

## **Annex (1)**

### **Agenda of Citizenship and Human Rights**

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In the frame work of the role of the National Council for Human Rights (NCHR) to promote and protect human rights in Egypt and the follow up of the implementation of the recommendations of the Universal Periodical Review Mechanism that Egypt had accepted in 2010, the NCHR held several coordination and consultation meetings with representatives of the Government, as well as with representatives of the Civil Society Organizations from mid-2010 to early 2014. The NCHR had earlier in 2010 prepared an agenda of Citizenship and Human Rights as part of the Universal Periodical Review Mechanism. The majority of its recommendations were adopted as principles in the 2014 Constitution which bind the legislator to issue laws for their implementation.

The NCHR prepared a new agenda of Citizenship and Human Rights which includes the following reforms:-

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

##### **1-Citizenship Rights**

- a- Issuing law on the construction and restoration of churches as provided for in the Constitution 2014.
- b- Issuing a law setting up the Commission of Equal Opportunity and anti-discrimination against any citizen and against inciting hatred - in conformity of the 2014 Constitution. The NCHR had been calling, since its establishment, for the creation of this Commission.
- c- Facilitating the obtainment by all citizens of the official –papers proving their identity, regardless of their faith or creed, as well as issuing the necessary decrees to this effect as provided for in article 6 of the 2014 Constitution.
- d- Activating the law no. 64 of 2010 on fighting human trafficking and promoting awareness of the crime of human trafficking in all its dimensions and its various forms, disseminating its seriousness, raising the awareness of the categories of people the most targeted and in general creating an general atmosphere rejecting human trafficking, including exploitation, discrimination and impunity, and emphasizing in this respect the role that could be played by the media and drama.
- e- Enhancing the activities of the Fund for the Support of the Victims of the Crime of Human Trafficking which has been established, and ensuring coordination between the Fund and the National Coordination Committee for Combating and Preventing Human Trafficking so as to ensure the optimum utilization of the resources of the Fund to enable it to fulfill its objectives.
- f- Promoting the collaboration of all official governmental authorities concerned with culture, the media, the religious endowments and religious institutions as

well as Civil Society Organizations to implant the values of citizenship, equality and non-discrimination among all citizens, as well as the values of religious and cultural diversity, plurality, tolerance, accepting the other, and rejecting principles that incite hatred.

- g- Reviewing educational and pedagogic syllabuses to inculcate the principle of citizenship.

## **2- The Right to Life and Personal Security**

- a- Ensuring that the State protects the right to life and personal security of every citizen and exerts its efforts to combat the crimes of terrorism, thuggery, and violence without violating basic rights and freedoms.
- b- Amending the Criminal Law to limit the enforcement of capital punishment and restrict it to the most serious crimes so as to be in conformity with the commitments of Egypt as provided for in the International Covenant on Civil and Political Rights. In fact, the number of crimes punishable by capital punishment according to the law in Egypt exceeds 75 crimes.

## **3- Combating Torture**

- a- Amending the Civil Code to be in conformity with the United Nations Convention Against Torture and Other Cruel or Inhuman or Degrading Treatment or Punishment and in conformity as well with the 2014 Constitution, so that the definition of the crime of torture may be extended to cover the following crimes:-
  - Torture of the accused to force him to confess to a certain crime or for other reasons such as revenge, or settlement of accounts or as an act of courtesy to an influential person.
  - Torture of a person other than the accused to force the accused to confess to a crime or to force the person tortured to give information on the accused.
  - The definition of torture must be extended to include any physical or psychological assault.
  - Punishment of an employee or a civil servant if he himself carries out an act of torture or orders it or even if his role is limited to inciting torture, or approving it, or reticence of its occurrence, or colluding in such a crime.
- b- Amending the Code of Penal Procedures to allow for the recognition of the right of individual prosecution against crimes against personal freedoms or against the sanctity of privacy or for torture, and guaranteeing the right of defense by allowing the presence of a lawyer during the investigation of a case, as well as in court on behalf of the accused in cases of felonies or misdemeanor punishable by imprisonment as provided for in the 2014 Constitution.
- c- Calling for accession to the Optional Protocol to the International Convention against Torture.
- d- Adopting preventive measures against torture in prisons and places of detention including the prohibition of isolation of inmates and preventing them from

getting in contact with the outside world, and banning the detention of suspects except in places designed for this purpose.

