities have excessively used the power of referring civilians to military courts during the violent period 1994–1998 which witnessed many terrorist attacks especially after 9/11. 150 activists were referred in 2001 and 2002 to military courts under three charges; either they were accused of belonging to the Al Waad organization, the Islamic Liberation Party or the Muslim Brotherhood. Most of the defendants in these lawsuits were found guilty.

#### **d- Military trials for civilians:**

The year 2007 started with the trial of forty members of the banned Muslim Brotherhood leaders and members before military courts. Charges received included money laundry, terrorist acts and membership in a “banned” group. The detainees included two hundred Brotherhood members taken into detention in consecutive campaigns during the period of December 2006 and January 2007.

These campaigns were initiated as a reaction to a combat skills show exhibited by students who were members of the Brotherhood in the premises of Al Azhar University on 9<sup>th</sup> December 2006. Students organized this exhibition in protest of security force intervention during student union elections.

Despite a decision from Cairo’s criminal court to drop charges and discharge 17 of the arrested, in mid January they were referred to a military court.

In April 2007, the military judge decided to refer 40 defendants to a military court, place 33 of them under detention and 7 others area accused and wanted.

Authorities refused the attendance of national and international observers including U.N. organizations to attend the military court hearings. In addition, some members on the defence panel withdrew due to additional charges being placed against their defendants by the Court trespassing on the prosecutor’s authority.

### **e- Exceptional trials:**

Trial of defendants in the bombings of Al Azhar district and Abdul Monem Riad Square that took place in April 2005 were carried out during the year 2007 at the State Security Supreme Court in Cairo.

On August 20<sup>th</sup> four of the defendants were sentenced to life, two received a sentence of ten years, and an individual received three years in prison while two others received a sentence of one year. An additional four defendants were acquitted and finally the court adjourned its decision regarding a hospitalised defendant.

These defendants and scores of others were detained during April and May of 2005 in the context of terrorist bombings. They filed complaints that of excessive torture during interrogation. The death of two detainees at the time aroused suspicions but authorities dismissed death as a cause of torture.

As for the case commonly referred to as the "Taba terrorist bombings", human rights watchdogs on both a national and international level called for retrials before an ordinary criminal court and for the remain of the death penalty delivered against three convicts in 2006 by the Ismailiah State Security Criminal Court.

The plaintiffs' defence demanded an investigation into their allegations of confession under torture and duress to charges made against them. The court, however, dismissed the defence. It justified rejection of the defence on the basis of their previous confessions. It also dismissed evidence challenging the accusation due to the use of a different bomb type at the site of explosion.

In another context in March 2007 the State Security Criminal Court in Damanhour convicted nine under charges of demonstrations, usurping agricultural land, and burning down and damaging property. However, the court acquitted fifteen suspects in incidents known as "Srando clashes" that took place in Al Buhairah governorate in 2005 between the village farmers and one of the former landowners. The latter's land was wrested from him and distributed to farmers under the laws of agrarian reform and policies of feudalism liquidation.

## **f- Treatment of prisoners and other detainees**

*«No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.»*

### ***Article 5 Universal Declaration of Human Rights***

The State gradually increased its efforts to improve prisons uplift living conditions therein and developing penitentiary care and rehabilitation programs. The consecutive release of thousands of detainees belonging to Jamaa Islamiya and Jihad groups assisted in fixing the problem of overcrowding in prison cells. The Minister of Interior responded to urgent humane needs of some prisoners, allowing temporary leave of inmates to share social occasions with relatives.

Before the end of the year, the Minister issued a directive allowing prisoners' relatives visitation rights twice a month instead of once. Public telephones were also installed in prison premises so as to allow prisoners communication with relatives. This is a positive step that complies with international standards of prisoner care.

Moreover, public prosecutors started inspection visits to detention centers pursuant to instructions from the Attorney General. They initiated investigations on human rights infringements and violations. However, criticism arose due to the absence of inspection of the State Security detention facilities and the failure to investigate the communications of detainees allegedly subjected to torture and abuse.

Furthermore in 2007 some shortcomings remained clear. Prisons remain overcrowded and therefore inmates suffer from poor living conditions and this creates an additional burden on the prison administrative officers. To date, the State has not increased the application of the release and amnesty policies as was expected following the amendment of the

criminal penal code stipulating the alleviation of the conditions of precautionary imprisonment. Moreover, the State did not respond to the demands of human rights organizations to transfer the administration of prisons and reformatory management to the Ministries of justice and Social Insurance.

So despite the many reform programs, prisons have not received the same amount of care and attention. For example, the Abu Zaabal prisons, located East of Cairo, did not receive the same amount of reform and rehabilitation enjoyed by the Torah prisons located South of Cairo. Very little care has been directed to subsidiary prisons in the governorates, particularly the public prisons of Damanshour and Tanta which have stood witness to threats of insurgency and strikes as a result of maltreatment of inmates, deterioration of living conditions and absence of medical care. The prisons of Al Wadi Al Jadid, Borj Al Arab and Wadi Al Natroon suffer the same dysfunction.

Inefficient medical care due to overcrowding prisons and lack of facilities has caused deep concern. So has the deficiency in the number of qualified physicians. Medical supplies continue to be insufficient and receipt of medical care outside the prison is rarely permitted. Sound drinking water and adequate food are not available. The overall surrounding environment is not salubrious.

In addition complaints have been received portraying that some prisons reject visitors particularly those holding detainees over extremist religious charges. Of further concern are the considerable numbers of detainees sentenced to remote geographically isolated prisons making it hard for outside visits. In the meantime however the number of periodical visits allowed to prisoners has increased tremendously.

Last year, following criticism and objection by human rights organizations, authorities closed down an area used for solitary confinement in Abu Zaabal prison devoted to prisoners of the Al Jihad Al Islami organization. Those detainees were transferred to Al Marj public prison

where they were again kept in solitary confinement before that too was closed down.

It is however significant to note that in response to NCHR concerns, the Ministry of Interior transferred prisoners closer to premises closer to relatives and allowed visitation rights.

The worst conditions have been recorded at the “Gharbiniyat” prison in Borj Al Arab in Alexandria. During the last two years, a number of prisoners and detainees sentenced under cases of smuggling arms across the Sinai border to the Gaza strip were sent to this particular prison. Some were Egyptian nationals while others were Palestinian. Suspects of terrorist bombings in Sinai tourist establishments and those that participated in riots and protests have also been sent to this prison facility. Some of those detained in Sinai were transferred to Al Fayoum public prison while a limited number were transported to the Liman high security prisons in Torah.

It has been documented that last December in Borj Al Arab prison facility, Muslim Brotherhood prisoners went on a hunger strike in protest against maltreatment and assault on their cells and the rejection of their visitation rights.

Relatives of those detained in Al Wadi Al Jadid facilities – most of who live in Alexandria and the Delta governorates – have also been reported to have suffered all year due to the large distances and travelling hardships involved in visiting loved ones. Moreover, families’ lack of affordability of medication to prisoners has also been reported. This prison is considered by prisoners themselves to be a place of punishment and "banishment" wherein the basic rights of life are lacking.

Furthermore, insufficient safety measures in Wadi Al Natroon prison made it impossible to control an incident fire that broke out in April 2007 causing five casualties and thirteen injured prisoners. Complaints continue to be on the rise against poor living conditions, lack of medical care and the shortage of beds and blankets.

Despite its formal abolishment, carpal punishment still takes place. There are also long periods of solitary confinement in rooms that lack essential needs.

Various forms of mistreatment continue to be observed in detention centers where individuals are sent pending their interrogation or their transfer to prison. In these centers, the due separation between the adult and the juvenile is not respected.

In mid-July, an inspection by the public prosecutor of Al Montazah police station in Alexandria found that out of 83 detainees, 13 women were detained without being formally registered or who remained despite release decisions by the prosecutor. Three of these women were nursing. The inspection also uncovered incidents of systematic torture, mistreatment and corruption. Some of the station's employees enabled some detainees to obtain illegal substances such as drugs, wine and cold steel. The inspection also unveiled the existence of whips, sticks, ropes and cudgels that were used as torture weapons.

NCHR, human rights NGOs and mass media documented a large number of torture cases in detention centers. Some of which have come under investigation by public prosecution. An example being the complaint by prisoner "Assayed Ramadan Hamed" who was subject to torture in Tanta's public prison at the beginning of last December. His defense included physical and psychological abuse and in dignifying treatment as well as endangering his life by putting him in a cell with one of his enemies. Other examples include "Yehia Abdullah A'toom", "Mustafa Bakri Muhammad" and "Ahmad Ebrahim Sanousi" who were all subject to physical torture and burns at the Siwa police station in Marsa Matrouh. Lawyer "Ahmad Abdul Aziz" was also victim to excessive force and sexual harassment at Shubra Al Khaima's second police station in Kalioubiyah. Torture crimes as those cited above have led in some cases to the death.

Complaints received by the NCHR detail several forms of abuse and violations of legal rights of prisoners and detainees.\* In this respect, the NCHR renews its previous recommendations that focus on prison development. These recommendations include:

1- The establishment of a judicial system that overlooks the implementation of judicial rulings and particularly those related to prison facilities. An appointed judge would be entrusted with monitoring the implementation of sentences and their compatibility with laws and regulations pursuant to the treatment of prisoners. The Judge should have authority to determine whether the punishment received achieved its reformatory aim.

2- The implementation of Articles 42 and 43 of the criminal penal code until promulgation of the legislation regulates the authority of the judge-supervisor. In the meantime, public prosecutors have conducted random and periodical inspections of prisons and listened to prisoner complaints. NCHR also calls upon preliminary courts to appoint judges to supervise the implementation of the sentences pursuant to the two afore-mentioned articles.

3- Insuring that all prisons without exception are open to visits by prisoners' relatives according to relevant judicial rulings

4- NCHR while noting the public prosecution's eagerness to play its role through intensifying prison inspections, recommends that the authority of public prosecution be extended to cover the inspection of detention facilities which the law authorizes the Minister of Interior to specify (e.g. the State Security Investigation headquarters or State Security force camps). These inspections whether periodical or random based on the verification of a complaint, should be made directly without requiring authorization from the Attorney General.

5- The need to reform of the infrastructure of prisons in accordance with international standards.

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\* For more details, see the chapter on complaints.

6- Conducting a review of the diet regarding quality and quantity, as well as increasing medical care and enabling prisoners to exercise their right to education is a must.

## **Civil Liberties**

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### **a-Freedom of opinion and expression**

*“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

*Article 19, Universal Declaration of Human*

### **Rights**

The call for promoting freedom of opinion and expression takes priority seat in 2007 where focus has been on the annulment of sentences that limit freedom of opinion and expression. Legislative changes adopted mid 2006 were limited to the abrogating of some freedom-withholding sentences in a number of publication crimes including vituperation and

defamation crimes. Journalists still believe however that these modifications fall short of the promises and directives of the President of the Republic since 35 contentious cases have taken prison sentences that have been implemented. These include publication of false information, offense to the President of the Republic, to kings and heads of foreign countries, or members of national institutions including parliament and the judiciary authority. Sentences in some of these cases can reach the maximum of five years.

Fears of the application of these sentences and of excessive bail threaten the operation of newspapers. Independent newspapers have registered a remarkable increase in the criminal claims brought against their journalists during the year that have climaxed to five hundred claims in which convictions can lead to imprisonment, not withstanding claims that have also been made against opinion leaders.

The year 2007 also witnessed the trial of journalists and opinion leaders for charges related to practice of their profession or expression of opinion.

Early in 2007 Al Nozha court convicted “Hwayda Taha”, a journalist and program producer in Al Jazirah satellite channel. The charges brought against her were of defamation of the country by possession and circulation of false images of the status quo of Egypt. The court sentenced her to six months of imprisonment and a bail that amounted to 30 thousand Egyptian Pounds. She was accused of preparing a documentary depicting torture in Egypt which was to air on Al Jazirah. The documentary included testimonies of torture victims, statements and interviews with security officials, human rights observers in Egypt and scenes of torture, some were investigated by public prosecution while others were brought before criminal courts. Authorities stopped her at Cairo airport prior to the take-off of her Qatar-bound airplane to confiscate fifty videotapes and a portable computer.

Taha argued in defense that she had obtained an oral approval prior to making the documentary from the Ministry of Interior through officials who met with her and answered to her inquiries. In addition, Taha had also been

granted a license from the foreign correspondents press center to export the videotapes. The prosecution, however, argued that no prior permission was obtained from that center to film the documentary. Taha was also accused for not obtaining censorship approval to photograph dramatic scenes. The ruling of the preliminary court was challenged by Taha and the appeals court substituted the imprisonment sentence in favor of bail.

The year 2007 also saw the sentencing of four chief editors of independent newspapers. Accused of insulting the President and leaders of the ruling National Democratic Party (NDP), Al Agouza Court announced sentences of one year and large sums as bail. These editors are: “Wael Al Ebrashi”, editor-in-chief of the Sawt Al Ummah newspaper, “Adel Hammoudah”, editor-in-chief of Al Fajr newspaper, “Abdul Halim Kandil”, executive editor of Al Karama newspaper and “Ibrahim Eissa”, editor of Al Dostour newspaper.

A number of lawyers who are also members of the ruling party had lodged complaints against the four journalists. The lawyers used power of attorney granted to them by one of the lawyers who was authorized by the President of the Republic to represent him in the presidential campaign of 2005. The ruling was appealed.

In September 2007, Boulac prosecution indicted Ibrahim Eissa to trial for dissemination of false information, insulting the president of the Republic and causing economic loss in withdrawing 260 million dollars in foreign investments. This came as a result of rumors published in Al Dostour paper concerning the deteriorating health of the President in August 2007. A lawyer had lodged a complaint claiming that this publication caused him psychological distress. In the same token, the same lawyer lodged a similar lawsuit against “Dr. Muhammad Assayed Saeed”, chief editor of Al Badeel independent newspaper, this case is undergoing examination at the Abdeen Court .

Ibrahim Eissa’s defense lawyers protested the transfer of the trial proceedings to Al Kahirah Al Jadidah courts complex claiming that this transfer is aimed at exhausting them. The defense also made use of the

testimonies obtained from the Stock Exchange Authority at the Central Bank to emphasize the fallacious nature of the accusation that the afore-said publication caused economic loss. Moreover, the defense argued that other papers published the same information regarding the President's deteriorating health. Also in defense it was argued that the law and the decisions of the Court of Cassation authorize criticism of public personas.

In Feb 2007, a court of appeal convicted Ibrahim Eissa for insulting the President of the Republic requiring him to pay a bail of twenty two thousand Egyptian pounds instead of the one year jail sentence decided by the preliminary court.

In September 2007, "Anwar Al Hawwary" chief editor of Al Wafd opposition party's paper and two of its journalists "Mahmoud Ghallab" and "Amir Salem", were held suspects for publishing false information. Al Warraq Court sentenced them with a two year prison sentence and 200 Egyptian pounds in damages. The case against the journalists was brought forward by 11 lawyers from the national party as the paper had published a statement by the Minister of Justice delivered before a parliamentary committee wherein he criticized the performance of judges. The paper, however, later published the Minister's reply in attempt to rectify the previous negative publication against him. In the court of appeal, the case was dismissed when the claimants withdrew.

In reactionary protest to the multiplicity of law suits and convictions against journalists and civil society activists, opposition and independent papers withheld publication on October 7th 2007. Also in reaction, sentences that limit freedom became primary subject of discussion in the Press Syndicate election held in November.

In the context of violation of the right of freedom of expression, charges for vituperation and libel were made against "Kamal Abbas", director of the Helwan house for labour union services and his colleague before the Helwan court, in October 2007. They received a sentence of one year. They revealed in the organizations bulletin a corruption case in a youth center that is managed by a national party member. Accordingly,

following investigation, the manager was dismissed. Months prior to the delivery of the court ruling however, the Ministry of Social Solidarity ordered the shut down the house for labor union services.

NCHR significantly highlights the Egyptian government's participation in a contentious document related to the freedom of broadcast transmission. That document was adopted in a meeting of Arab Ministers of Information held on Feb 13<sup>th</sup> 2008, "*Principles of Organizing Satellite Broadcast, Television Transmission and Reception in the Arab region*".

The document includes 12 paragraphs stipulating the organization, transmission, relay and reception in the Arab world. Despite its nature as an agreement it was not explicitly named as such, perhaps to evade discussing it in parliament. Notwithstanding some important professional values adopted, it still imposes several restrictions on information transmission. Some explicit like the defamation of leaders and national symbols of Arab countries while other restrictions are left open to interpretation such as terminology regarding the instigation of hatred or violence, the negative influence on public order, national unity and moral order.

The document is committed to incorporation of its principles in national laws so as to impose censorship on information transmission and to penalize violation of its provisions. Failure to abide may lead to withdrawal or non renewal of the broadcast license.

Another escalated judicial issue in 2007 were charges aimed at internet bloggers. In February 2007 blogger "Karim Amer" was held under charge of degrading Islam and offending the President. The ruling was confirmed by the court of appeal in March. Blogger and journalist, "Abdul Monem Mahmud" was also arrested in April 2007 . Mahmoud was tentatively detained after being accused of blogging and being a member of the banned Muslim Brotherhood. Mahmoud and 18 others were referred in May 2007 to public prosecution for investigation. He was released several days later.

Throughout the year, a number of websites were banned. Of these sites were: "Jabhat Enqaz Misr", "Shooun Masriyah" as well as the formal site of the Muslim Brotherhood in English which has been banned three times in

2006 and at the beginning of 2007. Sites of “Jaridat ashaab” and “hezb alamal” continue to be banned. The administrative court, however, rejected on Dec 19th 2007 a law suit filed by a judge to shut down 49 human rights organization web sites, those of private companies and personal blogs.

During the year, journalists and writers repeatedly complained of the misuse of litigation rights to repress freedom of opinion. This came after the court judgment against “Ahmad Abdul Moati Hejazi”, a poet and journalist, who received a sentence to pay 20 thousand pounds in punitive damages to “Yousof Al Badri”, a Muslim scholar. The latter, in 2003, filed a lawsuit for damages against Hejazi who had published an essay attacking Badri’s ideas, describing them as "extremist". Hejazi refused to implement the court ruling and pay the damages that led to seizure and auctioning of his household belongings. The action escalated when Al Badri filed civil lawsuits against writers and activists who had backed up Hejazi. Accordingly, some of them resorted to the attorney general accusing Al Badri of misusing litigation and calling for a legislative amendment that would prevent this abuse of the right to litigation.

In the context of freedom of thought and belief, the year 2007 saw a number of lawsuits related to the violation of freedom of faith as well.

By the end of May, authorities had already arrested five people in Shubra Al Kheima ( Qaliubiah ) and referred them to public prosecution for investigation. They, as well as “Dr. Ahmad Sobhi Mansour” and “Uthman Mahmoud” who live abroad, were all accused of offending Islam. These “Al Qura'niyeen” recognize the Holy Qura'n alone denying the tradition of the prophet Muhammad. This accusation had previously led “Mansour” to leave Egypt voluntarily when Muslim scholars had issued a fatwa (religious verdict) against his ideas. By the end of September, authorities had issued their release. Their defense lawyers had announced that the prosecution had dismissed an appeal raised by defendants calling for an investigation regarding maltreatment during time of detention.

In addition by the end of August 2007 authorities had arrested “Muhammad Sobh” charged under exploitation of religion to instigate

sedition since he adopts the Shiite ideas. Sobh was transferred, by the end of September 2007, to the supreme prosecution of State Security. Also in October 2007, authorities arrested “Muhammad Derrini”, director of the Imam Ali center also known for its Shiite tendencies. Both suspects were referred to the State Security prosecution with similar charges. Their lawyers had reported torture in detention but prosecution overlooked their demands for temporary release and the need to investigate maltreatment.

While under charges of sectarian strife, authorities made an arrest on August 8<sup>th</sup> 2007 of citizens “Adel Fawzy” and “Peter Ezzat”, both activists in the organization of “Middle East Christians” headquarters in Canada. Held under Charge of exploitation of religion to stir sectarian sedition by misinterpreting and disseminating verses of the Holy Qur'an but they were released shortly after. Meanwhile, partisan and independent newspapers were also reported to have published a story where the “Middle East Christians” organization was responsible for the conversion of a young Muslim man “Muhammad Hejazi” from Islam to Christianity.

**b-The Right to organize parties  
and unions, and to form  
associations**

1. *Everyone has the right to freedom of peaceful assembly and association.*
2. *No one may be compelled to belong to an association.*

***Article 20, Universal Declaration of  
Human Rights***

**The Right to organize Parties**

The “Party affairs circuit” at the supreme administrative court rejected application to issue licenses to recognize 12 political parties. They had challenged the “party affairs committee” 2006 decision rejecting their establishment. Human rights watchdogs and political parties’ activists have always criticized the nature of both the “party affairs committee” and the “party affairs circuit”. Each of them is formed of a mixture of judges and other public figures. Human rights watchdogs think that the committee and

the circuit would not comply in their decisions with the necessary judicial neutrality as they render politicized judgments. Indeed, there is an objective partiality problem as several senior members of the ruling party and some civil servants are in the committee and the circuit formations.

The parties rejected by the court include “The New Centre party”, “The Arab Dignity party”, “The Democratic Hope Party”, “The Egyptian Nationalist party”, “The Liberal Nationalist party”, “The Nationalist Alliance party”, “The Awakening of Egypt party”, “The National Peace party”, and “The Democratic Freedom party”.

The rejection of these parties by the party affairs circuit (of the supreme administrative court) is related to legislative amendments made to the law on parties in 2006. These amendments require increasing the founders’ quorum from 50 to one thousand members as a precondition for perusal of a party’s founding application.

Although the court strictly applied the preconditions provided for in the new law, the committee on party affairs agreed on May 12<sup>th</sup> 2007 to license the “Democratic Front party” to become the twenty-fourth party in Egypt. It had applied for licensure in July 2006.

### **The Right to Formation of Unions:**

The largest labor organization is the general federation of trade union which comprises 24 trade unions. Any other labor entity is prohibited by law. The law authorizes every 50 laborers to form a unionist committee in the factory or the establishment they work in. Private sector businessmen however, do not welcome the formation of trade unions especially in new industrial cities.

Human rights watchdogs and union activists criticize the permanent interference of the authorities in the activities of the general federation of trade unions, and of the unions affiliated to it, especially those of the Ministry of Manpower and Emigration and the ruling party that escalate during the period of elections of the federation and its unions that are held every five years.

Elections that took place at the end of 2006 and the beginning of 2007 witnessed many violations and complaints. The most salient case was the disqualification of a large number of candidates who were estimated by independent sources to amount to 40% of the total number of candidates.

As for professional syndicates, the restrictions listed in law No. 100 for 1993 undermines the independence of these syndicates. Syndicates of engineers,\* merchants, pharmacists and physicians remain under sequestration. Unable to attain the legal requirements required for holding general assembly elections (the presence of half the number of members) these syndicates were not able to hold their elections. Sequestration commissions usually resort to delaying the elections and attempt to suspend them on the plea of non-completion of election tables or by resorting to temporary hearings.

Leaders of professional syndicates call for the annulment of law No 100 for 1993 that delays the independence of the syndicates and alternatively request the return of hosting elections according to the internal charter of each syndicate.

Despite Cairo's subsidiary syndicate of law being sequestered, lawyers' syndicates, journalists, graphic artists, musicians and the writers' unions were all able to escape sequestration and were able to hold their elections. Still, internal strife between the President of the principle Socialists syndicate (a member of the NDP) and its subsidiary offices poses a threat of sequestration for inability to fulfil legal requirements.

### **The Right to Formation of Peaceful Assembly and Associations:**

Law 84 of 2002 imposes restrictions on the formation of nongovernmental organisations (NGOs). It enables the Ministry of Social Solidarity to impose its hegemony so as to refuse licences to NGOs and especially human rights NGOs. It also enables the Ministry to take a unilateral decision to dissolve any organisation or freeze its operation. In

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\* The administrative court rendered a judgement obligating the administrative body concerned to hold election within a month.

case of violation of its provisions, the law contains a clause that imposes penalty.

The year 2007 witnessed several negative developments in the sphere of nongovernmental activity. The Ministry of Social Solidarity justified rejecting the granting of licenses to establish new human rights NGOs based on Article 11 of the law; a clause on security threats.

For example, in 2007 the request to recognize “*solidarity for development and human rights*” was turned down on the basis of being a security threat. Two of this organization’s founders were identified as being politically active in the seventies during their university years supporting the opposition. This issue was finally resolved and the license attained when the request presented to the Ministry was amended to exclude the names of the two activists from the list of its co-founders. Likewise, the Ministry withdrew the licence of “*the civil observatory on human rights*” when after winning a court case, confirmed its legality.

Nevertheless the issue that has aggravated the most criticism by human rights watchdogs in 2007 was the rejection by the Ministry of Social Solidarity of the application of the “*Service Home for the Rights of Labourers and Union Members*” that boasts a history of successful activity in defending laborer rights. Moreover, subsidiaries of this NGO were previously closed down in the areas of Helwan, Mahallah Al Kobra and Najaa Hammadi in 2006. This, in spite of full compliance with the Ministry’s regulations and during harsh negotiations held under the auspices of NCHR, the license was still declined in August 2007. This triggered yet a new cycle of criticism towards the Ministry.

In September 2007, under directions from the Minister of Social Solidarity, the governor of Cairo released a decree to dissolve the “*Human Rights Legal Aid*”, an active human rights NGO that offers legal aid and advice to victims of human rights violations. The dissolution order came as a result of a claim suspecting administrative and financial infringements. Despite receiving severe domestic and international criticism, authorities did not go reverse their decision even after the association’s proposal to take its

financial records to the Central Auditing Authority in its capacity or to any other competent body to make evident that no breaches were made.

Concomitantly, authorities declared their intention to amend law 84 of 2007. Even though, both the drafters' intentions and the articles to be selected for modification remain unclear, NGOs jumped at the opportunity to propose an integrated bill of amendments. Demanding changes that will limit the restrictions based on them and promote freedom of their activity. Contextually, NCHR held a meeting in which several human rights observers, legal experts and civil society organizations participated and the outcome recommendations were presented to the Ministry of Social Solidarity. At present criticism continues to grow against the Ministry due to lack of transparency and its failure to provide information about intended amendments to the NGO law.

Further in impeding the activities of human rights NGOs is the Ministry of Interior's refusal to distribute a booklet prepared to teach children about their rights. Despite being prepared by the Arab organization for criminal reform<sup>(^)</sup>, revised and distributed by NCHR and approved by the Ministry of Education, the distributed booklets were confiscated by security officers.

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<sup>(^)</sup> Enclosed.

### **c- The right to participation**

*1- Everyone has the right to take part in the government of their country, directly or through freely chosen representatives.*

*2- Everyone has the right of equal access to public service in their country.*

*3- The will of the people shall be the basis of the authority of the government; it shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”*

#### ***Article 21, Universal***

#### ***Declaration of Human Rights***

During 2007 many elections were seen to take place; Mid-term Shoura Council elections, People's Assembly elections, elections of some professional syndicates as well as student union elections.

The Shoura Council elections are the first elections to take place after the Constitutional amendment calling for the abolishment of full judicial administration over elections. Held under the supervision of the newly established electoral commission (4 incumbent judges, 4 former judges and 3 public figures), the elections were held over the course of one day as stipulated in the new law with the first round held on June 11<sup>th</sup> and the second on June 17<sup>th</sup>.

Civil society organizations that monitored the electoral process recorded\* a number of human rights violations and cases of abuse.

First violating electoral legislation, individual complaints and judicial challenges lodged identified hindrance of timely submission of candidacy applications due to presented obstacles in a number of governorates. In addition, a number of candidates' applications were disqualified by the Supreme Electoral Commission for several reasons: on the premises of inconformity with the election law, on the grounds of political affiliations with religious insinuations in their election campaigns or pursuant to complaints brought against them by other candidates.

It was also noted that candidates belonging to the ruling party were accused of abusing premises of government institutes, public sector companies, and made use of official mass media in their campaigns. A number of them also exceeded maximum limits specified for campaign expenditure. Also, the principle of equal opportunity for all candidates was not upheld backed up with the use of security forces.

Moreover during the voting process it, especially in its first round, widespread violations were documented particularly in the constituencies where competition was between candidates from the ruling party and Muslim Brotherhood candidates. The gravest violation came when poll stations were shut to prevent voters from placing a vote. As a result an outbreak of violence led to the murder of a supporter of an independent candidate in Al- Sharqiya governorate and the wounding of several others in various governorates. Observers were also prevented from performing their role and electoral bribes were publicly made and multiple voting was practiced.

Also reported by some sources\* was the arrest of a number of Muslim Brotherhood candidates as well as supporters amounting to 833 several days prior to Election Day.

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\* Freedom centre of Human Rights, a report on by-election in the constituencies of Azzawiyah Al Hamra and Sharabiyah, and Al Manial, Dec 26, 2007.

\* The monitor of democracy, the Egyptian society for the promotion of community participation.

The Supreme Electoral Commission announced the turn-out in the first round to be 31% and 19% in the second, whereas independent organizations reported a much lower turn-out not reaching the 10% mark. This raises questions about the credibility of the Supreme Electoral Commission and the method of reaching its results. Presidential elections saw a turn-out that did not exceed 25% despite fierce competition and enthusiastic efforts of the government, parties and others.

The People's Assembly by-elections were held on Dec 26th 2007 to fill empty seats in 2 constituencies. A seat in the 21<sup>st</sup> constituency in Al Manial police station became vacant upon resignation of its holder Dr. Shahinaz Annajar, Secretary of the Culture and Information Committee at the People's Assembly. The second vacancy was in the Asharabiyah and Azzawiyah constituency where representative Muhammad Sayed Ahmad, a Laborer, passed away.

It is worth noting that since the elections have taken place six constituencies remain empty. Namely: Atsa (Al Fayoum), Shebin Al Kanater (Qalubiyah), Aga (Dakahliyah), Al Manshiyah and Jomrok (Alexandria), Qelleen (Kafr Esheikh), and Dosouk (Yharbiyah). They were cancelled prior to an administrative court ruling nullifying the results of the first round in Nov 2005. Although the court ruling demanded a repeat of elections, authorities resorted to lodging motions before courts that did not hold jurisdiction in this area in attempt to delay elections in these six constituencies.

Three years have lapsed since the last People's Assembly election held in 2005 and still both the Ministry of Interior and the Supreme Electoral Commission have not held by-elections, while this procedure has been readily used in other constituencies for reasons of death or resignation.

Eleven candidates competed to fill the seat of Al Manial constituency. One, a ruling party nominee and eight others (including two women) also national party members ran independently. Another candidate represented the Democratic Front party and the last was a delegate of Al Wafd party. As for the Azzawiyah constituency, 13 candidates competed for the seat. Only one

candidate was a national party nominee while the majority ran independently of the National Democratic Party despite being NDP members.

Human rights organizations denounced irregularities committed in Al Manial constituency reporting bias towards the National Party candidate. Billboards and posters of the opposition Al Wafd party candidate were destroyed on the premise of failure to get security clearance. Other irregularities spotted include: multiple voting, bribing voters, the arrest of supporters belonging to the opposing Democratic Front Party candidate, ballot-rigging in favor of the National Party candidate and expelling voters from poll stations. Moreover, without presentation of the pink ballot card voters were prohibited from voting even though the law permits voting as long as the voter's name is registered in poll station tables.

Human rights organizations overlooking elections in the Asharabiyah and Azzawiyah constituencies have reported similar irregularities. Voters not in possession of the pink ballot-card were kept from voting while supporters of the National Party were permitted to vote. The police and National Party candidates were accounted to have expelled supporters of other candidates from poll stations. There were also allegations about ballot-rigging in favor of an independent National Party candidate.

Musicians, Journalists and Sociologists syndicates organized elections. The Musicians Syndicate elections took place on Dec 11<sup>th</sup>. Out of 45 candidates, 2 were disqualified for not meeting criteria for application and 1 resigned. Credentials of 42 candidates (including 3 women and 5 members of the former board of directors) were therefore accepted. Elections were held under judicial supervision and the supervision of the legal representative of syndicate elections. The turnout was 50.7% of those qualified to vote making the legal quorum escaping sequestration as provided for in law No. 100.

Elections did not see professional or political partisanship as most successful candidates were nominated by Dr. Hasan Shararah, former deputy chairman of the board. Despite singer Afaf Rady being on the former board and deputy chair of the Syndicate, no women candidates gained any seats.

Journalists Syndicate elections were held on Nov 17<sup>th</sup> 2007. The turnout was high due to the crisis that broke out following the sentence of five chief editors of independent and opposition newspapers to imprisonment and fines. The most significant issues addressed in the campaign were salaries of journalists and the abolishment of imprisonment penalty in cases regarding publication. In addition, the national controversies took a priority in discussions given that the syndicate is a platform of opinions. The principle flaw that damaged the campaign was an insinuation made that journalists will be paid financial subsidies for supporting a certain candidate for position of chairmanship. The government had assured journalists that a subsidy of two hundred pounds would be paid in the form of training and technology allowance. Causing riot some journalists published a statement harshly criticizing this affair.

The judicial commission supervising the syndicate election refused to apply the rulings rendered in favor of some journalists to submit their names in candidate or voter tables. The Commission postponed applying the rulings until the out come of notion 3468 of 2007, Abdeen is decided. The journalists filed complaints affirming these incidents.

The third round of the elections of subsidiary offices belonging to the Sociologists Syndicate took place on September 9<sup>th</sup> 2007. Legal quorum was not attained in the first three rounds. With the turnout reaching it's highest in the third round at only 30% voters. Some boycotted the elections alleging that the election tables were flaw, that the chairman of the judicial commission supervising the election refused certification of these tables and that the general syndicate deliberately did not report names of new members to the subsidiary syndicate. Moreover, one contender argued that other candidates did not meet criteria for entry. Thus, the syndicate is may stand at the threshold of sequestration. In addition, a number of members filed lawsuits against putting the general syndicate under sequestration for irregularities committed: the expiry of the term of the general syndicate board of directors, the death of more than half of its members and the irregularity of its meetings.

