

**EXECUTIVE SUMMARY**  
**of the National Council of Human Rights**  
**Annual Report**  
**2015 - 2016**

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## **Foreword**

The issuance of the National Council of Human Rights (NCHR) 11th Annual Report coincides with the House of Representatives' assumption of its role in fulfilling dozens of legislative entitlements anticipated by the people. These entitlements are imposed by the new constitution at a time when top priority is assigned to major challenges, mainly: terrorism, a turbulent regional situation and foreign pressures. The state's effort in the field of socio-economic development, which has been given top priority in the National Action Agenda, has garnered the public's attention.

The main question remains about the ability of the state—both government and parliament - to strike a precise balance between security considerations on one hand, and the protection and respect of human rights and public freedoms on the other. This question has been representing a major challenge in the human rights process in the country throughout the last two years, and has been accentuated during the last seven months.

The state has recently made efforts in various domains, namely promoting development, developing investment laws, and launching a number of mega development projects in the fields of transport, logistics, agriculture, industry and nutrition. Significant achievements have been realized in some of these projects, such as “the New Suez Canal”, the discovery of unprecedented gas reserves, the development of a free zone east of the Suez Canal, land reclamation, and electricity generation from Al Daba'a plant. Despite all these endeavors, the state has continued to face profound challenges in the field of promoting development due to the following reasons: the aging infrastructure, the sagging bureaucratic apparatus of the state, the aggravation of unemployment, the increase in the domestic and external public debt, as well as the devaluation of the national currency.

Moreover, for the first time Egypt has encountered an unprecedented challenge, being the consequences of Ethiopia's construction of the Grand Renaissance Dam, without taking into consideration its effect on Egypt's share of the Nile water, in addition to not being reassured of the safety of the dam facilities and the deliberate slow progress in negotiations.

The engagement of the State in the International context led to the introduction of new tasks that included a lot of opportunities and responsibilities through “the Sustainable Development Agenda 2030”, which replaced the Millennium Development Goals (MDGs) that ended in 2015. The 2030 Agenda includes 17 sustainable development goals

endorsed by world leaders at “the September 2015 World Summit”, which was held for this purpose. It provides a new framework for a 15- year development related to issues and objectives that concern the state, such as the eradication of poverty and hunger, provision of food security, good education and health, as well as promotion of the individual's economic growth and provision of decent job opportunities for all. The 2030 Agenda also offered 169 accurate indicators to ensure its successful implementation.

Moreover, another illustration of the state engagement within the international context was the outcome of the Paris Climate Agreement which determined the road map to be followed by the international community to cope with the devastating effects of climate change. This could be achieved by reducing the gas emissions which lead to global warming due to the use of traditional energy sources such as coal, oil and gas, and also by encouraging the use of renewable energy to avoid the associated serious consequences.

The adverse effects of climate change are mainly represented in desertification, drought, and heavy precipitation and flooding. Serious warnings have also been raised about glaciers melting in the north and south poles, which will raise water level in seas and oceans and lead to the drowning of vast areas of land.

It is worth noting that the Paris Climate Agreement is not binding, in contrast to the Kyoto Protocol of 1997. Egypt, which is one of the country's most vulnerable to the climate change impacts, does not have the luxury to be silent towards the difficult issues raised, and has to double its efforts in coordination with other vulnerable countries to render the Paris Conference's goals a success.

As far as striking a balance between security requirements and human rights is concerned, the problem lies in dealing with each as the opposite of the other rather than the right philosophy based on the double folded concept that the powerful state providing security represents a cornerstone in enjoying, promoting and protecting human rights. Security could not become successful or sustainable without human rights. In fact; security is a community-based participatory process which cannot be achieved without the support extended by the community to the security establishments, as no security institution could shoulder its responsibilities without the support of the community.

The crises between the state and a number of organizations in the society revealed the depth of this problem, particularly the state's relationship with civil society organizations working in the field of human rights, as well as the independent trade unions and professional syndicates. Despite the disparity in the size and nature of the crises and the sliding of some to unnecessary paths, they have reflected an approach that distinguishes

between security requirements and freedoms despite the agreement between them which only requires extending proper bridges of communication.

Although the NCHR's experience confirms the state's interest in addressing the human rights files, and despite the state's declared recognition of the need to strike a precise balance between security requirements and combating terrorism on one hand and the respect for human rights and the constitutional and legal guarantees on the other, it has not yet managed to thoroughly and accurately strike that balance. Perhaps the most prominent evidence is the recurrence of the security mistakes in the operations that are not related to combating terrorism.

The NCHR's 11<sup>th</sup> Annual Report addresses the developments of the human rights situation in the country. The first chapter deals with the details of this situation in legislation, and practices concerning basic rights, public freedoms, as well as economic and social rights. The second chapter reflects the NCHR's efforts to receive and process complaints, and analyze the case and its features. The third and fourth chapters deal with the NCHR's endeavors in the field of dissemination of human rights culture and the cooperation at the national, regional and international levels. They also outline a lot of efforts made by the NCHR to positively interact with the issues at hand. This is followed by the conclusion and recommendations which include a self-assessment of the NCHR's endeavors and commendations of a practical nature to be positively adopted by the NCHR in various fields so as to considerably contribute to addressing existing imbalances.

In conclusion, I have to express my deep sorrow for the loss of such a great, towering world figure as Dr. Boutros Boutros-Ghali, the honorary President and former Chairman of the NCHR. During his years of service at the helm of this institution ever since its inception, Dr. Ghali showed an undeniably strong leadership and an unmistakable insight until he left in autumn 2012. With his departure, the NCHR lost a God father and an inspiring mentor who infinitely contributed to the prosperity of his nation and the promotion of human rights in various international fora. Dr. Ghali remained loyal to his country, as well as to the Arab and African nation until his last breath.

## **The human rights situation in Egypt**

### **Introduction**

The pillars of the political system in Egypt have been completed for the first time since the January 25, 2011 revolution by the implementation of the final stage of the road map, represented in the election of the House of Representatives at the end of 2015, its subsequent convening at the beginning of 2016 as well as the assumption of its legislative and supervisory duties. Despite the difficulties and challenges that accompanied the process, the road has become more paved than ever for the enactment of the constitution and the fulfillment of the demands of two great revolutions.

In the meantime, the human rights situation was stand still despite the adoption of the new constitution two years ago (January 2014); that constitution that embodies hopes for the promotion and protection of human rights, under the guarantees stipulated therein. However, this does not underestimate the major steps undertaken to improve the human rights situation in Egypt nor the challenges and obstacles facing the country, particularly foreign economic pressures and international terrorist groups obstructing the nation's path. Nevertheless, so far, it cannot be said that human rights issues represent one of the state's top priorities.

No doubt that the socio-economic challenges represent the fundamental challenges on the country's current pathway, topping the state's agenda. Nonetheless, the awareness of the close connection between the comprehensive developmental progress and the promotion of human rights with its various categories, civil, political, economic, social and cultural, is still lacking. This could be described as the main gap that should be bridged, due to its crucial effect on the stability of the developmental policies. It also constitutes the basis for community satisfaction towards the important steps taken on the socio-economic arena.

The aggravation of some phenomena like: - excessive use of pre-trial detention, conditions of the primary detention centers, the large number of primary death sentences despite being reversed by the Court of Cassation, military trials for defendants convicted of terrorism offences, illegal detention that caused confusion related to the enforced disappearance of some detainees, religious and political apostasy (hisbah) issues, negative statements by senior executives, and non-equality and social discrimination in access to public posts-all these form black spots that tarnish the bright image created by the state's endeavors to overcome challenges amidst pressures. They also undermine the social cohesion that supports the country in face of these challenges. Furthermore, these

practices are accompanied by foreign pressures and counter efforts to generate a negative image - both externally and at home - with the aim of creating an atmosphere of despair and frustration, and attempting to disintegrate the national ranks.

The precise tackling of these phenomena, as well as the reduction of their impacts, is not impossible; it is rather a necessity to prevent the consequences of the different diversified pressures and their adverse effect on the state's endeavors. The Russian plane crash in October 2015 is a strong proof of this analysis, as it shattered hopes related to the inauguration of the New Suez Canal Waterway, and resulted in grave economic challenges and foreign and regional pressures that led to a significant deterioration in the country's monetary position. Consequently, this undermined the impact of some relative breakthroughs in the human rights file, which were also affected by the murder of the Italian researcher in February 2016.

The country has a variety of essential pillars that enable it to overcome obstacles in the human rights field, and its relation to other political, economic, social and cultural domains, foremost among which are: the constitution, which represents a basis and a framework for action that should be upheld, the political will, and finally: an active Egyptian Human Rights Movement. The system that should be adopted uses a framework for serious dialogue to develop a productive policy on the short and long terms.

This executive summary addresses the human rights situation in Egypt during the period from February 2015 till March 2016. It is divided into five sections: I- Legislative developments, II- basic rights, III- public freedoms, IV- economic and social rights, and V- a discussion of some specific phenomena. The summary also includes the NCHR's recommendations and its vision to promote human rights, in addition to a conclusion that focuses on assessment of the NCHR's performance and the challenges affecting it.



## **Section 1**

### **Legislative developments**

The challenge of terrorism constituted an additional pressure necessitating the adoption of legislative measures of exceptional nature. This reinforced concerns over the aggravation of the situation and the escalation of policies and practices that violate human rights especially that the thinking methodology of the decision makers, as regard to security and legislation, belongs to the era preceding the January 2011 revolution and ignores the profound changes in the public social awareness.

Following the assassination of Prosecutor General Counselor Hisham Barakat in June 2015 and the subsequent half- day battle in Sheikh Zuweid, the authorities decided to adopt legislative measures to avenge the terror attacks and prevent media manipulation at the time of clashes. Consequently, Former Minister of Justice, Ahmed El Zend submitted a draft amendment to the Penal Code and the Criminal procedure Act for the purpose of combating terrorism. The amendment included undermining the rights and guarantees of protection for detainees to communicate with their relatives and lawyers for seven days, dropping the mandatory listening to witnesses in trials, as well as imprisoning journalists on evidence of incitement or manipulation of information.

The law did not only raise the ire of the NCHR, local human rights groups and the journalists syndicate, but it was categorically rejected by the Supreme Judiciary Council for being unconstitutional and for breaching principles of jurisprudence.

Despite the exclusion of this draft amendment, the law - issued mid July 2015- granted the President of the Republic the right to take extraordinary measures similar to the imposition of the state of emergency without the declaration of the emergency law. The new law had not raised widespread controversy as the parliamentary elections were approaching, and the House of Representatives priority had given priority to consideration of temporary legislations.