#### **4-The Right to Exercise Political Rights and the Right to Monitor Elections**

- a- Issuing a law for the establishment of the Independent Electoral -Commission as provided for in the 2014 Constitution and setting up its institutional structure.
- b- Establishing an efficient mechanism to enforce the execution of the decisions of the Supreme Election Committee- and ensuring the execution of the law in cases of violations or beaching of the regulations during the election process, as well as responding to the complaints that may be referred to it from Civil Society Organizations that are involved in monitoring the elections.
- c- Ensuring the conformity of electoral legislations with the international standards for free- and impartial elections.
- d- Periodically updating the - lists of voters, and adopting methods for electronic voting.
- e- Commitment by the State of its responsibility to raise the voters' awareness of their civil and political rights.
- f- Adopting measures that enable the persons with disabilities to participate in elections and exercise their civil and political rights.

#### **5- The Right of Peaceful Assembly**

- a- Amending Law No. 107 for 2013 issued in November 2013 organizing the right of peaceful assembly, rallies and demonstrations on the basis of the proposals of the National Council for Human Rights to ensure its conformity with the 2014 constitution and the international standards -of human rights.
- b- The most salient remarks of the National Council for Human Rights on the above mentioned law is that it does not distinguish between the right of peaceful demonstration and the - crimes of terrorism and violence, the disruption of public means of transport, highway robbery, damage of public and private establishments which the country is now witnessing and which are governed by the Criminal Code. It also does not take into consideration the right of peaceful demonstration provided for in the Labor Law.

#### **6- The Right of Association**

- a- Issuing a new law for non-governmental organizations and associations to replace Law No. 84 for 2002 to be in conformity with the 2014 Constitution which allows for the establishment of associations by mere notification to the authority concerned, prohibits the intervention of the administration in the work or activities of the non-governmental organizations or associations or dissolving them on administrative grounds. This new law has to put an end to

delaying or obstructing or even refusing grants from foreign agencies without a legal ground. Meanwhile, this new law requires that these associations and organizations be transparent in their dealings and have their accounts independently audited. Non-governmental associations and organizations must be allowed to take part in the drafting of the new law. Consultation with these organizations and associations did take place after 30 June 2014 where a committee representing non-governmental associations and organizations did participate in drafting the new law governing their activities.

- b- Reviewing the law governing political parties to make it conform to the 2014 Constitution, and asserting the freedom of establishing political parties by mere notification to the authorities concerned. According to this revised law, political parties shall have the right to propagate their policies and programs within the limits provided for in the 2014 Constitution.
- c- Revising the laws organizing professional syndicates and trade unions to ensure their freedom and the democratic practice as provided for in the 2014 Constitution.
- d- Stopping defamation campaigns against Human Rights organizations and movements particularly as regards their - - activities in protecting Human Rights, monitoring the election process, and the laws pertaining to rights and freedoms.
- e- Promoting the culture of voluntary work and amending the law of public service to encourage voluntary work in the social, developmental and human rights fields.

#### **7-Freedoms of Expression, Opinion, Creativity and of Access to Information**

- a- Issuing the necessary legislations that support freedom of opinion, of expression, of the press and of the media, and of literary and artistic creativity to conform to the 2014 Constitution.
- b- Issuing a new law for access to information and official documents as provided for in the 2014 Constitution.
- c- Issuing a law for cyber crimes while at the same time safeguarding the freedom of expression of the bloggers.
- d- Issuing laws organizing the establishment of the Supreme Media Council, the National Authority for the Press, and the National Authority for the Media and supporting their independence as provided for in the 2014 Constitution.
- e- Preparing a Code of Ethics for the Media and activating it as soon as possible.

#### **8- The Right to a Fair and Equitable Trial, and the Rights of prisoners and Detainees.**

- a- Amending the Code of Civil Procedures and the Code of Criminal Procedures and other laws to ensure a fair and timely trial, to avoid the slow judicial

procedures. Furthermore, increasing the number of Judges, improving their work conditions, providing them with suitable services that support their work and ensure the fulfillment of their duties in a timely and professional manner.