University student union elections took place in October. Also elections witnessing irregularities and contraventions, to prevent students in several universities from candidature in elections, students were dismissed prior to elections, others were referred to investigation or prevented from attaining a candidature card.

The elections were also marred by the security forces' interference in student affairs. They seized some students and transferred them to investigation under criminal charges.

Many students complained about forgery of election results. Some human rights organizations reported assaults by thugs on students who demonstrated against the election's forged results.

Human rights organizations called for the investigation of incidents of assault in Egyptian universities and particularly Ain Shams University. Students were beaten inside the university campus leading to injury. Repeatedly chanting the significance of freedom of participation in fair student elections, human rights NGOs also called for the expansion of the student unions' establishment, for the abolition of security and administrative restrictions on candidature, and for public declaration of results as well as for replacing the 1989 regulations by more democratic regulations guaranteeing welfare of university students.

## **Economic and Social Rights**

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*“Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each state, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”*

### **Article 22, Universal Declaration of Human Rights**

A series of crises in 2007 forced both state and society to focus attention on economic and social rights. Problems included shortage of drinking water, grain stock and bread, the sharp rise in the prices of food and agricultural raw materials, and the unjustified hike in the costs of residential land and building materials, such as cement and steel. Compulsory evacuation of certain slums led to disturbances. The tragedy of the collapse of the “Loran” building in Alexandria, as well as other incidents, revealed the overlooked contraventions of building laws.

These problems overshadowed the improvement in the macroeconomic outlook, including GDP growth rates reaching 7% for the first time in years. This led to widespread peaceful protests, strikes and sit-ins that were social rather than politically driven where new factions of the society participated for the first time in, like employees of the real estate taxation offices in

municipalities. Rising world prices and subsidies allocation also aggravated the budget deficit problem. The Government's tackling of the thorny issue of subsidies was accompanied by a societal debate that questioned the mismatch between world prices and local wages and incomes, as well priorities of government spending.

This section of the report focuses on the fundamental issues that faced Egypt from the perspective of social and economic rights:

### **a- The Right to an adequate standard of living**

The right to a life of dignity is one of the most salient economic and social rights. In its essence, it means secure food and shelter, as well as sustained improvement of the standard of living. This is directly related to fighting poverty and consolidation of social safety nets.

The enforcement of this right faced three major challenges in 2007. First was the sharp rise in the prices of foodstuffs which limited the citizens' ability to meet their basic needs. Second was the unprecedented rise in the prices of residential land and rent which undermined the capacity of broad classes of society to obtain housing both currently and in the foreseeable future. Third is the failure of governmental measures, including raising wages, to induce hope in the future.

The rise of global prices necessitated a sharp increase in budget allocations for subsidies which, together with the prevalence of monopolistic practices by some businessmen and rising corruption hampered the government ability to tackle the problem. (Egypt's ranking according to Transparency International deteriorated from 70 out of a total of 163 States in 2006 dropped to 105\* in 2007). Moreover, it is in this climate that the Government has put forward the issue of subsidies forward for public debate.

In an intense media debate on the issue, the Prime Minister assembled a Ministerial Committee under his chairmanship and brought together several institutions to participate in the discussions, including the National Council

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\* Al Ahram newspaper, Dec 11, 2007 p.3 .

on Human Rights. NCHR on January 25 also held a large symposium that saw the participation of the main intellectual currents in Egypt, together with specialized experts, government officials, and representatives of the ruling National Democratic Party as well as a number of opposition parties and nongovernmental organizations working in the field of human rights.

Working papers presented and the ensuing discussions proved that subsidization is closely connected with the fulfillment of social and economic rights. Therefore this issue was discussed from both an economics perspective and an economic and human rights perspective.

Subsidization is directly related to the rights of citizenship emphasized in the latest constitutional amendments. Moreover, subsidization – it was argued - is compatible with market economy. While it is true that the guiding principle in a market economy is that prices are determined on the basis of the “real costs”, it is also widely accepted that the “market value” may be at the expense of “social value”, hence justifying governments’ interference to preserve the “social value” of some principal commodities and services. Economic policy is responsible for preventing perversion, monopoly and exaggerated profits. In addition, there is also a consensus that stabilizing prices and fighting inflation constitute basic government responsibilities.

Working papers and discussions also revealed that subsidies as a percentage of both the gross domestic product and budget is low if compared with some advanced economies, and even in some Arab States, such as Tunisia and Morocco. The deliberations also pointed out to the fact that the figure of subsidies is overstated, in large part as a result of the method used to calculate it, which comprise the subsidization of petroleum products.

Another outcome revealed was that the State’s inability to tackle the subsidization issue early on made it a part of the social and economic fabric. Its allocations in the State budget are equal to, if not larger than, wages and salaries. Millions of consumers benefit from subsidized foodstuffs and of relatively cheap means of transportation. Industries use cheap energy. As a result of continuing subsidies, the Government did not make a comprehensive review of wages and salaries. Basic salaries remain fixed with no

fundamental changes compatible with living conditions. Instead, the State resorted to increasing the salaries of many employees in various ways such as incentives and bounties. Several governmental departments deviated from the salaries plan by using methods like using special funds in some Ministries and the employment of foreign aid from international organizations to finance extra wages of employees in others. In this way the State deviated from the principle of budget unity and comprehensibility.

Therefore, handling the subsidization issue requires a comprehensive strategy to tackle the many aspects of the national economy. Policies should be implemented gradually so as to avoid abrupt and violent changes, and be preceded by informing and persuading the public.

The symposium proposed a number of recommendations which, as follows:

1. Ensuring the comprehensibility of public dialogue and the involvement of all parties concerned: the government, citizens, businessmen, non-governmental organizations and political parties.
2. Clear identification of the purpose behind reconsidering the subsidization problem. Whether the purpose a rationalization is an issue of the use of available resources, or the alleviation of the burden on the state budget by means of reducing subsidies?
3. The need to reconsider the following issues:
  - a. Ensuring that wages and salaries enable people to live an honorable life.
  - b. A new commitment to the principles of public finance, especially the unity and comprehensibility of State budget.
  - c. Gradual application of policies with suitable transitional periods.
  - d. The importance of complete transparency and the restoration of public trust, by means of avoiding the often conflicting statements of government officials.
  - e. Promoting the role of civil society and non-governmental organizations as pressure groups to protect the interests of consumers through definite legal and executive mechanisms.

- f. Achieving consensus around reform programs through awareness and participation by all parties concerned, such as the representatives of industry, civil society, and professional syndicates.
- Focusing on the original roots of the problem necessitated subsidization.
  - The need for an integrated policy for handling the issue of energy, while bearing in mind that the problem is not only that of the present generation, but also to future generations.
  - While studying the subsidization issue, it may be necessary to reconsider the lease law of old real estate since it represents a subsidy concept different from that in the new real estate law.
  - There need for an equitable distribution of burden as compared to the current bias against the poor.
  - The need for parallel investments in public transport and housing that goes side by side subsidization.
  - Productivity and production have to be raised in a way that alleviates dependence on subsidization.
  - Continuous subsidization of bread is a must, for any reduction of subsidies would have undesirable consequences, both social and political.
  - The government should continue to play its principal role in achieving food security.
  - The establishment of a national company that buys the subsidized bread from bakeries and sells it at the subsidized price so as to tighten control.
  - Support for the disabled since they represent a big portion of the population in urgent need.
  - The determination of clear guidelines and realistic and practical criteria for the identification of beneficiaries of the subsidies system. Such guidelines should be neutrally applied and in such a way that protects the citizen's dignity and enables him to live an honorable life.

In this context, bread is the cornerstone of the subsidization issue. The word for bread in Arabic is “Eish”, which literally translates to "living", an indication of its importance in the life of Egyptians.

Complaints received by NCHR indicate that the bread crisis in general and subsidizing it is the primary preoccupation of the Egyptian citizen, either because of its unavailability, its deteriorating quality and size; and rising prices on the black market.

The crisis of subsidized bread has three dimensions:

1. The flour ration delivered to bakeries is not proportionate to the density of inhabitants, be it in cities or in villages, which causes severe crowding and violent quarrels at distribution outlets.
2. The product (the subsidized loaf) is lacking in both quality and quantity. It does not meet the official standards.
3. The proportion of wheat loss is high due to the way it is cultivated in Egypt\* which causes a loss of 65 kg/feddan (acres). Fires are responsible for a loss of 68 kg/feddan (acres). Bad storage causes a loss of 132 thousand tons. The same can be said about the lack of metal silos for storage, and the inexistence of effective programs for fighting rodents and birds.

The Ministry of Social Solidarity followed a new method of integration with the owners of bakeries based on a contractual relationship binding to both parties.

On Sep 1<sup>st</sup> 2006, the Ministry signed contracts with bakeries committing them to produce bread consistent with the legal regulations. The Control mechanism has been changed. Under the new contract, fines are imposed on bakeries. They differ depending on the contravention committed. The fine is imposed on the basis of a report made by a five-member commission formed of representatives from health, supply, and agriculture ministries, as well as the chamber of commerce and civil society.

The agreement allowed for advantages, namely raising the cost of production by 15L.E. for every 100 kg. The Ministry shoulders the burden arising from the increase in sunflower oil prices and will pay an incentive of 5 L.E./sack to the bakery owner who commits no contravention for 45 consecutive days.

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\* This study was made by the center of agricultural studies.

In the same context, the Ministerial directive No. 76 of 2006 was issued to appropriate part of the subsidized flour ration to corporate bakeries at the expense of traditional bread bakeries.

Despite efforts to improve the quality of the subsidized bread, yet to achieve their goal, the crisis escalated and exceeded the simple demands of improving quality. Making bread available and fixing its prices are now the issues.

NCHR is concerned by the negative consequences of this crisis which continues unabated. Solutions that focus on the plight of the lowest income brackets are urgently needed.

NCHR is encouraged by a Cabinet's statement on March 6<sup>th</sup>, in which the Prime Minister extended Governors the authority to determine the actual needs of their governorates. The statement added that the government will provide the technical and financial requirements necessary for separating bread production from its distribution, and tightening control on smuggling of flour. The issue was scheduled for further discussion with Governors on March 12th 2008\*.

- 1- Everyone has the right to freedom of movement and residence within the borders of each State.
- 2-Everyone has the right to own property alone as well as in association with others.
- 3-No one shall be arbitrarily deprived of his property.

### **b-The Right to Housing:**

In 2007, the State implemented a policy to resolve issues related to the right to housing. At the beginning of the year, a new arrangement was launched for housing youth under the project, "*Build your home*". Tens of thousands of 150m<sup>2</sup> lots of residential land were devoted to youth in designated areas in new cities. To be distributed by lottery for 10,500 L.E to be paid in seven annual installments. After acquiring the lot, the youth would

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\* Al Ahram newspaper, March 7, 2008.

be given a grant of 15,000 L.E. to assist in building the house. This grant will be paid out in three installments consistent with the stages of earnest building of the house.

During the implementation of this project, however, several challenges were faced. Tens of thousands of applicants objected to lot-casting as a means for allocating the land believing it to be an unfair method of distribution. They also objected to limiting the area the built-up area to less than 50% of the whole lot. Also, criticized was the time-frame allocated for obtaining the grant. In case of violation of these conditions, the land is restored to the state. In addition an impeding issue is the building process in light of the rising prices of building materials to unprecedented levels.

In the lot-casting made during 2007, hundreds of thousands applied for less than 50 000 units. It was stated that the Ministry of Housing discovered incidents of illegal sale of some lots by owners to others at higher market prices.

The year 2007 also witnessed an unprecedented increase in real estate prices in Egypt. Selling areas to Arab and foreign investors in places of infrastructure in new cities at extremely high prices has caused property prices to more than double. Also negatively affecting rent which rose by more than 50% that have already since the 1996 rent policy made flats available for rent but at high prices not making it possible to solve the housing problem.

The government made efforts to break the monopoly of building materials especially steel and cement. It submitted a study on cement monopoly to the Attorney General who, accordingly, referred the officials of 30 cement companies to investigation. Several licenses were granted for building new cement factories. A similar study is being made to break the monopoly of steel and to increase its production. The government referred some steel traders to prosecution.

The State also tried to establish a real estate database in Egypt by expanding the system of land registers to include more than the current 7% of the country's real estate properties. The land register system is a requirement

for the implementation of the policy of real estate mortgage considered to be one of the main tools for solving the housing problem in the country.

The collapse of a number of buildings in 2007, and particularly the collapse of the “Loran” building in Alexandria in which 35 people died and 3 were wounded, led to the discovery of 102 million illegal buildings in Egypt. In the absence of urgent measures, the toll of victims will continue to rise.

For the third consecutive year, the State has carried out its policy to develop 68 of the country's 900 slums. 80 of these shanty areas are to found in Cairo while others lie within its old districts.

Official estimates say that 11 to 17 million people reside in these slums and a large number of them live in cemeteries. Officials and mass media consider these slums a dangerous source for organized crime and religious extremism. But experts and human rights observers believe that 70% of slums may be developed. But that the 5 billion dollars earmarked in 2005 for developing the slums in the period extending to 2025, are not sufficient. Experts therefore advise that this development requires at least 180 billion dollars and should be executed in 3 to 5 years at most.

Inhabitants of slums suffer from poverty, scarcity of food and even absence of commodities including pure drinking water and electricity. Sanitation systems are nonexistent and complaints received reflect corruption of local councils and maltreatment from security forces.

The Ministry of Housing started its plan for rural development for the Republic's four thousand villages. The Ministry has so far completed the planning of 1,700 villages and their dependencies. The process of planning is estimated for completion during 2009.

Experts inform that continuous centralization of administration and the economy as well as the neglect of Upper Egypt's governorates in the plans of economic development will lead to continuous migration to cities, especially to Cairo in search of job opportunities and essential services. This, in turn, will lead to the growth and expansion of slums with the increase of their populations, given that rents in these slum areas are low when compared with the high rents in developed areas.

Prior to the breakout of fire in Qala'at Al Kabsh, disputes broke out. Authorities prevented inhabitants from returning to their dwellings due to the threat of the collapse of their buildings. The fire also made homeless residents stage demonstrations in front of the People's Assembly protesting the failure of the concerned authorities to resolve their problem.

Another storm of anger resulted from attempts made to evacuate the Nile island of Al Qorsayah. Rumors had signified that the government intends to sell the island to Arab and foreign investors to set up a tourist resort. Inhabitants refused to abandon their homes and lands resisting authorities attempt to forcibly remove them for the second time in 6 years. In 2001, the former Prime Minister issued a directive transferring the ownership of the island land plots to its owners pursuant to the instructions of the President of the Republic.

The real estate notary department, however, refused to register ownership of the land to the island residents not having received instructions to do so. Independent and political party newspapers published in 2007 that the government had repeated the attempt to evacuate the island after receiving a second tender from the same investors to buy the island.

In Kafr El Elw, Helwan district, security forces attacked a 37 house complex sheltering 100 families to forcibly evacuate the complex and demolish the houses using bulldozers, pursuant to an obliteration order from the Cairo governorate. The inhabitants complained of the maltreatment of security forces that prevented them from moving their belongings favoring to destroy them instead. Security forces also detained some of those who refused to leave their houses. Residents challenged the obliteration decision in court and demanded it be revoked. The appeal is still under investigation by the judiciary. By the end of 2007, only 20 of the displaced families were given low income housing.

The complainant "Mustapha Kamel El Sayed" of Kafr Abu Joma, Qaliub, submitted a communication to NCHR that reflects the story of many an Egyptian person. El Sayed lives with his wife and four children in a small room. They put their clothes in plastic bags and spread out their washed

clothes in the same room which has no windows. Moreover, El Sayed is burdened with the need to purchase daily medication for his wife who suffers from allergy and asthma, as well as a bucket of water since his 150 L.E. rent room does not get water.

It is noteworthy to mention that after NCHR carried out investigation on this complaint discovered that El Sayed is a lawyer. With no clients, he was forced to work in a local restaurant Al Mazallat Zone for a daily wage of fifteen pounds that he uses to pay the room's rent and support his family. Requiring a sum of 2000 L.E. to be placed as down payment for a improved room overlooking the street, and another 2000 L.E. to buy a bean-stand to earn his living, El Sayed requests financial aid.

### **c-The right to education<sup>(4)</sup>**

*1- Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*

*2- Education shall be directed to the full development of human personality and to the strengthening of respect for human right and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.*

*3- Parents have a prior right to choose the kind of education that shall be given to their children.*

**Article 26, Universal Declaration of Human Rights**

The State recognizes the fundamental need to develop education at the basic and secondary levels as a pre-requisite for accelerated development and national security.

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<sup>(4)</sup> Enclosed.

Educational syllabi development policies have dealt with structure and content as well as the correlation of syllabi with stages of age and mental growth. These policies extend to cover qualification of teachers who are the cornerstone of the education process. Teachers receive training on communication skills, given guidance and evaluated on treatment of pupils. Education content basics were expanded to encompass general culture of education including how to encourage the spirit of team work to both pupils and teachers. The girls' education initiative proved a huge success story resulting in the decrease of girls dropping out of schools.

The Ministry of Education also promotes and encourages self-education amongst teachers as well as pupils. It is currently working at the potential of incorporating human rights culture in educational syllabi.

Despite all success obstacles and limitations still exist. Financial pressures, Class density in public schools is so high reaching 80 pupils per room in primary and preparatory schools and 60 pupils per room in secondary schools. Schools suffer from lack of facilities such as playgrounds, laboratories and libraries.

Moreover, the percentage of school drop-outs remains high at 8% among males and 14% among females. The main reason for this phenomenon is poverty that leads families to employ children in work to earn a living. Reports show that children in the labor market are more than 1.7 million aging from 6 to 14 years. The number of pupils in fundamental education amounts to 6 million and to 3.2 million in secondary education.

Despite the adoption of a special pay-scale for teachers, the concept of private tutoring is still widespread, especially in secondary education. Private tuition depletes the limited financial capabilities of Egyptian families.

Coupled with this is the increase in private language and international schools. School fees have soared in the last two years allegedly with the rise in costs and prices to unparalleled records.

Moreover experts have criticized international schools claiming that their syllabi are incompatible with Egyptian culture and national identity.

They isolate their pupils from their community by adhering to foreign cultural values.

Argument on the University level holds that the increase of private and international education attracts qualified staff from State Universities violating the principle of equal opportunity for secondary education graduates.

Controversy is all the more intense around the nature and content of the social sciences taught in some of these universities and particularly in the foreign ones.

This in addition to regular complaints filed reporting discrimination inside State universities themselves, due to establishment of private sections with English or French taught in faculties of social studies faculties in State - run universities in return for high private fees.

Though university education takes the higher percentage of the education budget, faculties of applied studies still complain of shortages of facilities required for practical training and scientific research. Also, educational syllabuses are not relevant to the needs of the labor market.

Globally Egyptian universities are uniquely characterized by the problem of rising prices of public university material and books that has met a lot of prices. This is the result of shortage of subsidies that previously enabled low-income families to purchase books free of charge or in return for a symbolic price.

University hostels have always complained from the tight grip of security. Students suspected of belonging to political parties and groups are deprived from staying in these hostels. Moreover, accommodation capacity is so limited that 20% to 40% of those entitled to stay in these hostels are excluded.

Previous years had seen accomplishments when young graduates were employed in literacy programs for adults. This had led to a decrease in the percentage of illiteracy to less than 35% of adult males above 15 years, but amongst females in the same age bracket remains at 49%. But no further efforts have been exerted to eradicate illiteracy in 2007.

NCHR is eager to draw attention to the emerging "dual education" phenomenon that is a result of growing private education alongside deteriorating public education that is affecting all stages of education in Egypt. On the one hand this system presents ample opportunity for the wealthy to be enrolled in advanced study programs or pursue excellent jobs, while poor families continue to face social and political difficulties that impact on the future of this Nation.

#### **d- The Right to Healthcare:**

*1- Everyone has the right to a standard of living adequate for the health and well-being for himself and for his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*

*2- Motherhood and childhood are entitled to special care and assistance. All children shall enjoy the same social protection.*

#### **Article 25, Universal Declaration of Human Rights**

The right to access to healthcare for all was a matter of concern throughout the year since the State was seen to favour privatization of the Health Insurance Authority to a profit making company. New policies limiting access of medical services to the public were introduced. Moreover, fraud incidents in hospitals that took place were submitted to investigation and trial.

In mid 2007, the Prime Minister issued directive No. 637 transforming the Health Insurance Authority into a private holding company. The decision aims to improve administration, maximize investment returns and make

profits. It gives the holding company the right to enter partnerships with other companies or individuals to increase profits.

This decision was met by a large wave of protest as it came concomitantly with another legislation submitted by the Minister of Health to the People's Assembly. This legislation curtails the services extended to beneficiaries. It divides people into segments. While some segments will enjoy low-cost services they are required in return to pay a third of the examination expenses and medicine fees as well as fourth of the fee for treatment in hospitals. The type of service as well as amount in fees and expenses shall be determined by administration.

Staged protests before the People's Assembly led the chairman of the People's Assembly's Health Committee in mid 2007 to pledge not to submit the legislation in the current session. In November, representatives of the protestors met with the spokesperson of the People's Assembly who according to human rights sources, expressed his astonishment at the decision of the Prime Minister and at the legislation submitted by the Minister of Health. The spokesperson made emphasis of clauses in the submitted legislation that violate Article 17 of the Constitution.

A communication lodged by an employee of the Ministry of Health to the public prosecutor revealed corruption and mismanagement of medical supplies to hospitals and the Ministry., The employee was transferred to another department as a disciplinary measure. Still this produced a cycle of investigations by both the Attorney General and the People's Assembly Committee of Health. The outcome ruling of the Attorney General pursuant to evidence was to send accused personnel to trial. The case also revealed that medical supplies used did not fulfill the standards of quality and safety.

As a result of this case, the absence of laws and regulations that determine standards of quality was highlighted. That while over the counter remedies medicines may come under scrutiny of international medical standards and approved specifications from the “*U.S. Food and Agriculture agency*” for example; this was not the case for more vital medical instruments that are not even subject to national measurers of quality control.

A regular series of complaints disclosed the existence of inadequate medical services, rising prices of medicine, poor hospital treatment and surgeries.

Before the close of 2007 complaints increased to confirm the inability of authorities to limit the spread of the avian flu which has in the past two years led to the death of 19 people in (5 of who died in a period of less than 3 weeks last December).

Official sources have reported a shortage in vaccinations that the number kept in storage barely satisfies the needs of a fifth of the population. Independent medical sources warn that the virus may quickly become an endemic and difficult to manage.

Even though committees of concerned Ministries met to assess the dangers of the virus' return and spread and ways in which to contain it, independent newspapers documented a shortage of funds required for the anti-virus campaign and for compensation for the owners of chicken farms.

As for the issues of health, environment and pollution, the year 2007 saw recurring complaints of shortages in drinking-water and its poor quality. To the extent that in some governorates people went as far as to complain that drinking water was mixed with sewage. Sanitary drainage services cover only 35% of the country.

The Minister of Planning announced that one thousand villages (25% of Egyptian villages) do not have sufficient drinking water. Official sources proclaim that 19% of the populations do not have access to drinking water. Drinking water is available in 90% of urban areas and only 78% of the countryside.

Throughout the year extensive complaints and protests concerning the lack of water in general were reported. Reaching a peak in Kafr Al Sheikh governorate where residents of Al Hamoul village blocked the coastal international road for two days protesting against an eleven day interruption of water. In solidarity with the anguished people, two members of the People's Assembly went on a hunger strike. The Ministry of Housing,

Utilities and Urban Development admitted failure to resolve the problem in the foreseeable future.

These protests spilt over to other governorates especially in Lower Egypt (Al Bohairah, Addakahliyah, Al Gharbiyah, Al-Sharkiyah, Damietta, Bani Sweif, Fayyoun and North Sinai) to draw attention to suffering caused by lack of water over the last five years. They demanded a solution to this crisis.

Dakahliyah governorate accounted in distress the mixing of sewage with drinking water pipes for the second time round after a two year gap. The crisis also spread to Al -Sharkiyah governorate. Officials in water companies explained that inadequate funding and heavy debts accumulated on water and sanitary drainage projects are reasons behind deteriorating infrastructure maintenance. This not only resulted in the mixing of drinking water and sewage drainage pipes but also to leaking wastage of 50% of the output of drinking-water stations.

As for the lack of sanitary drainage services, official estimates that only 32% of the population has accessibility; 40% in urban areas and 15% in rural areas.

General water ratios have fallen to 850m<sup>3</sup>/year, which is less than the water poverty line of 1,000m<sup>3</sup> annually. Individual water requirements amount to 1800 m<sup>3</sup>/year.

Grievances communicated for five consecutive years show distress caused by the cloud of black smoke that covers Cairo skies at the end of every autumn and the start of winter. It has been reported to cause lung and chest diseases.

Although the State has employed its efforts into fighting the burning of rice straw in the districts around Cairo, the trend has not disappeared.

Responding to the call of experts, the State has started to build factories to press rice straw to keep farmers from burning their disposals. The State built 10% of the required factories in the governorates of Kalyoubiyah, Al-Sharkiah and Monoufiyah. However when a large fire broke out in two of

Al- Sharkiah's factories that lasted two days huge quantities of rice straw were burnt.

Specialists advocate the transfer of cement factories out of city suburbs. Severe criticism was aired against the State's grant of licenses to six new companies to build cement factories in the city and for authorizing the expansion of six old factories. Several European and developing nations have already banned the making of cement factories in the city for environmental reasons.

The Consumer Protection Authority, an affiliate to the Ministry of Trade, carried out a quality control inspection on bottled drinking water. Discovering disease causing bacteria, 8 of 13 specimens examined were declared unsuitable for human consumption. Names of the inadequate products were made public.

Inspection authorities unearthed 92 health breaches in Cairo's restaurants, but the names of these restaurants remain anonymous. This is in violation of the principle of transparency.

NCHR would like draw attention to a complaint received from the residents of Al Hady and Basili neighbourhood (Al Umraniah Al Sharkiah, Giza). Debris and remains of tearing down an old battery factory exposes any passerby especially elderly and children to injury. The authorities have neglected repeated pleas despite harmful effects of the residue and toxic waste on the environment. Unfortunately, citizens continue to coexist with this contamination. Hygienic standards have deteriorated.

## **e-The Right to work under just and favourable conditions**

*1- Everyone has the right to work, to free choice of employment, to just and favorable condition of work and to protection against unemployment.*

*2- Everyone, without any discrimination, has the right to equal pay for equal work.*

*3- Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.*

*4- Everyone has the right to form and to join trade unions for the protection of his interests.*

### ***Article 23, Universal Declaration of Human Rights***

Despite economic growth rates reaching 7.1% in 2007 through foreign investments of \$11 billion, positive effects have not toppled down to unemployment rates. Experts in this area hold responsible the nature of foreign investments injected mostly in the purchase and development of existing projects, especially in the sphere of economic services as well as through trade in the Egyptian stock market. This market saw a continuous rise in index numbers in the areas of services, real estate and building

materials. Moreover, investments directed to productive projects did not favor those that employ a large number of workers.

According to the data collected by the Central Agency for Public Mobilization and Statistics (CAPMAS), the unemployment rate reached 9.1% of the total workforce by the end of 2007 estimated at 21.98 million people. The validity of this information was subject to questioning by independent foreign sources when in a year the statistics recorded were found to be stagnant.

This suspicion was confirmed when the Al Ahram Centre of Political and Strategic Studies affirmed this information in its 2007 report on economic strategy trends. By claiming that the total workforce has remained dormant for two consecutive years at 21.98 million persons, an implication is made that newcomers in the labor market are overlooked that alone are estimated to amount to hundreds of thousands of people every year.

An American report released by the American embassy in Egypt under the title: "*Trends of Egyptian Economy*", (March 2007) also stipulated that at the end of 2006 the unemployment rate had reached 10.9% of the total workforce. While it basis its information on Egyptian government records, independent sources estimate this rate to be at a higher rate of 22% in addition to the additional 600 to 700 thousand entering the labour market annually.

This number is recorded at a higher 38% by independent sources amounting to 27 million in 2006. This percentage reflects the low efficiency of Egyptian economy because the minimum percentage universally acknowledged is 48% of the population census.

However both official and independent sources agree that unemployment rates are higher amongst females than among males. Also, unemployment rates in rural areas tend to be comparatively lower than in urban areas. Observers attribute this to the continuous migration from the countryside to cities in search for a better living.

It is also agreed that these unemployment rates are higher amongst the educated and especially the graduates of intermediate technical schools who amount to 65% of newcomers to the labor market every year.

The Shoumuu Association for Protecting the Rights of Disabled persons demonstrates that unemployment rates among the disabled reach 30%. This is due to deficiency of the public and private sectors in meeting the legal employment quota of 5% reserved for persons with special needs.

Due to a structure of low wages Egypt unlike other countries does not apply a social welfare program.

Unemployment in Egypt constitutes not only squandering human energy, but also stands as a perilous challenge on the security, political, social and economic level. It is noteworthy that international and national studies point out that the cost of the continuous unemployment in any society is as grave as costs depleted in providing employment and finding the solution to the problem.

NCHR emphasized that unemployment is a threat to increase in poverty and economic marginalization. The right to work is extremely important for the preservation of human dignity, and is a basic right without which one can not live.

The government's official statements during the year 2007 indicated its interest in solving the unemployment crisis. The public policy is to translate the high rate of economic growth into the employment of more citizens and the improvement of living conditions of low-income citizens.

The Ministry of Manpower and Immigration has adopted policies targeting: small projects, labor skills, educational programs to match graduates skills with the needs of the labor market, improve the work of labor and employment offices, expand on labour based projects, cooperate with countries that employ Egyptian migrants while putting an end to the exploitation of Egyptians working abroad as well as to curtail of the negative effects of privatization that has led to the increase of unemployment.

The Ministry has also started a national employment bulletin where vacancies are published. Industrial unions have taken the initiative in

employing graduates of high and intermediate education receiving little interest from the target group. This made a number of industrialists and businessmen conclude that talks about rates of unemployment and poverty in Egypt are considerably exaggerated.

Spectator and experts however would argue that the available job opportunities do not match graduates qualifications therefore explaining their lack of interest. Another discrepancy mentioned is the inconsistency between what is advertised about employment opportunities and company layoffs as part of privatization and premature retirement plans. Inadequate wages constitute an additional reason for youth averting from these jobs, however potential salaries are nearly equal to the general level of wages in the economic and service sectors.

Other reasons for youth to turn away from the job opportunities include the long commute, lack of means of transport, the number of working hours, lack of insurance and healthcare programs, and the comparatively high daily expenditure.

Despite the State's efforts to consolidate the rights of workers living overseas, a large number of Egyptian employees continue to be exploited. Wages are lost particularly due to the system in some Gulf States. Demanding financial rights or reporting abuse usually results in detention and deportations as well as financial penalties, thousands of Egyptian workers abroad therefore complain of the failure of the host State to take up the necessary measures to offer protection to migrant workers and their families.

When a rumour broke up in Libya that an Egyptian tribe stabbed a Libyan citizen in August 2007, a Libyan tribe in Bani Al Walid area attacked a residential complex of Egyptian workers. This incident led to the detention and expulsion of ten workers as well as the burning of their lodging and belongings. This incident was reason to a wave of deportation of Egyptians. Over and above, Libyan authorities took measures to curtail the influx of Egyptian workers to Libya leading to a decrease in 80% labour migration to Libya. Many Egyptians lose their belongings while vacating in Egypt and not able to return to Libya.

Furthermore before the end of 2007 Libyan authorities had clarified their intentions of deportation of one million unregistered foreign workers, a large percentage of whom are Egyptians. This is a direct violation of the bilateral agreement signed between the two countries.

The year 2007 also saw witness to the death of many Egyptian illegal migrants between the Mediterranean shores of Italy, Greece and Turkey.

Grave consequences and catastrophic stories on illegal migration by Egyptian youth have enraged public opinion. Failure of employment policies has driven thousands of young men to risk their lives in search of better standards of living in foreign countries despite the dangers.

People are infuriated with the inability of authorities to neither prevent the happening of these incidents nor provide remedy. Concerned authorities at the time of a calamity reluctantly neither announce the number of the victims nor provide information of their identities to restore the corpses. Insufficient efforts were made to return Egyptian workers detained in countries like Turkey and Libya.

Discrimination in the workplace also exists on grounds of faith. Citizen Michael Kamel Jeed Kamel Girgis (a Jehovah's Witnesses) put forth a complaint of the continuous rejection of his job application due to his faith according to security directives. For the same reason he was also dismissed from his job as a physician in Manshiyat Al Bakry hospital on Oct 22<sup>nd</sup> 2007. He was informed that it was not due to professional demerit but upon instructions from security authorities.

In an effort to remedy this problem, NCHR made communication with various authorities but all in vain. An international high-level Jehovah's Witnesses delegation visited Egypt and raised this issue as well as the irritations to which followers of this faith are subject.

## **Chapter II**

### **Activities and Efforts of The Complaints Office**

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The Complaints Office continues to receive complaints by individuals and civil society organizations. It attempts to extend its assistance to any individual that claims any violation of their civil, political, economic, social or cultural rights. NCHR has improved the Office's operating capacity and increased the number of staff to include researchers specializing in human rights.

The Complaints Office makes use of its expertise and experience gained over the years in the constraints of the authority granted to it in its statutes and laws.

The number of complaints received by the Office in the period from Jan to Dec 2007 amounted to nearly 6677 complaints. In this section, complaints are classified according to the method of submission to the Office, the governorates they originated from, and the types of rights allegedly abused or violated.

### **1-Analysis of complaints submitted to NCHR**

*a - classification of the complaints according to the method of submission:*

The postal system (mail) was the most preferred means of communication by both individuals and NGOs. Complaints sent received this way amounted to 2942(44.1% of total complaints). This method proved to be optimal for detainees those that could not come in person to submit a complaint as well for those who resided in remote locations due to high costs of travel, or in fear of appearing in person to avoid repercussions from authorities and public officials against whom they complained.