The law also included a text that imposed heavy financial penalties on the media and media personnel upon publication of incorrect data on the security and military situation, which was the subject of controversy on the part of the media in particular. However, the jurists' concerns focused primarily on the flexible wording of the text, which criminalized the "breach of official data."

The House of Representatives has reviewed nearly 240 laws in less than 15 days under the constitutional text, and approved all laws except one: the Civil Service Act which sparked widespread controversy.

However, the government of Engineer Ibrahim Mahlab enforced the law prior to the convening of the Parliament. Such government was arbitrary and rejected the license for demonstrations and protests whose proponents requested authorization under the defective demonstrations law.

Despite the government's pressure and strong relationship with the new parliament's two-thirds majority, the elected members' obligation to their constituents to drop the law was stronger than the pressure exerted by the state and the government's use of national crisis considerations to force them to change their opinion.

Although the law necessitated the reform of the state's civil service structure, there has been an exaggeration in some of its provisions. Initially, it does not apply to about 20 professional categories in the state, which opens the door for discrimination, especially after the judges and heads of the oil and banking sectors dropped the President's initiative to set a maximum wage cap to address social imbalances through successive court rulings.

In addition to the aforementioned, a major risk that followed was that the direct boss is the one who decides, through appraisals, the fate of the employees or workers, to the extent of firing them. This mechanism does not guarantee fairness in the light of the state's inability to get rid of corruption despite its strenuous efforts, in addition to its failure to choose qualified candidates to occupy ministerial and executive positions.

Among the temporary laws that have not been addressed by the House of Representatives were the controversial demonstrations law and the amendments to the Criminal Procedure Code issued at the end of 2013, despite the political and societal anticipation of the elected parliament's position towards them. The Ministry of Legal Affairs has confirmed that it's not a priority to review them since they have been issued prior to the 2014 Constitution.

In addition to the laws that were issued before the 2014 Constitution, the House of Representatives has not paid the necessary attention to temporary laws that have a significant impact on the economic and social fields which are the major concern of the state and its various authorities. Examples of these are laws on the control of tenders and contracts, the law governing regulatory bodies, and the law on corruption reconciliation.

Specialized observers tend to say that the short constitutional deadline (15 days) to review the temporary laws was not sufficient for 343 temporary laws, and that the House of Representatives would be able to amend the laws in question in subsequent periods.

However, this collides with various facts, the most important of which is that the House of Representatives will focus, till the fall of 2016, on the laws which complement the Constitution, and will need a lot of time to finalize the house internal regulations and interact with the government program and budget for 2016-2017.

Topping the legislative agenda are fundamental laws complementing the Constitution, including amendment of the NCHR Law to be in line with the constitutional text and enabling the NCHR to perform its functions and comply with “the Paris Principles 1992” on independence and effectiveness of national human rights institutions, especially in view of the approaching of the NCHR deferred re-accreditation scheduled for 2017.

Also topping the 2016 legislative agenda are legislations on transitional justice, the Independent Electoral Commission, the anti-discrimination commission, the NGOs law, the trade unions law, the professional syndicates laws, and the unified law on the construction of places of worship.

The human rights community attaches great importance to enacting whatever is stipulated by the Constitution – through the fundamental laws complementing the Constitution -: making important and vital amendments related to legal guarantees of rights and freedoms, particularly with regard to the emergency law, the Penal Code, anti-terrorism law, the Criminal Procedure Code, and the enactment of the principles of equality, citizenship and anti-discrimination.

The bet on the appropriate enactment of the Constitution constitutes the strong basis for a legislative system that is conducive to the provision of an environment which protects and guarantees human rights, and realizes economic, social and political ambitions, as expressed by the January and June revolutions.

The constitution provides the necessary elements which, if properly used, will lead to addressing the deficiencies and contradiction in the legislative environment. This is considered rather important to enable the state to implement its economic objectives, in order to promote the overall economic environment by relying on attracting foreign investments, in addition to shouldering its social responsibility towards the low and middle classes, despite the contradiction between these two goals.

## Section 2

### Fundamental rights

The fundamental rights suffered a variety of infringements, some of which were of stereotyped and repetitive nature, breaching the principles which stipulate that these rights shall not be tampered with during the most difficult times and circumstances. Despite the numerous key measures undertaken by the State in several incidents, it has not taken the basic and necessary preventive measures and procedures to avoid the recurrence of the same patterns.

#### The right to life

Multi-sourced violations of **the right to life** still constitute a major concern that affects the human rights situation in Egypt as terrorism continued to represent the main source of the right-to- life violations. A remarkable development has been recognized in terrorism abilities, crime patterns and selected objectives in a manner which reflects a systematic policy targeting the downfall of the country.

Terrorist crimes targeted the national economy, mainly directing a blow to the tourist activity which constitutes a milestone in securing the foreign currency necessary for the Egyptian economy. Foremost among these crimes was the Russian plane crash on October 29, 2015 north of Sinai during a flight from Sharm El Sheikh Airport south of Sinai to Russia. This disaster killed all 224 passengers and crew on board.

While ISIS claimed responsibility for the terrorist operation, preliminary investigations have tended to exclude a terrorist act, including the Egyptian- led international joint inquiry commission comprising European and Russian members. However, conflicting intelligence sources, endorsed by Britain and Russia, confirmed that a terrorist attack brought down the aircraft. In consequence, Britain withdrew its citizens from Sharm El Sheikh while Russia withdrew all its nationals from Egypt. In February 2016, President Abdel Fattah el-Sisi acknowledged that terrorism caused the crash.

This disaster had a terrible impact on the economics of tourism and hostelry in Egypt, which was almost recovering in 2014 - 2015 until this terrorist attack hit it anew. The incident also affected Egypt's foreign currency revenues, and led to a further decline of the national currency and its purchasing power as well as a decline in economic activity and foreign financial flows.

Furthermore, this terrorist act had a major impact in damaging aviation economics following mounting suspicions about the country's ability to secure aviation facilities, leading to doubling security measures and procedures at airports, sea and land ports.

Meanwhile, Russian President Vladimir Putin has confirmed in successive interviews and press releases that the Russian plane crash targeted isolating Egypt internationally, impacting it economically and subjecting it to opposing political pressures. He stressed that his country will hunt down the terrorists responsible for the attack and their supporters, and ordered the rapid signing of contracts for the establishment of Russian nuclear power reactors in Egypt.

In the same context, a tourist bus carrying Palestinian visitors (Arab-Israelis of '1948') was attacked in front of a hotel on Pyramids Street, south of Cairo. Though none were injured in the attack, the incidents sparked an argument in the international media about Egyptian security forces' ability to secure tourist groups.

In addition, targeting and intimidating judges represented one of the terrorist groups' selective goals, particularly targeting judges in northern Sinai, and the assassination of the Prosecutor General.

In May 2015, three judges were assassinated in northern Sinai. They came under attack and were killed while they were travelling by car from El Arish to Cairo.

On June 29, 2015, Prosecutor General Counsel Hisham Barakat was assassinated by a powerful bomb which was planted in a car parked along Mr. Barakat's route. It was remotely detonated as he left his home in Heliopolis east of Cairo, killing him, his driver and bodyguard.

In an attempt to kill the 130 judges supervising the House of Representatives elections in Arish, northern Sinai, a double blast (from land and sea) targeted the "Swiss Inn" hotel hosting the judges, killing two of them in two suicide explosions, while attackers failed to reach the other judges due to the valiant resistance of the police officers, four of whom were killed in the attack.

The high-technology terrorist attacks continued, targeting the army and police in northern Sinai and other parts of the country. Among these was the wide-scale attack that broke up on July 1, 2015 in Sheikh Zuweid in northern Sinai, where battles took place for nearly 12 hours after about 350 terrorists attacked 15 military checkpoints and the Sheikh Zuweid Police Station. The attack resulted in the killing of about 24 soldiers, including 17 who lost their lives immediately after the breakup of the assault that adopted the tactic

of suicide attacks that was followed by storming. The assault failed in breaking into military posts and the Police Station, and left about 143 terrorists killed , 90 of whom in air raids during their escape to the south of Sheikh Zuweid.

These attacks aimed at taking the temporary control of the Sheikh Zuwaid Police Station, and preventing the delivery of the army supplies there to until the storming operation was filmed and the banners of “ISIS” were being raised on top of the Police Station building. These scenes were later broadcasted in an attempt to provide evidence of the state's inability to control some areas, especially the 1100- km<sup>2</sup> square lying between the Egyptian City of “Rafah” and “Al-Arish”. Most of the terrorist crimes take place in this square due to the state's inability to deploy sufficient forces in those areas, in accordance with the restrictions imposed by the peace treaty signed with Israel.

In this context, this area continued to witness several tactical attacks by terrorist groups despite the security measures took, especially through planting explosive bombs along the routes pursued by the troops, particularly the military and police armored vehicles, in addition to targeting public authority representatives during their moves.

Terrorist groups also continued to target leaders and members of the Egyptian tribes in the area, sometimes for alleged cooperation with the state, and other times for alleged collaboration with Israel. The most prominent of these groups is "Ansar Bait al-Maqdis" (Supporters of Jerusalem) which pledged allegiance to “ISIS” and renamed itself “Sinai Province”. Security forces accuse " Ansar Bait al-Maqdis”of being a military agency affiliated to the banned "Muslim Brotherhood" group.

A number of innocent civilians have been shot dead by mortar shells that fell on their homes during the terrorists’ attempts to target security and military centers in the vicinity of “El Arish” and “Rafah”. Moreover, dozens of army and police soldiers were killed and wounded by other shells that targeted their stations.

Targeting the army and police armored personnel carriers by mines and improvised explosive devices planted on the roadside was a common pattern that recurred during the reporting period, killing and wounding dozens of army and police soldiers.

A number of foreigners have fallen victims to terrorist crimes and activities. Following the Russian plane crash, Croatian engineer Tomislav Salopek was execute din August 2015 after disappearing in mysterious circumstances. A video was published about him and he was threatened to be killed less than 24 hours before the opening ceremony of the new Suez Canal.

In mid-September 2015, Apache military helicopters targeted four convoys of four-wheel drive cars - purportedly belonging to "ISIS" - in the Western Sahara region after their penetration into some localities adjacent to populated areas. The convoys killed a key figure tribal member under the pretext of collaborating with Security forces, separated his head from his body, mutilated his corpse and posted photos thereof on websites. Later, it turned out that one of the four convoys that have been targeted included a group of 22 Mexican tourists who were on a safari tour in the Western Sahara, and camped for a while to have lunch in an area located about one km from the main road. This accident resulted in the killing of 12 and the injury of 8 tourists and Egyptians accompanying the group.