- b- Revising the Presidential Decree promulgated by law No. 83 for 2013 amending some of the provisions of the Code of Criminal Procedures No.150 for 1950 so as to restrict the maximum period of provisional detention pending investigations in all crimes, in application of the principle that an accused is presumed innocent until proven guilty, otherwise it would be in itself a punishment.
- c- Activating the article of medical release of prisoners in the law of prisons, and increasing the rate of release under probation as prisons are overcrowded, and applying the system of appointing - supervision judges to ensure the protection of the rights of inmates.
- d- Revising the case of young detainees and internees who have been randomly arrested without any legal grounds, and releasing them if proved innocent.
- e- Amending Law No.94 of 2003 regarding the National Council for Human Rights to increase the guarantees of its independence, expand its mandate according to the provisions of the 2014 Constitution, and allow its members to visit prisons and detention places.
- f- Amending the law organizing prisons and detention places and improving their conditions to be in conformity with the 2014 Constitution and International Human Rights standards.

## **9- Combating Terrorism**

- a- Develop an integrated plan to combat terrorism which includes adopting the necessary legislative amendments so that combating terrorism would not be restricted to security measures but would be extended to uproot terrorism at the source through education, the media, updating and upgrading religious thought and reforming religious institutions. Such plan should at the same time protect the rights and freedoms of all citizens as provided for in the 2014 Constitution and Egypt's international commitments and obligations.
- b- Putting a time limit for the full execution of the government's plan to combat terrorism. It should make known to the public, in a most transparent manner, the measures it has adopted to achieve this end.
- c- Training law enforcement personnel and promoting their awareness of Human Rights issues, - to abide by the law and international standards of Human Rights while countering terrorism.

## **10-The Rights of Refugees**

- a- Calling upon the government of Egypt - to reconsider its reservations regarding the 1950 Convention on refugees so that its stand would be accordant with Human Rights principles, and calling further upon the Egyptian government to enact the necessary legislations in accordance with this convention, and to deal with refugees on a humanitarian basis and not a security or a political basis.
- b- Promoting the awareness of security officials of the rights of refugees, and facilitating the legal procedures for them to legalize their status. Meanwhile refugees must be made aware of the rights of residence, of receiving aid in kind, as well as of receiving the social and financial support which the Egyptian government offers to refugees.
- c- Enacting a legislation that allows refugees to receive educational and health services as these are basic fundamental Human Rights.

## **Second: The Economic, Social and Cultural Rights**

### **11- The Right to Health**

- a- Increasing public expenditure on the health sector to be 3% of the Gross Domestic Product as provided for in the 2014 Constitution.
- b- Adopting a quality system of health services in accordance with international standards in hospitals, medical centers and health facilities in all the governorates of Egypt.
- c- Developing the capabilities and skills of the physicians, the medical staff, the nursing staff, and all those employed in the health sector and improving their living standard and safeguarding their financial and moral rights.
- d- Drawing a plan to develop medical education in accordance with international quality standards, and expanding all fields of medical specializations.
- e- Issuing a new law for a comprehensive social and health insurance scheme that takes into consideration the financial status of the subscriber when determining the subscription to be paid by each subscriber in this scheme, while the state bears the subscription of those who cannot afford it.
- f- Embarking on a plan to solve the problems of sanitation to ensure that every citizen has access to sanitation and drinking water facilities.
- g- Drawing a plan to roll back hepatitis, as the number of Egyptians suffering from this disease is estimated to be 14% of the population, and extending this plan to include other infectious diseases.

### **12- The Right to literacy and Education**

- a- Improving the quality of education and scientific research and exerting all possible efforts to eradicate illiteracy and digital illiteracy of all citizens of all ages particularly in rural, and remote and poor areas in collaboration with the Civil Society, and drawing precise time plan to achieve this goal by using various diversified techniques.

- b- Increasing public expenditure on education to constitute at least 4% of the Gross Domestic Product, and increasing allocations to higher education to be at least 2% of the Gross Domestic Product, and also allocating at least 1 % to scientific research as provided for in the 2014 Constitution.
- c- Providing free education at the various stages from the primary to the university stages in the public educational institutions, as is provided by the law, and paying due care to the quality of education. There should also be fairness in the distribution of educational facilities to all the governorates, and compulsory education should be extended until the secondary stage.
- d- Encouraging, developing and diversifying technical education and vocational training in accordance with international standards and criteria so as to meet the needs of the labor market.
- e- Developing the scientific capabilities and the professional skills of school teachers, the teaching staff in universities and their assistants, and safeguarding their material and moral rights to ensure good quality of education in fulfillment of its objectives.