Facsimile came in the second place as a popular method of submitting complaints. Complaints sent by fax amounted to 1716, (about 25.7% of total complaints). This method has the advantage of speedy arrival and hence the rapid examination of the complaint. However fax is an expensive method that

limits some applicants from sending documents of evidence. This prompts a delay in referring the complaint to the proper authorities.

Coming to the office in person ranked in third place as the number of complaints presented in this way totaled 1317(19.7% of the total number) . Individuals living in Cairo resort to this method because of the proximity of office headquarters. Also, some claimants prefer to submit their complaints orally in front of the legal researcher to determine the extent to which the Office can interfere and the steps that will be taken as well as to understand method of follow-up to attain their rights. Petitioners may also benefit from this method by learning the legal measures required in cases where the Office has no authority to examine the complaints. Some illiterate individuals also prefer to resort to this means. They may obtain assistance from the Office's legal specialists to formulate their complaints.

In fourth place came the notifications reported by the NCHR Media and Information Unit which monitors violations against human rights. Notifications are published in Egyptian and foreign newspapers. The number of complaints reported in this way amounted to 271(4.1% of total complaints presented to the Office)

The complaints referred to the Office by other specialized councils such as the National Council of Women (NCW) and the National Council of Childhood and Motherhood (NCCM), came in the fifth place. They amounted to 201 complaints, (3% of the total). These Councils referred complaints to NCHR due to the nature of the complaint that does not lie within their jurisdictions.

Complaints sent by telegram came in sixth. They amounted to 190 complaints, (2.8% of the total). Due to the high expenses of this means, applicants of communications suffice to put forward a synopsis of their complaints without details of place or identities of the perpetrators. Still however in cases of severe violations (torture or violation of the right to freedom of faith), The Office immediately contacts concerned authorities.

Electronic mail remains to be an extremely limited option not exceeding 40 complaints, (0.6% of the total).

*Table 1 classifies complaints submitted to The Complaints Office during the period from Jan to Dec 2007 according to the method of submission.*

Table No. (1)

**Methods of Submission of Complaints to the Office during the year 2007**

<b>Methods of Complaints Submission</b>	<b>No. of Complaints</b>	<b>Percentage</b>
Mail	2942	44.1%
Fax	1716	25.7%
Coming in person	1317	19.7%
NCHR Information Unit	271	4.1%
Sent by other Councils	201	3%
Telegraph	190	2.8%
Electronic mail	40	0.6%
<b>Total</b>	<b>6677</b>	<b>100%</b>

*b- Distribution of complaints according to governorates*

*Table 2 indicates the distribution of complaints received by The Complaints Office from individuals and human rights organizations according to the governorates of Egypt from which they originate.*

Table No. (2)

**Distribution of complaints by Governorates**

<b>No.</b>	<b>Governorate</b>	<b>No. of Complaints</b>	<b>%</b>	<b>No.</b>	<b>Governorate</b>	<b>No. of Complaints</b>	<b>%</b>
1	Cairo	1099	16.5	15	Suhaj	162	2.4
2	Giza	469	7	16	Fayyoun	124	1.9
3	Alexandria	453	6.8	17	Ismailiyah	121	1.8
4	Al Buhairah	400	6	18	Aswan	112	1.7
5	Al Menia	385	5.8	19	Port Said	71	1.1
6	Al Dakahliah	383	5.7	20	Damietta	66	1
7	Al Sharkiah	382	5.7	21	Luxor City	46	0.7
8	Gharbiah	357	5.3	22	Suez	44	0.7
9	Kafr Asheikh	342	5.1	23	North Sinai	43	0.6
10	Qaliubiah	339	5.1	24	Marsa Matrouh	41	0.6
11	Monoufiyah	245	3.7	25	Al Wadi Al Gadid	24	0.4
12	Bani Soweif	200	3	26	Al Bahr Al Ahmar	19	0.3
13	Kena	169	2.5	27	South Sinai	15	0.2
14	Assiut	166	2.5	28	Not indicated	400	6
					<b>Total</b>	<b>6677</b>	<b>100%</b>

The table shows that the largest number of complaints that amount to 1099, (16.5% of the total) came from Cairo. Second to Cairo, but with great variation are those received from the Giza governorate amounting to 469 complaints, (7% of the total). Qaliubiyah came in the 10<sup>th</sup> place with 339 complaints, (5.1% of the total).

Since these three governorates are connected with the "Greater Cairo" region, we find that 1907 complaints were submitted by individuals and civil society residing in that region. They represent 28.6% of the total.

This large number of complaints coming from the Greater Cairo region may be interpreted in light of perusal of the content and substance of these complaints but also in light of the districts of origin.

Of the 1907 complainants, 438 dwell in cemeteries and tin-sheet shacks in areas dubbed as "marginal areas" or "slums". Unemployment rates in these areas are high and individuals are increasingly involved in illicit economic activities. Feelings of oppression among the inhabitants of these areas are intensified by the lack of public utilities and essential services. Moreover, these peoples are often subject to security checks because these areas shelter extremist groups and criminal outlaws. Also of note is that about 58% of complaints sent by detainees and torture victims came from either slums or high population density areas. These areas suffer from poor health facilities and public utilities exceeding the international limits accepted for the adequacy of health services. These areas are considered to be areas of incubation of political violence.

Around 697 complaints came from these high population density slums whose inhabitants complains revolve around the shortage in employment opportunities for vocational workers and university graduates. Another main complaint is the negative effect of privatization on their well-being. They demand that The Complaints Office enables them to attain their essential rights to healthcare, housing, education and stable income that may satisfy their basic needs.

Moreover, the greater Cairo region is the source of many complaints concerned with the rights of prisoners. 3 prisons namely Abu Zaabal, Torah

and Al Marg, lie within its borders. These prisons, according to allegations cited in 234 complaints, witness daily violations of prisoner rights, be it their right to healthcare, to complete their education or to be released according to systems of remission. Complaints also reflect bad quality of food and of the presence of both physical and psychological torture. Deprived from their visitation rights, prisoners are also confined in solitary cell for long periods.

Since Greater Cairo also hosts head offices of various public and private institutes where violations of employees' rights occur including three great universities, namely: Cairo, Ein Shams and Helwan, complaints constituted around 19% of the complaints. Their students represent more than 62% of the students of Egyptian universities. These three universities witnessed, during student union elections, much documentation of violations of the rights of candidature and voting. Some of these violations were due, according to the allegations of complainants, to the interference of the State's security forces in running these elections and the detention of scores of these universities students. In the November 2007 elections, administrative authorities – that cannot interfere in these elections – have appointed boards of student unions composed of students who are not concerned with students' activities and have no particular political affiliation but rather the confidence of the State Security.

Apart from this, Greater Cairo is the residence of most human rights organizations. Hence, there is a relation between their activities and the citizens of that region.

The above mentioned table also identifies that the governorates of Alexandria, Al Buhairah and Dakahliyah occupy respectively the third, fourth and fifth position with regard to the number of complaints per geographic location.

The complaints coming from other governorates of the Delta region are mostly those of violations of civil and political rights, as well as economic and social rights. The Delta region suffers from a high population density, from severe shortage of employment opportunities and from lack of public utilities like drinking water, sewage drainage and housing. These areas

require residential and economic expansion though areas like Dakahliyah, Monoufiyah and Gharbiyah do not have land to back up expansions. On the other hand, governorates of Menia, Bani Soweif, Assiout, Suhaj and Kena have desert lands which were used well in expanding and hence in decreasing the number of complaints sent by residents of these areas in 2007 compared to 2004 (the establishment of NCHR).

The table also reveals that the coastal and border governorates of Aswan, Port Said, Damietta, North and South Sinai, Marsa Matrouh, Al Wadi Al Jadid, Luxor and Al Bahr Al Ahmar come last in respect to the number of complaints sent by their citizens. Complaints received from these areas point to violations of civil and political rights including detainment, torture or religious persecution. About 31% of these complaints demand adequate healthcare for themselves and their families. Demands for employment opportunities and protests against the abuse of power by local authorities were the two other main issues of concern in these areas.

*c- Classification of complaints according to type of allegedly violated rights:*

*Table No. (3) Classifies complaints received by the Complaints Office in the period Jan-Dec 2007, according to the allegedly violated rights.*

Table No. (3)

<b>Type of Complaint</b>	<b>Percentage</b>
1. Social and economic rights	42.40%
2. Civil and political rights	32.29%
3. Non- competence complaints	22.19%
4. Rights of Egyptians abroad	2.48%
5. Public causes complaints	0.74%

Complaints related to economic and social rights came in first place, amounting to 2825, (42.40% of the total).

Civil and political rights came in second amounting to 2156, (32.29% of the total).

About 1482 complaints were received by The Complaints Office (22.19% of the total) lie outside NCHR's jurisdiction. They all relate to disputes between individuals or to dissatisfaction with some judicial rulings. The Office also received 165 complaints (2.48% of the total) related to the violation of the rights of complainants at the time of their stay abroad for work or study.

Complaints containing information about the deteriorating political and economic conditions in Egypt were placed in a separate category named "public causes", amounting only to 49 complaints.

#### Complaints and responses concerning violation of economic, social and cultural rights:

The Complaints Office received 2825 complaints concerning violation of economic and social rights (42.40% of all complaints). Most stringent demands were: the right to employment, the right to shelter, the right to education, the right to healthcare, the right to social insurance, the right to life and the right to a clean environment.

#### Complaints and responses concerning the violation of the right to employment:

The Office received 571 complaints whose owners demanded their right to have jobs or claimed that their rights as workers were violated. 336 applicants demanded job opportunities, financial loans to establish their own projects, facilitation of the measures to establish such projects, assistance to land ownership within the framework of Mubarak's project for graduates.

However worth noting is that 228 petitioners who demanded employment all have either high or above the intermediate educational credentials. About 149 of them allocated certain areas of interest based on

parents' area of work. These areas include: Electricity and energy, petroleum, housing, finance, communications, investment, and awkaf. This maybe resulted following the statements given by some leading public to prioritize employment to their employees' children. This policy is incompatible with the principles of equality and efficiency. Nine other complaints explained that despite high qualifications and fulfilling all job requirements these complainants were rejected when applying in government posts in favor of their inferiors who were appointed to these posts.

In this regard, the Complaints Office received a Statement from the CAPMAS pointing out that 71,200 individuals were appointed in 2007.<sup>(١٧)</sup>

23 complainants with employment problems were demanding to be transferred to permanent employment. They are employed pursuant to a renewable six-month contract and they fear that the contract may not be renewed. 37 communication applicants demanded settlement and adjustment of their conditions pursuant to the educational certificates they achieved while in service. Some complaints demanded to the inclusion in the categories which are paid the 50% teaching allowance. 39 petitioners demanded to reintegrate their jobs since they were arbitrarily dismissed in violation of laws and regulations. Some others were fired because they continued to work abroad despite the expiry of the working visa. Some of those fired filed lawsuits against authorities and executable judicial rulings were delivered in their favor to return to their jobs.

A collective complaint was also received by The Complaints from Red Sea fishermen protesting against the judgment banning fishing in Suez gulf, Al Akaba gulf and the Hurghada area.

64 complaints voiced arbitrarily dismissal of complainants from their jobs due to differences with employers over uncovering corruption incidents, or taking overlooked sick leave despite medical reports. 4 others complained that their employers refused return to their jobs despite judicial rulings in

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<sup>(١٧)</sup> The statement of the Central Authority for Public Mobilization and Census is enclosed.

their favor. 4 submitted complaints against directives dismissing them prior to investigation.

58 complained of employers' failure to pay financial claims including incentives, leaving indemnity, overtime allowance, injury compensation and profit shares. Others also complaint of halting of deserved retirement funds.

Even though occupational injury was incurred 3 objected to still not receiving the injury compensation. 56 more complained of oppression and maltreatment including arbitrary transfer, dismissal, and issuance of medical reports causing their compulsory retirement, deprivation of sick-leave; leave without pay and of being passed over in promotions. While 54 complaints revealed transfer to remote locations or to occupations incompatible with health conditions.

Still following up on the complaint of Yosry Numair, NCHR addressed the Ministry of Housing on Jan 12<sup>th</sup> 2007. Numair initially filed a complaint to NCHR in 2006 and again in the year for a second time demanding the right to return to his job where he was arbitrarily dismissed.

While at the same time NCHR delegated one of its members Mounir Fakkry Abdunnour to meet the Minister to put an end to the problem through financial compensation and remedy for the injury he incurred. Still no action has been taken. The President of the NCHR raised the issue again with the Prime Minister on June 10<sup>th</sup> 2008.

Many concerned bodies including Ministries, governorate administrations, institutions and NGOs have all in the past endeavored to send detailed responses to the NCHR concerns to citizen complaints. In their responses, these Ministries and government bodies signified citizens' the right to employment. But that appointment in these Ministries and institutions are made in accord with the actual needs, financial appropriations and available grades; or through merit based competitions advertised in daily newspapers.

Responses received by the Complaints Office from governorates of Monoufiyah, Kena, Fayyoun, Ismailiyah, Kafr Al Sheikh and Suhaj amounted to 98 in number. Communications revealed a shortage of job

opportunities in these governorates. The responses of government bodies contextually replied that jobs advertised by governorates are made readily available to citizens by the Ministry of Administrative Development in daily newspapers.

Ministry of Education in Suhaj governorate provided residents various opportunities with seasonal jobs compatible with qualifications.

As for those who had demanded permanent positions to replace provisional contracts of 3 or 6 months duration, some authorities – like the Ministry of Electricity and Energy – complied and made the adjustment for 11 of its employees. While other authorities pointed out that no discrimination exists between permanent and temporary employees. Both enjoy the same salaries, as well as the same rights of leave and incentives. Also That due to bureaucracy and lack of administrative grade post vacancies; it would be difficult to make this change. Moreover, temporary employees are required to in service at least 3 years before being employed in permanent jobs. Some departments even objected to the multiplying numbers of those temporary employees prioritizing them according to seniority. On addressing the Authority of Functional Organization and Administration on these demands, it informed NCHR of an undergoing study to research the needs of State department to permanent employees. Provisional employee contracts will not be made permanent before the termination of this study.

Concerns around complaints made on arbitrary dismissal from jobs that has caused distress, NCHR received replies the conclusions of the investigations reveal that reason behind dismissal are perpetrated crimes and contraventions that caused loss for their employers.

In certain cases authorities reinvestigated dismissal cases, upon NCHR's request, and reconsidered the arguments made by complainants against dismissal decisions. Some departments – such as Al Azhar religious facility – returned complaint applicants to their jobs. While the Ministry of Agriculture Unit of Reclamation emphasized its intention to keep its short-term employees, considering them an integral part of its employment body.

The Middle East News Agency and the Ministry of Electricity and Energy – declined returning employees dismissed that have exceeded the appointment age or the age of 60. Still other bodies like the Ministry of Civil Aviation did not respond to the demands of complainants to return to their jobs in spite of judicial rulings rejecting their dismissal. Stating that to reinstate those dismissed will require new administrative rules.

Private company dismissals saw remorseful replies turning down the return of employees. The Ministry of Migration and Manpower emphasized, in its reply, also echoed the failure of these companies to even achieve amicable settlement of the disputes. Upon the request of the petitioners, the Ministry has thus referred these disputes to the five-member judicial committee.

Some complaints covered quality control grounds and the need for general improvement of work conditions. In some cases strikes or sit-ins were organized to protest in front of the headquarters of: Public Transport Authority, Omar Effendi Company, Midas, Nawaratex and High Tex in Salhiah, Cairo Oils and Soap Company, Rustico Furniture co., Mansoura Spain co., Carpet city, South and North Cairo Flour Mills co., janitorial workers in the Giza governorate, the Two Palm Trees in Suez, Sand Bricks co., Alexandria Company for Containers, and hydroelectric power stations.

Responses were received by NCHR's Complaints Office from the Ministry of Manpower and Emigration, the Ministry of Electricity and Energy and the Ministry of Investment. All making reference to efforts exerted to pay financial claims to the complainants whether these claims were salaries, incentives or early retirement packages. Replies also assured to improve working circumstances, provide healthcare and transportation services as well as establish permanent contracts of employment that protect the employees' rights.

While a large portion of complaints were regarded by several ministries as invalid. Nullified on the basis that full payment of all financial claims had been made and that all promotions due were given.

Complaints and responses concerning the violation of the right to healthcare:

The Complaints Office received 182 complaints claiming that right to access to healthcare was violated. 92 complaints demanded treatment at the expense of the State, an increase in the sums appropriated for their treatment and in cases where medical reports suggest getting treatment abroad. Health insurance communications received were 19. These were filed by War Veterans, Volunteers and people with special circumstances who have completed service in the armed forces and demand health insurance. 13 others expressed the need to be transported to hospitals where their treatment was readily available.

20 communications received outlined poor health insurance services showing the need for availability of prescribed medicines and not their substitutes, increasing the number of pharmacies that stock medication including pharmacies outside health insurance packages, and the need to ensure the elderly receive treatment in day clinics and not night clinics.

38 complaints were submitted revealing deterioration of medical care facilities public as well as private hospitals. Some public hospitals suffer from shortages in medicinal supplies, medical instruments and specialist physicians. 2 complaints pinpointed that some patients incurred permanent disabilities and even death due to sheer negligence. Organs of patients have been reported stolen. Other Patients died due to contaminated blood relatives demanding investigations. Complainants called upon the State to shoulder its share of responsibility towards those who suffer from chronic illness.

The Complaints Office received about 117 responses from various agencies in this regard. The Ministry of Health and Population, the Health Insurance Authority, the Alexandria University Hospitals and the Ministry of Higher Education which supervises some university hospitals. The conclusions of the investigations made by these agencies regarding the deteriorating standards of treatment services and the investigation of the cases have been referred to the medical commission to decide on warrant of pension.

Medical care at the expense of the State for those who can not afford to pay the costs of treatment was an accepted role by the Ministry of Health and Population as well as the Health Insurance Authority who responded to the demands of complainers. The costs of treatment amounting from 1,500 to 12,000 LE are pursuant to the treatment modalities and surgeries required for each case. However complaints that did not enclose supporting medical reports were dismissed pending submission of documents. The Ministry of Health required that a certified copy from a tripartite committee from the hospitals wherein patient would like to be treated and a photocopy of the patient national identity card for the case to be taken on.

On their part the Ministry of Health and Population, the Health Insurance Authority and the Alexandria University Hospital, directly contacted the plaintiffs to undergo medical examinations necessary required for ocular and internal surgeries. Moreover, they sent them prescribed medicines. But since the Ministry of Defense had previously turned down the request of some civilians to be treated in the armed forces hospitals at its expense, The Health Insurance Authority, in turn, refused the treatment of some retired military personnel at its expense.

Appellants petitioned to be examined by medical specialist panels to determine the percentage of their disability, determining sick-leave they deserve and time of retirement. The Health Insurance Authority responses indicate the need for data collection for individual files for medical disability including all medical reports and surgeries. Petitioners are required to submit these files. However the Authority refused reexamination of petitioners by medical arbitration panels. The decisions of these panels, composed of consultants in all branches of medicine, are final and may not be challenged.

As for the claims of negligence and deterioration of medical services in hospitals, the responses received by the Ministry of Health, the Health Insurance Authority and the Alexandria University Hospital asserted that these suspected hospitals fall under their supervision and that investigations proved the regularity of operations in these hospitals. The Ministry of Health further nullified one complaint suggesting the death of a patient due to

negligence in hospital. Investigations demonstrated the cause of death to be in fact disease. The Ministry also indicated in its responses to the NCHR that it instructed the Minya governorate to shut-down a private clinic for violations of professional ethics. However, ensuring the shut down of the clinic lies in jurisdiction of Minya authorities. The Ministry also contacted Drinking Water Company in an Upper Egyptian governorate about the insalubrity of drinking water and the necessity for water treatment in the stations before pumping it into the distribution network.

Complaints and responses concerning the violation of the right to adequate housing:

The Complaints Office received 718 complaints concerning the issue of housing. Ten families claimed that an eviction order claiming their apartments unsafe is in violation of their right to shelter. The expulsion was carried out without advance warning, despite safety enforcements made by residents of the building. No negotiations were held with the inhabitants about compensation or alternative shelter. Some 58 complaints denounced the demolishing of houses despite engineering evaluations indicating at least some were in good enough condition for habitation while others were licensed to be build substitutes for houses confiscated for public use.

A complainant suggested that his building was evicted to expropriate the ground underneath despite several judicial rulings establishing the plaintiff's right to the land on which the building was erected. Besides, the inhabitants of the building were evicted without being given notice or substitute housing.

Some complaints even point to the arbitrary exercise of power by some administrative agencies to eject homes. 62 complaints revealed local units that violently demolish buildings exposing the inhabitants to life threatening dangers. In another cases some companies evicted retired employees from company owned apartments.

124 individual complaints implied that their right to healthy dwelling is being infringed upon. Buildings where they reside are subject to pollution

emanating from the construction sites in commercial and industrial activities. Some complaints also indicated the installation of cellular transmission stations in the area. The Office received a further 88 complaints concerning the deprivation of public utilities, electricity cut-offs and confiscation of electrometers or the constant shortage of drinking water which can last all day. 62 petitioners demanded water and electricity services to reach their dwellings.

212 communications were requesting alternative shelter to demolished homes. A collective complaint from residents of Zeinhom district (Sayyedah Zeinab) demanded substitute housing for their burnt homes. 17 citizens complained of the authorities' failure to dedicate flats to them even though they paid the required installments.

In case of inability to pay installments 23 complaints came in asking for the postponement and division of rent installments to avoid eviction. CAPMAS informed the Complaints Office that the number of housing units delivered to citizens in 2007 amounted to 18,952 units throughout the country's governorates.<sup>(17)</sup>

The Office received 98 responses detailing the results of investigating complaints. The Ministry of Housing, Reconstruction and Residential Communities as well as the governorates of Cairo, Giza, Qaliubiyah, Alexandria, Al Buhaiyah, Bani Soweif, Ismailiyah, Monoufiyyah, Luxor and Assiout all responded to NCHR concerns.

For those requesting housing, 25 responses were received from the Cairo governorate responding to the demands and instructing the plaintiffs to go to their districts to fill applications to obtain housing. The Governorate also investigated 12 citizens' applications referred to it by the Office. The applications will be submitted to the Governorate Housing Committee to attain housing units. 3 units have already been handed over by the Ministry.

Replies to group complaints by Qalaat Al Kabsh (Zeinhom district), whose houses were burnt in a big fire, were received. As a result of

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<sup>(17)</sup> Enclosed is the statement sent by central CAPMS that indicates the number of housing units handed over to citizens in 2007.

investigation 4 applicants were found incapable of fulfilling criteria. 6 cases are still under investigation. The Cairo governorate further rejected the applications of 3 complainants where dwellings were provided for by the governorate in past 10 years to first degree relatives (husbands, parents or sons). The Governorate also agreed to pay the 5,000 L.E. down payment of a petitioner's residence due to difficult living conditions.

The governorates of Alexandria, Bani Soweif, Ismailiyyah and Al Buhairah responded to five applications for housing units. Housing units were allocated to the complainants and their relatives. To one petitioner the governorate of Alexandria assigned two housing units and a shop. The governorates of Giza and Al Buhairah also distributed houses to the residing complainants.

The Ismailiyyah and Bani Soweif governorates declared that if difficult financial circumstances can be proven through the housing office to prevent communicants to leave a down payment for allocated dwellings it can be exceptionally waived.

The Ministry of Housing and Public Utilities sent the Complaints Office a statistical chart indicating the total number of housing units handed over to citizens in new cities and governorates in the year 2007 to be 34,516 units.<sup>(١٤)</sup>

As for complainants demanding to revoke demolition decisions of their homes, they ask to place to repair their homes instead. This is the case for Cairo, Giza, Monoufiyyah, Bani Soweif, Assiut and Luxor. Responses received from governorates however refused stating that the said buildings have to be demolished simply because they are irreparable. The governorates handed over the removal decision to the responsible police stations. Moreover, the governorates identified that some of these buildings were built without license. The Cairo governorate and Luxor city responded to eight complaints asking for substitute houses instead of those under threat of demolition. In case of their dissatisfaction with the new houses, the

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<sup>(١٤)</sup> Enclosed is a copy of the statement sent by the Ministry of housing and public utilities.

complainants may receive damage costs estimated by a technical committee of experts.

The governorates of Cairo, Monoufiyyah and Luxor also replied to applications received stating that houses have been confiscated for public benefit. No compensation would be granted despite neighboring buildings were exempt from confiscations. In their responses, the governorates emphasized that demolition in the benefit of the public are issued by the Prime Minister. Technical specialized committees determine fair redress in damages or substitute housing, depending on the preference of the beneficiary. The Cairo governorate also emphasized that no favoritism or nepotism in the execution takes place. Properties addressed in one complaint have been demolished subject to the Prime Minister's decision to widen one of the public streets.

The governorates of Cairo, Bani Soueif, Al-Sharkiyyah, Al-Monoufiyyah and Giza reacted to nine complainants that requested governorate interference. Petitioners want authorities to hold accountable owners of the buildings in which they live for maintenance as well as renovations necessary for the safety of the occupants.

As for the disputes arising between some applicants and owners of buildings over high rent or failure to maintain and safeguard buildings, governorates of Cairo and Assiut emphasized that these disputes do not lie in their jurisdiction. The courts of law have the authority to consider these legal disputes.

The issue of construction land available, the Ministry of Housing, denied availability of building lots and advised the complainants refer to daily newspapers to obtain information on land advertisement, knowledge about the location and measures for obtaining them. The Ministry declared that it is not authorized to provide housing units to petitioners. That lies in the jurisdiction of housing departments in governorates.

Complaints and responses concerning the right to education:

The Complaints Office received 248 complaints indicating that citizens have been stripped of their right to education. 64 communicants asked to pay school fees in installments or to be fully exempt from school fees due to their difficult social conditions. 2 others asked for scholarships, whereas the majority demanded the transfer of their children to schools and colleges near their residence.

56 made complaints that despite meeting the requirements, applicants' first choices are rejected in the system of prioritizing public school choices according to grades. 7 others objected to not being able to complete post-graduate studies due to administrative leveling or due to the refusal of their employers. 12 citizens filed communications revealing maltreatment of their children in school; children are deprived from attending lessons, confined in closed rooms and receive corporal punishment by their teachers. Some even reported that directives that demand the return of children to educational facilities are not implemented. A citizen filed a communication portraying that a school manager closed down illiteracy eradication classes in violation of law. Discrimination reported included refusal of girls who wore the headscarf in schools and sexual harassment by their teachers in school was also reported.

The Complaints Office received about 89 responses from the Ministries of Education and Higher Education as well as from Al Azhar University concerning the right to education and other relevant rights concerning both students and teachers. As for harassment allegations, it was emphasized that these allegations were fully investigated. 12 were found to be invalid and therefore shelved. But in terms of teacher incentives, The Ministry of Education responded positively to and remunerations were granted. The Ministry also agreed to the renewal of some teachers' contracts but disagreed to the transfer of others from schools in remote areas. However some complaints of students requesting transfer to schools closer to their dwellings were approved.

The Ministry of Education rejected reviewing results of some students' examinations under the basis that all students should be given equal opportunities without exception. Exception was made to applicants that were not able to sit for exams due to illness. They were permitted to sit for second-session examinations.

In answer to complaints made regarding rejection of applicants to enroll at University level, the Ministry of Higher Education confirmed these actions were based on the petitioners belonging to the Baha'i faith. The response also indicated that the Ministry refuses to register this unaccepted belief in university's official documents or national identity cards. The Civil Conditions Authority (the Ministry of Interior) also rejected their applications therefore not enabling them to gather the necessary documents required for enrollment in universities. Also, their conscription status and military service could not be determined.

The Ministry of Higher Education also refused applications of complainants seeking to complete their post-graduate studies due to exceeding age limit.

In addition, a complaint was submitted when a student's PHD defense Thesis was suspended under allegation of disciplinary measures for insulting professors. A complaint filed against a faculty's deputy dean was found invalid and shelved.

In its responses to citizens demanding lots of land for the purpose of building school, the Ministry of Education welcomed the offer but after consulting with the School Buildings Authority was informed that the suggested locations were already saturated with schools. In response to previously submitted complaints regarding the need to transfer students to schools closer to their homes, a condition was made. The student is to spend at least one year in first grade level at the currently allocated school before transferring.

The Ministry of Education rejected consideration of some allegations about financial and administrative excesses in some schools. These excesses

are still being investigated by administrative prosecution and being tried before administrative courts.

Complaints and responses concerning the right to own property:

The Office received 273 complaints that their rights to private and public property ownership were violated. 80 Nubian (Upper Egyptian) citizens presented a collective complaint against the Agrarian Reform Authority. This authority considered the residential homes in the area its property despite the long lodging of the Nubians there supported by contracts, some of which date back to 1922.

Some 72 citizens lodged complaints against land and property confiscation in violation of law since no limitation exists to utilize the land for public use. The complainant therefore suspects this to be a personal issue.

94 citizens lodged complaints accusing individuals, possessing connections with influential officials of having forcibly seized their land as well as their industrial and commercial establishments. 19 other complainers also indicated that after land was allocated to them it was withdrawn without any clear reason.

Shop owners also filed several complaints. 90 rejecting the fences built in front of their shops to control traffic claiming it holds back their customers and causes loss. Other complaints revealed that local authorities were found to reject granting renovation licenses to shops and bakeries. Some also petitioned against the instruction to remove kiosks that their livelihoods are dependent on.

As for illicit ownership of public property, the Office received 72 complaints of trespassing, forcibly taking over public property through assault against others. Complaints illustrated that the occupation or seizure of parts of public roads and streets dedicated for public benefit prevents citizens from entry to areas like beaches and public parks.

The Ministry of Housing and Public Utilities, the Ministry of Interior, various governorates and some private and public sector companies sent the Complaints Office 75 responses concerning the citizens' right to property.

Confiscation of land by the Ministry of Housing was based on the use of land by the owners in other purposes than those agreed upon in contract.

As for confiscation of property for public use, responses of the Cairo and Luxor governorates pointed out that the confiscation was carried out pursuant to the law and the reparation was made to owners.

As for complaints regarding the governorate's failure to grant constructing and renovation licenses, the Monoufiyyah governorate argued that the municipality did not object to the buildings and that petitioners must apply again in a timely manner to engineering offices as to obtain the necessary agreements.

On this issue, The Cairo governorate responded that direct cooperation between the parties was underway. The governorates of Bani Soueif, Ismailiyah and Assiut followed suit approving the applications submitted by applicants for renovation licenses. The governorates however reject cases for construction licenses alleging that application for them was not initially submitted that require an architectural plan.

As for the allegations of the use of connections and influential relationships to forcibly seize land, the Ministries of Interior and Housing and the concerned governorates stated that these matters must be settled in a court as they do not have authority to investigate these matters.

In regards to the complaint filed against the elimination of kiosks and the unjustifiable closing down of some shops, the Cairo governorate deducted that the allegations in five of these complaints were false. These kiosks and shops were closed down for their failure to obtain the licenses required to exercise their activity. Yet in three other responses it was established that these shops were removed as they were causing obstruction on pavements of some schools and hospitals. Moreover these acts were done under police authorization. Another complaint was invalidated accusing a company of having seized a large part of Manshiyyat Nasser club in

Helwan. In reality the club has taken up land from neighbouring areas and not vice-versa.

Three private companies denied allegations that they evicted residents from their dwellings claiming that ownership of the dwellings lies with the company. It had rented and sold some units to employees. Companies believe that these allegations were made against them in defense by employees who took early retirement packages and feared eviction. The companies emphasized that they had no intention to evict anyone from occupied houses.

Complaints and responses concerning violation of right to social security:

862 complaints were submitted to the Complaints regarding violations of social security and redress for violations of this right. As a result of poor health and lack of a family provider due to death or imprisonment, 375 complainants asked for financial aid. 234 others demanded larger pensions stating the same circumstances. 253 have complained that despite fulfilling all, their insurance has not been claimed. Others dispute that their pension was not correctly calculated and that some parts of it have been deducted for no clear reason and in cases where extra pension was requested it was not given. Complaints received also revealed that pensions of war veterans are delayed in reaching the families and minimum in amount.

Ministries of Social Solidarity, Finance and Defense sent 198 responses pertaining to the complainants' social security issues. The Ministry of Social Solidarity sent 62 responses. In 33 cases it agreed to financially assist applicants and their families through different levels of education. Medical allowance will be granted to those who suffer deliquescent health, for citizens with special needs and for the families whose breadwinner is absent due to death or imprisonment.

However, upon conducting research, The Ministry rejected the demands of some applicants for aid and their complaints were shelved. It was found that they are engaged in productive jobs to provide for them and their families a regular income while others own land.

While accepting productive projects for 9 petitioners, 3 others were rejected and financial aid denied as their concerns were not clearly indicated in their applications.

The Ministries of Defense and Finance, from one public company and two private companies advised in their responses that 89 applicants were indeed entitled to insurance claims and that after to filling out paperwork in insurance offices they will be reimbursed. 23 applications to attain insurance were rejected violating some of the rules and conditions; some married another partner, some failed to add previous periods in pension forms, some do not meet the condition of larger pension grants and some wives were divorced from their husbands prior to the latter's death. In answer to the 24 applicants who requested an increase in pension, the two Ministries replied that there is an annual increase of pensions pursuant to law and regulations.

#### Complaints and responses concerning the right to essential public services and utilities:

The Complaints Office received about 345 complaints pertaining to the supply of public utilities: electricity, pure drinking water, irrigation, sanitary drainage, telephones, natural gas, tarring roads or improvement and development of these utilities. These complaints came from citizens and organizations belonging to 24 different governorates, leaving out only North and South Sinai.

187 complaints from 21 governorates were received concerning water and sanitary services. Residents of Kafr El Sheikh Governorate sent 27 complaints concerned about the deteriorating drinking water facility stating that interruption of the water supply lasted for full six months. In addition the polluted water exposes them to water-borne disease. Some are more concerned of the lack of irrigation water exposing their land to drought. Villages in this governorate are not supplied with sanitary facilities and drinking water becomes mixed with the underground polluted water coming

from house trenches. Despite promises by authorities to supply drinking water to a village in Kafr El Sheikh, nothing has been done.