Egyptian and Mexican authorities have conducted a joint investigation into the accident, and the Egyptian government officially apologized to the Mexican Government. It also paid compensation to the families of victims, and promised to hold accountable the perpetrators, who mistakenly bombed the convoy, through unannounced measures followed by the Mexican Government.

On January 25, 2016, Italian researcher "Giulio Regina" disappeared during his visit to Egypt to conduct studies as part of his PhD research at The University of Cambridge, UK. His body was found on February 9, 2016 on the side of the desert highway west of Cairo and had signs of severe torture, including beatings, electric shocks, burns, sexual assault and cuts in the ear.

The incident triggered a major crisis in the Egyptian-Italian relations as, during the investigations, there were suspicions of the potential involvement of security agencies in Regina's death. This has been reinforced by conflicting official statements by the Ministry of the Interior although the acceptance of the Egyptian authorities to conduct an Egyptian- Italian joint investigation into the incident.

Confusion over the potential responsibility of security agencies for the torture and killing of "Regina" has been sparked by the presence of cases of torture in Egypt. Despite the major attention given by the President of the Republic to personally address incidents of torture -particularly those that lead to death- and accelerate the pace of investigations and prosecution of perpetrators, the state has not yet responded to calls of the human rights organizations to adopt preventive measures and legislative proposals to eliminate this phenomenon.

In November 2015, three people died in Luxor and Ismailia as a result of torture and physical assaults, which prompted the masses to rally and protest against the behavior of

the police and the criminal investigation authorities. Consequently, President Abdel Fatah El Sisi held a private meeting with the Minister of the Interior, Major General Magdi Abdel Ghaffar, where he underlined the importance of expediting the investigations and holding all perpetrators accountable. This was followed by the referral of about thirty police officers and soldiers to investigations and trials.

In March 2015, the President carried out a cabinet reshuffle which included Former Interior Minister, Major General Mohamed Ibrahim, following the death of lawyer Karim Hamdi in Al Matareya police station in Cairo by two National Security officers. Major Ibrahim also categorically denied the police responsibility for the killing of activist "Shaima AlSabagh ", a denial that was challenged by the public prosecution investigations, which proved the police responsibility for her death.

The relationship between the police and the masses has been aggravated by a sequential series of mistakes committed by policemen, including killing citizens by using the service weapon during a personal quarrel which took place in AlDarb al-Ahmar district in January 2016. This was followed by the killing of a policeman by his colleague by using a service weapon also after a dispute between them in Port Said at the same time.

These incidents led to the reopening of the policemen' file in an attempt to make reforms amid several testimonies about the corruption of some of these policemen, which tarnishes the reputation of the security establishment.

In May 2015, seven of those convicted of terrorism were executed - including one person only whose execution was approved by the Court of Cassation amid more than 650 sentenced to death in terrorism cases reviewed by the court and annulled. The six terrorists were members of "AnsarBeit Al Maqdis" group(Sinai Province – ISIS) - known in the Media as "Arab Sharkas cell", who were finally convicted by military judiciary.

During 2015, fifteen convicts were executed, including the above mentioned seven terrorists. The number of convicts – finally sentenced to death in criminal cases that are not related to terrorism or political activities-reached more than 500 people. The majority of their verdicts were issued between 1999 and 2010.

The execution of the six terrorists from "Arab Sharkas cell" has sparked a wave of resentment by the human rights community. This is because authorities insist on referring some terror suspects to military courts, in violation of their obligations to guarantee a fair trial under Egypt's accession to the International Covenant on Civil and Political Rights. This covenant requires limiting the use of the death penalty in application and



implementation, and considering military courts a natural judge for the military not a natural judge for civilians.

### **Personal Freedom and Safety**

Several negative phenomena continued to constitute great pressures and challenges to the right of personal freedom and safety. The most eminent of which is the expansion in the scope of detention pending investigation and the continued torture, abuse and ill treatment during detention, in violation of the rules, a matter that lead to the spread of rumors of the enforced disappearance of the detainees. Moreover the status of the increasing number of refugees to Egypt who seek to flee from the conflicts in Africa and the Arab world has also been affected.

Detention has now become one of the major problems in the country. It has exceeded being provisional detention to becoming a penalty in itself. Primary detention places in police stations and directorates are extremely overcrowded with detainees beyond the capacity of these places by almost 300%. The rate of over crowdedness of prisons is estimated at 150% of their capacity.

This over crowdedness has led to a series of problems, the most eminent of which is the continued incidents of death as a result of the deteriorating health conditions, the inability to provide medical care to critical cases, suffocation of detainees, and their inability to sleep as they rotate sleeping due to the narrowness of the detention places, as well as the deterioration of environmental, and food conditions, the negative attitudes of the detainees, the rumors of the spread of corruption among policemen, and the risks and dangers of the prolonged detention of non-criminals with criminals.

In spite of the efforts of the state to set up new detention places, and the announcement of the opening of one such place, and that the building of two other prisons is underway, together with a plan to build new prisons for detention, yet all such measures are rather slow in their implementation, and it is not expected that these measures shall lead to a relief in these conditions unless a clear plan is drawn to put an end to this phenomenon.

Although these security measures have, to a great extent, lead to the reduction in the numbers and patterns of common crimes, yet they have led to crimes and violations of the law. The deterioration of the conditions of detention and the abuse of detainees is a sort of torture, as defined in the International Convention against Torture which has been ratified by Egypt. Such violations also lead to death and the spread of infectious diseases.

Torture of the detainees in primary detention places continues, and has led to potential deaths, (as mentioned earlier in the part of the right to life). Yet this phenomenon cannot be described as being methodological, although it is still serious, as it continues in spite of the legal and political measures taken to limit it.

The continued violations of the security agencies of the rules of detention that should be applied, the delay in investigation and referral to the prosecution, as well as refusal to comply with the law and disclose the location of detention of the detainees has led to the spread of accusations of these agencies of perpetrating the crime of enforced disappearance of the detainees. This trend has been taking a dangerous path since April 2015 as reflected in the increasing reports of disappearance on the one hand, and the obscurity in the disclosure of the location of the detainees and the nature of the charges against them, and the decisions of the prosecution on the other.

The National Council for Human Rights had addressed this dangerous phenomenon as of May 2015, for it called upon all those who had such complaints to submit them to the Council. There were about 50 such complaints. The Office of Complaints at the Council addressed them by contacting the Ministry of Interior, and later the Prosecutor General. However these efforts had no positive response until September 2016.

The NCHR had submitted a memorandum to this effect to the President. The Chairman of the Council met with the President, with the Prosecutor General, and with the Minister of Interior and it was agreed that positive cooperation in dealing with these different issues is vital.

The NCHR repeated its call to the families of those who have disappeared to submit reports to this effect. This cleared the status of some who were earlier claimed to have disappeared. However new complaints were submitted, and the Council referred them to the Ministry of Interior. Those reported to have disappeared were about 266 persons until March 2016. The Ministry identified the status of 238, some of whom were detained upon a decision of the Public Prosecution and were released, and some others were still under detention in compliance with a decision of the Public Prosecution, or were awaiting trial in the detention places. The ministry admitted that it had actually arrested the majority of those claimed to be missing. However the Ministry had no information regarding 44 persons whom it did not arrest.

Until August 2015 and before positively reacting with the Council the Ministry had believed that it is most probable that those who were reported missing had actually joined terrorist gangs in Sinai, or that there was unconfirmed reports that they left to fight in

Libya or Syria or Iraq. This probability was confirmed when two of the four terrorists who attacked the residence of the judges in the city of Areeish in North Sinai during the Parliamentary elections had been registered with some sources as having been subject of enforced disappearance.

Meanwhile the number of Arab and African refugees fleeing to Egypt from their homeland suffering from armed conflicts has significantly increased. Early in 2016 the President had mentioned that there were 5 million refugees in Egypt. Most of those refugees live under very harsh economic, social and security condition.

The major problem facing those refugees of all categories is the renewal of their residence permits or even getting them in the first place. Consequently they fall an easy prey to gangs engaged in falsifying passports and visas, or even worse than that these gangs deceive them under the pretext of enabling them to migrate illegally across the Mediterranean Sea to south Europe.

Hundreds of refugees were detained on the grounds of holding false documents, and although the security authorities and the Public Prosecution deal with them positively, release them and do not deport them, yet they are not allowed to keep these false documents or receive genuine ones, a matter that endangers their very lives and the possibility of having livelihoods or getting aid, in addition to the risk of being detained again under the same grounds.

The detention of some of those refugees has been extended until measures are taken to deport them to other countries where they would not be deported back to their homeland where their lives would be endangered. These measures apply to individuals who are considered by the security authority as constituting a threat to Egypt.

### **The Right to Fair Trial**

Violation of the right to fair trial is still an issue of concern in Egypt in spite of its reputation as being the Arab country that upholds most the independence of the judiciary legislatively and in practice, as the judges are keen on adhering to such independence and refuse to yield to the historically known trend of the judges submission to the executive authority.

One of the problems relevant to compliance with the principle of Fair Trial is the continued existence of Martial Trials of civilians, and the difficulty of upholding the right to trial.

The continuation of some forms of martial trials of civilians in spite of their restriction is still an issue of concern, particularly with the persistence of maintaining these trials in accordance with a provision in the 2014 Constitution which allows for such trials in cases of attacks by civilians against the armed forces or their establishments. But some provisional laws have circumvented this restriction imposed on referral of civilians to such martial courts by characterizing certain civilian establishments as being military if the armed forces share their protection side by side with the police forces to protect them against terrorist crimes that aim at the destruction of the country.

Although the trials of some terrorists, such as the trial of the "Arab Sharkas" terrorist cell conforms with the applicable law, as a large part of the crimes committed by this gang were against the members or establishments of the armed forces, yet this trial is still in contradiction with Egypt's commitments to ensure a fair trial as provided for in the International Covenant on Civil and Political rights which it had ratified. Moreover their trial and the court judgment of a death sentence and the actual execution of the members of this terrorist gang in May 2015 raised more fears that such courts may continue to exist, thus provoking doubt as to the fairness of these trials.

At the level of the trials themselves, abidance by the law as provided for by the constitution in facilitating litigation, and dealing with the problems resulting from the mismanagement of the state of judicial affairs for thirty years is still lagging behind.