### **13- The Right to Housing**

- a- Enhancing the government's efforts in the field of housing to promote social and economic justice taking into consideration the also environmental specifics of every region of the country. Efforts should be exerted to encourage initiative of the private sector and cooperatives in this field. It is also necessary to manage and control uses of State owned lands and providing it with basic facilities. This procedure should be part of a full-fledged urban planning scheme of all cities and villages within the framework of a national strategy for the distribution of the population. Such strategy should primarily consider public interests and aim at improving the quality of life of the citizens and preserving the rights and welfare of future generations as well.
- b- Exerting all efforts to solve the problem of shanty housing and drawing a plan to overcome it in a maximum period of ten years with the aim of improving the quality of life and standard of living of the citizens and preserving public health as provided for in the 2014 Constitution.
- c- Providing houses to all those who have been compelled to evacuate their homes which have all been confiscated for public utilities and compensate them in a fair and equitable manner.

### **14- The Right to Food and Clean Water**

- a- Executing policies that aim at ensuring that all citizens have access to food particularly those living in the poorer governorates. Efforts should also be exerted to make sure that subsidy in kind reaches those who deserve it. Free meals should also be offered to school children in poor areas to safeguard their right to have food

- b- Monitoring the rise in food prices and drawing pricing guidelines for the markets, and coordinating the efforts of Civil Society organizations in this field.
- c- Drawing and implementing a national plan to ensure that all citizens have access to clean water and proper sanitation systems.
- d- Establishing outlets all over the country to sell food stuffs at reasonable prices, and encouraging the setting up of cooperatives.

#### **15- The Right to a Clean Environment**

- a- Mainstreaming the environmental perspective in current and future development plans, adopting a strategy that aims at preserving the environment, and strengthening the mechanisms that promote sustainable development.
- b- Conducting periodical monitoring of the state of the environment in Egypt, and encouraging citizen participation in the management of the natural resources and in the environmental decisions. Data on the environment and how to protect it should be made available to all.
- c- Expanding the use of new and renewable sources of energy, and ensuring the proper handling and treatment of waste and garbage.
- d- Restricting the use of pesticides in agriculture to reduce food contamination.
- e- Intensifying the penalty for polluting the environment, and enforcing the provisions of the environment law.

#### **16- The right to employment and Combating Unemployment.**

- a- Drawing a national plan to create work opportunities and maintain already existing ones. For this plan to succeed it must ensure the collaboration of the Civil Society, and the public and private sector enterprises so as to reduce the rate of unemployment among youth and women and consequently eradicate poverty.
- b- Paying more attention to the development and rehabilitation of the informal sector, and facilitating the procedures for the start up of small and medium and micro enterprises with the aim of reducing unemployment.
- c- Monitoring the execution of the minimum wages in both the government departments and the public and private sector enterprises. It should also be linked with the cost of living and the rate of inflation.
- d- Undertaking legislative amendments to the labor law to safeguard the rights of workers and protect them against arbitrary firing, and creating mechanisms of collective bargaining for the settlement of labor disputes. The Trade union freedom Law should also be issued to ensure the freedom and independence of trade unions. This draft law has been prepared by the three parties of the labor relationship, namely, the employers the employees and the government representatives, as well as the representatives of the International Labor



Organization and the Civil Society Organizations, as provided for in Article 67 of the 2014 Constitution.

- e- Revising taxation laws and policies to achieve social justice and encourage the establishment of labor intensive industries to reduce the rate of unemployment.

### **17-The Right to Social Security and Social Insurance**

- a- Introducing urgent amendments to the law of Social Insurance to provide social insurance services to all citizens particularly to those employed in the informal sector.
- b- Introducing urgent amendments to the law of social security so that all citizens may be covered by the social security system and thus lead a secure and dignified life.
- c- Safeguarding and protecting the insurance and pension funds, and guaranteeing the independence of the authority responsible for these funds.