The Office received 23 complaints from Al Buhairah governorate. 20 object to having to carry contaminated water supplies for their daily use from canals, and demand the improvement and the development of the drinking water supply to their villages. A collective complaint was made requesting sufficient irrigation water to their lands, whereas two other complainers focused on sanitary drainage for their villages.

22 complaints from Al-Dakahliyyah governorate were received by The Complaints Office suggesting water shortages and cutting off water for periods that may last up to a month. 8 Petitioners complain that they are expected to pay water authorities for water they did not consume. 3 objected to shortages in irrigation water harming crops. 2 were concerned about faults in sewage drainage pipes that led to the mixing of it with drinking water. An individual communication was made regarding an agricultural drainage canal running through his land carrying extremely polluting industrial, human and animal refuse.

The Complaints Office received 38 complaints from the Giza and Al-Sharkiyyah governorates. 24 of which were concerns with regular interruption of the availability of drinking water. Again 8 complainants were concerned with contaminated drinking water that resulted by the mixing of sewage and drinking water. 6 others asked for the supply of drinking water to their villages which are deprived of safe drinking water.

18 complaints originated from the governorate of Menya, while Qena, Cairo and Gharbiah registered respectively 17, 16 and 15 complaints. Residents of The Governorates of Bani Soueif and Monoufiyyah each sent 13 complaints. The dominant theme of those complaints is the interruption of the drinking water supply for long periods. Again, this water is contaminated due to mixing with sanitary drainage since there is no sanitary drainage station in their residential areas. Hence, their demands are for the establishment of sanitary stations or decontamination of the canals from which they obtain their drinking water.

Governorates of Ismailiah, Suhaj, Aswan, Fayyoun and Luxor each represented 12 complaints. Inhabitants of Abheet El Hajar (Fayyoun governorate) submitted a complaint against lack of supply of drinking water in their village. 5 objected to permanent disruption of both drinking and irrigation water, while the people of Abu Khawajah country estate (Luxor city) complain of contamination of drinking water that mixes with sanitary drainage. They also complain of contamination of the underground water which they are compelled to use in case of drinking water shortage.

Alexandria, Assiut, Marsa Matrouh, Al Wadi Aljadid and Damietta each represent five complaints. AlWadi Aljadid nationals submitted a complaint about abrogation of the license required for the irrigation well dug up. On the other hand, applicants from Marsa Matrouh, Damietta and Assiut show distress concerning the shortage of water supplies in to their residential areas that currently depend on underground water which is mixed with the polluted water of houses trenches. Alexandrians also asked for expansion of sanitary drainage networks so as to reach their residential areas.

Only 25 petitioners were urban dwellers the rest being of rural origin. It was also stressed in communications that despite the Presidents decision to dedicate a day weekly to meet governors to voice concerns, this was not permitted practice.

81 complaints were concerned about the rising level of underground water that may threaten the safety of their buildings, while 65 complainants were disturbed by shortage in irrigation water supplies. Careful examinations of communications received in this regard indicate that despite aspiring to extend drinking water to villages, sewage drainage facilities are limited to cities.

82 citizens complained of the lack of electricity supplied to their houses, of confiscation of electrometers from some houses, of the rising costs of electricity and of the company's maltreatment of citizens. Troubled by the high-voltage wires located in close proximity to their homes, petitioners felt their life was threatened in violating of their basic right to life. Others are concerned that these high-voltage electricity towers behind

and above their houses may lead to many fires. Furthermore, uncovered electric wires in the streets threaten lives.

5 citizens demanded telephone lines for their houses and shops as well as gas pumps. A citizen from Manzalah reported being charged for calls he did not make when his phone line had been stolen.

The Complaints Office received 35 responses from the Ministries of Electricity and Energy, Housing, Irrigation and Water Resources, Environmental Affairs as well as from governorates of Cairo, Giza, Al Buhaira, Kafr Asheikh, Dakahliah, Bani Soueif, Menya, Fayyoun and Monoufiyyah .

Pending agreement of municipalities, taking necessary technical prerequisites and paying the required fees, the Ministry of Electricity and Energy agreed to supply electricity and fit electrometers for 19 of the petitioners. However 5 other applications were rejected as houses were found to be located outside the officially established residential areas in violation of law. Also, some of these houses do not meet construction safeguards and standards making it impossible for them to get electricity supplies.

4 responses from the Ministry of Electricity and from Bani Soueif governorate indicated that electricity distribution companies had taken the necessary measures to secure electricity concerns. Stabilization of the electricity grid through providing good-capacity transformers as well as permissible loads to avoid electricity cuts. Interruption occurs only at times of periodical maintenance which municipalities are notified of. The Rural Electricity Authority indicated that a village of a complainant from Marsa Matrouh is still lit using diesel but instructions have been made to place all these villages on the electricity grid.

3 responses came from the Ministry of Electricity pointing out that high-voltage and pressure lines constitute a general problem at the national level. The Ministry is attempting to find solutions in coordination and with governorates and electricity distribution companies.

In its reply to a church communication made showing that two high-tension pipes pass over the quarters of the church nuns, the Ministry explained that these lines were there prior to the building of the nunnery. It is insinuated then that the nunnery was built in violation of law No. 63 of 1974.

In its reply to a communication submitted to NCHR about an NGO's request to be exempt from paying electricity bills, the Ministry refuted stating that an illegal demand based on regulations of the State Council.

The Ministry of Housing in response to water shortage issues informed NCHR that a long-term plan is underway to solve this issue. The Cairo governorate contested in its reply against the New Cairo dweller who suggested in his communication a water supply shortage in New Cairo and its invalidity for human consumption, validating that the water was generous in amount and considered sound for drinking and personal use.

Kafr El Sheikh and Giza governorates admitted to challenges in providing sufficient safe drinking water to the areas where communicants reside. But the of Al Haddady water station (Kafr El Sheikh governorate) near completion will help resolve the issue feeding surrounding areas with a permanent supply of water. In the Giza governorate, a plan is currently underway with aim to extend drinking water supplies to deprived areas.

In its reply to the Complaints Office, Al Buhairah governorate repudiated the negative report published in a private Egyptian newspaper suggesting suffering of its citizens is a result of the inability of authorities to satisfy water needs.

The Ministry of Housing also sent the Office the Ministry's policy and plans in reply to the problem of drinking water shortage in some residential areas.<sup>(1°)</sup>

NCHR Complaints Office also received a statement from CAPMAS on new projects in 2007 that increased the capacity of drinking water and sanitary drainage stations. Drinking water projects amounted to 35 projects

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<sup>(1°)</sup> Enclosed is the Ministry of Housing statement indicating the Ministry's policy to solve the problem of drinking water shortage.

which added 110, 2000 m<sup>3</sup>/day. Sanitary drainage projects amounted to 57 projects with a drainage capacity of 761,000m<sup>3</sup>/day.<sup>(17)</sup>

In its reply to citizen complaints about shortage in irrigation water supplies, the Ministry of Public Works and Water Resources pointed out several problems behind the shortage: continuous growth of crops that consume large quotas of water that can be used for other crops, a number of governorates which are not licensed to cultivate rice do so on a large scale consuming large quantities of water, about 94% of the country-side villages squander soft water by using it for purposes other than those it is produced for and the expansion of fish farms which need and consume much water at the expense of irrigation water for agricultural crops .

In response to the 6 complaints suggesting bad roads and lack of maintenance, Kafr el Sheikh, Bani Soueif and Menya governorates assured that the roads were part of a future plan to improve roads, carried out prior to the availability of funds and subject to priority areas as decided by governorates.

Concerning demands to tighten control over taxis and service stands, the Kafr El Sheikh Governorate emphasized that measures implemented in a taxi stand in Fouah are legal measures laid down by the governorate to regulate its function. In its reply, the Cairo governorate said it commissioned its employees to intensify disciplinary campaigns to arrest wrongdoers.

#### Complaints and responses concerning the right to clean environment:

The Office received 48 complaints about violation of the citizen's right to enjoy healthy surroundings. Most industrial activities are carried out in the midst of residential areas exposing its inhabitants to the dangers of industrial and garbage pollution. Some villagers complained of quarries established in the midst of their fields. Some others showed in great anguish that butane canister stores are incubated bombs in the midst of residential areas that can go off. The allocation of mobile phone strengthening transmission towers in

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<sup>(17)</sup> Enclosed is the CAPMAS statement on the number of these projects.

the middle of schools was also a big concern. Some communications revealed coffee houses used for drug trafficking in residential districts.

The Office received about 24 responses from the Ministry of Environment and from Cairo, Dakahliyyah and Monoufiyyah governorates as well as from an Environmental body.

Decisions were made to close down unlicensed coffee houses and cafeterias which disturb neighboring inhabitants. An order was also made to close down workshops, establishments, fish and poultry shops that may cause environmental hazards for residents. Butane canister stores inside residential areas were ordered to close and disturbing motors were removed. As for the pollution caused by uncovered drainage canals in Giza, the governorate replied that it will cover the canals whenever financial resources become available.

As for the contamination of some residential areas in Cairo and the accumulation of garbage, the governorate replied that efforts are being made with Nasr City's East District to intensify security campaigns to put an end to infractions and to remove garbage.

As for the collective complaint of Kafr Ezzayyat citizens (Gharbiyyah governorate) concerning the contamination of their land with iron slag disposed of by some factories, the Environment Agency pointed out in its reply that measures were taken to prevent the disposal of iron slag in the villages' lands.

On the other hand, the governorates of Cairo, Qena and Monoufiyyah submitted three responses to the Complaints Office repudiating the complainers' allegations about the existence of activities that threaten their environmental safety. Another reply from the Monoufiyyah governorate about the complaint against construction of a sanitary drainage station inside the residential area pointed out that this station is one of the projects carried out by the government for the welfare of citizens.

Complaints and responses concerning the rights of people with special needs:-

46 complaints were submitted by persons with special needs or their families. Even though equality is a constitutional right, 10 complaints displayed violation of that right. Educational facilities turned students down due to their disabilities. Some others complained that their employers deprived them of foreign aid. 28 complaints demanded dedication of a certain percentage of jobs for their population bracket, discounts in public transportation fares and amusement park admissions as well as provision of attire, mobile chairs and equipped motorcycles.

The Central Authority for Regulation and Administration prepared a collective response to all complaints. Complainants had asked to occupy 5% of governmental jobs which is already the quota established by the law. A statement was also received indicating departments that would advertise jobs for those with special needs, the number of these vacancies and the Authority's agreement to the advertisements. Still a shortcoming however was the time and the location of advertisement since most departments resort to internal placements before being made public.

Responses, sent by governorates of Cairo, Giza, Kafr El Sheikh, Al Buhairah, Qena, Ismailiah, Fayyoun and Monoufiyyah indicated that these governorates had not yet established a clear quota for employing persons with special needs. Meanwhile communicants are encouraged to apply through daily papers.

The Ministries of Health, Housing and Defense, as well as the Public Authority of Health Insurance advised 25 petitioners to fill submit supporting information to authorized medical panels to assess the degree of disability on which compensation and pension will be based.

Complaints and responses concerning the right to access of information:-

27 applications were received addressing the need to renew work permits, passports and obtain entry visas to Egypt for education purposes. Complaints included the need for approvals for operating bakeries, difficulty in obtaining exemption certificates from conscription and trouble in obtain construction licenses. Complaints submitted also pointed to errors in birth certificates, no registration in health databases which prevents the issuance of national number cards and passports.

Ministries of Interior, Workforce and Immigration as well as from the governorates of Cairo, Alexandria, Monoufiyyah, Bani Soueif, Assiut and Ismailiyyah responded to the demands of about 15 applicants to approve renewal of work permits and passports, facilitating obtaining an entry visa to Egypt for education. Construction licenses for these petitioners were also approved as well as their right to correct their birth certificates and facilitation of procedures for national number card and passport issuance.

On the other hand, the Ministry of Defense refused to grant conscription exemption to 3 applicants. However, instructed medical examination which will determine whether there is a need for exemption from conscription.

Also, the Ministry of Housing responded to the complaints of 2 citizens demanding construction licenses by advising them to take their concerns to governorates that have this jurisdiction.

Complaints and responses concerning the right to food:

18 complaints submitted referred to violations of the right to food. Demands were made for the speedy operation of licensed bakeries and the assistance of some bakeries in obtaining bigger quotas of flour. 5 complainants asked for the flour quota required to operate their bakeries as well as fertilizers necessary for agriculture. Others made complaints that owners of bakeries sell their flour in the black market. Some petitioned for food supplies to avoid having to purchase them at high prices from the black market.

The Complaints Office received 18 responses from the Ministries of Social Solidarity, Agriculture and Land Repossession as well as from the governorates of Cairo, Monufiyyah, Suez, Menya, Bani Soueif, Assiut, Port Said and Kafr El Sheikh enabling petitioners to attain the right to food. As for the re-running of bakeries, the Ministries of Social Solidarity, as well as some governorates, rejected their demands. In fact decisions were made to suspend their activities, shutting them down due to the many violations committed, repeatedly smuggling flour and selling it on the black market. They also failed to bake the daily set quota of bread produced at very poor quality. Moreover, they are suspected of assaulting inspectors of food supplies.

5 applications for new bakeries were rejected since there is a sufficient number in their districts. But regarding raising new quotas of flour, new bakeries will be licensed according to the priorities of the applications submitted to the Bakeries Commission. The complaints regarding fertilizer quotas do not stand as complainants did at a later stage receive their quotas.

As for the closure of bakeries that sell their flour quotas on the black market, the governorates of Assiut and Kafr Esheikh shelved the complaints for the invalidity of their allegations.

The Ministry of Social Solidarity in two of its replies responded to 2 petitioners who applied for fully subsidized food supply cards.

#### Complaints and responses concerning violation of civil and political rights:

Applicants claim cases of severe violation of their rights to: freedom and personal safety, to freedom of opinion and expression, to political participation, to fair trial, to practice their faith and religious rituals, to nationality, to protection against the arbitrariness of authorities and the right to dignified treatment in prison.

Complaints and responses concerning violation of the right to freedom and personal safety:-

***Detention***

The office received 338 complaints from individuals claiming that their own or their relatives' right to freedom and personal security was violated. Constituting 15.67% of the total complaints submitted, 2,156 complaints concern personal liberties.

Complainants alleged that their right to personal security was violated in two ways, through political and criminal detention. 203 Political detention complaints submitted showed that implementation was via administrative directives that are issued pursuant to Article 3 of the Emergency law. Criminal detention is a mechanism used against persons who upon release, after completion of regular terms of imprisonment pursuant to military and civil lawsuits, are detained again by a directive by the Ministry of Interior. Sometimes, defendants accused of committing crimes are detained for long periods without trial. Complaints of this type of detention amounted to 35.

Some of these detention complaints were collectively filed, reaching a number of 713 detainees.

All complaints unanimously stipulated that detention was, in all its stages, incompatible with the guarantees provided for in Article 3 of the emergency law. This Article requires the issuance of a written order stating the reasons of detention, as well as the detainee's right to notify his relatives of his detention and to seek the aid of a lawyer. The complaints, however, stated that confinement was carried out pursuant to oral – and not written – orders. Some claimed they were detained for periods extending to one month in illegal detention locations like the headquarters of State Security Investigations areas, police stations and police forces campsites. Denied visitation rights and subject to excessive torture and duress prior their detention in high security detention centers.

89 claim that even though the State Security Supreme Court delivered rulings to release them, the Ministry of Interior has not implemented these

rulings. Instead, the Ministry issued new detention sentences leading to prolonged periods of detention that in some cases extended to 16 years. One detainee had obtained eleven release orders. He was released *de jure* but, *de facto* remained in prison. This incident constitutes a severe violation of the principles of the sovereignty of law and the separation of powers.

In addition the despotism of the Ministry of Interior in using its powers to repeatedly challenge the sentence passed by the State Security Supreme Court is a gross violation of Article 72 of the constitution. This article stipulates that refraining from implementing judicial rulings or their halting to be a crime punishable by law.

Analysis of the content of detention orders indicates the following reasons for detention: Membership in militant Islamic groups that constitute danger to national security and stability (187), participation in demonstrations inside universities and institutions protesting against Israeli repressive policies towards the Palestinian people and its alliance with the U.S. These demonstrations also aggregate feelings of condemnation against aggressive U.S. attitude towards some Arab and Muslim countries. Demonstrations were also staged against the Egyptian government's conduct of domestic affairs, particularly towards violations of freedoms and legislation as well as unfair student union elections. The number of complaints against detention arrived at 98 complaints.

83 petitioners (24.55% of detention complaints received by the Office) from individuals and civil society organizations verify that they know nothing about the reasons for detention of their relatives as they were not cited in the detention orders.

But 5 complainants alleged that their detention was a result of being suspects in an outbreak of violence between security forces Sinai nationals who protested against continuous detainment of their relatives. This led, in turn, to the detainment of hundreds of individuals in Al Areesh city where several members of the same family were detained. Torture by State Security Investigations led to the death of some during detention. Most detainees were sent to heavily guarded police camps and prisons without

written orders. Moreover, their relatives knew nothing about the locations or circumstances of detainment. So despite the lapse of 6 days relatives can neither feel reassured nor visit family detained.

109 complaints allege the violation of the rights of detainees in their capacity as temporary prisoners, throughout the period of detention. These violations are include the deprivation of visits, transfer to other prisons without informing their relatives and lack of medical care which leads to the contraction of fatal diseases. Applicants petition for the speedy release of their detained relatives due to their deteriorating health that has resulted from long periods of detention and lack of medical care.

3 detained complainants found it difficult to complete their education. Prisons are located in remote areas far from examination committees, inflexibility of prison administration in the entry of books as well as lack of favorable conditions to study.

Complaints filed by 6 applicants suggest that detainees who prior to detention worked in private companies were refrained from receiving financial claims despite being the sole income for the detainee's family. Some complained that they were fired from their workplace during detention and that upon release no company or institute is likely to employ them. For fear of the periodical persecution practiced by security forces making some prefer captivity requesting recurring arrest to dependence on their families.

5 communications requested that in the case of families having more than one person in custody that they be placed together in an area close to family dwellings. In this way the burden and costs of visits would be alleviated.

Other applicants petitioned for the release of their only son who is the breadwinner in the family to look after his aging parents. In some cases children of prisoners were forced to leave school and work to earn a living and provide for their families. 8 citizens made similar complaints. But earnings made did not meet family needs compelling them to petition the release of their detained relatives or demanding an alternative source of living.

To consolidate their release petitions applicants provided cited assurances by the State Security officers that there are no security reservations against release of detained relatives. Also indicating that release lies within the jurisdiction of the Minister of Interior and the officials of State Security in Cairo.

***Illegal Confinement:***

The Complaints Office received 21 complaints in which citizens claimed that they or their relatives were subject to illegal confinement. After the convict is seized in a terrorizing manner, convict is taken into confinement. 9 complaints portrayed that houses were inspected without a warranty and that belongings were destroyed. In one case a complaint documented that the family of a suspect was subject to torture and confinement until the person gave himself in.

Complaints suggest that illegal confinement is sometimes carried out to settle personal vendettas between police personnel and the confined person. Sometimes with aim of pressuring him to work as a police informant or due to suspected political ideologies. They are subject to maltreatment and occasionally torture.

Communications unravel extremely bad circumstances of detention without access to food and medicine. The lack of hygiene and clean water can lead to outbreaks of epidemics.

The Complaints Office received 46 responses from the Ministry of Interior to the complaints wherein citizens claim that their right to freedom and personal security were violated through detention and confinement outside the frame of law.

As for detention, about 39 responses emphasized that measures of apprehension and detainment were legally carried out pursuant to law No. 162 of 1958 bearing on the State of Emergency. 11 other responses indicated that the Ministry of Interior released eleven detainees in the period from Jan 2007 to Jan 2008 after inquiries proved that they constitute no threat to the State Security.

As for criminal detention, the Ministry pointed out that in nine cases criminals were detained in favor of public security. Their cases are currently under investigation in civil and military courts. In four responses, the Ministry denied taking any security measures, including detention and confinement outside the framework of law against the persons mentioned in the complaints.

Even though The Ministry acquitted two detainees following judicial rulings, a third died in confinement due to fatal illness. In its replies, The Ministry also expressed willingness to compensate for their unlawful detention. 3 communicants already received redress for these damages.

Complaints and articles published in privately owned newspapers (Albadeel, Al Dostour and Almasry Alyom) revealed an incident where 150 detainees went on a hunger strike in protest against maltreatment and torture. The Ministry denied the incident. It added that this practice was common by prisoners to stop prison attendants to apply regulations.

A fabricated hunger strike was also the position proclaimed by the public prosecution in a communication to NCHR. It advocated that torturing detainees connected to AlAzhar's incidents and their request to obtain Israeli citizenship as published in privately owned papers was untrue.

The Ministry of Interior also sent detailed responses renouncing the allegation of deteriorating health of some detainees, submitting medical reports on each prisoner. The reports accounted stable health despite the ill health they suffer from where prison attendants and hospitals provide necessary treatment. The Ministry also refuted the accusation that prisons prevent inmates from completing their studies. The Ministry added that the detained complainants have not submitted documents to the prison indicating enrollment in education institutes.

#### Complaints and responses concerning voluntary and forced disappearance:

NCHR's Complaints Office received 3 cases of forced disappearance of individuals with no political affiliations. The complaints denounce negligence in following up on the disappearances. Measures taken are

limited to filing a police report and submitting a petition to the prisoner's office to find out whether the missing person has been detained. It is worthy to note that the prisoner's office is not even obliged to respond. Relatives of the missing person fall into a whirlpool, aimlessly searching all possible locations of confinement.

Case examples:

1- Relatives of the citizen / Badran Sha'ban Ahmed lodged a complaint acknowledging Ahmed's disappearance since June 10<sup>th</sup> 2007. His location remains unknown and the complaint was referred to the Ministry of the Interior. NCHR is following up on the matter.

2- Relatives of the citizen / Shaheen Husein Shaheen report his disappearance since Jan 12<sup>th</sup> 2008. 7 individuals dressed in regular clothes were seen taking him from his house in Alkanater. and took him with them. Since then his relatives have not known anything about him. The case is being followed up by NCHR.

3- Relatives of the recruit / Mahmoud Mohyi Abdul Fattah made a report of Fattah's disappearance since June 18<sup>th</sup> 2007. No news was known about him even in his military unit. The complaint was referred to the Ministry of Defense. A reply acknowledged that the conscript left his military unit on June 19<sup>th</sup> 2007 without legal permission. A military search was conducted by air and land, no trace to be found.

### **Complaints and responses concerning cases of disappearance:-**

Christian citizens filed 35 complaints reporting missing daughters and sisters under the allegation of assault and forced disappearance by Muslims on the premises of forcing upon them a change of their religion.

In 15 responses, the Ministry of Interior assured dedication to finding the missing citizens especially after examining the validity of the cases. Even though The Ministry advised relatives of the missing to report any information that may be helpful during investigations, relatives did not accuse anybody.

As for forced disappearance under the allegation of change of religion, the Ministry of Interior submitted closed memorandums clarifying that the mentioned missing Christian women had changed religion by consent to marry Muslim citizens. They are currently residing in different areas with their new families.

Some cases revealed that relatives claimed that missing family members that were identified as changing their faith suffer from schizophrenia. The Ministry of Interior consulted with Al- Azhar clergy but no real evidence could be found. The Ministry is taking necessary measures to interrogate with complainants and validate reasons behind petition.

Complaints were also submitted by Muslim families claiming that their wives, sons and daughters were abducted by Christians to compel them to convert to Christianity. The Ministry of Interior could not find evidence especially that amongst these petitioners are ex-convicts, smugglers, and famed for misconduct.

A second reply by the Ministry identified that after eloping with a Christian man, a woman of Muslim faith converted to Christianity. She was caught trying to change her name and forge a new ID card at the Dokki civil registration office. Accordingly she was referred to State Security prosecution with charges of forgery. The Ministry emphasized that there was no evidence that the citizen was subject to maltreatment and torture in police stations.

Another reply by the Ministry of Interior stated that it dismissed a complaint made by an individual alleging abduction after medical reports proved him to be suffering from psychological illness.

Complaints and responses concerning the right to be free from torture, cruel, inhuman, or degrading treatment or punishment:

51 communications received revealed torture in police stations to individuals or families of petitioners.

Complaints included allegations of verbal abuse to extreme forms of torture in police stations. 23 petitions pointed to torture tools in police

stations and the reliance of police officers on the tools during investigations. Confessions are obtained under duress. These practices constitute a breach of the constitution and the law.

9 complaints also revealed the illicit confinement of families of the “wanted” person to force the person to turn himself in. If these allegations are valid, they are in clear violation of all human rights. Others allege that relatives of the confined person are tortured to compel the detainee to confess. 12 complaints disclosed that some individuals were subjected to torture in attempt by investigation officers to induce them to enlist as agents. Being previously convicted they may be a great asset.

Some complaints certify that torture is practiced as a disciplinary tool against individuals who show disrespect to police officers. 8 complainants admitted to abuse and confinement when they went to police stations to file cases.

29 petitioners claimed they were tortured in vendetta settlements that included police officers or other influential people.

6 other complaints claimed that torture may be so brutal that it leads to death. 5 complaints referred to evidence of torture on identified corpses. Another complaint raised doubts about the circumstances of the death of a relative during his confinement at a police station.

13 citizens or their relatives lodged complaints stating they were subject to torture in State Security headquarters. Methods of abuse used included electric shocks, suspension from their hands or legs and placement in solitary confinement for pro-longed periods of time. A parent also claimed the death of his son due to torture.

9 allegations came in also suggesting torture and solitary confinement for long periods. This violates Article 43 of law 369 of 1956 which does not permit solitary confinement for more than 15 consecutive days. These complaints also explain that prisoners were subjected to insults, beatings and electric shocks.

5 complainants expressed their fears for the loss of life of detained relatives inside prison cells. 1 applicant reported his brother to have died in this manner.

17 complainants claimed that they underwent torture during interrogations. 9 reported the torture taking place temporary detention, 7 complaints did not determine the stage of punishment. But suggested they were tortured to confess under duress. All methods of torture – including the threat of sexual assault against both the defendant and his relatives – were used. The brutality of torture led, as alleged by two complaints, to death.

While 9 complained that they were tortured during their detention, 6 complained that they were intimidated to refrain from complaints of torture. They also claimed that persons injured due to torture were not permitted to receive treatment in hospitals. They were beaten in order to withdraw their requests for examination by forensic medicine. Three complainants asserted that police officers accused of torture concealed the forensic reports which prove torture.

On the other hand, 2 petitioners reported that police officers interfered to hide marks of torture on a corpse by removing it from the location of confinement. They then claimed it suicide.

A parent reported that a son lost his memory as a result of torture during military service. The parent demanded an investigation and punishment to the culprit.

48 citizens filed complaints accusing the Ministry of Interior and other departments of the abuse of power by. Police officers and noncommissioned officers were found exploiting their influence to hide their illegal acts.

Indeed, 22 complainants admitted to threats of forced acceptance of fabricated lawsuits made against them. In case of submitting complaints against them to the Ministry's Supreme Department of Inspection, these applicants were threatened to torture and confinement or detention.

Total responses received by the Complaints Office from the Ministry of Interior, the Ministry of Defense and public prosecution to human rights organizations' and newspapers' publications of the arbitrary use of power, maltreatment and torture, amounted to 69 responses, 47 of which came from the Ministry of Interior, 17 from public prosecution and five from the Ministry of Defense.

*Responses of Ministries to torture complaints received:*

*Responses of the Ministry of Interior*

As for the allegations of maltreatment and torture of some citizens including a teenager in police stations, the Ministry, in 42 responses, repudiated them. It enclosed detailed memorandums on the conclusions of the investigations carried out by the Ministry's departments entrusted with managing and monitoring performance of policemen throughout the Republic. Inspection of these memorandums reveals that the allegations of complainants were cited in the framework of criminal interrogations against them.

For 3 cases the Ministry pointed out the authenticity of allegations cited about maltreatment, beating, insulting and torture exercised by some police officers and soldiers in police stations. The Ministry emphasized that cases were made against these officers and soldiers and submitted to public prosecution. Some were released after reconciliation with the complainants. The Ministry, however, referred those individuals to military tribunals which sentenced them to imprisonment terms ranging from 15 days to 6 month.

In 3 other responses, the Ministry abstained from reply indicating that incidents of maltreatment and torture are being investigated by courts of law. The Ministry would not like to influence the court in any way and would respect its judgment.

The Ministry repudiated all allegations about fabrication of lawsuits by policemen against citizens. This is evidenced by criminal records and memorandums enclosed by the Ministry about the individuals mentioned in the complaints. Those individuals have a long record of breaking the law.

Interrogation by public prosecution emphasized the truthfulness of the charges for which they were arrested and the validity of measures taken by policemen against them.

*Responses of the public prosecution:*

The Complaints Office saw the necessity of addressing the public prosecution regarding the allegations of complaints of maltreatment, torture and fabrication of lawsuits. Public prosecution has the primary responsibility to investigate these violations and refer the valid incidents to courts of law. Public prosecution sent the office about 17 responses. Previously models of these cases and the public prosecution's responses to them were presented.

*Responses of the Ministry of defense:*

The Ministry sent five responses to complaints submitted by the families of some conscripts and some of its employees. The responses indicated the maltreatment and torture of their relatives, some of which led to permanent physical disability. The Ministry directed the complainers to go to concerned medical panels and units in military hospitals to prove these injuries. The Ministry pushed to call the perpetrators to account. It will exempt the victims' sons from military service in case these allegations are proven true.

Complaints and responses concerning the violation of the rights of prisoners:

The Complaints Office received 414 complaints. 18 applicants deprived of their right to medical care also complained of the poor quality of food distributed to prisoners and its inconsistency with quality control specifications. A number of complainants went on a hunger strike pending the examination of their demands for the improvement of medical care and the quality of food offered to them.

77 petitioners claimed exposure to various diseases threatening their life due to shortage and deterioration of medical care in prisons. Moreover, the prison supervisors delayed transporting them to specialized hospitals for treatment. Complainants therefore asked to be transferred to specialized medical centers and

hospitals for treatment as well as demanding critical surgeries that could not be done in the prison hospital.

While 16 complainants requested the application of Articles 36 and 37 of law No. 396 of 1956 to prisons which regulate cases of health release. Dr. Ayman Nour, the former President of Al Ghad party who is imprisoned pursuant to a judicial ruling against him is among those 16 complainants.

Thirty-five petitioned of restrictions imposed by prison management that prevent them from the right to complete their education.

Seventy- three complaints saw the demand to be transferred from the prisons where they are incarcerated because their present prisons are remote from the residence of their relatives who find difficulty in traveling to visit them. Health conditions are deteriorating and prisons are closed for long periods preventing visitation. Prisoners also complain of the prison administration's negligence to tighten night control on cells which witness assaults by dangerous prisoners on new inmates.

The office received 83 complaints asking for police release due to the elapse of three quarters of the imprisonment term as provided for in articles 52 and 53 of the penitentiary law.

Ninety-two applicants confined in various prisons sent a petition to the Complaints Office. The Minister of Justice was asked to accelerate the procedures of the cassation challenge. They have been waiting for such investigations for a long period that in some cases extended to five years. Sluggish procedures violate the right to a fair trial.

Seventy-nine prisoners incarcerated in the high security prisons of Abu Za'bal, Natroon and Torah complain they were subjected to beating and torture either by the prison guards or by other dangerous prisoners with the knowledge of prison guards. One complainer spoke about corruption and bribery in his prison where some prisoners – according to his claims – pay in-cash and in-kind bribes to guards in return for preferential treatment including overlooking their violations.

One citizen sent 3 complaints claiming that he was mistakenly arrested to serve a prison sentence because of a name similarity. He petitioned for speedy investigation of his complaint and for speedy release from the prison where his health condition deteriorated.

The Complaints Office received about 215 responses from the public prosecution, the Ministry of Interior, the Court of Cassation and the Ministry

of Justice bearing on allegations by some complainers about violations of their rights or their relatives' rights to ideal treatment in prisons. 167 responses came from the Ministry of Interior and 48 from public prosecution.

*Response of Ministers to violation of rights of prisoners:*

*Responses of the Ministry of Interior-*

They amounted to 167 responses citing the conclusions of investigating prisoner allegations about maltreatment, torture and deprivation of medical care in prisons. The responses also handled the requests of transfer to prisons closer to their residence and education institutes. The responses also dealt with the issue of police release.

As for requests of transfer to prisons closer to residence and education institutes, the Office received 107 responses. In 86 of these responses, the Ministry responded to the prisoners' demands taking into account human and social considerations pertaining to their relatives and the prisoners' right to complete their education. Whereas the Ministry in two responses apologized for not fulfilling two demands due to unavailability of places in the prisons they demanded to be transferred to. In another 14 responses, the Ministry rejected the petitions of prisoners requesting parole from intensified imprisonment terms. The Ministry refused two transfer requests taking into consideration the prisoners' threat on security.

As for allegations by some prisoners that unfair penalties were imposed upon them, that they were subjected to maltreatment, torture and sexual assault, the Ministry sent the Office 11 responses indicating that there was no evidence of these allegations. The Ministry added that most of those prisoners intentionally sent these conspiratorial complaints with the aim of preventing the prison's administration from applying disciplinary actions against their violations.

As for the requests for a period of transfer outside the prison, the Ministry rejected 16 of the 17 requests submitted citing the prisoners' threat on security. Moreover, those prisoners did not complete the intensified

imprisonment term and they also did not pay the fines pursuant to judicial rulings. However, one request for a period of transfer outside the prison was accepted by the Ministry as it was consistent with the prisons's regulations.

The Ministry accepted 16 for requests of parole upon completion of the penalty term and requests for police release after spending three quarters of the imprisonment term.