Means of upholding the right to trial still face a lot of problems relevant to the buildings of the courts themselves, the attitude of legal aides, the deterioration of the professional skills of lawyers, the lack of professional efficiency of all relevant sectors, and the inability to provide the poor who are in need of legal aid with the aid they need.

In fact the enactment of the long waited for law of the Judiciary shall be the most important element in facilitating trials, as it shall guarantee the full freedom and independence of the judiciary to manage its own affairs , to develop its facilities and manage its internal affairs. All these guarantees cannot be achieved under the current laws and legislations.

During the period covered by the report many criticisms were directed against presidential decrees of the dismissal of dozens of judges. The role of the executive authority in this respect was limited to the ratification of the President of final executive decisions issued by the judiciary on the basis of disciplinary legal procedures. These decisions affected dozens of judges who were involved in political issues and conflicts, as

well as dozens of others who underwent investigations on professional and moral grounds not relevant to politics.

However it has been noted that impeachment of judges for professional or behavioral issues was rather obscure and lacks transparency, as it is the tradition of the judiciary to keep disciplinary issues of judges confidential. Such traditions also allow judges to resign to avoid legal accountability. All such procedures cannot be continued according to basic general legal laws, thus necessitating the enactment of legislative amendments that ensure transparency in the management of the affairs of the judiciary.

Expansion in court judgments of the death sentences adopted by some criminal courts is an additional evidence of the violation of the right of trial. The Court of Cassation has revoked court judgments of death sentences for more than 500 accused persons, and referred them for retrial. These primary judgments constitute a burden on the public budget, and have serious negative political, social and psychological impact, in spite of the fact that they were all issued in absentia.

Although some judges are angry at the negative comments on court rulings, yet such anger does not include the negative comments of the media people and writers on the collective court rulings of innocence and acquittal of thousands of persons who had been accused in similar crimes, or the rulings of the Court of Cassation revoking death sentences issued by criminal courts of first instance.

During the period covered by the report two negative phenomena were observed. The first was the declaration of the two last ministers of Justice who were dismissed one after the other. They had announced their rejection of the appointment of the sons of poor people in the judiciary. Although the first Minister had made this declaration in May 2015 and was dismissed for it, the second minister reiterated it, and adopted the same policy by rejecting the appointment of 120 nominees in the Department of Public Prosecution on the basis of their social background. Those nominees had appealed to the President, and he had given his instructions to conduct an investigation in this issue, but nothing has been done until the time of preparation of this report.

The second negative phenomenon was the declaration of the second minister who was dismissed in March 2016 regarding the mechanism of trying members of the banned Muslim Brotherhood group who are accused of terrorism. He had called for executing them mercilessly, before making an earlier declaration reflecting disrespect of religion, a statement which had caused his dismissal.

The tension resulting from this last declaration had mounted to the extent that the minister refused to respond to the request of the Prime Minister to submit his resignation. Consequently the Prime Minister had to dismiss him. However this dismissal met with unprecedented protests from the leadership of the Judges Club in Cairo, which tried to dissuade the state from proceeding with the execution of this decision of dismissal. The leadership of the Judges Club adhered adamantly to its stand until it was forced by the leadership of the regional Judges Clubs in the various governorates to relinquish this stand, as these clubs believed that such stand of the Judges Club of Cairo constitutes an unacceptable intervention in politics.

The National Council for Human Rights and other support groups and defenders of human rights had repeatedly called upon the Public Prosecution not to accept the weak accusations submitted by some lawyers and citizens against some intellectuals, media people, the press and the politicians. They had all declared that such accusations constitute a sort of political or religious Hesba (Private Prosecution). Yet the Public Prosecution continued to respond positively to these weak accusations.

The legal community considers such response on the part of the Public Prosecution as a means of indirect political pressure against the opposition and those who object to the opinion of the authority, a matter that is in clear contradiction with the Constitution and the official statements of the President himself regarding the necessity of respecting the freedom of speech and expression, and his call for religious reform.

In mid-2015 the Supreme Council of the Judiciary referred Counselor Hisham Ra'ouf, and Counselor Assem Abd El Jabbar to investigation for their participation with the "United Group of Lawyers" in preparing a legislative proposal to close the gaps that lead to the spread of the crime of torture in the country, which is the proposal that was submitted to the President.

This investigation required calling for questioning many of the defenders of human rights who had participated in the proceedings of the seminar that discussed this legislative proposal. Our colleague Nigad El Boraie, the lawyer in the field of human rights, and President of the "United Group of Lawyers" was called for investigation several times before six charges were directed to him. This stand has raised a lot of confusion and doubts as to the official stand of the state vis a vis combating torture.

## **Treatment of Prisoners and Detainees**

The extreme over crowdedness of the places of detention in general and primary detention places in particular is one of the major problems in the crisis of detention, and a basic source of the violations that are classified as abuse which is prohibited by The Convention Against Torture. Moreover torture still continues in the primary detention places particularly during investigation.

Certain sources estimate the rate of over crowdedness in prisons at about 150% This rate is estimated to be much higher to reach 300% in primary detention places (Police stations and Security Directorates) Such over crowdedness represents the major element of the crisis in the primary detention places which lack medical care, medicine, food and even areas for rest or sleep or health services relevant to day to day living.

Although the state tries to improve the conditions in detention places through the flexibility of the police forces in cases of health emergencies, and its plans to build new prisons for primary detention, yet the problem still persists as a result of the continued expansion in the detention orders, as a result of which detention has become a punishment in itself that cannot be compensated for. This is an issue that requires the intervention of the highest political circles, a matter that requires full coordination between the Prosecutor General, the Supreme Council of the Judiciary, the House of Representatives, and the Ministry of Interior as well as conducting consultations and discussions with the defendants of human rights and listening to their points of view.

The Ministry of Interior partially reacted to the visits of members of the National Council for Human Rights to the detention places attached to some police stations. The Ministry of Interior has put some air conditioning units in certain police stations, and is trying to improve the health conditions in these places. The Council has submitted several recommendations to improve these conditions.

Moreover a delegation from the Council has visited, during the period covered by this report, several prisons which were subject to many complaints. These included the prison complex at Torrah, the prisons at Abu Za'bal well as some of the regional prisons at the different governorates.

The reports of the delegations of the Council have confirmed the deteriorating conditions of the services provided in prisons due to their over crowdedness. These reports stressed the importance of dealing with the various aspects of this problem. The reports further referred to the impact of such over crowdedness on the right of visitation of the families of the prisoners and detainees. For in many cases such visits were cancelled after the

arrival of the families to the prisons or detention places. This issue was subject of many complaints received by the Council from these families as well as directly from the prisoners during the visit of the delegation.

During the period covered by the report accusations were made of the occurrence of many incidents of torture perpetrated methodologically, particularly against imprisoned members of the banned Muslim Brotherhood Organization, and particularly in Torrah extreme Security prison known as Al Aqrab (The Scorpion). Such accusations included repeated sexual assaults. Although many of these complaints were doubtful particularly as they were raised by legal groups in the International Organization of the Muslim Brotherhood, yet the Council thoroughly examined them, and sent a delegation for the second time to Torrah prison to investigate this issue.

Although the declarations and reports of the delegation of the Council were criticized by some, yet facts have belied these criticisms, though not belittling the impact of the over crowdedness of the prisons which lead to the insufficiency of the available service, and consequently to the increased complaints against these conditions which are considered a sort of abuse.



## **Section 3**

### **General Freedoms**

#### **Freedom of Speech and Expression**

Several challenges still face the freedom of speech and expression during the period covered by the report. Moreover some of the government departments try to restrict the available margin of such freedoms by end devouring to continue enforcement of the freedom restriction penalties, in the slow formation of media authorities that are provided for in the Constitution to replace the former Ministry of Information. Such delay has deepened the conflict among media people, and the cases of political and religious Hesba still continue against many intellectuals and politicians.

In the 2015 and due to the repeated occurrence of some major terrorist crimes, and the exploitation of these crimes to raise doubts as to the ability of the state to confront such terrorist crimes including the battle of Sheikh Zoweid early in 2015, the Ministry of Justice had adopted a draft law that restricts the freedom of the media, and restores the penalties of deprivation of freedoms in violation of the law and the constitution. And although the Cabinet had not adopted this draft law which was rejected by the Press Association and the community of defenders of human rights, yet financial fines were made more strict and severe in crimes of publication. Moreover the drafting of this provision for such penalty was loose and lacked precision to the extent of enforcing penalty for the mere error in reporting official military or security information. This stand actually constitutes a restriction on the freedom of information. Furthermore the state did not respond to calls stressing the importance of making such provision more accurate and precise.

The legal department at the Ministry of the House of Representatives and Legal Affairs, together with the Committee of Legislative reform had prepared a draft law for the freedom of information. But the scope of deliberations and discussions of this draft was quite restricted, although it was supposed to be a law to promote transparency, and hence requires a wide scope of discussions with various social sectors, particularly with the stakeholders.

This draft law (not official until the preparation of this report) is a response to the demands for the free flow of information, which is a vital component of freedom of speech and expression as well the freedom of scientific research which is the basis for

serious development. However this draft law includes dozens of restrictions and control that aim at safeguarding national security, maintaining national unity, social peace and privacy.

The 2014 Constitution provides for the establishment of an independent Media Council, an Authority for the Press, and an Authority for Audio Visual Information. These bodies are intended to be the main authority responsible for the independent and unbiased control and supervision of both public and private means of information. Moreover the road map for the future of July 3/2013 provides for the necessity of drawing and implementing a Code of Ethics for media people that is in conformity with the social traditions and norms, so as to avoid and put an end to the current prevalent media chaos.

During the period covered by the report the crisis of media performance grew even fiercer to the extent of preventing the community from forming free opinions on issues of public interest. The private means of information concentrated their efforts on presenting a single point of view that is in most cases pro the official authority, and seek to protect the state and its political regime from any public criticism, and attack external means of information that unduly criticize the performance of the state. In some other cases these means of information indirectly attack certain government decisions that may be against the interests of the owners of those means of information, all of whom have to a great extent spread confusion and blurred the vision of the public regarding public issues and priorities.

The public means of information are still too weak to reach the masses of the people after the abolishment of the Ministry of Information, although the points of weakness in their performance are by far less than those of the privately owned means of information.