### **18-The Right to Development and Combating Corruption.**

- a- Drawing and implementing a national policy and comprehensive development plans to achieve social justice, eradicate poverty, reduce unemployment and ensure the fair distribution of the burdens and benefits of development. These plans should aim at ensuring that all citizens lead a dignified life, and should pay particular attention to the poor marginalized areas, to the governorates of Upper Egypt and to the border governorates of Matrouh, Sinai and Nubia.
- b- Revising the anti- corruption legislations and intensifying efforts to promote the implementation of procedures that guarantee transparency and accountability to achieve the optimum utilization of the available resources and attain sustainable development. This revision should in particular include Law No 106 for 2013 regarding conflict of interests.
- c- Obligating the authorities and agencies concerned with the control of corruption to coordinate their efforts in promoting the values of integrity, transparency, performing public service functions efficiently, rendering quality services to the public and safeguarding public funds. Mechanisms for the follow up and execution of the national strategy to combat corruption should be put in place as provided for in the 2014 Constitution.

### **19- The Rights of Women**

- a- Guaranteeing the rights of women to fill public posts and State top management positions and to be appointed in the judiciary without any discrimination against them.
- b- Issuing a law prohibiting all forms of violence against women, and enforcing the execution of laws, administrative decrees and regulations that penalize female genital mutilation.

- c- Preparing a draft law for the establishment of the Commission of Equal Opportunity and non Discrimination.
- d- Reconsidering the withdrawal of Egypt's reservations on Articles 2 and 6 of the Convention for the Elimination of all forms of Discrimination against Women (CEDAW) and ratifying its Optional Protocol.
- e- Reviewing all laws relevant to the rights of women particularly the personal status law in accordance with the 2014 constitution.
- f- Amending the laws relevant to the participation of women or to their quota of representation in local councils and the Parliamentary Assembly to guarantee a fair representation especially in the House of Representatives to be not less than one third of the total number of the members of these bodies as universally accepted in international standards.

## **20-The Rights of the Child**

- a. Drawing a plan to prevent school drop outs, and to address the phenomena of street children to rehabilitate and assimilate them in the community.
- b. Executing the laws relevant to violence against children, and their sexual, commercial and political exploitation, as well as putting an end to the phenomena of impunity of juveniles.
- c. Taking serious measures to execute laws and legislations prohibiting child labor particularly in the agricultural and informal sectors.
- d. Establishing a special judicial system for children who fall victims of crimes, or who witness crimes, to ensure that children may not be criminally accountable or detained except in accordance with the law and only for the periods set forth in it.

## **21- The Rights of Persons with Disabilities**

- a- Drawing national policies and executing national programs to empower the persons with disabilities and ensure their full exercise of their rights on fair basis with no discrimination against them. It is also necessary to activate the role of the National Council for the Affairs of the persons with disabilities as provided for in the 2014 Constitution.
- b- Issuing the law of the Rights of the persons with disabilities as provided for in relevant International Agreements.
- c- Making public utilities relevant to the rights of the persons with disabilities, as well as to dwarfs, accessible as provided for in the 2014 Constitution to ensure promoting and protecting their rights in the fields of health, economic, social, cultural , entertainment, sports, educational and political, and providing them with appropriate work opportunities.
- d- Making public utilities accessible to the persons with disabilities, and introducing the necessary facilities in public institutions to enable them to lead

normal lives and integrate them with other citizens in application of the principles of equal opportunity and nondiscrimination.

- e- Ensuring appropriate representation of the persons with disabilities and dwarfs in local councils and the House of Representatives.

## **22- Cultural Rights**

- a- Safeguarding, protecting and restoring monuments and their historical sites, and exerting continuous efforts to regain those which have been taken possession of through illegal means. Meanwhile excavations should be organized and controlled and donating or offering any of those precious antiquities as gifts or in exchange of other objects should be absolutely prohibited as is provided for in the 2014 Constitution.
- b- Safeguarding the Egyptian cultural plurality and its diverse components and preserving Egypt's civilizational, cultural, material and moral heritage with all its wide spectrum character, the Pharaonic, the Coptic and the Islamic. Efforts should also be exerted to preserve the contemporary cultural, architectural, literary and artistic works. Penalty for the crime of assault against any of this precious heritage should be made more severe.
- c- Encouraging all forms of creativity and supporting the film industry, theatrical productions and performances and arts in general, and ensuring that all citizens have access to all cultural events with no discrimination on the grounds of financial status or geographic location.
- d- Encouraging religious, educational, cultural, information and media institutions to propagate the concept of citizenship and advocate the principle of tolerance, of accepting the other and of rejection of violence.
- e- Organizing multidimensional cultural convoys of writers, men of letters, poets and artists to promote cultural awareness among citizens in remote and poor areas.