Yet the Ministry rejected the petitions of 10 prisoners due to their threat on public order. As for allegations by some prisoners that they do not receive medical care and their ensuing request for health release, the Ministry replied that 16 complainers received medical care in prison. There is no threat to their life in prison since their condition is stable. The Ministry, according to three of its responses, catered for surgical operations for some complainers in the prison's hospital and in Al Manial university hospital. It also pointed out that the medical file of one prisoner is being prepared for submission to a health release panel.

*Responses of the public prosecution:*

The Complaints Office received 48 responses from the public prosecution presenting the conclusions of investigations into the complainants' allegations and requests. As for the allegations by some petitioners that police and security forces fabricated charges against them after torturing them, ten responses of the public prosecution denied. The reports were archived.

As for petitions by some complainants requesting the reopening of investigation in their cases in light of new evidence indicating their innocence, nine of the responses as well as the enclosed investigation memorandums pointed out the invalidity of their claims. Their complaints were shelved accordingly.

The Public prosecution replied in 15 responses to complainers who petitioned for the annulment of other sentences imposed upon them after spending more than twenty years in prison. Meanwhile, it rejected three petitions of penalty annulment for inapplicability of the conditions cited in

article 36 of the penal code. This article states that the maximum freedom-withholding penalty may be applied only in case the defendant had perpetrated all his crimes before being tried for one of them. But if he commits a crime after being sentenced for a previous crime, the penalty for this previous crime may not be calculated as part of the maximum freedom-withholding penalty provided for in the said article.

The Office also received from public prosecution five responses concerning the interrogation of a number of citizens who were arrested on the streets in Cairo for rallying and disrupting traffic, assaulting policemen and reiterating verbal insults and slogans against the President of the Republic. These responses pointed out that those defendants were interrogated. They were then imprisoned as a precautionary measure for consecutive terms that totaled two months after which they were all released. It also sent five responses concerning the complaints of the arrest of candidate supporters to the board of directors of the Alexandria Chamber of Commerce. They were reiterating shouts against the regime and the President of the Republic, disrupting traffic and assaulting policemen. The prosecution pointed out that the 27 defendants who were imprisoned were all released one after the other.

Ayman Nour, the former President of Al Ghad party who is imprisoned after being convicted of forging official conduct, he petitioned for health release due to his deteriorating health. The prosecution said it summoned Ayman Nour from prison, interrogated him and registered his request pursuant to article 36 of law No. 396 of 1956. The prosecution formed a tripartite panel headed by a senior forensic physician and composed of one of his deputies and the head of the prisons' medical department. It examined him to ascertain whether he suffers a life threatening illness to determine the need for an urgent surgery in Dar Al Fouad hospital. The panel will also conclude whether his stay in prison constitutes a danger to his health. All medical documents were enclosed. The aforesaid panel moved to the Liman Torah prison farm and examined him on Oct 7<sup>th</sup> 2006. The panel's report suggested that Ayman Abdul Aziz

Nour suffers from diabetes and high blood pressure which did not lead to heart disease. He also suffers from knee problems. But his general health condition – at the time of examination – permits continuous stay in prison as there is no immediate danger to his life especially if placed under medical care and follow-up by the prison's hospital. In concluding that serving his prison sentence does not constitute fatal danger to his life, the prosecution notified the prison department to take the necessary measures towards Ayman Nour in light of his health condition as given in the panel's report.

Complaints and responses concerning the violation of the right to participation and managing public affairs:

Complaints bearing on violation of the right to participation amounted to 15 complaints, 10 of which concerned the right to participation in public affairs and to hold public office. 5 other citizens complained of deprivation of the right to vote and the right to candidature in the elections of the Shoura Council as well as of the ruling national party. They were barred from these elections for no reasonable causes.

The Office received 6 responses from the Ministry of Interior and the national party concerning the allegation of individuals and human rights associations that their rights to vote were violated. The five responses of the Ministry of Interior concerning the occurrence of electoral irregularities in the mid-term elections of the Shoura Council pointed out that several of these complaints are conspiratorial and have nothing to do with the electoral process. Moreover, the constituencies of the complainers are not among the constituencies where elections were to be held.

The Ministry found no evidence to the validity of some of these complaints. The complainers did not submit any complaints to the electoral general committee in their governorates.

Some of the complainers were arrested while distributing electoral publications that were characterized by their religious tendency which is prohibited under electoral law. The public prosecution ordered their confinement pending the completion of investigations. The Ministry also

pointed out the invalidity of the allegations cited by the society of justice for judicial aid and human rights about voters who were barred by security forces from voting in a number of Giza constituencies. An electoral commission member moved to those constituencies and investigated the matter.

The reply sent by the national ruling party concerning the complaint of a citizen not nominated by the said party entering as a candidate in the Shoura council midterm election, conveyed that no violation of the appellants' fundamental rights was found. His complaint was related to the party's internal regulation.

#### Complaints and responses concerning the right to a just and fair trial:

The Office received 569 complaints in which citizens presented cases of violation of their right to litigation and fair trial. 139 complainants were subject to a number of violations while exercising their rights. These violations include long periods of neglect for the reports submitted to lift the oppression exercised against them. Also destroying documents in lawsuits and hiding technical reports to influence the ruling. Complaints also pointed at trials taking unreasonable periods of time to reach a ruling and the loss of the lawsuit files after being sent to the court of appeal. These allegations point to the violation of the right of appeal and the right to trial in a reasonable period of time.

53 citizens complained of the violation of their right to a fair trial. 78 citizens demanded investigation of the accusations brought against them. 17 citizens demanded the right to judicial protection.

The Office received 128 complaints alleging that various departments refused to implement the rulings that were not in their favor. Governmental agencies came at the head of the list of those departments which do not carry out sentences related to the right of employment and the right to treatment at the expense of the State.

The Complaints Office received 189 responses from the Ministry of Justice, the Court of Cassation, the public prosecution and the Ministry of

Interior to a number of complaints about violations of the right to a fair and just trial. As for petitions for speedy trials perusal by the Court of Cassation, the Court and the Ministry of Justice requested, in 73 responses, the judicial number of the challenge so that they can undertake the necessary measures.

The Ministry of Interior repudiated in 42 responses that some complainers were subject to violations while exercising their right to a fair trial. The Ministry of Justice repudiated, in 12 responses, the allegations about the loss of files of some cases. The public prosecution pointed out, in 8 responses, that the complaints referred to it were shelved for the invalidity of complainants' allegations that their statements were not recorded in the prosecution investigations.

As for demands for the implementation of the rulings, the Ministry of Interior, in 35 responses, directed the Office to address the Ministry of Justice in this regard since this lies within Justice's jurisdiction.

#### Complaints and responses concerning the freedom of association:

The Office received 7 complaints from associations claiming the violation of their right to form these organizations by impeding the process of their declaration.

One complaint purports that more than 60 days after submission of the registration application to the Ministry of Social Solidarity, without any notification, an association received a request from the Ministry's Department of NGOs to exclude founders for security reasons. The association then submitted the matter to the Dispute Settlement Commission pursuant to article 7 of the law of NGOs. The meeting of the Commission was delayed several times which prevented the declaration of the association.

Another complaint indicated that the Ministry stopped the registration and declaration of the association despite the issuance of its declaration directive. This was due to the objection of the Security Department and particularly of one member of its board of directors.

Other complaints allege the hindrance to NGO registration. In some instances, the subsidiary of the social office refused to send the association's founding documents to the Ministry's NGO Department for completing registration and declaration measures. Also there was arbitrary application of the conditions of the law of NGO formation by the Ministry's concerned department. Indeed, an intervention was made by the department requesting the amendment of the association's statute and rejecting its registration for that reason. All these annoyances discourage and disappoint activists who would like to serve their country. Citizens abstain from founding nongovernmental organizations. This leads to the curtailing of those organizations' role in the development process.

The office received six responses from the Ministries of Interior and of Social Solidarity on the allegations by some associations about the violation of the freedom of association. The closing down of some NGOs, the inexistent issuance by the Ministry's NGO Department of some NGOs and the lack of investigations on financial and administrative infractions in some NGOs are common complaints.

#### *Responses of the Ministry of Interior*

Regarding the closing down of some NGOs most notably the Union Services Home of Naja' Hammadi, pointed out that such complaints do not lie within its jurisdiction. Complaints must be referred to the Qena governorate and to the Ministry of Social Solidarity in settlement pursuant to relevant laws and regulations.

#### *Responses of the Ministry of Social Solidarity*

As for the prevention of registration of union and labor services homes in the registration logs of nongovernmental organizations, the Ministry of Social Solidarity pointed out in one reply that the registration documents would be submitted to the Cairo Social Solidarity department. In a second reply sent at a later date, the Ministry said the complaint was referred to the Qena governorate in its capacity as the concerned governorate. However, the

Ministry, in a third reply, said that the matter is still under study and no final decision had been taken. Increasing waves of support to the Naja' Hammadi Union and Labour Services Home came from human rights organizations which submitted several complaints to the NCHR on the subject. The NCHR Complaints Office referred them to the Ministry which sent a fourth reply inviting the founders to complete the legal measures necessary for registration.

As for the rejection of registration of the nongovernmental home for human rights services, the Ministry pointed out that rejection of registration was carried out pursuant to provisions of law No. 84 of 2002.

As for the complaints by some employees in a juvenile and disabilities centre in Giza, the Office received two responses from the public prosecution and the Ministry of Social Solidarity. The first reply pointed out that the matter is still under investigation and that the conclusions will be submitted to the Office. The second reply confirmed the validity of the complaint and the violations cited in it. Some employees were, accordingly, fired and some others punished. The Ministry will carry out comprehensive development of these institutions.

#### Complaints and responses concerning violation of the freedom of faith:-

The NCHR Complaints Office received 29 complaints. In the first, the complainant residing at Awlad Muhammed village (Alghanayem, Assiut) alleges that his freedom and that of hundreds of Christians in his village in practicing their religious rites were violated, whether in congregation or where they work. Administrative officials arbitrarily annoy them by preventing them from worship or by disrupting the repair of worship locations. This was in spite of the governor of Assiut's directive approving the replacement and renovation of the church. Alghanayem city board made a decision approving the demolition of the old building.

In the second complaint, the priest Boutros Falta'os – head of the Baptist cult in Albitash (Alexandria) – addresses the attempts of priest Safwat Albayyadi, the head of the Evangelical sect, to seize and impose his

control on the Baptist churches exploiting his connections with some influential officials in the governorate. Falta'os asked for protection for himself and his followers from these violations.

5 complaints are related to factional sedition in Bamaha village (AlAyyat, Giza). What started as a fallacious rumor that one of the village Christians changed a house into a church without due permission. The rumor was consolidated when some Copts started demolishing the house. Instigators exploited the Friday congregation prayer in the mosque to rally the Muslims to burn houses and plunder shops of some Copts. Copts confronted Muslims with stones, cudgels, swords and firearms. They sought the help of the Christians in neighboring villages to confront their Muslim brethren. Scores of people were injured and 60 defendants were arrested for investigation by AlAyyat prosecution. The Complaints Office sent a fact-finding mission to the village. The incident uncovered the mismanagement of affairs, the lack of experience and the absence of confidence by mutual suspicions between the two sides. The incidents also indicated that each party tries to aggravate the other. The culture of tolerance is absent. There should be an integrated policy for dealing with this issue which threatens the national security of Egypt on both domestic and international levels.

The Office received 21 complaints in which citizens asked for the issuance of national number cards registering their Baha'i faith. Communications pointed out public agents of the Ministry of Defense Conscription Department rejected their applications without the national number cards. In addition, the civil registration offices refused to register Baha'i as faith in the national number card. These citizens demand to enjoy their right of belief and to exercise their religious rights through the issuance of these cards with Baha'i registered under religion.

*Responses of the Ministry of Interior, Housing, Education and Defense*

The Office received 17 responses from the Ministries of Interior, Health and Housing, Education, Higher Education and Defense concerning the refusal to register Baha'i as religion in the official documents submitted.

This refusal hinders them from obtaining jobs, enrolling at universities, completion of their conscription files or obtaining the national number card. Responses pointed that all legal opinions, issued by the State Council of Legal Opinion and Legislation Department, have unanimously recognized the registration only one of the three heavenly religions officially recognized in Egypt. These legal opinions prohibit the registration of any other religion as well as rule out leaving the religion slot vacant. Responses pointed also to the supreme administrative court ruling of Dec 16<sup>th</sup> 2006 confirming the validity of the administration's rejection of the registration of the Baha'i faith as a religion in official records. The court issued a statement stipulating that the Ministry of Interior Civil Status Department may not affix Baha'i as a religion in all official documents issued by the department or any other official department in Egypt. The aforementioned Ministries emphasized their commitment to execute judicial rulings on that issue.

*Responses from Ministry of Interior and Public Prosecution*

Two responses from the Ministry of the Interior and public prosecution concerning the factional strife incidents in one of AlAyyat villages (Giza governorate) were received by the Complaints Unit of NCHR. The incidents as cited in the public prosecution investigation, case No. 2176 of 2007, AlAyyat, is the break out of a quarrel between Muslim and Coptic inhabitants of the village over the reiteration of a rumor that the Coptic party intends to build a church in the house of a Copt. The public prosecution conducted investigations and moved to AlAyyat central hospital to interrogate the injured. It carried out all necessary inspections and interrogated all seized defendants who denied the charges attributed to them.

In the preliminary investigation, all parties voiced all their statements freely before the prosecution attorney. All measures were conducted within the legal framework and the guarantees of fair trial. The two parties reconciled. They registered their reconciliation and the prosecution released those who were confined.

Another response came from the public prosecution about the article published in Al Badeel newspaper under the title: "*Security forces besiege Tahna village in Al Minya after the murder of a Coptic citizen*". The response pointed out these incidents took place in Tahna village (Minya governorate).

The Office received a response from the public prosecution concerning what was published in Sout Al Umma newspaper under the title: "*Matrouh governorate and head of Al Hammam city ignite factional strife after seizing the land of the bourse's former President and throwing images of the Virgin on the ground while reiterating factional phrases.*" As cited in the report of the complainant Majed Shahdy Antar against Al Hammam city chairman, the facts of the incident may be summed up as follows: the city chairman trespassed on the land of the petitioner and removed an electricity booth, fences and trees surrounding the land. The reply added that there was a lawsuit (No. 387 of 2004, Matrouh) bearing on the legalization of holding unregistered land.

As for the complaint of Al Ghanayem city against a decision prohibiting replacement and renovation of a certain church despite the decision of the governor of Assiut to permit repairs, the reply coming from the Assiut governorate pointed out that the litigious decision was issued for the church which did not abide by the prerequisites cited in the governor's authorization.

#### Complaints and responses concerning freedom of movement:

The Office received 8 complaints alleging that petitioners were prohibited from travel for education, denied entry visas, and had their passports confiscated without legal reason. The Office received 8 responses to these complaints from the Ministry of Interior and the public prosecution.

#### *Responses from the Ministry of Interior*

In four responses, the Ministry of Interior responded to petitions of some Iraqis and Palestinians by granting them sojourn and renewed sojourn

for medical treatment as well as for education. In two other responses, the Ministry agreed to the renewal of the passports of the complainers. As for prohibiting a complainer from travel, the Minister pointed that the complainer was on the list of those prohibited from travel and directed the complainer to go to other governmental departments which have the authority and the capacity to resolve the matter.

#### *Response of the public prosecution*

In its reply to a complaint against the inclusion of a name on the lists of those who are prohibited from travel, pointed that the concerned individual was released after conducting investigations proving his innocence.

#### Complaints and responses concerning violation of the rights of Egyptians working abroad:

The Office received 165 complaints about the violation of the rights during their time abroad. They bore on a number of issues the first of which is employment. The Office received 112 complaints of Egyptian employees outside Egypt, 84 of which came from Gulf States. The allegations concentrated on decrease in salaries, failure to collect the compensation package for end of employment, arbitrary termination of the contract due to injury incurred during work without compensation, unpaid insurance or pension and subjection to employment conditions incompatible with international employment standards. In addition, the Office received 28 complaints bearing on the consequences of the Iraqi invasion of Kuwait. Petitioners claim not receiving payment of the damages decided for them due to injuries caused by war, not receiving payment of such damages and arbitrary estimation of the sum of damages.

The Office received 21 complaints alleging that the guarantor pressured the petitioner to accept, after his arrival, a salary lower than the one agreed upon. There were also complaints of unfavorable work conditions and of the guarantor's failure to pay financial claims. Three

complainers claimed the guarantor exploited his influence and connections to fabricate false charges against them. They were consequently confined and tortured in police stations. One complaint claimed that the guarantor pressured the worker to work in Iraq – instead of Saudi Arabia, the location of the original contract – at the time of war where he met his death. Another complainer claimed he was subjected to five years of confinement before extradition because his guarantor was deported.

The Office received 26 complaints from Egyptians most of whom worked in Libya and Jordan. They complained of unpaid financial claims including salaries, insurance and damages. Their properties were seized. The complaints coming from Western countries alleged the violation of their right to social insurance.

Five complaints dealt with problems of child custody resulting from marriages to foreigners. In this context, lies also the difficulty of proving common life within mixed marriages.

According to allegations in their complaints, 35 individuals were subject to detention and illegal deportation from Arab States (28 complaints) and from European countries (4 complaints).

#### *Responses of Ministries*

The Complaints Office received 20 responses from the Ministry of Foreign Affairs and the Ministry of Manpower and Immigration concerning the complaints of violating the rights of Egyptians working abroad. The violations extended to their personal security, to their marital rights and to their right to employment.

In 13 responses the Ministry of foreign affairs presented its efforts to enable Egyptians working abroad to obtain their rights. The Ministry gave examples of what it and its embassies did in this field:

\*As for what was published in Al Usboo newspaper on Sep 8<sup>th</sup> 2007 under the title: "*They broke his bones and shocked him with electricity.*", The Kuwaiti police assaulted the Egyptian citizen Nabeel Abdul-Rahman. In its reply, the Ministry said that the Egyptian consulate received a complaint on March 8<sup>th</sup> 2007 from the citizen

claiming that he was confined in Alfarwaniyah security area since March 5<sup>th</sup> 2007. The Consulate sent a delegate to find his arm broken due to him resisting police who arrested him on March 5th for breaking the migration law. His stay exceeded the time allowed stated as 2004. The Kuwaiti Ministry of Foreign Affairs was notified of the incident in order to refer the matter to judicial investigation authorities on March 11th 2007.

The Consulate delegate accompanied the convict to Arrazi hospital where he underwent surgery on March 11<sup>th</sup>. The consulate paid him periodical visits and provided him with aid and advice to legalize his residency. He went to the immigration department on June 30th 2007 in an effort to amend his migration that was terminated at the time of the princely amnesty. However, he was detained by the investigation department and held in prison pending the settlement of the suit lodged against him for the crime of assaulting a public employee while performing his duty. The consulate follows up his case to defend him against any unlawful measure until he gets his rights.

\*As for the petition submitted by Mrs. Sana Abdul Rahim Hammad to liberate her husband who is being held in Almalaz prison in Riyadh due to a dispute between him and his sponsor. The Ministry's reply indicated that the Egyptian Consulate in Riyadh sent its delegate to visit her husband Samir Muhammad Suliman Khedr.

There is a ruling against him issued by the Riyadh court. The decision sentenced him to pay 190 thousand Saudi riyals to a Rajeh Albakmi, 29 thousand riyals to Muhammad Mashhoor and 36 thousand riyals to Farhan Alanzy. Saudi law ordains the imprisonment of the defendant till he pays out his debts or otherwise brings an insolvency action before the court of law. The complainant was notified of the aforementioned.

\* As for the confinement of 1500 Egyptians on their return from Umra in Al Aqaba port, the Ministry replied that the flux of large numbers of

travelers returning to their motherland for the summer holidays was concomitant with the return of Umra pilgrims. This led to crowdedness as the number of travelers exceeded the accommodation capacity of both the port and the liners that connect Al Aqaba with Nowaiba port. Necessary measures to overcome this crisis were taken in collaboration with the two ports.

\* As for the complaints related to the financial claims of Egyptians in Iraq, which is known as the problem of yellow money-orders, five responses from the Ministry of Workforce and Immigration said that the Ministry raised this problem with the U.N. secretariat concerned with Gulf war damages. The Ministry also held negotiations with the Iraqi officials who agreed to investigate the matter with their government and promised to transfer Egyptians' financial claims as soon as possible. The Ministry handed the Iraqi party 4 CDs containing all data related to the yellow money-orders, the number of which amounted to 637 thousand. The Ministry emphasized that the completion of money transfers will be declared on its website and in daily newspapers.

#### Complaints concerning general public duties and rights:

The Complaints Office received 49 complaints bearing on public duties and rights. Some of these complaints are made by groups residing in Nubia demanding respect and protection of their political, cultural, social and economic rights. Other complaints came against peddlers in south Cairo district. They occupy the streets and assault the passers-by with insults. Another petitioner demanded the Attorney General to order the seizure of the guard dog of Prince Tork ibn Abdul Aziz's son and to refer his guard to trial as the dog has repeatedly attacked several people.

Other citizens complained of illegal buildings which are constructed with the knowledge of the district employees. There are complaints of wide-spread tok-tok vehicles which cause accidents due to young wreckless drivers. Other complaints point at the exhibition of corruptive pornographic films on

satellite channels, monopoly of subsidized bread by citizens in some governorates, administrative corruption in Aljazirah youth centre; child torture in Alkasr Aleiny medical centre, as well as some complaints concerning the new lease law No. 4 of 1996.

### **3- Evaluation**

**a- Review of the NCHR efforts in response to complaints received - to ensure that justice is reached and the responses of concerned departments are monitored:**

\* After the acceptance and registration of complaints, the Complaints Office determines the departments to which the complaints would be addressed. The aim is to see justice done for the petitioners, as well as settlement of matters with all departments, within the framework of the objective criteria previously laid down by the Office at the beginning of 2007.

\* The Office referred all complaints not lying within its jurisdiction to the responsible Ministries, governorates, governmental authorities, nongovernmental organizations, unions and political parties. The Office believes in and seeks to extend help to petitioners by referring their complaints to concerned authorities for investigation in a friendly manner with no obligations on these departments to send responses. The Office also notifies the applicant of the measures taken so that they may follow up their complaints. Such referrals not lying within our jurisdiction totaled 992.

\* Referrals sent by the office to concerned departments in the year 2007 totaled 3196. The Office received only 1721 responses making the percentage of responsiveness 53.8%. The definitive total of referrals sent by the Office to concerned departments, be they within its jurisdiction or not, was 4,188. The remaining complaints were finally shelved for fancifulness, absence of the complainer's signature, ambiguity of the complaint's content and obscurity of the address.

Table No 5 indicates the number of the Office referrals to concerned departments as compared to the number of responses sent by them.<sup>(14)</sup>

\* The table also shows responses sent by authorities to the Complaints Office till the end of Feb 2008 totaled 1,721, representing about 53.8% of the total referrals. In addition the table shows how authorities differ in their responsiveness to the office referrals. Ministries and the like came in the first place with a responsiveness rate of 60.4%. Governmental authorities and departments came in the second place with a rate of 45.7%, followed by banks and companies in the third place with a rate of 44.7%. Governorates came in the fourth place with a rate of 36.2% and universities came in the last place with a rate of 28%. This necessitates the intensification of efforts made by NCHR and the Complaints Office to promote contacts with all departments to increase their responses. NCHR aims to enable citizens to obtain their civil, political, economic and social rights.

\* Although the number of responses sent by some authorities is low compared to the referrals sent to them, some of these departments sent us detailed responses expounding the conclusions and measures they have taken. These departments were courageous enough to recognize the rights of complainers and to enable them to attain them. Other offices did the reverse. Quick responses were sent to the Complaints Office indicating the inability of officials to assist petitioners on their requests. The following general characteristics may be concurred:

- The ratio of responses to complaints bearing on violation of the rights of groups or individuals is high if compared with responses to other complaints.
- Some departments still abstain from replying to the Office's messages concerning violations by these departments of the rights of individuals and groups affiliated with them.

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<sup>(14)</sup> Enclosed, the table of replies.

- Rate of response to the complaints sent by the Complaints Office to Ministries, organizations and others was 22% in 2004, 48.7% in 2005, 63.1% in 2006, and 53.8% in 2007-8.

Analysis of those responses shows those departments' seriousness to investigate the complaints to see to it that the complainer gets his rights.

**b- The challenges faced by the Complaints Office and methods to overcome them:**

- Some authorities could not meet the criteria defined and sent to them by the Office. This is due in some cases to the need for more time to examine and investigate the case.
- The Office received several complaints demanding legal counsel and judicial aid.

This requires reconsideration of the following:

- The Complaints Office should be given broader authority enabling it to deal with citizens complaints in a more positive way.
- The departments concerned with citizen complaints should be urged to apply the criteria sent to them by the office to the complaints referred to them.
- There is a consideration for establishing a legal guidance unit to aid citizens with legal and judicial proceedings. This unit may be the first step towards the establishment of another body to extend legal and judicial aid.

**Chapter III**

**NCHR Activities in Disseminating**

**Principles of Human Rights**

## **The NCHR Role in the Dissemination of the Principles of Human Rights**

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One of NCHR's fundamental tasks is to disseminate a culture of human rights and deepen awareness of its values. Without a culture inspiring the values of dignity, freedom, justice, equality, and tolerance, human rights legal provisions are void. A human rights culture will facilitate reform that corrects a deficiency in the relationship between the government and society.

NCHR has sought, since its establishment, to coordinate its efforts with those of governmental authorities and civil society organizations. To achieve this goal it has utilized mass media, educational institutions and training activities.

In its first term (2003 – 2006), The Council worked on three fundamental lynch-pins, the most important of which was an ambitious plan for the dissemination of the principles of human rights entitled: "*The National plan for dissemination of human rights culture.*" The Council tries to incorporate this plan into the State's five-year plan. The Council's plan contains detailed programs to promote human rights. NCHR has also made a break through with its program of integrating human rights values in educational syllabi.

This project which aims to promote human rights values in educational programs was completed over two stages over the last two years. The past phases especially targeted textbooks of compulsory and secondary education. But work currently underway focuses on higher education. Initially field surveys are made assessing components of books and tapes, the aim being to filter the material from any negative messages that may be unfavorable to a culture of human rights. In this regard, NCHR established necessary institutional support.

In the sphere of information and the broadcasting and Television Union, NCHR took the initiative and formed a human rights commission to be headed by the NCHR Secretary-General to discuss causes and issues

relevant to human rights as well as the role of media in the promotion of a human rights culture.

In the field of education, NCHR cooperated with the Ministry of education to lay down the plan entitled: "*Analysis of the human rights content in compulsory and secondary education textbooks.*" This will be supervised under Professor Dr. Zeinab Radwan who was appointed as a member of the Committee.

In the same context, a protocol of joint cooperation was signed between NCHR and the Supreme Council of Universities in Nov 2007. The two parties agreed to cooperate to disseminate human rights information amongst university students. Capabilities of both Councils may be utilized in the establishment of this information through training courses and workshops on human rights. The joint cooperation agreement aims at the incorporation of human rights culture as a constituent part in education syllabi and as part of the professional programs.

This chapter therefore concentrates on "*The National plan for the dissemination of human rights culture*" and NCHR's efforts in scrutinizing school textbooks. Aspects of dissemination of human rights principles will be handled in the chapter dedicated for the evaluation of the national plan.

### **1-NCHR plan for dissemination of human rights culture:**

The Council prepared the plan with all its details and programs during the year 2006 with the aim of dissemination of human rights culture, raising people's awareness of their rights and duties, spreading the culture of tolerance, promoting gender-based equality, formulating social orientations that promote the respect of human rights.

In addition to the consolidation of the capabilities a NCHR's website is to be developed.

Outstanding achievements in this area in the past period include:

- Carrying out an advertisement campaign in television and radio using daily messages as well as announcements drawing attention to the principles of human rights and paying them due respect.
- Organization of 20 symposiums using video conferences to gather local administration officials in more than one governorate at the same time to exchange expertise and successful experiences in the field of spreading human rights culture. Followed up by 8 mutual visits between administrations which have excellent and pioneering experiences in the field of human rights culture dissemination (four visits in Upper Egypt and four others in Lower Egypt).
- Discussion of the current cooperation between NCHR and the Arab Organization for Criminal Reform for the promotion of human rights in Egypt, dissemination of this culture among children through publication of stories that simplify principles of human rights and the encouragement of their art innovations in this field. Professor Dr. Zeinab Redwan, the NCHR member prepared guidelines for human rights values to be incorporated into children stories.

***a- In the field of information:***

The human rights commission affiliated to the board of trustees of the Union of Broadcasting and Television held a number of meetings during 2007 for the promotion of cooperation with NCHR. Issues and causes relevant to human rights and the role of information were discussed. Several activities were carried out upon the recommendations of the Commission.

- The Commission in cooperation with NCHR recommended participation of the Egyptian Ministry of Information in ceremonies marking the universal day for torture victims on June 26<sup>th</sup> 2007. It asked for broadcasting of the advertisement prepared by the International Council for Rehabilitation of Torture Victims in Egyptian television. It also proposed to invite a number of officials and of the intelligentsia to talk show

programs. The Minister of Information agreed to these proposals and sent them to heads of television sectors for implementation.

- In coordination and cooperation with the Commission, a workshop on human rights in Egyptian mass media was held on Oct 31<sup>st</sup> 2007 in Grand Hyatt hotel (in Cairo) in which a number of issues related to mass-media strategies and human rights causes were discussed. An excellent group of Information Ministry leaders and members, journalists, news agencies, information professors in Egyptian universities and human rights activists participated. The workshop abounded with rich and valuable arguments as well as interventions. It ended with a number of recommendations relevant to its agenda.
- A paper was drafted concerning television drama and its importance. A workshop on "*The effect of television drama on the promotion of human rights culture*" would be held in April 2008.
- Social and legal dimensions of advertisements were discussed. It was agreed to hold a round table for specialists to discuss that subject in the first half of 2008.
- Special attention was paid to the training of individuals and cadres working in mass media with the aim of promoting human rights and spreading its culture to uncover any violation.

NCHR also held competitions as a means for encouraging dissemination of human rights culture. The target was to reach a horizontal segment of people with their various social, educational and cultural categories and levels. These competitions are held through radio and television stimulating the masses to read more about and to recognize this culture so that they may adhere to it. A monthly competition for preparatory, secondary and university students is held in cooperation with the Ministries of Education, Higher Education and the Broadcasting and Television union. The following was achieved:

Organization of a competition for distinguished mass media production with prizes for best works on the values of human rights: All agencies, including the Broadcasting and Television Union and private production companies were invited to send their works to the competition. More than 50 submissions were received from the following sectors: television, broadcasting, news, production, specialized channels, Egyptian Company for Media Production City and the satellite channel sector.

Works varied from broadcasting television programs to drama series, recorded programs and films. A committee was formed to evaluate the work submitted and pick a winner. In a ceremony held on Nov 28<sup>th</sup> 2007, financial awards, appreciation certificates and NCHR badges and medals were distributed to the winners. The ceremony was attended by the Shoura Council speaker, the President of the National Council of Human Rights, managers of the plan of dissemination of human rights culture and several officials. NCHR intends to hold this competition this year and the details were discussed with the committee.

A series of varied competitions were organized:

- Recognition and teaching of human rights culture.
- Stirring people to look up to human rights as sublime values worthy of respect.
- Stimulating people to read to obtain knowledge of the dimensions of this culture and its importance.
- measuring the growth-rate of individual knowledge of this culture and the extent of its circulation.
- Encouragement of information and dramatic production which consolidates the Council efforts in human rights culture dissemination in an indirect way among broad sectors of masses.

In cooperation with the broadcasting and television union, a competition was broadcast on the public program network entitled "*Take your right*" starting July 8<sup>th</sup> 2007. Broadcasted three times a week, it started with popular poetry on human rights after which a question, whose answer is implied in those lines, was directed to listeners who would communicate

their answers to NCHR. The competition stopped during the religious month of Ramadan but was resumed on Oct 22<sup>nd</sup> 2007 as a drama series embodying articles of the Universal Declaration of Human Rights and of other human rights texts. After the episode, a question is posed to the audience. The competition is broadcast twice a week.

An agreement was made with the Ministry of Education to prepare contests for pupils to be transmitted through mass media. A joint committee is to be formed with the Ministry and Human Rights Commission to agree how to produce and direct contests. Both parties will cooperate in writing the subject matter and questions to which answers will not be contained in school text books.

### ***b- In the field of training:-***

NCHR managed to provide a technical subsidy in the field of training through contacts with specialized experts in different fields from universities and civil society organizations. NCHR seeks to establish its own training unit. The training program prepares media employees and journalists to participate in promoting human rights, spreading its culture, and reporting any violations in the media. It also aims to prepare youth with the help of social inspectors and specialists to adopt human rights values.

The program also targets speedy training of university undergraduates to uphold and promote human rights values in the future positions they are expected to hold after graduation.

Fast track training is assured for individuals who can, from their positions, influence public opinion, particularly in the countryside, so as to teach people the causes of participation, rights of citizenship, moderation, dialogue and tolerance.

Currently, an establishment of the human rights culture in influential sectors have proven to maintain and defend human rights against any violations even if only in their individual capacity.

NCHR has carried out the following activities:

1. A lawyers' training program comprised four training courses in which 130 lawyers from subsidiary lawyer syndicates of Cairo, Giza,

Al- Sharkiyah, Monoufiyah, Qaliubiyyah and Port Said participated. All participants were aged between 30 to 40 years. Some courses were held in the NCHR headquarters in Cairo, while some others were held in Banha and Port Said.

2. The journalists training program comprised two training courses in which 88 participated. Participants came from television broadcasting, satellite and specialized channels as well as listeners and viewers research departments. They work as programmers, directors, broadcasters, presenters, managers,, correspondents and researchers. They come from six governorates (Cairo, Giza, Menia, Qaliubiyyah, Sharkiyyah and Gharbiyyah). The two courses were held at the Broadcasting and Television Union building in Maspero. NCHR and the Broadcasting and Television Union agreed to hold training courses for mass media personnel, three of which have already taken place in the union's building. The first was held in the period from 28th-30th April 2007. Programmers, directors, presenters and censors were taught how to incorporate human rights constituents in programs. The second was held from August 6<sup>th</sup> to August 8<sup>th</sup> 2008. It was limited to television personnel. The third was devoted to broadcasting personnel and was held in the period from 20th – 22nd January 2008.