The slowness of the state in adopting the measures necessary for the establishment of the media authorities provided for in the Constitution is logical and justified, as the House of Representatives shall have to approve their establishment, yet it is most urgent to speed up the establishment of these authorities and have them reviewed by the House of Representatives as soon as possible. This issue is just as important as other issues in relation to which provisional laws have been enacted to stop the aggravation of crisis. In this respect the distinguished draft laws prepared by the Press Syndicate and presented to the government should be taken into consideration.

However the element that aggravated the crisis of information during the period covered by the report was the absence of transparency, the blur vision of the state, and the conflict of statements of officials sometimes even in the same sector.

Even more confusing was the continuous criticism of the state of the means of information and accusing them of aggravating the crisis, at a time when the state itself has refrained from making its points of view and stand clear regarding many issues of public interest and vital to everyday life of the masses of the people. Thus the state creates a vacuum in information that is left to be filled by both its rivals and supporters, by battles and conflicts that are groundless and lack accurate information.

Early in 2016 cases of political and religious Hesba reached their acme after the trial and imprisonment of the Television announcer Islam Beheiri because of his writings and television program that criticize the heritage of Muslim jurists. This incident was followed by two court rulings against the woman writer and journalist Fatma Na'out, and the author Ahmed Nagui. These court rulings caused a lot of confusion and commotion due to the obvious contradiction between these court practices in accordance with Article 98 of the Penal Code, which lacks precision and includes an article of disrespect of religion on the one hand, and the constitution which upholds the freedoms of speech, expression and belief on the other. In fact these practices are even against the directives of the President himself, who called for the reform of the religious discourse. In fact these rulings were issued only a short while after the President's call for the reform of the religious discourse which he declared in his address during the celebration of the birthday of the Prophet on December 23/2015.

Furthermore the Public Prosecution continued to issue its orders for investigating the reports of Hesba filed by some citizens or lawyers against some intellectuals or media people or politicians for press or television statements that were in their majority criticisms of the state or its departments. Most of these reports submitted to the Public Prosecution were weak in their content, and were not legally substantiated. This stand of the Public Prosecution raises doubts as to the impact of such decisions on the freedom of speech and expression.

All the above circumstances have created a negative atmosphere that was even more aggravated by the controversial statements by officials, such as the statement by the former Minister of Justice who was dismissed, who called for the arrest of journalists who criticize the state. Moreover the orders of the Prosecutor General prohibiting publication of the proceedings of trials of particular interest to public opinion aggravated the crisis of trust even more. Such trials included trials of violations of policemen, or cases of corruption or terrorism, such as the case of the murder of the woman activist "Shayma' ElSabagh" during the celebrations of the fourth anniversary of the January Revolution, the murder of the lawyer "Karim Hamdy", and suspicion of his torture in February 2015, the trial of the deposed President "Mohamed Morsi" and others who were

accused of illegally corresponding with foreign entities in March 2015, the murder of the supporters of Al-Ahli Sports Club in Port Saied City, the trial of corruption at the Ministry of Agriculture in which the former Minister himself was the main figure in August 2015, the trial of the murder of the Mexican tourists in September 2015 and others.

Moreover a number of editions of some newspapers were confiscated, such as two editions of "SoutEl Omma" newspaper, an edition of "Al Bian" newspaper published in the United Arab Emirates, and prohibiting the printing of an edition of "Al Sabah" newspaper, and one edition of "AlMasriyoun" newspaper.

Although the Presidency had intervened to handle the issue of the journalists of "Al Gezeira" newspaper, known by the media as the Marriot case, yet many other journalists were legally prosecuted during the period covered by the report. Follows are some examples:-

The Ministry of Interior accused some journalists of "Disturbing Public Security" by publishing lies, regarding news of cases of violations of the law and other acts on the part of members of the police force against citizens. On January 12/2015 the Ministry of Interior filed a report against journalist, "Ali El Saed", editor in Chief of "Al MASry Al Youm" newspaper, and Journalist "Yousri El Badri" Head of the investigation department at the newspaper before the State Security Prosecution on the grounds of a report accusing them of publishing news that raise public concern. The news paper Police Directorate in Dakahleya governorate in December 2013. The report had stated that the suicidal bomber had been previously arrested by the State Security Agency and by the Cairo Police Department. The newspaper published a denial on the part of the Ministry of Interior, yet the Ministry filed this report against the journalists for investigation to the State Security Prosecution, which acquitted them.

On 21 April 2015 journalist "Mahmoud Mosalim" editorin chief of "Al Masri Al Youm" newspaper, together with other journalists in the same newspaper, namely "Yusri El Badri", "Mostafa Makhoulf", Ibrahim Qarra'a" and "Hassan Ahmed Hussein, were called for investigation before the State Security Prosecution upon a complaint filed by the Ministry of Interior for publishing an investigative report in this newspaper entitled "The Police forces, martyrs and sins, stains on the uniforms", in which the newspaper sited cases of excessive practices, and violations of the law, committed by some members of the police force against ordinary citizens. The Ministry of Interior had issued a press release refuting the incidents mentioned in this report, and announcing its intention to sue the newspaper and take legal action against it.

On 13 June journalist "Khaled Salah", editor in chief of "Al Youm El Sabe'(The seventh Day)"together with another journalist at the same newspaper were also called for investigation at the State Security Prosecution upon a report filed by the Ministry of Interior accusing this newspaper of disturbing public peace and security, on the grounds that the paper had published news of an attack against one of the cars of the presidency. The Public prosecution refused the attendance of a delegation from the Press Syndicate of the investigations. However they were released and bailed out.

A number of journalists and jurists took an initiative to work together to deal with the chaos spreading in the field of the media. This initiative aims at safeguarding the rights of the recipients of information by creating an independent popular mechanism to control the performance of the media and to give its opinion regarding ways and means to improve the media service so as to respond to the needs of the masses of the people and not to force ideas on them.

The objective of this mechanism is to make the masses of the people an active partner in the field of the media together with the full participation and integration with the government, the media people, and the private media that started to organize itself by establishing a joint chamber.

### **The Right to Peaceful Assembly and Association**

The right to peaceful assembly and association is still under a great deal of pressure due to the constraints and penalties enforced by the law of demonstrations which has raised a lot of disputes. However there is still hope that the House of Representatives may be able to change it to make it compatible with the constitution, as this right is considered one of the achievements of the January and June revolutions.

However the current situation enforced by the law is based on the philosophy of restriction not tolerance and freedom. Consequently several popular attempts of insubordination to the law came to being. An example of such moves is the demonstration organized by those opposing the provisional law of civil service. Such demonstrations were repeated when the security authorities refused to allow the demonstrators to demonstrate in Al Fusatat Park which the Governor of Cairo had designated for them to hold their demonstrations. This designation was determined by virtue of a decree issued in accordance with the law, as a location where they may demonstrate with no need to get a prior permit, as mere notification to the security authorities of the intention to organize a demonstration would be sufficient.

Meanwhile these same security authorities allow supporters of the regime to demonstrate on national occasions without requiring them to obtain a permit, while demonstrations for certain demands or sit ins were not allowed, particularly if they were organized by workers. Moreover several peaceful demonstrations were thwarted, the most eminent of which was the demonstration organized by thousands of holders of doctors' and Masters' degrees in 2015 which was dispersed by the police forces that attacked the participants and arrested the organizers of the demonstration which was held near the headquarters of the Cabinet on 30 September 2015. The demonstrators had planned to sit in in Kasr El Eini Street near the head office of the cabinet. The police forces warned them against demonstrating or sitting in, or even remaining in this location. This same attitude of the police forces was repeated in another demonstration also organized by the holders of Doctors' and Masters' degrees in 2015. At that time they had called upon the government to appoint them as civil servants as it did with those who had received these academic degrees earlier when they demonstrated in Tahrir square on 29 November 2015.

Peaceful popular demonstrations and marches were organized in protest against the deaths of certain individuals as a result of torture in the cities of Ismailia and Luxor in November 2015 (Please refer to the part on the right to life) Similarly thousands of angry citizens demonstrated near the head office of the Cairo Police Directorate in protest against a police officer who had shot a citizen in El Darb El Ahmar District. These protests are spontaneous in their nature and are sparked by a certain incident and have no political motive. In fact in some cases the protestors prevent political activists from participating in them. These protests are also characterized by being peaceful in words and actions.

The NCHR had renewed its adherence to the proposals it had submitted in 2013 for the amendment of the provisions of the law of demonstration, so that it may not include penalties that already exist in the Penal Code.

## **The Right of Freedom of Association, establishment and Activities of NGOs, and Trade Union Organizations**

### **The Freedom of NGO's**

The civil society continued to witness continued controversy regarding the manner of the state was dealings with it. The state continued its support to the philanthropic NGOs sector whose role is flourishing in offering humanitarian assistance to the poor, the needy and the destitute, the state aimed also at coordinating with this sector. Meanwhile, the

state continued pursuing philanthropic NGOs established by the banned Muslim Brotherhood as part of its political tools to attract the poorest sectors of the society.

The state provided moral and political support to development and charity NGOs including organizations chaired by leaders from official religious institutions. This support included meetings with the President of the Republic and initiatives to coordinate their roles amalgamate the data bases of major organizations with those of the ministries concerned with social policies.

On the other hand, the state blocked the financial balances of more than 2000 small NGOs which belong to the Muslim Brotherhood. This decision provoked the beneficiaries' dissatisfaction to the extent that the Ministry of Social Solidarity decided to make these organizations perform with the same capacity in order to meet the beneficiaries' social needs. The Ministry decided as well to dissolve more than 100 of the NGOs affiliated to the Muslim Brothers as these organizations are active in providing the same services of charitable nature.

In parallel lines, the state increased its quantitative and qualitative pressure on the human rights NGOs sector. The state continued to prohibit licensed NGOs from acquiring finance from internal and external sources and they became almost unable to perform their activities. Other NGOs which accepted to work according to the blemished law No. 84/2002, stayed in anticipation of the new NGOs' Law which the Parliament will issue in a package with a package of the core laws as required by the constitution which provide new guarantees for the right of establishing NGOs and that they undertake their activities.

The concerned state bodies pursued the organizations which were not licensed according to the NGOs' Law but acted according to the civil company's regulation or were licensed through professional syndicates. The state started to pursue them before the courts on the basis of accusation of receiving foreign finance without authorization. The applied procedures also included travel sanctions and freezing of personal bank accounts. A number of rights' activists were subject to investigations. Amongst them was "Husam Bahgat" launcher of the Egyptian Initiative for Personal Rights, "Gamal Eid" director of the Arab Network for Human Rights Information, "Muzn Hassan" founder of Nazra Foundation for Feminist Studies and "Bahi El Deen Hassan" director of Cairo Center for Human Rights Studies who moved to live outside the country since the end of 2014.