### **Third: Disseminating the Principles and Values of Human Rights**

Disseminating the principles and values of Human Rights in the Egyptian society require adopting new and innovative mechanisms to achieve the target goals. This objective may be attained through the media as well as through artistic and cultural works and events so that these principles and values may become known to all citizens of Egypt, particularly those living in Upper Egypt or in remote areas or in shanty housing areas. All government and public authorities concerned with education, religion and information should participate in the implementation of a national strategy to promote public awareness of Human Rights, respect citizenship and pluralism, of the rights of other citizens and of accepting cultural plurality and diversity. These authorities must endeavor to further promote the culture of tolerance, of accepting the opinions of others and of solving disputes amicably. In this respect the National Council for Human Rights recommends the following:-

- a- Developing new and innovative ways and means to promote public awareness of Human Rights particularly among young children and the ordinary citizen who may be addressed through animation films, cartoons, simple documentaries artistic works and drama.
- b- Introducing the subject of Human Rights in the educational syllabuses starting from that of the fourth primary stage when students start studying social sciences, and up to the university level. This process should be gradual and should take into consideration the age category of the students.
- c- Preparing a comprehensive program in collaboration with the National Council for Human Rights, the government and the Civil Society Organizations to promote children's awareness of Human Rights. Such a program may be implemented through schools, youth centers, sports clubs, and libraries and should be based on modern participatory methods using games and arts.
- d- Supporting the National Council for Human Rights in performing its mission of reviewing and revising educational syllabuses to promote awareness of Human Rights.
- e- Including the Human Rights component in the action plans of all ministries, government departments and the Five Year Development Plan, and encouraging private sector establishments to do likewise.
- f- Continuing the organization of training courses to promote awareness of Human Rights principles, values, and practices in government departments. Such activity should be conducted in collaboration with the National Council for Human Rights and the Civil Society Organizations.

#### **Fourth: Human Rights Agreements and International Commitments .**

##### **The NCHR demands the following:**

- a- Response by the government to the requests of the Human Rights Special Rapporteurs to visit Egypt, particularly the Special Rapporteur on combating torture and the Special Rapporteur in on violence against women, and the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur to the promotion and protection of Human Rights and fundamental freedoms while encountering terrorism.
- b- Submitting pending reports to the Treaty Bodies.
- c- Considering accession to the Optional Protocols to international and regional Human Rights conventions.
- d- Considering withdrawing Egypt's reservations on international convention, particularly after the approval of the 2014 Constitution.
- e- Acceding to the International, regional, Arab and African conventions that contribute to the promotion and protection of Human Rights in Egypt.
- f- Expediting signing the Head Quarters agreement of the regional office of the High Commissioner for Human Rights in Egypt.

**List of the Laws that should be given priority  
in their amendment, or laws that should be enacted in the near future**

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<b>Civil and Political Rights</b>	
<b>Laws that need amendment</b>	<b>Laws that need to be enacted</b>
-The Law governing the exercise of political Rights	-The law of equal opportunity and non- discrimination among citizens
-The Law of presidential elections	-The Law establishing the Commission for Equal Opportunity and nondiscrimination
-The law of Parliamentary elections	
-The law for the election of local Councils	
<b>The Criminal Code</b>	
The law governing the right of peaceful assembly, parades and demonstrations	-Anti Terrorism Law
The Code of Criminal Procedures	-The law for the construction and Restoration of churches
The Penal Code	-The law establishing the independent Commission of Elections.
The law on prisons	
The law of communication	The law of non-governmental organizations and associations
The Law establishing the National Council for Human Rights	The law of transitional justice
<b>Economic Social and Cultural Rights</b>	
<b>Laws that need to be amended</b>	
Labor law	Laws combating violence against women
Health Insurance law	
Law on education	Anti-Corruption law
Law of the freedom of trade unions	Law of right to access information
Social Insurance law	
Social Security law	
Laws organizing professional syndicates	