Journalist training comprised 59 participants made up of human rights editors, members of NGOs and editors in chief and their assistants. Extended for 3 courses: 1)the development of reporter skills in handling the causes of human rights, 2) human rights and the reporter's relation with news sources, 3)Journalist performance between rights and duties.

3. Training courses for senior personnel of the Adult Education Authority were held for 433 participants from twenty-six governorates. The courses were held in Cairo, Giza, Mansourah, Zagazig, Banha, Port Said, Damanhour, Shebin Elkoam and Marsa Matrouh.

4. 2 training courses were held for youth center managers in Suhaj sporting stadium and in Giza Leaders Training Center. They were attended by 216 participants.
5. Training youth in summer camps comprised 14 courses attended by 4,033 participants, 12 of which were for youth aged from 18 to 25 years and the two other courses for youngsters from 13 to 18 years old. Participants belong to 27 governorates.
6. 4 training courses were organized for social inspectors and specialists. They were taught how to incorporate human rights causes in education programs. Attended by 36 senior inspectors, courses were held in the Ministry of Education centre of student activities in Agouza. Participants were taught how to inculcate human rights culture to their students.

NCHR also cooperates with the Ministry of Interior to incorporate human rights constituents into educational syllabuses of the police academy and other police institutes.

The Ministry's program for the dissemination of human rights awareness among its personnel is done in cooperation with the United Nations Development Program (UNDP) and the Ministry of Foreign Affairs. The program aims to inculcate the fundamental concepts of human rights culture among the Ministry's cadres and to develop policemen capabilities in this regard. NCHR has provided technical assistance towards the program through its expertise. NCHR also offered this assistance to leaders of training institutions, heads of criminal evidence departments, managers of governorates' police departments, leaders of Central Security, and new mayors.

The Human Rights Commission affiliated to the Broadcasting and Television Union discussed a proposal for development of youth centers in cooperation and coordination with the NCHR as well as with other concerned Ministries. The aim is to rehabilitate these centers, extend training to their personnel so that they may attract youth to sport, cultural activities

including teaching human rights culture. Suhaj governorate was to be taken as a pilot project and NCHR held its first training course for managers of Suhaj youth centers.

***c-In the field of Education:***

NCHR established a research and studies unit to carry out all studies that may protect and promote human rights. Managed by Professor Dr. Fouad Abdul Monem Riad and Dr. Suliman Abdul Monem Suliman, the unit may also recruit the necessary expertise to complete its studies and researches.

The Council carried out the third stage of evaluation on university textbooks. The Ministry of Higher Education is then informed of the outcome of the evaluation and NCHR's recommendations.

NCHR took the initiative to conduct this study since it was found that all Egyptian universities lacked a human rights component in their educational programs. Although previously there have been individual initiatives in some faculties to incorporate human rights courses in their educational programs. The Faculty of Political and Economical Sciences has introduced a textbook on human rights nearly two decades ago.

An evaluation was made of human rights curriculums in 9 of Egypt's universities, academies and institutes:

- Faculty of Police curriculum: "*Human rights in the light of international, regional charters, internal legislations and the role of police in its protection*".
- Faculty of police curriculum: "*The role of police in the protection of human rights*" (the Ministry of Interior – Mubarak security academy – police research center)
- Tanta University curriculum: "*Human rights*"
- Assyut University curriculum: "*Human rights law*"
- Assyut University curriculum – Faculty of Law: "*Protection of human rights within the framework of the United Nations*".
- Alexandria university curriculum: "*Human rights*".

- Curriculum of high and intermediate institutes for commercial and computer studies: *"Lectures on population, environment and human rights"*.
- Helwan university curriculum: *"Human rights and professional ethics: a study in Egyptian laws and international charters"*.
- Curriculum of the Faculty of Economics and Political Sciences – Cairo university: *"Human rights: comparative study of theory and application"*.

The research team came to a number of fundamental conclusions of the general themes in the material reviewed:

- Most books adopted collective authorship since more than one staff member, mostly from faculties of law, participated in writing it. In some cases, one professor prepared the book alone.
- The binding purpose of writing these books was not to inculcate human rights culture to students, but written as ordinary university books aiming to fill students' minds with information rather than to inculcate human rights culture and stimulate them to adopt this culture in their daily life.
- A problematic aspect of human rights curriculums in Egyptian universities is the focus on theory, a presentation of relevant international, regional and domestic texts with some analytical effort. As a whole, these curriculums lack the practical aspect. They do not analyze practices and measures advocating and challenging human rights.
- No proper attention was paid to incorporate human rights chapters dealing with the essential concepts of human rights in these university books. The aforesaid books concentrated only on civil, political and economic rights, but overlooked several other essential rights such as procedural rights, social rights, minorities' rights and children rights. A

more serious effort should have been made to write about these rights for the benefit of students.

- Textbooks Analysis of human rights indicated that treatment of several issues sometimes reached a degree of confusion and contradiction.
- Those books depend on preliminary sources embodied in international and regional texts, in addition to a number of memorandums, letters and decisions issued by domestic authorities.

As for the curriculums of the police faculty, results of their analysis were separately stated due to their importance:

- The books indicated the importance of teaching human rights to the students of the Police Faculty that deal with citizens on a daily basis. But this importance was expressed in rhetorical and generalized phrases, not in detailed explanation of its various aspects. No reference is made to practical problems the policemen face in their dealings with human rights causes. Nor did they point out to penalties the policeman will be subjected to in case of encroachment on human rights.
- Some titles contain subjective statements that may be predominated in the method of approaching the subject in the classroom.
- When talking about the role of the policeman in the service of the citizen, the book uses a rhetorical and bombastic style depending on the grandiloquence of the language rather than on the convincing power of factual information.
- The two main approaches used to delineate police performance are the propaganda approach based on praising the regime's official policies and the pompous approach based on vague indefinite measures that may not protect human rights.

## **2-Symposiums and workshops held by NCHR to promote human rights:**

NCHR has continued with efforts to host workshops and hold round table discussion surrounding the main issues that consume citizens. The aim is to arrive at recommendations that discuss various aspects as to promote respect for human rights. A number of symposiums were held to give a boost to civil and political rights. The most significant was that held to consolidate the rights of citizenship in light of the constitutional amendment which highlighted its importance. NCHR also faces the problems of economic and social rights at the head of which come the causes of unemployment, the crisis of drinking water and the subsidization issue on which a workshop will be held to discuss its different aspects and dimensions.

### *Symposiums on civil and political rights:*

On June 10<sup>th</sup> 2007, NCHR held a round table to discuss the proposed amendment of law No. 106 of 1976 bearing on regulation of building works. The meeting was attended by the Minister of Housing, representatives of the Minister of the State for Legal Affairs, representatives of the assemblies, of Administrative Development, of Foreign Affairs, Al- Awakaf, Justice, Interior, a number of Christian priests, Presidents of political parties, nongovernmental organizations, chief editors of some newspapers and other public figures. They met to discuss the unified bill for building worship houses and its integration with the amendments proposed for law No. 106 of 1976. It was submitted to the People's Assembly and the government with the hope of it being ratified in the forthcoming session of the Assembly.

Two ways were suggested for submission of the bill: to be submitted as part of the aforesaid law No. 106 or to be submitted alone by itself. The aim is to enact a unified law for building worship places since they are originally buildings and, accordingly are, subject to building law No 106 of 1976 so long as no other law was issued. Proof of ownership or of dedication is necessary to obtain a building license. Occupancy alone will

not suffice for obtaining such a license, but it will be sufficient for necessary maintenance works.

NCHR prepared the unified bill for regulating building and renovation of places of worship. It was sent to the government to be submitted to the People's Assembly. Its articles stipulate building worship sites, elevation, expansion, maintenance after a permit is attained from the responsible administrative authority. The building directive shall be issued by the Minister of Local Development after hearing from the concerned governor. As for other clauses concerning application indicated in Article 1 of this law, the decision shall be issued by the engineering office of the concerned local unit. Circuits in the supreme administrative court shall be established to examine all challenges against rulings of administrative courts.

The Council held round table talks on the right to equal opportunities and non-discrimination clauses on July 30<sup>th</sup> 2007. It was attended by representatives of the Ministries of Foreign Affairs, Justice, Interior, Legal and Representative Affairs, some other Ministries and representatives of civil society. Discussions focused on visions and models of some countries which enacted laws on equality of opportunities and nondiscrimination such as Sweden and Australia. Other opinions suggested the employment of positive discrimination in the law to confront existing discrimination. Participants stressed the need for issuing a law on equality of opportunities and nondiscrimination pursuant to constitutional rules.

The Council proposed a bill highlighted the following:

(1) Laying down detailed legislative rules that point out the obligation of all public and private departments of the State to respect the principles of equality of opportunities and banning discrimination between citizens by laying down the suitable penalties for violating them.

(2) Establishment of an institutional mechanism to monitor the implementation of that law, either by obligating the State's public and private agencies to set and carry out a plan for achieving these goals or by uncovering the contraventions. Deterring measures and compensation of the victims are proposed.

(3) Laying down a procedural system for obtaining simultaneous orders for speedy stoppage of violations and guarantees for compensating the victims of such violations.

(4) Consolidation and dissemination of the culture of equality and nondiscrimination and the principle of equality of opportunities among citizens. This shall be through educational, cultural and information institutions.

On August 18<sup>th</sup> 2007, the NCHR held a workshop on the fair electoral system and the protection of Egyptians living abroad. It was attended by representatives from the Ministry of Foreign Affairs, civil society organizations, some ambassadors and consuls of those countries with large Egyptian communities and representatives of those communities. The workshop drafted papers enabling Egyptians in foreign countries to participate in the political affairs of their homeland. Other papers sought to lay down an integrated strategy for their immigration and protection, for communicating with them and for assisting them to overcome the problems of discrimination.

On September 10<sup>th</sup> 2007, the NCHR held a workshop on "*The issue of administrative judgments and evidence documents* " with the participation of representatives from the Ministries of the Interior, Legal Affairs, of the assemblies, some university professors, some of the State Council judges, representatives of some civil society organizations, of Copts, Baha'ís and other public figures. Specialists submitted papers and research on the rights of citizenship in the constitution and the law, on the guarantees of freedom of faith in the Egyptian constitution and on the legal standpoint of the Ministry of Interior's Civil State Department of not registering the real religion of those who do not adopt heavenly religions or are apostates of Islam. Interpositions of participants indicated the constitutional and legal aspects of that issue.

NCHR held a round table on "*Regulations of the death penalty in light of international protection of human rights*" on October 21<sup>st</sup> 2007, jointly with Maet center for legal studies and human rights. Participants included

deans of law faculties, professors of penal code, civil society organization representatives, judges and lawyers. Academics presented papers on the regulations for sentencing the death penalty in cases other than the two provided for in Islamic law (Sharia'a), namely, intentional premeditated murder and revolt against society.

On October 29<sup>th</sup> 2007, NCHR held a workshop on the future vision of the amendments to law No. 84 of 2002 which regulates the work of nongovernmental associations. Attending were representatives of 48 associations, of more than 40 organizations working in the field of human rights, of the Ministries of Foreign Affairs, Justice, Information and representatives of the assemblies. The workshop concluded with important recommendations on the establishment (founding), funding and dissolution of associations.

NCHR held a workshop titled: "*Together... towards a strategy to fight torture*" on November 19<sup>th</sup> 2007. Participants were representatives of the Red Cross international society, the association for prevention of torture, the international council for rehabilitation of torture victims, the Ministries of the Interior and Justice, experts from the National Centre for Criminal and Social research, law professors and civil society organizations. The workshop concentrated on the study of the torture phenomenon as a violation of human dignity and touched on diagnosis as well as methods of confrontation. The papers also dealt with the legal framework of fighting torture in an attempt to lay down a preventive strategy against practices violating human dignity.

All these activities were crowned with a comprehensive conference that was held on November 25<sup>th</sup> under the title: "*citizenship is justice and equality*". It reviewed the conclusions of workshops held throughout the year with the broad participation of all society: representatives of Egyptian communities abroad; of the Ministries of Foreign Affairs, Interior, AL awkaf, Justice and Legal Affairs, of nongovernmental societies, of Al Azhar, of churches, of the Arab League and with experts and academicians. This wide participation provided ample opportunity for consultation and

deliberation about issues of citizenship and presented an integrated vision for a national dialogue on the principle of citizenship.

This is a fundamental principle highlighted in the first article of the constitution. It has its various applications which should be transformed into laws and policies. These laws and policies should be diligently revised to ascertain respect for the principles of equality, justice and nondiscrimination among citizens for any reason such as color, sex, race, religion, class or political ideology.

The conference concluded with the declaration of the rights of citizenship for the year 2007 to present an integrated executive vision for the establishment of the principle of citizenship and transforming it into reality.

The recommendations of the conference may be summed up in the following:

1- Calling for the establishment of “a special curriculum for equality and fighting discrimination” as a mechanism to receive complaints.

2- Calling upon the people's Assembly to issue a unified law for worship sites in its present session and another law fighting discrimination. This last one should include a legal definition of discrimination and a persuasive punishment for it, whatever the causes: color, sex, race or religion.

3- The issue of religion indication in official documents should be thoroughly investigated. Should it be suppressed as a sign of discrimination or not? The phenomenon of connections and nepotism in employment should be confronted since it constitutes violation of equality between citizens and an abuse of power encroaching on human rights.

4- Definition of the torture crime in the Egyptian penal code should be amended so as to be consistent with Egypt's international commitments to the agreement of fighting torture. Responsibilities should be clearly defined and penalties should be intensified concerning the illegal sending of youth and employees to foreign countries. The recommendations called upon the Egyptian government to form a committee to lay down the regulations that

enable the Egyptians living abroad to exercise their rights to candidature and voting through Egyptian consulates.

5- Law No. 84 on nongovernmental associations should be amended to provide a favorable climate for civil society activities, while obligating those associations to rules of transparency.

6- In cooperation with the UNESCO organization, the NCHR held a conference on Democracy and Human Rights in Africa in the period from 3-4 Dec 2007. Participants were: the Francophone International Organization, the African Union for Human Rights, national institutions in the Arab zone and Africa, representatives of the Arab League and of human rights national institutions in other parts of the world. The conference concentrated on four important issues, namely democracy and human rights, human rights protection mechanisms and institutions, democracy and women, democracy and rightly-wing rule in the Arab world. The problem was: is democracy an obstacle in the face of fundamentalism?

The Statement issued by the conference on democracy and human rights in Africa summarized the following:

- The variation of democratic rule varies in accordance with the needs and circumstances of each society. This does not mean deviation from the essence of human rights in the name of cultural, social or religious particularities. The universality of human rights constitutes the most important introduction to the promotion of the democratic rule.
- Women's rights especially in politics and gender equality are priorities. Special attention should be paid to the promotion of education, culture and mass media as means for obliterating remnants of tribal culture and backward traditions that still look down upon the woman and limit her role to society.
- It is imperative to promote the role of the judiciary in African countries in order to understand and implement the international standards of human rights within national courts of law. The judiciary constitutes the most important method to ensure human rights and

establish their universality in the national conscience of each Nation and not merely international charters nations have ratification.

- Universal periodical review of human rights within the framework of the United Nations High Commissioner for Human Rights (UNHCHR) in Geneva allows human rights institutions in African countries to learn, assess their work and progress.

*Symposiums on economic and social rights:*

On the 16<sup>th</sup> and 17<sup>th</sup> April 2007, NHCR in cooperation with the United Nations Population Fund (UNFPA) hosted a conference, "*The right of Youth to health, education and employment as a preamble to development, and the effect of sports and mass media in consolidation of these rights*". Academics and experts presented papers introducing the issue before youth participants were divided into working groups for deliberations and discussions about the conference's fundamentals to come up with recommendations.

The Council also held a workshop entitled "*Water crisis: the problem and solutions*" on September 5<sup>th</sup> 2007. Participants included the Drinking Water and Sanitary Drainage Authorities of Cairo, the same authorities in other governorates, Ministries of Health and Population, Public Works and Water Resources, Environment and Housing and NGOs. The aim was gather information and collect data about citizens' rights to sufficient and safe water in Egypt and how far has the government – through its concerned agencies – managed to provide citizens with their needs for sound water for their various usages.

NCHR held a workshop on October 24<sup>th</sup> 2007, entitled "*Unemployment: Facts and Solutions*". Attendants represented the Ministry of Manpower and Emigration, CAPMAS, the Cabinet Center of Information and Decision Support and some NGOs interested in the issue. The workshop attempted to gain insight on the employment conditions in Egypt and assess the role of government in protecting citizens rights to employment regardless of their religious affiliations and social standards to attain. Areas of interest also included the size of unemployment in Egypt, segments that

suffer the most, and the relationship between the right to employment and the market needs as well as the education system and training programs available.

On January 24<sup>th</sup> 2008, the Council also held a workshop entitled “*Subsidization and human rights*”. Participants included former ministers, university professors, and business persons interested. Discussions revolved around subsidies and the national economy, the effectiveness of the subsidy system in solving social problems, as well the relation between subsidization and human rights and civil society’s perspective of subsidization.

In the period from 7-9 February 2008, a conference entitled “*The right to be informed is a right of every citizen*” was held by NCHR in cooperation with the Ministry of Administrative Development, the Centre for Information and Decision Support, the Bibliotheca Alexandrina, the National Committee for Transparency and Integrity and the Arab Reform Forum.

More than 300 outstanding personalities including some former Ministers, university professors and journalists participated. The conference discussed the right and freedom to circulate information and every citizen's right to access information; the availability of information, free circulation, and its accuracy.

## **Chapter IV**

# **Cooperation with National and International Organizations, and the Government**

## **Cooperation with National and International Organizations and the Government**

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In 2007 NCHR focused its efforts on strengthening cooperation with national, international and non- government organizations in the promotion of human rights. Special attention was given to cooperation with national institutions.

With the aim of achieving the same goals, The Council has strengthened its relationship with NGOs. It has held meetings with NGOs over priority areas in human rights. It has also provided technical assistance to NGOs to support their role in the march for human rights. Protocols have been signed between NCHR and NGOs.

### **1-Protocols and memorandums of understanding signed:-**

During 2007 NCHR signed several protocols with some human rights NGOs. Technical assistance provided by NCHR to NGOs included training, education and dissemination of human rights culture.

To achieve further cooperation and as a token of support, NCHR signed the following protocols with NGOs:

- On Nov 20<sup>th</sup> 2007 NCHR's President signed a protocol with the General Federation of Arab journalists.
- On Nov 21<sup>st</sup>, the NCHR signed cooperation protocols with Al Naqib Institute for Training and Democracy, with the Egyptian Foundation for Training and Human Rights and with the Shomoua Association for Protection of the Human Rights of Persons with Disabilities.
- On Dec 1st 2007 NCHR's President signed protocols with four NGOs and centers to carry out the project to achieve democratic schools. These four associations are: the Egyptian Democratic Institute, the Egyptian Society for Participation and Sustained Development, the Shomoua Association for Protection of the Human

Rights of the Persons with disabilities and the Egyptian Society for Social and Economic Rights.

- On Dec 2<sup>nd</sup> 2007, the President of the NCHR signed another protocol with the Arab Organization for Criminal Reform.

## **2-Joint work:**

NCHR supported a workshop organized by the institute of *One World for Development and Human Rights* and Maet Centre for Legal Studies on May 7<sup>th</sup> 2007, under the title "*What is expected from the National Council of Human Rights in its second term?*" Open talks and discussions took place on feedback on performance of NCHR in its first term. NCHR uses this reaction for its future work.

The Council held four extended meetings with members of four associations in various governorates: The Capacity Support Association in Damietta, the Good Ambassador Association in Cairo, the Centre of Rural Society Development in Al- Sharkiah and the Protection of Human Rights Association in Dakahliyyah. In these meetings, focus was made on concepts of participation in monitoring elections, rules for observation and NCHR role in the overlooking the monitoring of elections.

In cooperation with the Egyptian Training Institute Training, NCHR organized a training course at its headquarters for journalists in which more than 25 reporters were trained to conduct objective coverage of elections and certified them to report on the midterm elections of the Shoura Council.

NCHR obtained 5,827 permits for 28 NGOs, institutions and centers working in the field of human rights that expressed desire in monitoring the Mid-term Shoura Council elections in various governorates throughout Egypt. NCHR did this to encourage those organizations to exercise their role in the field of observation and to consolidate the citizens' right to share in the conducting of public affairs.

Six training courses were held in preparatory and secondary schools as part of the implementation of Phase I of the Project of Democratic Schools. The program was presented to the NCHR by four organizations working in

the field of human rights; the Shomoua Association for Protection of the Human Rights of Persons with Disabilities, the Egyptian Society for Economic and Social Rights, the Egyptian Society for Participation and Sustained Development and the Egyptian Democratic Institute in the Giza governorate.

The project targets to educate and inform students about elections to increase participation in student elections. The second phase of the project to be implemented in Cairo is on track. In time it is hoped to extend to all governorates.

In cooperation with the Ministry of Education and pursuant to the protocol signed with the Arab Organization for Criminal Reform, the story series entitled "*Band of Ali: the activist*" was distributed to pupils. It tackles the concepts of human rights and introduces pupils to the State's institutions. Three symposiums were held in the governorates of Dakahliyyah, Bani soueif and Alexandria with the participation of librarians. Attendants were introduced to the NCHR's committees, activities and NCHR's role promoting human rights. The human rights series was also briefly introduced. The target is to distribute the series in other governorates.

In a new experiment, NCHR coordinated its efforts jointly with the Egyptian Training Institute for and the Suhaj governorate to monitor elections of local councils to be held in April 2008. The Council is recruiting more than 200 monitors who have received intensive training on monitoring elections in the past year. One hundred more monitors will be selected and trained. They will be taken from Suhaj youth centers and non-governmental organizations. The Council targets the evaluation of the experiment in order to use it in the future.

Pursuant to the cooperation protocol with AlNaqib Institution for Training, NCHR will assist it in its capacity as representative of the Egyptian Coalition for Election Monitoring (that includes fifteen nongovernmental organizations and associations) to obtain permits for monitoring purposes. NCHR will also create a control room during election process and will provide logistic assistance to the room's personnel.

In cooperation with Al Naqib Institution for Training and Democracy Consolidation, NCHR organized a course on Feb 10<sup>th</sup> 2007 on the legislative framework of elections. Participants included NCHR members, representatives of political parties (Social Justice, Egypt Youth, Democratic Generation, Free Constitutional party and Nasser party), representatives of the Ministries of the Interior and State for Legal Affairs and representative of the assemblies. In his remark, Dr. Aly El Sawi raised a question around the role of the Supreme Electoral Commission and whether its jurisdiction extends to the elections of local councils or not. Sawi's concerns comprised of formation of polls and sorting Committees, location of registration of candidates and results, results and rules of conduct.

At the end of the course, participants agreed on the following:

- Merger of the rules for election monitoring and clarification to avoid confusion between the law of local administration and the law of exercising political rights.
- Speedy enactment of local administration law.
- Promotion of confidence in civil society organizations so that they may be enabled to follow up and monitor elections.

As for controversy around amendments to law No. 84 of 2002, NCHR hosted the 7<sup>th</sup> meeting for national NGOs on October 29<sup>th</sup> 2007. This is a periodical encounter where NCHR hoped to discuss amendments to the law that regulates national NGO work in Egypt. Representatives of more than 88 associations, institutions and centers working in the field of human rights participated in this meeting also attended by representatives of Ministries and experts. After day-long discussions, participants agreed on a group of principles which constitute their vision of eventual amendments. Here follow their recommendations:

- Freedom of formation of national associations and private institutions merely by virtue of notification.

- Sanctioning the realms, fields and activities of work whatever they may be without any restrictions or banning in all economic, social, professional, cultural and intellectual spheres of life.
- Not considering the activities of legal organizations defending human rights as banned political activities including formation of alliances to influence legislation, defending and promoting the right to vote, monitoring elections and helping citizens to register their names in election tables.
- The law must define the meaning of banned political and unionist activity instead of leaving it to executive regulations.
- National organizations must be independent administratively and lay their own statutes and rules of procedure by themselves.
- Impermissibility of interference in or suspension of the decisions made by national organizations as represented by their board of directors or their general assembly. No objection may be lodged against board of directors' candidates by any governmental authority except by virtue of reasoned objection.
- Suppression of the administrative authority prerogatives to inspect documents and papers as well as entering headquarters without prior notification.
- Freedom of national organizations to make international and regional alliances as well as joining their membership only by virtue of notification.
- Suppression of dispute-settlement committees.
- The organizations' right to receive foreign aid and grants by virtue of notification. National organizations have the right to spend the grants as long as the administrative authority makes no objection within one month as of the date of notification. National organizations still have the right to resort to courts of law to challenge the administrative authority decision rejecting the grant.

- Amendment of Article 13 so that the companies which reduce prices of electricity, telephones, water and gas may have the advantage of the reduction of the taxes levied on them.
- Abolition of the administrative power to dissolve the organizations, to dismiss their board, or appoint a liquidator to manage them. Dissolution shall be only by a final judicial ruling or by a decision of the general assembly.
- Exempting national associations from all kinds of taxes inclusive of sales taxes and commercial and industrial profits.
- Setting transparency rules on contractual relations between national organizations on the one hand and the government, private sector and international donors on the other.
- Obligating the national organizations to subject their accounts to auditing and to keep accounting records, reports and documents.
- Submitting the accounts of national organizations to be audited by the Central Auditing Authority or by an independent financial authority.
- Committing all national organizations that receive foreign funds or government subsidies to publish budgets indicating all assets and liabilities and all other items to be apparent to all citizens.
- Any member of the board of directors may not have any business with the organization or with any of its subsidiaries. They may not receive for themselves or for any of their relations, friends or agents any benefit as a result of their relation with the organization.
- Securing the freedom of assembly, expression and of publication of brochures and periodicals of the organization.
- Suppressing the criminalization provisions in the law of private associations and institutions and the application of the rules of civil law whereas rules of criminal code shall be sufficient to repress illegal associations.
- Free publication of the summary of the statutes of national organizations in the Egyptian Official Gazette.

The National Council of Human Rights has communicated recommendations to the Ministries of Social Solidarity and Legal affairs and representatives of the Peoples Assembly and Shoura Council. NCHR further demanded to review the proposed bill (before submitting it to parliament) in order to discuss it with the aim of consolidating the activities of national organizations in the forthcoming period. The Council is still following up on the issue with the Ministry of Social Solidarity though it has not yet received a copy of the proposed bill.

***Participations:***

In the presence of its president, the NCHR hosted a press conference at the beginning of March of the Egyptian Coalition for Consolidation of Democracy.

Made up of eight organizations: the Al Naqib Institution for Training and Consolidation of Democracy, the Dialogue Institution for Development and Human Rights, the Egyptian Centre for Democracy and Human Rights, the Egyptian Democratic Institute, the Shomoua Association for the Protection of the Disabled, the Nile Centre for Sustained Development, the Egyptian Society for Human Rights and the Egyptian centre for Participation and Alternative Development. The conference was held to initiate the monitoring campaign of the mid-term Shoura Council elections. NCHR had hosted on May 9<sup>th</sup> 2007 three training courses for trainee lawyers. More than one hundred lawyers attended these courses gaining knowledge on monitoring elections.

Ten human rights activists working in NGOs, institutions and centers working in the field of human rights, participated in the training courses organized by NCHR in cooperation with the General Authority for Adult Education. This project was prepared jointly with the Egyptian Institution for Training Teachers working in adult education. It was implemented in the different governorates with the aim of disseminating human rights culture among the teachers of illiteracy classes and introducing them to NCHR's activities in this field.

Researchers of NCHR's technical secretariat participated in various activities carried out by associations, institutions and centers on issues of joint interest such as: amendment of student union regulations, training of election monitoring, the new law of employment, the death penalty, the condition of civil State in Egypt, environment problems, detainees, the closing down of some societies, and education of human rights.

Those organizations consisted of the Egyptian Society for Consolidating Development, the Egyptian Centre for Development and Democratic Studies, the Egyptian Institution for Training and Human Rights, the Development Partners for Research, Consultation and Training, Ibn Rushd Cultural Saloon in the Cairo Centre for Human Rights Studies, the Arab Office for Youth and Environment, the Shomoua Association for the Rights of Persons with Disabilities, Al Naqib Institution for Training and Consolidation of Democracy, the Maet Centre for Legal and Constitutional Studies and the Center for New Women.

The NCHR, on its part, both invites all interested organizations to participate in its activities and welcomes their written interventions. It listens carefully to their views on the issues raised to benefit from them.

### **3-Cooperation with concerned authorities (government):**

The Council recognizes the importance of the role played by national associations and nongovernmental organizations to consolidate and implement development programs to promote comprehensive reform efforts.

In doing so NCHR has examined obstacles that obstruct NGO work under law No. 84 of 2002. This law restricts the work of national associations and institutions and must be amended.

The Council organized a workshop jointly with representatives of NGOs, on the obstacles of law No. 84 of 2002. The workshop stated that that the law contains several rationalizations which permit the interference of security authorities to restrict the activities of associations, encroaching on their independence, freedom of work and expansion of their activities. That law also implies duality of authorities' censorship and control roles on

those organizations. In addition, there are other obstacles on which the NCHR made a report called the “fifth” gathering. This report contained the outcome of discussions and recommendations bearing the obstacles to national work under law No. 84 of 2002.

NCHR immediately communicated this report to concerned authorities to make use of its advice which consolidates national work. Also, Attached to the report was a document confirming negative measures taken by administrative authorities against the Union Services House and Legal Aid Society.

In reaction to these measures, against those two associations, NCHR had held a joint hearing on August 8<sup>th</sup> 2002 with officials of the Union Services House and representatives of human rights organizations, in sympathy. A complaint was made that the organizations subsidiary bodies were being shut down for not conforming to the law. NCHR immediately contacted the Ministry of Social Solidarity and indicated their right to the declaration. Eventually official authentication was granted.

The Council was also concerned about the Cairo governor’s directive to close down the Legal Aid Association for Human Rights. The Council contacted the governor who replied that the reason for dissolution was the breach of Article 17 of the NGO law. Article 17 requires the agreement of the administrative authorities to receive financial aid; be it local or foreign. Due to these financial and administrative violations, the Cairo Social Department dissolved the association pursuant to article 42 of law No. 84 of 2002. The NCHR representative attended meetings with the representatives of the Legal Aid NGO.

Despite the NCHR efforts with responsible authorities, the declaration of the Union Services House was rejected and the Legal Aid society was closed down. This according to NCHR and NGOs constitutes evidence of maltreatment of NGOs. Therefore, NCHR emphasizes the need to amend law No. 84 of 2002 so that there may be a trend of democracy compatible with the growing role of civil society organizations in the forthcoming period. It has always been noticed that administrative

authorities refer to security forces on issues related to NGOs. This should be ban under the new amendments.

A study of the Union Services House case may shed light on the subject. Here follows the decision of the Cairo social department rejecting the registration of the Union Services House.

**Cairo Governorate**  
**Social Solidarity Department**  
**Helwan social / office/ societies**  
**Rejection Directive**  
**House of Human Rights Services**  
**on July 31.2007**

After perusal of law No. 84 of 2002 on national associations and institutions, of the law of executive regulations issued by virtue of directive No. 178 of 2002, of law No. 43 of 1979 on local administration, its executive regulations and amendments and of the Cairo Social Solidarity letter No. 1792, dated July 29<sup>th</sup> 2007 rejecting the registration of the House for security objections that are based on available reasons pursuant to the provisions of article 11 of law No. 84 of 2002 :

Article 1: rejection of the institution registration.

(House of Human Rights Services)

Affiliated to: Helwan Social Solidarity Department.

Address: Nasser buildings, area 3, entrance 9, Economy Houses.

Scope of its geographical work: all over the Republic

Field of work: human rights.

Activities:

- (1) Dissemination of constitutional and legal rights awareness.
- (2) Conducting studies and researches in the fields of economic and social human rights.
- (3) Publication and propagation of economic and social human rights.
- (4) Organization of training courses to promote awareness and different skills in the fields of economic and social human rights.
- (5) Publication of brochures and booklets giving information on constitutional rights, international agreements and the criteria in the field of economic and social human rights with the agreement of concerned authorities.

(6) Follow-up of international activities in the fields of economic, social, labor human rights and the promotion of relations with nongovernmental organizations.

Revised manager director general

(signed)

(Medhat Annemr)

#### **4- NCHR's efforts to promote international cooperation:**

In 1993, the Vienna Convention and its declaration achieved an important step in tackling the problems of human rights. States that were involved in the Vienna Convention were 120 as compared to the 55 countries that drafted the Universal Declaration of Human Rights in 1948.

The Vienna Convention's recommendations emphasized the link between democracy, development and human rights; creating a relationship between domestic and international affairs. These issues preoccupy the international public opinion, particularly in advanced countries which are extremely sensitive to causes of human rights violations.

Add to this, globalization which imposes various forms of cooperation, interrelation and communication between all countries of the world. This requires that all players in the realm of human rights must be active participants on the international level in order to participate in formulating international affairs instead of being subject to what is incompatible with aspirations.

It is encouraged that all parties cooperate especially with the civil society institutions to achieve democracy for international order. This invites the NCHR to devote an important part of its activities to communication with international and regional organizations and institutions so as to expand the network of its contacts.