This approach of the state falls in contradiction with the implicit public consensus to stop such procedures until the issuance of the expected amended law and to act in a manner that eradicates the reasons which made some organizations disinclined to register as

NGOs and allows the growth of transparency and supervision as well as the adoption of a philosophy of "permitting" rather than "prohibiting and restricting".

In this respect, the state faced sharp international criticisms as a result of its policies in general and of prosecuting the organizations established as companies in particular. While the state tried to limit such criticisms by emphasizing that it has approved 93% of finance acquisition applications, officials of the Ministry of Social Solidarity failed to hide that 98% of the applications of human rights organizations were refused for "security reasons". It is worth noting that the aforementioned blemished law, which was already enforced, does not authorize security bodies to approve or to disapprove such applications.

The Ministry of Health issued in February 2016 a sudden decision to withdraw the license of Al Nadeem Center for Rehabilitation of Victims of Violence because of allegations that the Center which is licensed as a professional clinic as violated the conditions of its license. The Health Administration of Azbakiya District, Cairo acted to enforce the Ministry's decision but was challenged and the implementation of the closure was postponed. The Administration tried once again in April 2016 to close the Center but the process was postponed again thanks to the resistance of its team.

The Social Solidarity Ministry finalized the new draft law with the help of some experts including the civil society and human rights groups and presented the draft law to the government without conducting the necessary consultations with the civil society sectors that represent the stakeholders.

In spite of this, the draft law will be an important qualitative shift in the promotion of NGOs freedoms and will solve most of the existing concerns if approved by the House of Representatives.

### **Trade Union Freedoms**

For more than 5 years after the revolution of January 2011 and more than 2 years after the adoption of the 2014 constitution, trade union organizations still undergo a state of continuous stagnation. They are still operating under the old law No. 35/1976 under leadership structures which remained unchanged by elections and amidst an escalating crisis between the Egyptian Trade Union Federation "ETUF" and the independent trade unions which suffer from lack of legality and adversary tendencies.

In spite of the decision of the minister of Manpower No. 187/2011 to dissolve ETUF's board of directors which was abolished by court sentences; and the formation of a



temporary committee to run ETUF's activities until elections are conducted, the decided elections did not take place until the preparation of this report. In this concern, it seemed that the successive governments before and after the June 2013 revolution prefer somehow to issue a new law for trade union organizations that copes with the changes through an elected legislative authority.

The temporary committees, which run trade union affairs, were renewed year after year. This process hindered the progress of the trade unions affiliated to ETUF. Most of the choices of the members of these temporary committees were not always appropriate. Some of these board members were referred for investigation and court trials for corruption accusation. There is a growing serious perception that the state is still taking sides with trade union leaders who were loyal to the government before the revolution of January 2011.

Calls for trade union plurality retreated somehow because it was not widely accepted as the concept of one trade union for one profession. However, the crisis increased when ETUF filed a case at the beginning of 2016 to dissolve independent trade unions. This proactive action by the Ministry was made at a time before the Parliament could undertake its responsibilities to put the constitution into force and before the issuance of a new law for trade unions in harmony with the guarantees of independence enshrined in the constitution and in the international labour instruments which Egypt has endorsed particularly the ILO Conventions Nos. 87 and 89 on trade union freedoms.

The relationship between the independent trade unions and the government was aggravated after the Prime Minister's circular letter in December 2015 to various ministries and administrations. The letter referred to the "importance of abiding by the unified directive approved by the Cabinet of Ministers to unify the policies of dealing with the financial affairs of the labour sector; and to direct the concerned ministries to coordinate with the Egyptian Trade Union Federation vis-à-vis the independent trade unions and agitation elements". This explains very explicitly the policy of the current government and its non-recognition of the independent trade unions and of their role.

Moreover, the Ministry of Interior sent a circular letter No. 6/2016 to the Civil Status Organization to stop approving the stamps of independent trade unions. This raised much controversy. It became urgent to issue a new law for trade unions although the possibility to issue such a law in the near future is not quite clear.

At the level of professional syndicates, several syndicates and professional sectors still look forward for the Parliament to undertake its responsibility regarding the amendments

suggested on the laws regulating some of the existing syndicates. Some syndicates have already sent their suggestions to the Legislative Reform Committee formed by the Prime Minister to act until parliamentary elections are conducted and the Parliament is convened. Other professionals seeking to establish new syndicates had presented their suggestions as well.

A continuous crisis arose between the Doctors' Syndicate on one hand and the Ministries of Health and Interior on the other hand. The crisis resulted after repeated attacks of security personnel against doctors and hospital staff. The last of these attacks took place when non-commissioned officers from Al Matariya Police Center stormed into Al Matariya Public Hospital and physically assaulted its medical staff. Cameras monitoring the hospital filmed the assault and the different media handled the recorded video.

The Doctors Syndicate adopted the case particularly after the pressure exercised by the security personnel against the concerned doctors to waiver the report filed for the case. The crisis increased because no legal procedures were taken against the police officers or to resolve the situation. As a result, the hospital staff went in strike and the Doctors Syndicate supported them. The Ministry of Health rejected this action and considered it a violation of the law. The situation was further escalated when the Syndicated invited the doctors for an extraordinary meeting of its general assembly in 12 February 2016 to discuss the situation, the repeated assaults on doctors and lack of protection at their work place. A large number of doctors and supporters attend the general assembly meeting. Doctors made 18 progressive decisions regarding the Ministry of Health and the Government. The most important decisions included: to provide free of charge health service at government hospitals and abstain from collecting any kind of fees, refer the Minister of Health to the Profession Ethics Committee for investigation, close a hospital which falls under assault temporarily until full security protection is provided for medical establishments, call investigation authorities to accelerate referring the guilty police personnel to the court, call the Government to issue a decision to oblige the concerned bodies to write the reports on assaulting medical establishment and staff inside the medical establishment without having to go to police stations and call the House of Representatives to issue a legislation to criminalize and heavily penalize any assault on medical establishment and staff and consider such an action as a felony in addition to the call for protest stands and partial strike at public hospitals throughout the Republic.

### **The Freedom of Party Organization**

There is no confirmative information on the number of political parties in Egypt which exceeds 100 parties some of which are either under establishment, unrecognized or failed

to register. However, there 85 registered political parties according to government official sources.

Most of the political parties are almost incapable to communicate with and introduce themselves to the society. Most of them suffer a phenomenon similar to that of the 25 political parties which were licensed before the revolution of January 2011. They have almost disappeared after the two revolutions but may appear in the Media from time to time when internal conflicts arise on their leading positions,

Although the majority of the 85 parties did not compete at the 2015 parliamentary elections and although the number of party candidates was less than one third of the competing candidates, they surpassed the independent candidates for the first time and got more than 51% of the parliamentary seats.

Although this result does not negate the fact that the impact of these political parties on the society is weak, it means at the same time that they have real opportunities to increase their efforts. But this cannot be realized in shade of restricting the public domain directly through legislative tools or through disappointed policies.

Similar to several sectors, the law regulating political parties falls within a list of legislations to be issued by the Parliament during the first legislative term. This will necessary entail the amendment of other laws including the law on exercising political rights and the unified law on elections.

Five parties are still waiting to resolve their appeals on the decision of the Parties Affairs Committee which rejected their registration applications. They are: Bilady, the Free Revolutionary Youth, the Arabic Unification, Al Masry and Al Sadat Democratic Party. The Political Parties circuit of the Higher Administrative Court decided in March 2016 to postpone the consideration of appeals until 21 May 2016 and it is expected to issue a final judgment.

The Political Parties circuit decided as well to postpone the consideration of the claim filed by a lawyer to ban the current “religious parties” because they are in contradiction with the applied law and the constitution provisions. The claim aims to dissolve some of the existing “Salafist” parties including the parties opposing the Muslim Brothers such as Al Nour Party and their allies. This will reopen the door for controversy about political parties with religious reference. The announced programmes of the various parties’ subject matter of the appeals do not contain items related to religious reference. The Constitution still bears an apparent indication to Islamic Shari’a as a principal source for

legislation. Also, the jurisprudences of other religions are referential for them in personal status issues.

### **The Right to participate in Public Affairs Management**

The structure of the political system was completed for the first time after January 2011 when members of the House of Representatives were elected and they started to exercise their function. This was the end of a long transformation path which lasted about five years full of disturbances and setbacks. It was an achievement at the political level and paved the way for completing the societal transformation process to realize the popular demands announced during the two revolutions of January and June as well as the map of the road of 3 July 2013.

But it cannot be assumed that participation channels are sufficiently available to meet the requirements of democratic transformation whether related to pressures resulting from the continuous threats of international pressures, terrorist crimes which jeopardize stability and threaten to cause state failure or because the new political regime lacks the necessary political tools to handle various issues and adopt transparency in communicating with the society.

Elections scheduled for March and April 2015 were postponed again after the rulings which the Supreme Constitutional Court issued during March 2015 confirming some of the essential objections raised by political parties and human rights groups and led to additional postponement of the parliamentary elections from October to November 2015 on the basis of the nullity of some articles in the elections law and the boundary delimitation law.

The cabinet of ministers implemented a presidential directive to manage a new societal dialogue on the amendments suggested by the Cabinet's Legislative Reform Committee to override rulings of the Supreme Constitutional Court. But that dialogue lacked some of its essential elements. The criterion for inviting certain names to participate in the dialogue and neglecting other names was not clear. In addition, there was no agenda for the dialogue nor the issues to be raised were not specified.

The government was satisfied with handling the disorders defined by the Supreme Constitutional Court without corresponding to some suggestions that could improve the election process.

Elections took place on two stages under the supervision of the Higher Committee for Parliamentary Elections. Sub-committees were supervised by members of the judiciary

(about 13000 judges) in 5460 poll centers distributed on 103 general committees. Security was maintained by 300 000 persons from the police and 200 000 from the armed forces.

Elections were monitored nationally and internationally with the participation of 81 national organizations, 6 international organizations and 63 embassies of foreign countries. There was extensive controversy when the Higher Committee insisted to use the word “follow up” instead of “supervision” which has sensitive denotation for the judiciary performing such a task even though it is an administrative and non-judiciary task and that any challenges on it are made through the judiciary.

The first stage included 14 governorates and the second stage included 13 governorates. There were 3622 independent candidates (66%) and 1810 party candidates (33%) competing on 435 seats. Parties’ candidates won 193 seats against 242 seats for independent candidates.

Forty four (44) political parties from the 85 registered parties participated in the single member constituencies but 20 parties only won parliamentary seats. They are: The Free Egyptians (65 seats), Mostaqbal Watan (50 seats) El Wafd (45 seats), Humat el Watan (17 seats), El Sha’ab El Gomhoury (13 seats), El Mu’tamar (12 seats), El Nour (12 seats), El Muhafizeen (6 seats), El Salam El Demoqraty (5 seats), El Masry El Demoqraty (4 seats), El Haraka El Watany (4 seats), Masr El Hadeetha (4 seats), El Islah Waltanmiya (3 seats), El Hurriya (3 seats), Masr Balady (3 seats), El Tagammu’ (1 seat), El Araby El Nassery (1 seat), El Sarh (1 seat), Hurras El Thawra (1 seat) and El Riyada (1 seat).

Seven lists competed on the list seats divided between 4 main constituencies which covered all the governorates. The list “Fi Hob Masr” won all the seats. It was led by previous statesmen. Other lists and some parties accused the state of taking sides with the winner through blemishes in the laws regulating elections as well as invisible participation in forming the list.

The parties of “El Tayyaar El Demoqraty” which included El Karama party, El Tahaluf El Sha’aby El Ishtraky party, El Dostour Party, El Adl Party and Masr El Hurriya Party had boycotted elections by the list system because their suggestions were disregarded. They were joined by El Masry El Demoqraty El Egtima’i party when the Higher Electoral Committee refused to adopt the medical examination results of its candidates on the list because they were made in March 2015 prior to the previous date; and due to the high cost of these examinations which amounts to EGP 4800 per candidate. The

Administrative Judiciary Court refused the Party's appeal on the Higher Committee's decision. Consequently, this party boycotted the elections by list.

Complaints and observers registered a number of basic remarks on the electoral process as a whole. The most important remark was the low participation of electors particularly in the first round of the two stages. Independent sources estimated participation percentage between 16% and 21 of the voters lists which contain about 56 million. The official declaration concluded that the participation percentage was 26%.

The main remarks included:

- Increase in using political money without accountability from the Higher Electoral Committee.
- Early propaganda prior to the allowed period without taking procedures against the violators.
- No investigation was made in complaints of exceeding the electoral expenditure ceiling for the propaganda of some candidates.
- The media hosted some candidates in their capacity as experts in different specializations.
- Late opening of some poll centers in different districts due to absence or sudden apology of judges which made the Higher Committee merge some of them with other centers.
- Signs of electoral propaganda around several poll centers remained during the election process.
- Local government officials gave the media statements on the electoral process.

The reduction of popular participation cannot be explained without reference to a number of elements including:

- Complexity of the adopted electoral system and difficulty to choose from the candidates with the absolute closed list which is no longer used anywhere in the world; lack of electors' awareness of the number to be elected in a district of a single candidate, two candidates, three candidates or four candidates.
- A short period made available for the electoral process, propaganda and for the candidates and electors to get acquainted with each other.

- The spread of a public contentment that election s invaluable because the coming parliament will not necessarily affect the general trends of the executive authority which focuses its attention on security challenges and combating terrorism.
- Absence of government initiatives to react with political parties and civil society institutions and to conduct active dialogues with them on dealing with the diversified political challenges.
- Retreat of the political parties' ability to participate in forming the general political scene or having impact on public opinion trends because parties are involved in their own accounts. This deepened the gap between them and the electors especially after the first and second periods of the transitional stage.
- Scarcity and weakness of electoral programs which aim to meet social merits in shade of economic difficulties.
- Continuous phenomenon of negative media performance particularly by private media which imposed one-sided vision on the society side by side with raising doubts in and accusation of party and civil institutions. Private media benefitted from the vacuum unoccupied by the state and failure of the authorities to determine their stand regarding media controversies about the raised issues.
- Narrowing public sphere through restrictions imposed by the demonstration law on the freedom of gathering and meeting.

But this does not diminish the numerous positive features which resulted from elections. For the first time in its history 30% of the House of Representatives' membership is from the youth under 45 years.

The president of the republic increased women members by appointing 14 women from the 28 members he is entitled to appoint according to the constitution (5%). This raised the number of women members to 85 for the first time in the history of the Egyptian Parliament. What attracted the attention was the success a number of women achieved in competing on single seat districts and that some of them came on top of the winners in some districts.

The parliament includes, for the first time as well, 39 Christian members. Some of them were winners in single seat districts in addition to the legally decided quota.

The parliament includes, for the first time as well, 2 members from Halayib and Shalatin district which witnessed the highest percentage of electoral participation in the country; and one member from the Nubian citizens representing Nasr El Nuba district in Aswan.

On the other hand, university resumed the elections for student federations to promote democratic life and transformation to a democratic system. But the activities of the General Federation of Egyptian Universities Students ceased for procedural reasons since December 2015. Some candidates who lost the election appealed to the electoral supervisory committee which reacted in a manner different from its mandate. It suspended the announcement of election results and presented to the Minister of Higher Education for approval a recommendation to suspend the announcement of these results. The Minister took a very strange step when he suspended the announcement and consideration of the appeals. The elected council rejected the Ministerial decision and filed a lawsuit before the administrative court. The appeal was not resolved until the preparation of this report. This means that the General Federation of Egyptian Universities Students remained absent for one complete school year. It is suspected that there are indirect security interferences because of the loss sustained by some candidates loyal to the state.

At the level of the expected local government elections, and according to the Prime Minister Eng. Sherif Ismail, preparations are ongoing to make local elections during the first quarter of 2017 according to the unified elections law which the House of Representatives was supposed to issue before the autumn of 2016.

However, the president of the republic directed the government to accelerate conducting local elections before the end of 2016 due to the urgent need for the local administrations' role in implementing developmental plans with local and non-central dimensions and to the local government ability to promote the participation of women and youth in local decision making by virtue of constitutional provisions. The Ministries of Local Administration and Legal Affairs started extensive sessions during April 2015 to make the necessary amendments on the pertinent regulations in order to submit them to the House of Representatives and accelerate the electoral process.



## **Section 4**

### **Economic and Social Rights**

The socioeconomic file is the most important file for the state not only because it represents the most urgent and persistent social issue but also because it is considered the essential safety buoy for both the state and the society. Social demands were at the pinnacle of the January 2011 revolution and one of the most important components of its continuity until the regime of President Hosny Mubarak and the terrorist Muslim Brothers organization were toppled. Social justice remains the core target in achieving transition in its comprehensive social and national sense after political transition is completed.

The president of the republic, since he came to power in 8th June 2014, gave priority to the state's success in strengthening the economic performance in general and satisfying the social demands and merits. He, in person, supervised the implementation of several major projects aimed to flourish macro-economic performance and enable the state to meet social demands.

During the period covered by this report, there was continuous quantitative and qualitative improvement of subsidized goods through the supply and bread system for the poorest categories. Intermittent efforts were exerted by the Social Fund for Development. Various industrial zones were established with the help of national banks to support small and medium industries. Banks started to adopt new credit policies to widen the beneficent categories. Quantities of competitive basic goods were pumped in the market to combat monopolies, inflation rising rates and soaring prices. Some sectors in health service provision were improved especially through free medical treatment at the expense of the state for serious cases, specialized medical councils, the Health Insurance Organization and hepatitis treatment.

The government withdrew its plans to reduce subsidy for gasoline and diesel consumption once again after the reduction made in 2014. This was based upon the President's decision and the drop in the value of subsidy resulting from the reduction of oil prices in the world markets.

One of the great steps in this sphere was digging the channel parallel to the Suez Canal in one year to magnify the competitive advantage of the Canal vis-à-vis other international transport and navigation projects and as a preliminary step for developing the Suez Canal region with its direct and indirect returns on the cities, the eastern side in Sinai and the

western side represented by the eastern Delta cities and the coastal outskirts along the Red Sea and the Mediterranean Sea.

In addition, 16 development projects were launched in north and mid Sinai to treat the impacts of marginalization during the past three decades. A project to cultivate 100 thousand feddans in mid Sinai was launched after completing “Serabume” sub-canal to provide irrigation water as well as the model of Al Farafra Village to cultivate 1.5 million feddans and develop agricultural production. The state restored some of the previously privatized public companies by court decisions because corruption dealings in their privatization led to displacing their workers and dismantling their assets. The roads were developed, widened and linked with the development projects of new areas at Al Galala Mountain in the East and El Alameen in the west. Energy generation networks were repaired through comprehensive maintenance of power stations, the establishment of five new power stations and about 1000 solar stations. Add to this the negotiations with Russia to establish four nuclear reactors. This is in addition to accelerating the exploitation of new inland oil sites and oil fields in northern Delta and the maritime economic zone in order to treat energy crisis and provide the necessary prerequisites for industrial and agricultural development. About 280 000 housing units were completed from the one million units project to be implemented within five years.

However, the state’s economic aspirations were affected considerably by two main factors: the first was the retreat in foreign currency revenues due to three main elements:

- The retreat of foreign investments connected with the difficulty to meet the investors conditions in addition to bureaucratic obstacles, investment non-friendly procedures and the state’s reliance on governmental investments from friendly countries according to political arrangements.
- The retreat of transfers from the Egyptians working abroad which form the largest tributary for foreign currencies particularly the US Dollar. This was partly due to confusion in the banking market and, according to official sources, to manipulations of some foreign exchange companies in conjunction with political organizations which hinder official transfers from abroad by giving more advantages to the beneficiaries from these transfers.
- The Russian plane accident and the increase in terrorist crimes reduced tourism to the lowest level since the January 2011 revolution. The decrease affected several sectors closely connected with tourism activities.

The local currency purchasing power dropped down and lost about 14% of its value against the US Dollar. Inflation rates rose in a surprising manner and affected the middle and the poor classes.

Import indicators of 2015 show that the country does not suffer from foreign currency shortage as much as it suffers from administrative confusion. The value of imports in 2015 reached 93 billion dollars.

Consequently, the Prime Minister issued at the beginning of 2015 a decision to increase customs duties on two categories of imported goods: luxurious goods and goods having local counterparts. The objective was to limit using foreign currency to import luxury goods and provide protection for the local products which are unable to compete with foreign products subsidized by higher capitals and cheaper technologies. But the decision found high resistance from private media especially TV channels owned by businessmen.

The second factor was the disappointing economic expectations of the country represented in the retreat of investments due to diverse elements with political nature sometimes, the reduced value of local currency and the presence of two prices for foreign currencies: one for the official banking market and the other for the parallel market.