***A-Cooperation between the NCHR and the United Nations bodies and Authorities:***

- NCHR participated in the meeting of the International Commission for the Protection of the Rights of Immigrant Workers and Families held in Geneva in the period from 22 – 27 April 2007 for the discussion of Egypt's preliminary report. Egypt was represented by Members Mounir Fakhry Abdennour and. Laila Takla who delivered a word on migrant Egyptian workers and ways to protect them.
- NCHR also participated in the fifth session of the International Council of Human Rights held in Geneva in the period from 11-18 June 2007. The NCHR was represented by Georgette Qellini.
- Fouad Abdul Monem and Zeinab Redwan, members of NCHR attended the 6<sup>th</sup> session of the Council of Human Rights held in Geneva in the period from 19-28 September 2007. Discussions revolved around the different cases of human rights violations committed in the member states and elsewhere. Discussions extended to issues of general nature which touched upon the international community and issues of human rights violations in certain countries. The Egyptian delegation submitted a draft resolution requiring the implementation by the participant States of the Durban conference in 2001 of their commitments, particularly on fighting racial discrimination. Recommendations submitted by The Egyptian delegation were accepted with a big majority.<sup>(1^)</sup>
- In the seventh session, held in the period from 3-18 March 2008, Hosam Badrawi, Secretary of the Social Committee represented NCHR. The meetings discussed the issues of human trafficking, poverty and torture problems.

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<sup>(1^)</sup> See the annex.

*Evaluation and follow-up of the U.N. framework of development aids in the period from 2007 – 2011:*

Due to the interrelationship between the development goals of the U.N. framework of action 2007 – 2011 and the developmental goals of NCHR's national plan, the NCHR participated in the workshop held by the Cabinet Center for Information and Decision Support as well as the U.N. Development Program on July 1<sup>st</sup> 2007 in WHO headquarters. The workshop reviewed the U.N. framework of development aids 2001 – 2007 which aims to consolidate priorities of private national development in Egypt and achieve the following goals at the advent of 2011:

- (1) Elimination of the problems of weakened and marginalized categories as well as inequalities among classes of society.
- (2) Lowering the percentage of full and partial unemployment as well as the elimination of child labor.
- (3) Reduction of regional differences in human development inclusive of the achievement of gender equality as well as the improvement of environmental conditions.
- (4) Increasing women's participation in labor, political life and human rights.
- (5) The establishment of democratic institutions and practices. The culture of human rights should prevail through the implementation of citizenship rights.

NCHR took part in the work of that group entrusted with following-up and evaluating the aforesaid item 5. Coordination meetings were held to put indicators for measuring the progress achieved in the following items:

- Raising popular participation and transparency in the electoral process.
- Improvement of the representatives of assemblies' performance on both international and domestic levels in order to shoulder their mission of legislature and control of the executive branch of government.

- Management of the judiciary in a way characterized by fairness and efficiency.

NCHR participated in these coordinative meetings and submitted the data requested from it to the Ministry of International Cooperation. The Cabinet Center of Information and Decision Support measured the progress it has achieved in the above-mentioned items.

The NCHR also received the following delegations:

- The delegation from the UN High Commissioner for Human Rights on April 11<sup>th</sup> 2007, headed by Maria Francisca, Manager of Operations and Research. Discussions dealt with the NCHR joining the international coordination committee affiliated to the U.N. Human rights Council. The discussions also proposed the signing of a memorandum of understanding to establish the Commission's North African regional office. The date proposed for signing the memorandum of understanding with the Egyptian government was May 7<sup>th</sup> to 9<sup>th</sup> 2007.
- A delegation from the U.N. High Commissioner for Human Rights concerned with the investigation of Israeli –Palestinian situation. The delegation came on July 26<sup>th</sup> 2007 to discuss fears of pressure imposed on the Palestinian people and the use of force by the Israeli army. The two parties exchanged information and expertise, explored how to arrive at Palestinian witness testimonials. The meeting also discussed the establishment of a tripartite cooperation between the Commission, NCHR and the Palestinian national human rights institutions.
- An International Population Council delegation visited NCHR on January 15<sup>th</sup> 2008. Discussions focused on NCHR's role and activity in the development of human rights, the improvement of reproductive health, the fight against AIDS, and NCHR's role in coping with children's marriage, girls' education and youth unemployment.

- Concerning the cooperation agreement between the NCHR and the UNFPA, together with the Ministry of Health they agreed to a project aimed at increasing and improving quality of services of reproductive rights in the period 2007-2011. The Ministry's Sector of Population and Family Planning, jointly with the NCHR, implemented various plans to increase health consciousness, train new physicians and prepare rights based training books to be circulated through scholars, parliamentarians and mass media. Several meetings were held to coordinate the implementation of the plan.
- NCHR participated in the periodical meeting of the agreements-revision commission to discuss Egypt's signing of The Convention on the Rights of Persons with Disabilities. Consensus was reached to sign the treaty without any reservations. NCHR also took part in the workshop on legalization and follow-up of the U.N. action framework for development assistance (2007-2011) which was held by the Cabinet Centre of Information and Decision Support and the U.N. Development Program on July 1<sup>st</sup> 2007.

***b- Cooperation between NCHR and the European Union:***

NCHR received the following delegations: A delegation from the European Commission head by Michael Righn, Head of the Political Department on October 1<sup>st</sup> 2007. They discussed NCHR's full membership of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The Council prepared the Egyptian national plan for human rights to be incorporated in the state's five-year plan (2007-2011) and forged the relationship between it and the Egyptian government. They also discussed the necessity for respecting and understanding all faiths and religions as well as the constitution and laws.

- A delegation from the International Relations Department from Brussels came on November 4<sup>th</sup> 2007 to discuss political and social conditions in Egypt. Also discussed were the cooperation and exchange of expertise between the E.U. and the Egyptian government, the NCHR's efforts for the abolition the Emergency law, NCHR's vision of anti-terrorism law. NCHR's last annual report was also discussed to reflect a clear picture of society.
- A delegation made up Roberto Carbano, Fatma Khafaja and Hafez Abu Seada visited NCHR. The discussions tackled the priorities and activities of the NCHR, as well as means of cooperation with the Commission through joint projects which reflect the people's needs and have their positive effect on the conditions of human rights.
- A delegation visited NCHR from the European Parliament on February 24<sup>th</sup> 2008. Led by Hanz Jirt Pottering (Speaker of the European Parliament), the delegates were composed of Klaus Eberman (Head of the European Commission office in Cairo), Michael Righn (E.U. Political adviser) and Alexander Statzmat (diplomat). Discussions focused on the absence of true dialogue between cultures that is evidenced by cartoons criticism of Egyptian policies in the field of human rights. They also discussed the NCHR's role in the protection of civil society organizations, the independence of its reports and the sources of its funds. They were also eager to learn the NCHR's reaction to the report issued by the E.U. on the condition of human rights in Egypt.
- NCHR a meeting for Arab Ombudsmen meeting on December 5<sup>th</sup> 2007. Discussions dealt with the importance of cooperation with these institutions and reviewed the activities of participants. Also pointed out was the importance of coordination between the ombudsman offices and national institutions to emphasize sovereignty of law and to promote respect for human rights.

***c- Cooperation between the NCHR and the African Union:***

NCHR received a delegation from the African Commission for Human Rights on August 28<sup>th</sup> 2007 headed by Yaser Al Hasan (Deputy Chairman of the Commission). Discussions focused on the NCHR's three years of past experience and its role in participating in the international reports Egypt submitted to international Committees and NCHR's role in receiving complaints from citizens. An international network was established to connect regional complaint offices with each other. The meeting discussed means of strengthening relations and cooperation between the NCHR and the Commission in the field of human rights as well as of expertise exchange.

***d- Other foreign delegations:***

- A diplomatic delegation from Anglophonic Africa on Jan 1<sup>st</sup> 2008. Discussions focused on the NCHR role and activity in the development of human rights, as well as the importance of Arab African cooperation to consolidate human rights in the region.

- NCHR was eager, in cooperation with the Ministry of Foreign Affairs' Diplomatic Institute to incorporate human rights as one of subjects taught to young parliamentarians and diplomats coming from the states of the former Soviet Union (Commonwealth of Independent States) as well as others including the parliamentary and diplomatic one coming from Anglophonic African countries.

***e-On the level of bi- lateral relations:-***

- A delegation of the staffers of U.S. Congressmen on February 21<sup>st</sup> 2007 headed by Michael Anderson was received by NCHR. The meeting discussed the joint links between the two peoples of Egypt and U.S.A., the NCHR's role in promoting human rights in Egypt, the obstacles that hinder NCHR's performance and NCHR's relationship with the Shoura Council, and the topic of homosexuality in Egypt and gender equality.

- A delegation of the Rehabilitation Program of American Political Leaders was received on March 19<sup>th</sup> 2007. Discussions focused on the NCHR's role and efficacy in promotion and dissemination of human rights culture, its activities in cooperation with various international agencies, the government's responsiveness to the NCHR recommendations and its reaction towards its annual reports. The discussion also touched on Egypt's continuous presence on the list of "Freedom House Institution" which includes the countries whose peoples do not enjoy fundamental freedoms. It also considered the permanent cooperation between NCHR and American organizations concerned with human rights.
- A delegation of the assistants of U.S. Congressmen was received on April 11<sup>th</sup> 2007. Discussions focused on the issues of human rights currently raised in Egypt and how US can integrate its efforts with USAID to continue existing projects with NCHR.
- A delegation from USAID was received on May 7<sup>th</sup> 2007. Discussions focused on Egypt's membership in the International Council of Human Rights, the importance of finding new headquarters for UNHCHR and the transparency of the NCHR.
- A delegation of U.S. Congressmen visited NCHR on July 5<sup>th</sup> 2007. Discussions focused on the following: the NCHR's role in promoting human rights in Egypt, the obstacles it faces since its foundation, its efforts to disseminate human rights culture, the condition of Egyptian prisons, the status of Copts, the condition of individuals deported in rendition flights to Egyptian prisons, the issue of citizenship as well as the conference to be held on it, the concern about U.S. violations of fundamental liberties especially after the Sep. 11<sup>th</sup> attacks and the news about U.S. decreasing its military aid to Egypt by 200 million dollars.
- A delegation of senior staffers of US Congressmen was received on August 19<sup>th</sup> 2007. Discussions focused on: the NCHR's role in

promoting human rights in Egypt, the review of the NCHR's plan in cooperation with USAID to disseminate human rights culture, the NCHR's role in the issue of Baha'ism, the role of the NCHR and human rights organizations in some crises like that of Darfur, women's rights, the conditions of prisoners in Egypt, the rights of Iraqi refugees in Egypt and the U.S. responsibility towards Iraq and Palestine.

- A delegation, headed by Ambassador David Gross (Coordinator of the International Contacts Office in the U.S. State Department), from the U.S. State Department's International Contacts Office was received on Nov 11<sup>th</sup> 2007. Discussions focused on: the NCHR's role and its efficacy in dissemination and promotion of human rights culture, the NCHR's joint activities with various international agencies, the serious obstacles it has faced in carrying out its function, the importance of an electronic information network, as well as the prospects of cooperation between the NCHR and the Agency of International Contacts.

***f-Cooperation between the NCHR and Canada:***

The NCHR received the following delegations:

- A delegation from the Canadian Ministry of Foreign Affairs was received on Feb. 21<sup>st</sup> 2007. Discussions dealt with: the role of the NCHR in promoting human rights in Egypt and the serious obstacles confronting it, its relationship with the Shoura Council and the extent of its independence, the declared efforts it makes to disseminate human rights culture as well as its efforts to disseminate human rights culture on both national and international levels in cooperation with international organizations.
- A delegation was received from the Canadian Ministry of Foreign Affairs headed by Ambassador James Fox (foreign affairs assistant for bilateral relations). The meeting discussed the following: the NCHR's role in the promotion of human rights in

Egypt, the NCHR's cooperation with international organizations, the declared efforts it makes to disseminate human rights culture, its attitude towards the imprisonment of journalists, the issues of citizenship and unemployment, the issue of torture in Egypt, women's rights in Egyptian society, the cause of citizen "Al Attar" who is a dual national as well as the Iraqi and Palestinian wars and their effect on the role of national institutions in defending the causes of human rights.

- A delegation of Canadian diplomats was received on April 19<sup>th</sup> 2007. Discussions focused on: the role of the NCHR in promoting human rights in Egypt, its efforts to achieve this goal on both national and international levels, the NCHR's cooperation with international organizations in that field and the development of the Complaints Committee to become a Complaints Office with actual power.

***g- Cooperation between the NCHR and other European countries:***

- Khossai Lorenz (Resident Coordinator of the International Cooperation Agency of Spain's Foreign Ministry) was received on May 24<sup>th</sup> 2007. The following subjects were discussed: the NCHR's role in promoting human rights in Egypt and its cooperation with world organizations in this respect, the implementation of plans prepared by the NCHR to be carried out in cooperation with international organizations, the foundation of a unit for legislative research and studies as well as the role of the Supreme Electoral Commission in Egypt.
- Khossai Lorenzo was received a second time on June 16<sup>th</sup> 2007 to further discuss details of the project to be signed by NCHR and the Spanish party. This includes the establishment of a training unit for trainees from Egypt and the Arab world.

- A delegation from the Netherlands' Ministry of Foreign Affairs was received on Nov 20<sup>th</sup> 2007. It was headed by Girt Hicob, Manager of the Middle East Office who was accompanied by Hanspeter Farhof, First Secretary of the Dutch embassy. The meeting discussed the role of the NCHR in constitutional amendments, the proposals for reformulating some articles and suppressing some others. The Dutch party inquired about the means and mechanisms of dealing with the complaints submitted to the NCHR. Areas of discussions revolved around the political reforms and conditions in the Arab region. The meeting also tackled the importance of creating communication channels between the NCHR and other international councils in order to gain expertise in dealing with others and with foreign forms of government such as democracy.
- The Dutch Ambassador to Egypt was received on Jan. 6<sup>th</sup> 2008. An introduction was made of obstacles faced by NCHR faces in operating, the difficulties it has experienced since its establishment, the declared efforts made by NCHR to disseminate human rights culture and the issue of removing a section for religion from the national number card. The President of the NCHR was invited to meet Netherlands' Minister of Foreign Affairs.
- Fairho Eve, Fan Rhein, Amin Sharkawi and the Ambassador of the Netherlands to Egypt were received by NCHR on Jan 16<sup>th</sup> 2008. NCHR gave a brief on the Council's main activities: following up on the national plan for promoting human rights jointly with concerned Ministries and civil society organizations, the cooperation and coordination with NGOs, preparation of a database for civil society organizations working in the field of human rights, the effectiveness in solving the complaints of citizens to consolidate the relationship between NCHR and citizens. The importance of strengthening the NCHR was established so to realize its goals and reevaluate activities

carried out in the first stage of the joint project of the NCHR and the Dutch.

- The French Ambassador to Egypt, Philip Cost, was received on Nov. 22<sup>nd</sup> 2007. The meeting discussed the status of human rights in Egypt, as well as NCHR's role in the dissemination of human rights culture via mass media, schools and universities. An invitation was extended to Ambassador Cost to attend the Conference on Democracy and Human rights in Africa that will be held by NCHR in December 2008.
- Greece's Ambassador to Egypt, Banagiotes Felsopols, on a visit to NCHR in December 10<sup>th</sup> 2007 asked about the efforts made by NCHR to promote human rights on both national and international levels. The prospects of cooperation between NCHR and human rights organizations in Greece were also discussed.
- Swiss Ambassador to Egypt, Charles Edward, was received on Dec. 11<sup>th</sup> 2007. The discussion concentrated on the NCHR role and activity in the development of human rights, its cooperation with Egyptian national associations and international organizations as well as the necessity of stability in Palestine and Iraq for stopping human rights violations.
- A delegation of diplomats supervising human rights units in their Embassies were received from Embassies of Australia, Canada, Denmark, Finland, Italy, Holland, New Zealand, Norway, Sweden, Switzerland, United Kingdom and United States of America was received on March 26<sup>th</sup> 2007. Topics focused on NCHR's attitude towards the following issues: fighting terrorism, the status of the Muslim Brotherhood, the issue of Baha'ism, Ayman Nour and the way NCHR deals with complaints of citizens.
- Ambassador Thomas Hoof (Norway's Ambassador and Second Secretary in rank) was received on Feb 24<sup>th</sup> 2008. Topics of interest included NCHR's role in promoting human rights in Egypt. Also discussed where the main obstacles NCHR faces in its work, its

relationship with the Shoura Council, the extent of its independence, the efforts it makes to disseminate human rights culture on both nationally and internationally and its cooperation with several international organizations. Discussions also extended to riots in the region and political reform therein, the NCHR's role towards marginalized segments of the community, the condition of Ayman Nour and the NCHR's attitude towards capital punishment.

#### **4-Cooperation with national institutions:**

- On January 23<sup>rd</sup> 2007, the NCHR received Mamdouh Ibn Muhammad Ashemari, an advisor to a Human Rights Organization, and Mansour Abdul Jaleel Alkatari, Head of the Organization's branch in the eastern zone. The meeting discussed the NCHR's role in promoting human rights and dissemination of human rights culture in Egypt as well as the NCHR's cooperation with several international organizations. The discussion extended to the international conference held on the role of civil society in securing the enforcement of international humanitarian law.
- As for the cooperation plan concluded with the Spanish side, a Spanish delegation, namely, Santiago Sanz and Baluma Garcia were invited to NCHR in the period from 20-27 September 2007. They met with the NCHR members, representatives of the Ministry of Foreign Affairs and of donor agencies. Establishing a training and studies unit was agreed upon. A preliminary plan was drafted and sent to the Spanish side for further examination.
- Under the cooperation protocol concluded between the NCHR and the Norwegian Centre for Human Rights, NCHR organized a visit of Christine Mishragel, Head of the Norwegian Centre's Library to Cairo in the period from May 3-5, 2007. She met with Salah Amer, Manager of the follow-up and plan unit and with the NCHR's Secretary-General as well as concerned NCHR researchers.

Two issues were agreed upon during the visit: offering of a technical legal library by the Norwegian side to NCHR and aid in holding training courses for monitoring elections. Work has already started on the establishment of the legal library and arrangements are currently being made concerning the training courses for monitoring elections. In this context, NCHR's Secretary-General, heading a delegation from NCHR paid a visit to Oslo in the period from 15-17 May 2007. They visited the Oslo University library of human rights and the Norwegian Foreign Ministry.

- NCHR also participated in "*The Sixth Meeting of African Institutions of Human Rights*" held in Rwanda from 5 to 10 October 2007. The conference discussed: cooperation and coordination between African countries in the field of human rights; the relationship between democracy, wise rule and human rights; how to protect refugees and the homeless, and the role of national institutions in this protection. The NCHR was represented in this gathering by Salah Amer.

Dr. Boutros Boutros Ghali headed a delegation of NCHR members namely, Dr. Salah Amer and Dr. Saeed Al Dakkak to participate in the symposium of "*International terrorism and human rights*" in Amman from 18 to 19 April 2007.

The NCHR also participated in "*The Second Arab Gathering of National Institutions of Human Rights*" in Copenhagen from 21 to 23 October 2007. It dealt with discrimination and human rights. The first round of dialogue was held in Amman in April 2007 and dealt with terrorism and human rights. The NCHR in this gathering was represented by Dr. Salah Amer.

Counselor Adel Quorah took part in "*The International Seventh Forum for confidence Building*", held in Vienna, Austria in the period from 26 to 29 of June 2007.

The NCHR took part in the nineteenth session of the annual meeting of the International Coordination Committee of the National Institutions for the Promotion and Protection of Human Rights that was held in Geneva in the period from 21-23 March 2007. The purpose was the strengthening of international cooperation for the dissemination of human rights culture emphasizing the adherence to the framework of cultures dialogue and cultural multiplicity as an international strategy for arriving at one unified perspective as far as respecting human rights in every State. NCHR was represented in this meeting by Dr. Ahmad Refaat.

NCHR also participated in the third symposium of Arab National Institutions of Human Rights on “*The Role of National Institutions to promote the Independence of the Judiciary in the Arab Zone*” in the period from 12-14 November 2007, with the support of the U.N. high commission of human rights.

Delegates and representatives of national institutions for human rights in the Nile basin countries held a meeting on December 4<sup>th</sup> 2007 that was attended by Salah Amer, Member of NCHR. The meeting proposed to hold a forum for Nile basin countries so as to discuss the problems confronting those countries including the problems of poverty, water, health and education.

In the context of cooperation with national human rights institutions, NCHR Secretary-General received on March 5<sup>th</sup> 2007, the delegation of the Iraqi Commission of Iraqi Civil Society Institutions headed by Basel Abdul Wahhab Al Ezzawi, president of the Iraqi Commission and of the National Network for Justice and Human Rights.

El Azzawi exposed the commission’s role and activities in Iraq, indicating that it includes 1000 organizations for human rights, women and children. They cooperate with the commission through a network covering all Iraqi cities to check violations, especially in American detention centers, as well as in areas under the government or militias’ control. He pointed out the difficulties and challenges which curtail the work of the Human Rights Ministry to control violations such as murders, bombings and threats to

which he was personally exposed. He asked for some of the research done by NCHR in the field of purifying educational syllabuses from all subjects incompatible with human rights. He would make use of such studies to benefit educational syllabuses in Iraq. The meeting discussed the establishment of a means of coordination and communication between the NCHR and the Iraqi commission.

Boutros Boutros Ghali, President of the NCHR nominated a delegate to represent him in Nairobi in the period from 25-29 February 2008 carrying a message of support to the Kenya Commission of Human Rights. This step has led to prospects of joint projects between the two bodies. A suggestion was also made to host a conference or workshop to study the relations between national institutions of human rights and the governments in Africa.

NCHR will participate with a high level delegation headed by Boutros Boutros Ghali, the President of the NCHR, in the fourth Conference of National Human Rights Institutions in Algeria in the period from 18-20 March 2008. The following is on the Agenda:

- The role of the Arab network in the protection of the character of Arab development in the face of globalization.
- The establishment of an Arab network for the unification of visions and concepts in the sphere of comprehensive human development.
- The role of this network in promoting investment in the Arab area.
- Cultural rights in Arab countries: “Facts and horizons”.

## **5- Cooperation with International academic and nongovernmental organizations concerned with human rights:**

- A delegation of the International Council for Rehabilitation of Torture Victims visited NCHr on April 24<sup>th</sup> 2007. It was headed by John Snidel, the President-elect of the International Medical Society for Human Rights. Discussions focused on the following: the NCHR role in promoting human rights in Egypt and its cooperation with a number of international organizations, the issue of prisons, training courses held by the NCHR, proposals for the amendment of some legislations, refinement of educational syllabuses and mass media programs to exclude all material inconsistent with human rights, as well as a draft plan of cooperation between the two parties.
- Muhammad Matar, Professor of law and Managing Director of the Protection Program at Johns Hopkins University in the U.S. was received by NCHR on May 7<sup>th</sup> 2007. Discussions focused on NCHR's intensive efforts on national and international levels, its cooperation with several international organizations; its declared efforts to disseminate human rights culture; the dimensions of the issue of human trade, the phenomena of child labor and street children. Cooperation with NCHR in conducting a study to raise awareness on human trading was also discussed.
- Kamal Nabeel, Secretary-General of the Development and Rehabilitation Support Institution was received on August 15<sup>th</sup> 2007. The meeting reviewed the institution's activities and experiences in supporting national institutions as well as the cooperation with civil society organizations. The two parties suggested cooperation between them in the future.
- A delegation of the Evangelical Organization of Germany was received on October 31<sup>st</sup> 2007. Discussions focused on: the formation and role of the NCHR in promoting rights in Egypt as well as its cooperation with several international organizations, its declared efforts for the dissemination of human rights culture, the cause of torture in Egypt, women's rights in Egyptian society, the relationship between human rights and Islam, the cause of the Muslim Brotherhood in Egypt

as well as the cartoons insulting the prophet Muhammad and their effect on the Muslim community.

- A delegation from the Human Rights Watch organization was received on November 13<sup>th</sup> 2007. It was headed by Joe Stork and Hosam Bahjah, managing director of the Egyptian initiative for personal rights. Discussions focused on: the NCHR's role and efficacy in promotion and dissemination of the human rights culture; the issue of citizenship and a citizenship conference to be held in the near future. They also discussed the issue of proven documents and the shootings on Egyptian - Israeli borders to prevent infiltrators.
- A delegation of the National Democratic Institute for International Affairs was received on November 28<sup>th</sup> 2007, formed of Less Campbell, director of Middle East and North Africa programs and Laila Jaafar, the program's executive officer. Discussions focused on: the NCHR's role and efficacy in promotion and dissemination of human rights culture; the institute's role and methodology through reliance on scientific methods as well as studies, research and training in the field of human rights. The NCHR, on its part, underlined the importance of promulgating this institute.
- Wolfgang Heinz, Manager of the Human Rights Centre in Germany was received on Jan 12<sup>th</sup> 2008. Discussions focused on: the NCHR's role and activity in developing human rights, the importance of stability, of solving regional problems, of disseminating human rights culture and the open-door policy of strengthening cooperation with all international institutions for the promotion of human rights.
- A delegation from the International Federation of Human Rights was received on Jan. 22<sup>nd</sup> 2008, composed of Suhair Balhasan, president of the Federation, Raji Surani, vice-president and Stefani David, manager of the Middle East and North Africa office. Discussions focused on: the crisis between the Egyptian and European parliament, the Federation's role and policy, the importance of exchanging experience and expertise as well as the challenges of globalization.

NCHR's assistance was demanded for the establishment of the organization's headquarters and international office in Egypt.

*Symposiums and conferences:*

Workgroups of Arab-European dialogue on human rights (13-15 January 2008):

Workgroups of the Arab-European dialogue were held between national institutions for human rights and met as scheduled in the first gathering in Amman, Jordan. In that gathering, it was agreed upon the formation of workgroups of representatives of the national institutions of human rights from both the Arab and European sides on the topics: "International terrorism and human rights" and "The right to have access to information". Meetings were held at the Semiramis Intercontinental Hotel in Cairo from 13 to 15 January 2008.

Participants arrived at a number of orientations to be taken into consideration. These are:

- All participants would prepare a study about the legal framework in their countries. This would be a part of the blue-print of their institutions' work in consolidating freedom of circulation of information and data, with reference to domestic legislations on the availability of information. These studies would be submitted at the coming conference in Morocco.
- The necessity of preparing a guidebook on freedom of circulation of information and data for the usage of all participant countries.
- Emphasizing the role of civil society organizations and mass media in obtaining information and freedom of its circulation. This requires good dialogue as well as good relations between these organizations and administrative authorities.
- On another level, the NCHR participated in the first Mediterranean gathering of the Ombudsman institutions held in Rabat (8-10 November 2007) under the auspices of Azzalem governor (Morocco), the French republic's mediator and the Spanish attorney general. Representatives of similar institutions in some Mediterranean countries took part in the

gathering which targeted: the establishment of sustained cooperation between different reconciliation institutions, supporting these institutions so as to play their role in the achievement of justice and extending help to those countries that desire to found such national institutions. The gathering recommended the creation of an association comprising all reconciliation institutions in Mediterranean airspace, as well as the creation of a follow-up and coordination committee to build the skeleton of such association.

## **CHAPTER V**

### **THE NATIONAL PLAN**

## THE NATIONAL PLAN

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### **The Draft National Plan for the Promotion of Human Rights 2007-2012:**

The constituent law of the National Council of Human Rights No. 94 of 2003 stipulates that The Council aims to protect and promote human rights principles. To establish human rights values, spread awareness thereof and contribute to guaranteeing its applications following the recommendation of the U.N. world conference on human rights held in Vienna in 1993.

NCHR has accordingly prepared a draft national plan for human rights to be incorporated in the State's five-year plan 2007-2012, fulfilling the mission entrusted to it by law. Indeed, article 3, paragraph 1 provides "*to lay down a national blueprint for promoting and developing the protection of human rights in Egypt, and proposing the means for the implementation of this plan.*"

### **a-Strategic goals of the national plan for the promotion of human rights:**

In its preparation of the plan, NCHR was eager to abide by the criteria and rules relevant to the national plans issued by the U.N. Here follows the strategic goals of this plan:

#### *1. Improvement of the conditions of human rights:*

The plan targets to improve human rights conditions of Egyptian citizens through the promotion and protection of the fundamental rights cited in international human rights charters and agreements. The plan also seeks to revise the articles of the constitution and laws to ensure their compatibility with international agreements and charters pertaining to human rights and fundamental liberties.

#### *2. Dissemination, education and spread of a human rights culture:*

This shall take effect through the employment of mass media and training programs.

3. *Supporting national human rights protection mechanisms:*

Of these rights, the most significant include the right to judicial protection, investigation of the complaints sent to the NCHR, the protection of economic, social and cultural rights and the establishment of an entity for investigation of complaints (the Ombudsman office).

4. *The achievement of the millennium goals:*

Goals include poverty alleviation, paying due attention to compulsory education, achieving gender equality, reducing infant mortality rate, improving reproductive health, securing a healthy environment and founding world partnerships to aid development.

**b- Establishment of a unit to follow up on the implementation and evaluation of the national plan of action (March 2007):**

In March 2007, NCHR established a unit to monitor and evaluate the progress on the implementation of its plan with concerned authorities. This development and structure of operation of the Council was done under the chairmanship of a NCHR member Nabil Ahmed Helmy.

*The Unit's goals and missions:*

- To monitor the implementation of the plan by evaluating if the objectives have been met.
- To propose the mechanisms suitable for the implementation of the plan's goals.
- To coordinate efforts with governmental and nongovernmental agencies for the implementation of the plan's goals.
- To cooperate and exchange experiences with similar national human rights institutions as well as to follow-up and implement national plans.
- To coordinate the work of NCHR's permanent and new committees and propose activities to be carried out within the framework of the plan's goals.

- To receive recommendations and proposals from concerned agencies for the promotion of the conditions of human rights.
- To study potential areas of cooperation between NCHR and concerned agencies (governmental or non-governmental) for the realization of the plan's goals and promotion of human rights.
- To prepare an annual report on the realized goals and the impediments that hindered NCHR's work.

***c. Measures taken to follow-up on the implementation of the plan:***

Organization of a workshop "*The five-year national plan of the NCHR 2007-2012: efficacy and implementation*" aiming at cultivating awareness of NCHR's five-year national plan to develop human rights. The following items were discussed in the workshop:

- Human rights and the State's five-year plan of economic and social development.
- NCHR's national plan for the support of human rights in Egypt.
- Implementation mechanisms of the human rights in Egypt.

Participants welcomed the speech made by Uthman Muhammad Uthman, Minister of Economic Development, who underlined the necessity of carrying out the programs and policies required to support NCHR's plan. Uthman also underlined the importance of incorporating NCHR's human rights national plan in the State's economic and social development plan to allow the State to participate in the realization of the plan's strategic goals. These goals include the improvement of human rights conditions of Egyptians; the dissemination, education and circulation of a human rights culture; supporting national mechanisms for the protection of human rights and the realization of the millennium's goals.

A common opinion pointed at the necessity of following up on the implementation of the goals of the five-year national human rights plan with both official and unofficial stakeholders. This is to be done in a cooperation framework between governmental agencies, civil society and private sector agencies for the realization of joint development goals. It would contribute

to the promotion of the Egyptian citizen's rights and liberties secured by the constitution and emphasized by the various international agreements and charters which Egypt has joined and ratified.

The participants recommended the following:

- To form a coordinative committee at NCHR to monitor achievement of the plan goals. This is to be headed by Nabil Ahmed Helmi, member of NCHR, in which all relevant governmental sectors are to be represented together with representatives of NGOs.
- That the NCHR's coordinative committee study and consider all views and proposals for the implementation of the plan goals.
- The coordinative committee would prepare an annual evaluation during the five-year period of the plan (from 2007 to 2012) to assess how far the national plan's goals are realized.
- The boards of directors of human rights NGOs shall be invited to attend the annual conference of the NCHR for the discussion of the NCHR's national plan. Discussions will also extend to cover the area of what has been achieved of the national plan considering obstacles faced. Recommendations to overcome these challenges are offered.

Meanwhile, NCHR carries out the implementation of the strategic goals of the national plan started earlier this year through the dissemination of human rights project. This culture is the mainstay without which defending the human rights cause would be extremely difficult.

NCHR works to establish the principle of full citizenship with its various dimensions through suitable mechanisms. Holding meetings with authorities, submitting proposals to amend Egyptian legislation to ensure compatibility with international agreements, organizing field visits and fact-finding missions to locations suffering from human rights violations, preparing theoretical and practical research on the conditions of human rights, receiving citizens complaints as well as making the attempt to solve them according to the constitution, international treaties, laws and regulations.

The meeting emphasized the following:

- Full support to NCHR's plan but given that it is its first plan, maintaining the need to study and revise it to overcome all obstacles and problems confronting the realization of its goals.
- The close relationship between protection and promotion of human rights on one hand and the rights to social peace and development on the other .Without the establishment and consolidation of these rights, no plan can achieve its targets.
- The promotion and protection of rights through monitoring legal amendments. There should be an effective mechanism for the protection of human rights inside and outside the country's borders. Due attention should be given to Egypt's participation in international human rights especially after its being represented in the International Council for Human Rights. There should be an Egyptian concept of an Arab mechanism for the protection of human rights.
- Concentration on the right to knowledge and to information, especially in the light of consecutive global changes.
- Due attention must be given to all generations of human rights for rights are indivisible. There should be an Egyptian vision of the concepts and values of human rights for the protection of the Egyptian citizen rights domestically and outside the country.
- Priority to human dignity since all human rights emanate from the concept of human dignity.

***D-Follow-up and coordination between NCHR and authorities:***

24 concerned Ministries were contacted at the beginning of August 2007 by NCHR's Plan and Monitoring and Evaluation Unit to send their proposed insertions to the plans for the promotion of human rights conditions pursuant to an implementation time schedule.

Only fifteen Ministries sent their responses. Reminders were sent to the others and several coordinative meetings were held with Ministries to help them submit their replies. These meetings also aimed at proposing the required amendments to the plans to ensure compatibility with the goals of the national plan, setting indicators to measure the progress achieved for the realization of the plans' goals as well as learning the obstacles faced and the achievements made for the improvement of human rights conditions.

## **2- The Plans of Ministries**

### ***A -Ministry of Information:***

The Ministry of Information submitted a comprehensive detailed plan for the promotion of human rights through mass media. The plan comprised general and gradual goals, as well as a five year implementation mechanism.

The general goals are:

- To work for the dissemination of human rights culture and to increase citizen awareness of the State's achievement in this field.
- To point out the importance of respecting constitutional guarantees and legal frameworks governing democratic practices such as freedom of opinion and of expression.
- Mass media to provide support for the rally for human rights pursuant to the Universal Declaration of Human Rights, especially regarding the availability of information and data that affects one's life.
- To increase awareness of the rights of women, children and marginalized categories pursuant to international charters, as well as to provisions and traditions of the Egyptian constitution.
- To urge NGOs and civil society organizations to participate in the promotion of human rights.
- To promote the concept of gender equality and promote fundamental liberties for all to aid the advancement of development, peace and security.
- To direct full attention to a tolerant religious address to protect human rights and prevent exploitation and justification of human rights violations through religious fanaticism.
- To expose through mass media the problems related to human rights like unemployment and poverty that affect the public. There is a need to address these issues in an international setting so to ensure objectivity.

- To focus on the protection of economic and social rights those constitute an essential factor for promotion and protection of human rights.
- To extensively utilize information and technological infrastructure to institute freedom of information and facilitating the flow of information and news. There is also a need to build more and more bridges of mutual understanding and knowledge among the peoples of the world to realize international stability and to support the important political issues in the field of human rights.

Several coordinative meetings were held with the Ministry of Information to discuss essential features of the Ministry's plan for the promotion of human rights. This plan highlights the mass media message in support of human rights, as well as in uncovering and fighting human rights violations. It was concluded at the meeting that human rights were given priority in the media specifically after the establishment of the National Council of Human Rights and the recommendations of the President of the Republic in his election program. Therefore, the freedom in media programs was increased to allow more freedom of opinion and expression. NCHR has requested performance indicators and data related to the number of human rights programs screened on Egyptian television, the schedules of the screenings and the obstacles that impede the production quality. NCHR has also made an inquiry about the time line to out the Ministry plan. The Ministry submitted a detailed report on the required data and information as well as its plans for promotion and protection of human rights.

***b-The Ministry of Justice:***

In the field of laws and judicial rulings:

The Establishment of a legal database chronologically classified in light of the principles of human rights included in the Egyptian constitution. A translation and collection of various important legislations and human rights data was completed to be used in response to questions posed by

international agencies and to increase cooperation with the People's Assembly Committee of Human Rights.

In the field of periodical reports:

The Ministry collected, translated into English and submitted the periodical reports previously submitted by Egypt as well as the conclusions of the discussions and remarks made by the international commissions. Collection of statistical data necessary for preparing reports and updating them jointly with the principal committee for preparing international reports was prepared, to formulate a unified method and style to secure accuracy of data Egyptian responses to international agencies were compiled. Conclusions and recommendations of the national reports submitted to international and regional commissions of human rights were submitted to the Cabinet for further action.

In the field of dissemination of human rights culture:

There was joint implementation of training programs to strengthening capabilities in the field of human rights with the United Nations Development Program (UNDP). Publications are distributed to judges and prosecution personnel during training courses, conferences are held together with Egyptian universities covering implementation of human rights and efforts with the international institutions of human rights are made to obtain scholarships for judiciary and prosecution personnel.

In the field of international and regional agreements:

Coordination and cooperation with the Ministry of Foreign Affairs was sought to complete the studies and ratification measures necessary for Egypt's joining the international agreements bearing on human rights.

In the field of complaints:

There was a joint establishment of a complaints database with the Judicial Data Center to facilitate the follow-up of the complaints sent by citizens, agencies or NCHR.

Several meetings were held with the Ministry officials to discuss the salient features of the Ministry's plan for promotion and protection of human rights. NCHR requested some detailed information and indicators of performance to measure how far the plan's goals are realized.

***c-The Ministry of Interior:***

In the field of dissemination of human rights culture:

To strengthen knowledge of policemen in the field of human rights NCHR has encouraged teaching the subject in police colleges and institutes. NCHR has also hosted human rights research competitions for policemen as well as preparation of scientific and practical studies and research jointly with specialized institutions. Conferences, symposiums and advanced international training centers have also been hosted. The Council's library is also filled with human rights encyclopedias and guidebooks. Of which include, "*duties of policemen to protect human rights and to defend fundamental liberties*" and "*the citizen's rights when dealing with security forces*" that are distributed to the public on various occasions.

In the area of consolidation and protection of human rights:

- The Ministry's Commission of Human Rights formed in 1999 undertakes various tasks for the protection of human rights, especially in dealing with citizens. Among its tasks is to study the obstacles that hinder citizens enjoyment of rights and how to overcome them. The Commission has also undertaken a study around criticism raised concerning human rights violations and generating proposals for consolidating the Ministry's plan in the field of protecting human rights.

- Cooperation with concerned agencies on both national and international levels through communication with the public prosecution, and both the Ministries of Justice and Foreign Affairs.
- Ensuring protection of human rights and fundamental liberties in the area of criminal offences; good treatment of citizens in police stations, improvement of detention cells in police stations so as to provide care and humane treatment, compliance with legal rules of deportation, protection of citizens' intellectual rights as well as through monitoring and following up criminal activities on the internet.
- Development of facilities in disciplinary institutions taking into account the general principles of human rights; developing the prisoners shelters, improving the standard of living, upgrading rehabilitation programs, applying the rules of early release, upgrading health facilities, providing cultural and sporting activities, special care for female prisoners especially during pregnancy or nursing as well as delinquencies so as to ensure their rehabilitation and remove the causes of their corruption.
- Facilitation and simplification of measures pertaining to the issuance of official documents in all fields such as civil status, passports, immigration, nationality, traffic and employment licenses.
- Publicizing the Ministry's efforts to inform citizens of their rights when dealing with security forces.
- Encouragement of citizens to participate in elections and the need to register their names in election tables.

Several meetings were held with the Ministry's officials to discuss the salient features of the Ministry's plan for the dissemination of human rights culture and protection of those rights through the development of police performance, modernization of security plans and the upgrading of training programs.

A special reference may be made to the Ministry's efforts to solve and reply to the complaints sent by NCHR concerning human rights violations. This reflects the Ministry's interest to protect and defend the liberties of the Egyptian citizens.

The Council requested accurate data about the progress achieved during 2007 and its effect on the Egyptian people. NCHR also requested digital data and performance indicators to measure the progress achieved towards the realization of the goals of the Ministry's plan for the protection of human rights. The Ministry submitted a report on the statistical data which reflects the Ministry's efforts in the field of human rights.

***d-The Ministry of Foreign Affairs:***

On the Ministerial level:

- The establishment of a unit for responses to complaints and periodical reports in the field of human rights.
- The establishment of the National Committee to Combat Human Trafficking.
- Sustaining cooperation with all the national institutions working in the field of human rights at the head of which comes the National Council of Human Rights, the National Council for Childhood and Motherhood and the National Council for Women.
- The Ministry of Foreign Affairs, jointly with UNDP carried out a capacity building project for personnel working in the fields of enforcement, administration of justice and public prosecution. Training courses have also targeted parliamentarians, lawyers, journalists and civil society representatives.

The Ministry of Foreign Affairs provides its diplomats with human rights training through continuous courses and lectures. The Minister sends two diplomats to work in the secretariat of the High Commissioner for Human Rights and one for the African Committee for Human Rights.

On the international and regional levels:

- Egypt's membership into the International Council for Human Rights in 2007 obligated Egypt to prepare its file on the conditions of human rights in Egypt to be submitted to the Council under the mechanism of periodical review.
- The Ministry intends to hold a high-level round table jointly with the National Council for Women within the framework of the Women's Commission affiliated to UNESCO. The aim is to publicize what Egypt has done in the field of funding for the realization of gender equality.
- Egypt will head in 2009 the Non-Alignment Movement. The Ministry is currently engaged in setting up priorities on the agenda of the movement. Issues of human rights are expected to be on the head of these priorities.

The Ministry has also participated in meetings concerning the drafting of the Human Rights Charter in Islam. It also actively shares efforts, in the Muslim world, to formulate a new Islamic document to combat racial discrimination.

As for the problems of Egyptians in foreign countries:

The Ministry is extremely interested in the protection of rights of Egyptians working abroad. The Ministry intends to carry on its efforts to legalize the status of Egyptian employees abroad via the ratification of bilateral agreements with countries which attract large numbers of Egyptian employees. The Ministry also studied, jointly with concerned authorities, the possibility of establishing what may be called the "*General Authority for Protection of Egyptians Living Abroad*".

***e-Ministry of Legal Affairs and Representative Assemblies:***

- The Ministry engages in studying the compatibility of domestic legislation with international treaties related to human rights signed by Egypt proposing amendments accordingly.
- Analysis of remarks and recommendations cited in NCHR reports so as to put them directly before the eyes of decision makers, as well as the promotion of cooperation and coordination between human rights offices in the different Ministries to speed up the process of decision making regarding complaints received by NCHR which constitutes the biggest obstacle facing the NCHR.
- Collection, analysis and documentation of information and policies related to human rights. Additionally to establish and strengthen relations with Ministries, authorities and organizations interested in the causes of human rights.
- Submitting recommendations and proposals regarding the periodical reports offered by the government to contractual mechanisms, as well as participation in preparing these reports and coordination between all governmental agencies to collect accurate and detailed information. The Ministry also tries to overcome the problems that impede the drafting of these reports.
- Since terrorist acts and practices in all their forms aim to undermine democracy, human rights and regional security, the Ministry of Justice and Legal Affairs is currently working hard to prepare an anti-terrorist act.
- The Ministry, jointly with the National Council of Childhood and Motherhood, revises the provisions of the Child law No. 12 of 1996 so as to provide children more rights. These amendments are fundamental and need to be compatible with international agreements signed after the promulgation of the law.
- The Ministry follows up on amendments to be introduced to the NGO law No. 84 of 2002 which aims at liberating national activities from all restraints. The Ministry has also adopted a bill on the

democratization of NGOs and syndicates which aims to strengthen the capability of their general assemblies to exercise effective control. This is realized with the revocation of law No. 100 of 1993 on professional syndicates.

Several meetings were held with the Ministry's representatives to review the main principles of the Ministry's plan in the field of human rights. NCHR requested information about the studies currently made on those bills and their stages of formulation.

***f- Ministry of Housing, Public Utilities and New Residential Communities:***

- Concentration on completion of the projects in order to start their operation and benefit from the investment of funds.
- Improvement of drinking water and sanitary drainage networks. The target is to cover during the first four years all governorates with drinking water and all cities with sanitary drainage. 20 billion pounds will be dedicated to sanitary drainage in villages.
- Inevitable expansion of water and sanitary drainage projects and of surrounding industrial areas.
- Setting radical solutions for the infrastructure problems of greater Cairo and Alexandria.
- Implementation of the President's electoral program regarding the national housing project, building 58 thousand residential units a year all over the Republic.
- Completion of the national project of the desert reclamation villages in Upper Egypt governorates (Qena, Fayyoun, Suhaj, Assyiut, Menya, Banisoweif and Aswan). Each village comprises 100 houses, roads, water, drainage, electricity and a main road connecting it with the mother village.
- Extending technical help to some governorates to carry out their projects.

A meeting was held with the Ministry's representative for discussion of the goals of the Ministry's plan. Emphasis was laid on the social and

economic aspects of the life of Egyptian citizens that should be taken into consideration. Citizens should be provided with houses at moderate prices. Conditions of drinking water and sanitary drainage should be improved.

***G-Ministry of International Cooperation:***

Projects related to human rights and financed through agreements as well as protocols contracted via the Ministry:

- The First project is the grant for the strategic goal of governmental initiatives and partnership program. The human rights component of this project is expected to be carried out via the annual increase of aid submitted by USAID until 2011.
- The Second is a limited scope project of a grant agreement between the USAID and the NCHR which has begun on the 29<sup>th</sup> September 2006.
- Third project is a partnership initiative with NEPAD for the adoption of democracy, sound governmental administration and human rights respect. The source of funding is Canada.
- Fourth project is a grant agreement to support national associations and NGOs in financing the promotion of partnership and the promotion of childhood and gender equality. The source of funding is Canada.

Currently running projects:

- The fifth project aims to protect the interests of employed children, accomplished in partnership with the National Council of Childhood and Motherhood. To improve working conditions in the governorates of Aswan and Cairo. The source of funding is Canada.
- The sixth project is a program based on essential education support to improve education quality in the Assiut and Suhaj governorates. The source of funding is Canada.

- The seventh project is to alleviate poverty and promote legal rights of Egyptian women and juveniles. It is an Italian grant managed by the World Bank.
- The eighth project revolves around the consolidation of Egyptian reforms in the fields of democracy, human rights and justice. The grant is from the European Union budget for the period 2007 – 2010.

A meeting was held with the Ministry representative to review and discuss the Ministry's activities related to the promotion of human rights. These activities are financed through projects. The meeting pointed out that most of the agreements signed by the Ministry focus mainly on the activities of promoting democracy, sound governmental administration and protection of human rights.

Other agreements included the consolidation of national and NGO participation in public affairs, the development of political participation, gender equality, poverty alleviation, increasing education quality and the improvement of women's conditions.

Moreover, The Ministry, jointly with NCHR, held a conference concerning the landmines in Egypt's western desert constituting a flagrant violation of human rights and the State's right to develop its territories. The Conference emphasized the necessity of international collaboration to remove the mines so that the area may be developed. Victims of the mines should be compensated.

***H-Ministry of Education:***

General summary of the strategic plan of education :( 2007/2008) – (2011-2012)

The vision is to offer high-quality education to all citizens so as to inculcate knowledge of democracy and to adopt the system of decentralization which depends on community participation.

Goals of the main policies of developing education sector:

- 1.Continuous reform and improvement of education pursuant to national criteria.
- 2.Development of effective systems of management and evaluation under decentralization.
- 3.Providing equal opportunities to education for all, providing special care to the children with special needs and giving dropouts a second chance to complete their education.

Programs that have priority in the strategic plan of education:

Comprehensive reform of syllabuses, introduction of information and communication technology, modernization of human resources and professional development, establishment of decentralization, of systems to follow-up and evaluate, development of school buildings and their maintenance, development of kindergarten, reform of essential education, modernization of secondary education as well as offering education to the dropouts and the disabled .

A meeting was held with the Ministry representative to discuss the programs of the Ministry's five-year plan. It was decided that a joint cooperation be made to revise syllabuses to include human rights principles and values. The Ministry should make use of the NCHR plan for the promotion of human rights.

Statements and statistics cited in the Ministry's plan should be detailed so that one may derive more accurate information.

NCHR should be notified of performance indicators to measure the progress achieved in increasing awareness of human rights. The meeting also stressed on the importance of training of teachers on the principles and values of human rights since teachers have a direct effect on their pupils. A proposal was made to sign a cooperation agreement between NCHR and the Ministry of Education for human rights cultivation by training pupils and teachers all over Egypt.

Another meeting was held with representatives of the Ministry of Higher Education and Scientific Research. The meeting stressed the importance of the relationship between scientific research and human rights. Also, resources should be provided for the preparation of researches. There was reference to the role of the scientific research academy in the promotion of human rights and the necessity to hold training courses to inculcate human rights among personnel.

***i-Ministry of Public works and Water Resources:***

The right of citizens to be supplied with the water required for all living purposes. The Ministry is undertaking efforts to provide sufficient water for different sectors.

Water national plan:

It comprises the following important activities and measures: institutional development to apply the concept of integrated management of water resources, increasing available water resources and raising the efficiency of available resources. The time program includes the role of the concerned authorities and Ministries of the State in the realization of the plan goals by the advent of 2017, with the exception of some activities that need a longer time (for they need huge investments) such as sanitary drainage.

#### Development of legislation:

Development of legislation to achieve integrated management of water resources, as well conservation against squandering and contamination: violation penalties should be intensified. Water consumers should take part in management, operation and maintenance of irrigation and drainage networks through the amendment of some articles of law No. 12 of 1984 bearing on irrigation and drainage. It is being reviewed now in the State Council to be submitted later to legislative assemblies. Furthermore, some amendments on the executive regulations of law No. 48 of 1983 on the quality of canal water are being studied.

#### Establishment of the principle of consumers participation:

This will enable the promulgation of the law of “*water resources and irrigation*” which will legalize the formation of water consumer associations (on both main and subsidiary irrigation canals).

#### Promotion of women's role:

The Ministry prepared the 6<sup>th</sup> five-year plan for the development of women (2007/2012). Required investments amount to 4.1 million pounds. 3.1 million come as foreign aid for three main programs: program for rural women (59% of the investments), program on water data (31% of investments) and program of incorporating the social genre in the integrated management of water resources (10% of investments).

#### Measures of promoting human rights among the Ministry personnel:

They comprise programs for raising capabilities, promotion and provision of employment opportunities and social services to the Ministry's employees.

Several meetings were held with the representative of the Ministry wherein the Ministry's plan for promotion and protection of human rights was discussed. The Ministry would present more detailed data to NCHR.

The future plans of the Ministry should be laid pursuant to NCHR's national plan for the promotion of human rights.

***J-Ministry of Planning:***

The Ministry submitted its plan for the promotion of human rights. It included goals, projects, mechanisms, time tables and performance indicators. The main goals are:

1.Citizen rights: To facilitate the reach of government services in an efficient way.

The goals: conveying services to citizens speedily and efficiently as well as the expansion of the channels that offer the services.

2.The right to employment (employment opportunities in the government)

The goals: Sharing in the implementation of the President of the Republic's election program to provide 4.5 million employment opportunities until the year 2011/2012, to disseminate the culture of private business, to raise the capacity of the private sector in order to attract new employees and to further decentralize by giving more authorities to governors and local administration units.

3. The right to equality and nondiscrimination on the basis of genre, sex, religion or color:

The goals: to overcome all forms of gender discrimination in applications and appointments for a job, as well as laying down rules that guarantee objective choices from among applicants.

4.The rights of employees: Protection of the right to a suitable and just salary and of the right of the employee to just and honorable treatment (administrative justice) .

5.The right of society and the State : The right to besiege the corrupt and corruption, to the confrontation of perversion, profiteering and exploitation of one's influence and position, to elimination of undue payments for administrative services, to uncovering

administrative offences and forms of negligence which cause injury to the interests of individuals and society .

Coordinative meetings with the Ministry discussed the salient features of its plan for the promotion and protection of human rights, especially the right to employment, to equality, to obtain governmental services easily, to a suitable salary and honorable treatment and the State's right to besiege corruption.

The meeting pointed out that NCHR should be provided with detailed information about the progress achieved in the realization of the plan's goals and about performance indicators.

***k-Ministry of Electricity and Energy:***

A program was prepared for developing the capacity of electric production with an annual increase average of 1,500 megawatt in the two five-year plans of 2002-2007 and 2007-2012. There is also a long-term plan extending to 2027.

- To protect the Egyptian citizen's right to electricity while living in a clean environment with electric power stations depending on clean sources such as hydraulic power, solar power and wind power .
- Electric companies undertake periodical maintenance, renovation and replacement of electricity networks to protect life and property.
- The Ministry laid down a plan for replacement of uncovered conductors to avoid fires especially in rural areas, to raise the quality of electric current and to decrease electric interruption.

To improve quality of services offered to the people, the Ministry has done the following:

- Informing applicants of the documents needed through guiding posters on its website.
- Computerization of all work in service centers. The service is offered by one employee. There is a telephone hotline for receiving

complaints from all parts and a published guidebook for feeding houses with electric current.

- Publishing a guidebook for investors pointing out the steps and measures for obtaining electricity for their projects. Also, there is the Ministry's representative in the investment complex building.
- There is a complaints committee in every distributing company for the examination of complaints against fines.
- Electricity sector supplied electricity to 543 thousand families in slums and unlicensed buildings.
- The agency of electricity utility and consumer protection was established to regulate and control all matters related to electric power: production, transportation, distribution as well as consumption.

Coordinative meetings with the Ministry discussed the salient features of the Ministry's plan for the promotion of human rights and rendering services in an efficient way. The Ministry agreed to provide NCHR with more detailed data.

***l-Ministry of Environment- Environmental Affairs Agency:***

1. There is a national program for safe recirculation of garbage and refuse (municipal, hazardous, medical, and agricultural). As for municipal garbage, governorates are provided with heavy equipment and trucks for collection, transportation and lifting accumulations. They are also provided with an expansion of recycling systems, an integrated system for managing wreckage and ruins and with construction of healthy chimneys. As for hazardous and medical refuse, construction of central treatment stations for its safe disposal.  
As for agricultural refuse, the present system is under study to estimate damages and to establish a comprehensive vision for this sector.

2. The National program for the improvement of air quality lays down a new strategy to control sources of air pollution, protection against motor cars waste and against noise.
3. The National program for enhancing the quality of water is dedicated to the reemployment of sewage in some projects, the protection of water from contamination, the protection of coastal water, fighting oil contamination and the development of lakes.
4. There is a National program for limiting industrial pollution and climate changes.
5. The National program for nature protection monitors and evaluates biological variation as well as the development of natural reserves.
6. There is a National program for training, information, environmental consciousness and inspection.
7. There is a national program for decentralization of environment management by development of regional subsidiaries and their laboratories, establishment of environment affairs offices in governorates and environment management in industrial cities.
8. The sustained development program is dedicated to the establishment of electronic archives and laying down the national strategy for sustained development.

Coordinative meetings with the Ministry dealt with the Ministry's five-year plan and programs. NCHR requested performance indicators to measure progress achieved. The Ministry submitted a report comprising its most important achievements for the protection of the Egyptian citizen's environmental rights.

***m-Ministry of Social Solidarity:***

The Ministry of Social Solidarity is responsible for society's development, guarding the different categories of society through economic and social aid, as well as people with special needs.

The Ministry submitted a detailed report about its activities for the promotion of human rights.

- Protection of the individuals' right to form national associations and to benefit from the advantages offered by the Ministry.
- Social insurance sponsoring limited-income families which suffer from ill health, social or economic circumstances and catastrophes. The Ministry offers suitable income to help cover the family's necessities.

Other fields of activity include projects of productive families to increase their income, most-favored categories, vocational training centers for dropouts, protection for families of a detainee, protection of the families of martyrs and victims of mines and wars, extending aid to victims of drought, looking after conscript families (during compulsory conscription), family and children care, sponsorship and rehabilitation of the disabled as well as projects for the development of rural women. The report also included a number of projects in the Ministry's investment plan.

In the coordinative meeting with the Ministry, a detailed report was submitted on its activities and projects in the field of human rights promotion and protection. A special reference was made to the importance of monitoring the implementation of the projects which contribute to upgrading the social standard of the Egyptian citizen.

***N -Ministry of Foreign Trade and Industry:***

The Ministry seeks to protect the right of the citizen to sufficient and safe food, the rights of the consumer, the right to a suitable standard of living, the right to employment, the right to a clean environment (sustained development) and the right to justice. It also tries to deal with the negative effects of globalization and to uphold gender equality so that both males and females can enjoy all civil, economic, social and cultural rights.

***m- Ministry of Investment:***

In order to benefit from most a vast base of human resources and in light of the needs of the Ministry's Companies, the Ministry took the following measures:

- Follow-up on making permanent contracts of employees in holding and subsidiary companies that have been employed for more than 3 years. This is in accordance to the rules laid by the holding companies, the workers federation and the trade unions.
- Follow-up of the management program of the State-owned assets and investments, as well as restructuring the companies of Public Works Sector.
- Implementation of the Ministry's directive No. 79 of 2006 on the formation of the supreme committee for supervising the implementation of compensating personnel who voluntarily leave service in the holding and subsidiary companies.
- Updating the personnel database until September 30<sup>th</sup> 2007 including both permanent and temporary employees.
- Coordinating with the trade union to hold training courses for members of Union's committees.
- In light of the Ministry's directive No. 55 of 2007, forming a Committee to follow up on complaints and recommendations from the holding and subsidiary companies employees. There will also be follow-up of messages sent by governmental and nongovernmental organizations and of articles published in daily newspapers. A report was prepared reviewing all these complaints, recommendations and petitions.

***0- Ministry of Manpower and Emigration:***

The Ministry presented its human rights plan. The Ministry seeks to create a favorable environment for the dissemination of a culture of social dialogue within the framework of the fundamental principles and rights promulgated by the International Labor Organization.

The Ministry hopes to do this by the realization of social cohesion and social development, the improvement of working the conditions to ensure safety, limiting occupational injury and disease, and the promotion of a preventive conciseness among employees and employers. The Ministry also hopes to develop a sound application of Egyptian laws consistent with the principles of Universal Declaration promulgated by the ILO, rendering services to citizens easily and smoothly. Also to ensure the provision of data and information for decision makers to make use of it in laying down plans and policies for the protection of the rights of workers inside and outside Egypt, and to the protection of the rights of the Ministry's employees, as well as raising their efficiency and skills .

## **Chapter VI**

# **The Council Commentary on the Government Responses and Recommendations**

# **The Council Commentary on the Government's Reply and Recommendations**

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*NCHR commentary on the Government's reply to its Second Report:<sup>(14)</sup>*

## ***1- Positive feedback***

The Council expresses once again its appreciation for the attention paid by the government to its efforts and activities. In this respect, The Council would like to illustrate in view of the government and the public opinion the following:

- 1- NCHR forms judgments and evaluations based on the authority given to it by constituent law and not through personal aspirations. The Council realizes that fulfillment of its message depends largely on the interaction between the State's authorities. To promote a human rights culture, an interactive strategy in which the government, parliamentarians, national institutions and civil society organizations must participate. As a result, The State and society reap its fruits or share the consequences of its failure as well.
- 2- The Council appreciates both the government's prompt response to the Council's second report issued in March 2006 and the Prime Minister's directives in this regard. But it must be noted that to date (March 2008) The Council has yet to receive the government's reply to the NCHR's third report issued in March 2007 despite its significance as an evaluation tool at the conclusion of the Council's first term.

Since its four years of establishment, The Council documents remarkable cooperation from the government. Replies to complaints forwarded to concerned authorities have been received. Human rights training courses

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<sup>(14)</sup> See **Enclosed appendix.**

for government employees in various departments have also been established. Through cooperation with the Ministry of Information dissemination of human rights principles was made possible through mass media. Updating education syllabuses to incorporate human rights principles was feasible with the collaboration of the Ministries of Education and Higher Education. NCHR hopes to extend this cooperation and consolidate its relationship with the government in its second term which aspires to protect and promote of human rights.

That is not to say that there remain areas and issues that the government has not addressed.

## ***2- Shortcomings***

The Council and public opinion insist on putting an end to the state of emergency due to its violations of civil and political rights.

It has already been two years since the creation of a committee entrusted with the preparation of the anti-terrorism legislation, conceived as a precondition and step towards the end of the state of emergency. Still, The Council has not received the draft law despite its many requests, nor was the document put before public opinion for discussion. It is essential for the Egyptian people to know the details of the legislation that will administer their rights.

In the realm of torture no significant response has been felt. The Council is yet to receive feedback on its proposed amendments to the torture legislation aimed to eradicate torture and provide punitive clauses. Nor has the government responded to recommendations that afford minimal basic rights to prisoners and detainees. Torture continues to be the reason behind the suffering of many and the defaming to the country and complaints sent to The Council and the investigations made following demonstrate the urgency of the matter.

Likewise, no reaction has been acknowledged by the government regarding The Council's recommendations on the laws that govern the

establishment and operation of civil society organizations. Top of the list of these laws are law 84 on national associations, law 100 on professional syndicates, and student activities regulations of 1979, all of which constitute fundamental pillars for the development of civil society and the promotion of public freedom.

Another concern is the unjustified delay in managing the law on the construction of worship sites. The Council put forth a proposal for a unified bill to administer the construction of all worship sites that is based on inclusion and equal rights intended to eliminate discrimination. The Council had anticipated that the bill would be discussed in parliament during its present session. This is an important step towards the promotion of citizenship rights and mitigating factional discontent that with escalation raises deep concern and anxiety.

Still, the Council is fully aware of its limitations due to its consultative nature and therefore non-binding decisions. This characteristic is common to all other national institutions worldwide in compliance to international criteria. The Council also recognizes the challenges facing the government in its attempt to achieve a balance between maintaining national security on the one hand and ensuring individual freedom on the other. This made harder in the midst of an Arab region suffering from symptoms of instability portrayed by the fate of the Iraqi occupation, the continuous oppression of Palestinians at the hands of Israel, the violence in Lebanon and the warfare in Darfur. This general environment certainly has negative consequences on the community, noting that violence may intensify.

The National Council of Human Rights, however, still insists that the promotion of fundamental rights and freedoms is the better way for the safeguarding national security. It also believes that acceleration of the political reform train, and not slowing it down, is more conducive to stability.

## **2. Recommendations**

The National Council for Human Rights has received 6677 complaints this year. Complaint information procedures through individuals, human rights commissions and authorities, NGOs and the mass media have enabled NCHR to examine the situation of human rights in Egypt.

NCHR has also issued public statements and resolutions arrived at during conferences, symposiums, workshops and hearings held in 2007. Of special mention are recommendations resulting from the year end conference on citizenship held in December.

### ***Outcome results of Conference of Citizenship:***

- The need to combat all forms of degrading treatment of citizens and violations of their dignity and basic rights in locations of detention and imprisonment.
  - The Council puts the burden of responsibility on the shoulders of all concerned institutions to secure respect for the human dignity of detainees and all citizens in police stations, locations of confinement and prison cells. By devising a multilateral strategy encompassing legislative, administrative and cultural facets this problem can be overcome.
- On the legislative side, The Council repeats its previous demands to amend the penal code related to torture crimes and maltreatment of citizens. The Council emphasizes the need to increase the scope of definition of criminalization of torture so as to include the torture of defendants and detainees in general wherever they are confined; to treat torture as a criminal offense granting

distressed party the right to lodge a direct claim before civil courts of law.

- On the administrative level, The Council reasserts the need to establish the principle of corrective accountability for the officials who violate rights of citizens by torture. The respect for citizens should be used as tool of evaluation of police performance.
- On the cultural level, the Council calls for the incorporation and development of human rights syllabuses taught to all students enrolled in institutes and universities (including students of the religious Al Azhar University, the police academy and institutes). The Council also calls for the improvement and increase of the number of training courses held for policemen, as well as for former students who attended the teachers' education institutes and colleges.
- To ensure administration of justice through the implementation of judicial supervision over prisons, locations of detention and confinement. Until then, The Council recommends the effective execution of existing provisions of the criminal penal code. Current legislation stipulates periodical inspection by prosecutors and judges of general and central prisons as well as all other places of detention and confinement regardless of the authorities they are affiliated to.
- A recommendation to invite NCHR to review the draft anti-terrorism bill to allow for the necessary balance between public order and human rights.
  - The Council calls upon authorities commissioned to prepare the anti-terrorism bill to present the bill's provisions in a special NCHR sitting and to put it forward for public discussion. NCHR also demands that ambiguity in definition be removed and that clear definitions are stated that limit acts defined as incitement or instigation of terrorism. Ambiguity exposes individual freedoms and rights to danger.

- The need to lift the restraints imposed on the activity of parties, trade unions, professional syndicates and civil society organizations.
  - NCHR calls for the elimination of all restraints and obstacles that obstruct the activity of civil society organizations as they play a pivotal role in consolidating a culture of democracy. The Council also asserts the need to strengthen and promote cooperation between these organizations in order to protect and promote a human rights culture.
- The Council calls for the enactment of a new law to regulate elections and exercise political rights on the basis of proportional representation. This, consistent with the latest constitutional amendments, will promote party participation, political pluralism and will boost the democratic process as well. NCHR also strongly encourages that the new legislation allows Egyptians living abroad the right to electoral vote. The Council further recommends the insertion of a provision of positive discrimination to assure the minimal representation of women is reversed in Parliaments. NCHR also stipulates the need for effective judicial supervision of the election process to eschew rigging as well as confirm credibility.
- The need to assimilate and promote the principle of citizenship into legislations, regulations, programs and plans on all levels. This in compliance of Article 1 of the 1971 constitution.
  - NCHR reiterates the need to adopt its proposals relating directly to citizenship that were also consolidated in its conference on citizenship:
    - 1- The need for comprehensive review of legislation to remove implications of discrimination between citizens on the basis of sex, race, religion, class or political affiliation.
    - 2- The necessity of enacting a new bill to stipulate equal opportunities to all citizens and outlaw discrimination.

This Act will include provisions that define and penalize discrimination in all its forms; currently not subject to legal definition or judicial review.

A provision must also be included to outline the establishment of a new jurisdiction to regulate citizenship affairs. This role is to be filled by the "Public Commissioner and Commission of Equality and Anti-discrimination". This body will have authority to enforce the law: investigate any complaint filed or initiate any investigation and appraisal of both public and private institutions. In case of suspicion, institutions shall be required to submit reports on the institution's activity to determine the legality of their operation. In case of violation of the law, the Public Commissioner shall report the breach or file a law suit against the institute to end abuse. In several countries, this mechanism has proved to be successful in eliminating discrimination.

- 3- NCHR reemphasizes the need to remove religion from all official documents including the national identification card to replace the current selection that limits recognition of religion to Islam, Christianity and Judaism. This modification would prevent religious and faith based discrimination between citizens. Additionally, the principles of citizenship emphasized in the articles of the Egyptian constitution do not limit the choice of faith to three.
- 4- NCHR calls attention to the need of speedy enactment of the unified law for building and repairing worship sites. The Council submitted a bill securing the right of all citizens to practice their religious rights pursuant to the constitution.
- 5- The Council acknowledges the continuous efforts exerted to promote human rights and continues to encourage all educational, informational, cultural and religious institutions to disseminate and promote a human rights culture based on recent successful feedback in upgrading and refining educational syllabi.

The National Council for Human Rights would like to draw your attention once more to the chapter entitled: “*The condition of human rights in Egypt*” as well as its recommendations on the right to education and the right to an honorable living in the face of an escalating economic crisis. This crisis continues to cause national paralyzes and fetters progress. This may not be alleviated by the current educational system that is irreconcilable with equality and continues to lag behind recent developments in world educational systems.