The state began to pay attention to the water file after the raised public concerns regarding Ethiopia's insistence to establish the so-called Civilization Dam without regard to its effects on Egypt's share in the Nile water and to the increased fears from the weak security features of the Dam which may cause serious damage for both the Sudan and Egypt.

The reduction of Egypt's share in the Nile water is not the only cause for concern. The current per capita share in water is about 600 cubic meter per annum whereas the water poverty line is 950 cubic meter per annum and the development line is about 1200 cubic meter per annum.

Successive failures to meet the success conditions for economic efforts led to reshuffling the cabinet of ministers in the spring of 2015 in relation with the economic conference of Sharm el Sheikh which aimed to support the Egyptian economy and to another cabinet reshuffle in the autumn of the same year. Eng. Sherif Ismail was mandated to form a new government to replace that of Eng. Ibrahim Mehleb who chaired several ministries since the spring of 2014. The cabinet reshuffle of March 2015 was meant to face the economic challenges and to prepare for presenting the government's programme to the House of Representatives and to gain its confidence.

The efforts of the government helped to raise the gross national product (GDP) from EGP 2.3 trillion in mid-2014 to EGP 3.3 trillion in the spring of 2016. But public debt continued haunt the GDP by rising from EGP 1.7 trillion to EGP 2.2 trillion during the same period. This was attributed to decrease of investments and growth of governmental investments connected with domestic and foreign loans.

In February 2016, the state announced a new plan to rectify disorders in credit policies by depending mainly on government banks and allocating EGP 200 billion from banks to activate small and medium domestic investments and broaden the base of beneficiaries from bank credits which were monopolized by about 120 investors representing about 30 families acting in the economy.

Neglecting the human rights file poses additional threat to economic efforts. It threatens Egypt's relations with its major European partners open for cooperation with it, namely Germany, France and Italy. The bad record and negative profile of the country in this respect restricted the decision makers in these countries whose connections with Egypt exceed political arrangements to a kind of economic alliances.

The report period witnessed various downturns in certain aspects in a manner that helped to generate social congestions connected mostly with the space of political vacuum left unfilled by a clear vision for the state's policies and attitudes. Efforts were scattered among the state institutions and inside the same institution in a manner that wasted public perception of the size and quality of the efforts exerted by the state.

These downturns included lack of seriousness in combating market monopolies particularly in food materials, inability to control the rising prices, the actual inflation rates and the prices of the accumulated inventory of goods imported before the decrease of the local currency's purchasing power; and the rising prices of basic services such as electricity, gas and water which added additional burdens on the middle class.

Discrimination in appointment in public positions on the basis of class or social origin caused public dissatisfaction with the state performance. Executive officers continued to exclude sons of the poor from public posts - similar to what happened in the public prosecution case – in spite of their high scores and their passing the admission tests. Some senior officials said that sons of the poor are illegible because they cannot adapt with the professional requirements.

The situation worsened as both the governments of Eng. Ibrahim Mehleb and Eng. Sherif Ismail insisted to adopt and enforce the Civil Service Law in 2015 six months before convening the first session of the expected Parliament and in contradiction with the

acknowledge political rule that it is not feasible to adopt a law that would raise public indignation. From about 340 draft laws presented to the new House of Representatives, the said law was the only one which the members rejected as they had promised their electors.

The State exerts considerable appreciated efforts to improve the social conditions of the poor and to reduce their living burdens. However, the lower tranches of the middle class suffer from increasing burdens especially with the rising prices, inflation rates and high cost of basic services such as water and electricity. This threatens their feeling of social security and increases their fear to join the poor categories.

It is expected that the serious problems in education and in some health care services and the disorders in employment and housing policies will dissipate the hope that the state will undertake its social duties in the near future. The state is repeatedly criticized because of the delay to reform the education system which is leverage to integrated development. The state did not present clear procedures to reduce the burdens which families tolerate.

Public hospitals remain without the minimum convenient level to provide health services. The General Authority for Health Services reduced the quantities of free medicine, medicine prices are soaring and cheap alternative medicines disappeared.

The state pays attention to employing the young new graduates in some new projects but does not handle the problem of the older unemployed graduates. This phenomenon repeats itself in the efforts connected with youth housing or the medium-level housing. Disorders in employment and housing policies nourish the feeling of injustice in the age bracket 30-45 years.

The state is incapable of meeting the constitutional merits regarding public expenditure in health, education and scientific research. It is impossible to achieve this goal in shade of the state budget for the fiscal year 2016/2017 presented to the House of Representatives at the end of March 2016 after the granted constitutional grace period. This issue may be subject matter of a legal case before the Higher Constitutional Court.

Whereas the state concentrated its efforts on combating corruption and its status in International Transparency in 2015 was better than that of 2014, it retreated by one point on the indicator because, as expected, it announced in 2014 an integrated strategy for combating corruption but it did not present its 2015 achievements in this concern.

Sources refer to important efforts for both the Administrative Control Authority and the Public Prosecution. The value of restored lands and money at the beginning of 2016 reached EGP 500 billion. But no integrated information was presented to clarify these efforts. However, there was dispersed information on reconciliations made with some members of the toppled Mubarak's regime against billions of Egyptian Pounds.

Failure to highlight these efforts was not the only cause behind the general foggy picture which was aggravated by a statement of the Counselor Hisham Genena the resigned chairman of the Central Accountancy Authority who declared that corruption inside the state is estimated at EGP 600 billion. It was more aggravated by the report of a fact finding committee formed by the President of the Republic to examine Genena declaration which refuted Genena without providing sufficient clarification to restore confidence for the public opinion.

That crisis affected the economic position of the country which is trying hard to attract foreign investments to revitalize its economy at a time when the flow of foreign currency stopped due to deterioration of tourism among other factors. It is impossible that corruption could amount to EGP 600 billion while the state budget is estimated at EGP 865 billion with about 25% deficit. It was discovered that courts are considering about 80% of the corruption reports of the Central Accounting Authority and that the public prosecution is investigating the remaining 20%. The Authority used to send these reports directly to the Public Prosecutor or through the President of the Republic or the Prime Minister in other cases.

The crisis affected the political situation of the country as well. Counselor Genena resigned by virtue of the temporary law No. 89/2015 that gives the President of the Republic the authority to remove the heads of control bodies whereas the constitution grants them immunity. To put the provisions of the constitution into effect, the laws governing control bodies should be amended so as to make the President of the Republic and the Parliament jointly responsible for appointing, removing and holding the heads of these bodies accountable.

The current legislative environment hinders achieving the development objectives and implementing the economic plans. On one hand, social regulations and the accompanying administrative bylaws add to the burdens of the citizen deservers of social services and hinder accomplishing the responsibilities of official institutions. On the other hand, some other regulations restrict the state's ability to attract foreign investments conforming to its objective to realize profit for the investors and public benefit for the country.

For example, the procedures required from deservants to join the subsidy system represent an obstacle for them to get their rights. Although the subsidy system covers about two thirds of the population, other hundreds of thousands remain outside it. It is difficult for many of those covered by the system to get their rights due to the complexity of procedures especially in case individuals are separated from their families.

The bids law, for example, is a problematic law at large because it assumes 199 procedures and dealing with 101 bodies. There is no system with definite criteria for the form of contracts and responsibilities. It hinders serious investment free from corruption. This law itself opens the door for corruption.

In response to the assumptions that the state does not encourage investors, the President issued a decision in April 2016 to grant plots of land to investors free of charge as part of the procedures to promote attracting domestic and foreign investments. The decision aimed, as well, to overcome the negative effect of restoring big areas from the lands granted to investors prior to the January 2011 revolution, either because those investors exploited the granted land for purposes other than the purpose for which it was granted or because of their manipulations to gain profits through the different forms of corruption which existed in the country. Those investors claimed all the time that the state stood against investments.

Facts indicate that the size of private properties in the country is only about 7% of the total landed property. This in itself is an obstacle to investment in its general meaning and impedes domestic investment particularly the small and medium investments which by nature can flourish economic performance in general.

One of the essential elements for development plans to meet their most urgent requirements is to adopt the approach of "development by participation". It means that the beneficiaries from development are partners in adopting the development projects, defining their purposes and deciding the alternatives to overcome obstacles and problems. This entails promoting the role of the civil society organizations existing at the project implementation sites throughout the stages of project perception, planning, implementation, follow up and evaluation.

### **The "Right to food" and to "Live in Dignity"**

Despite the State's efforts exerted over the past two years to provide social protection to groups in need, there are still numerous challenges that hinder access for all groups to a minimum level of appropriate and decent living conditions. Meanwhile, the national economy is encountering multiple challenges, i.e., fiscal deficits, administrative

confusion, corruption and the overall economic hardships. This is in addition to the aggravated fears of the vulnerable middle class segments, which constitute the larger portion of the population, of possible sliding to poverty line and below, given the rapid inflation and the consequent rise in the living costs.

The qualitative and quantitative policy of developing the forms of in-kind and cash support, and the social protection provided by the State institutions constituted a significant progress in the realm of providing social protection to the poorer groups who have access to fewer opportunities. About 60 million people living under extreme poverty and below poverty line, along with part of the weaker middle class segments, benefit from commodity subsidies and monetary support.

The state took additional measures to gradually register the newly born over the past ten years. This measure had been suspended for a long time thus raising concerns on the part of beneficiary segments.

However, there is a dominant state of general dissatisfaction motivated by the government statements vis-à-vis the adoption of a plan for canceling the subsidies within five years, which is supposed to be completed by 2020. Fears dominated among the groups that failed to get ration cards until early 2016, either because of bureaucratic red tape, such as the suspension of procedures pending the completion of updating the beneficiaries' data; adoption of incomprehensible procedures for the issuance of new documents to prove the validity of identity data; stopping the measures of societal separation among families; and suspending the registration procedures until data are updated and automated.

This is not meant to underestimate the tremendous efforts exerted by the Ministry of Supply on various scenes, including those that were culminated by the President's intervention to control the prices of the basic food commodities, whether by enhancing consumer supermarket chains, relying on the help of the armed forces institutions for the provision of competitive goods at reasonable prices, or by meeting with major investors in retail sale centers and resolving their problems to maximize their contribution to controlling the market.

In August 2015, citizens complained of unprecedented massive overcrowds in Civil Status centers to issue birth certificates for the newly born for submission to Supply offices. August 31 was set as the deadline for the submission of those documents, a period in which the country suffered a severe wave of heat because of the Seasonal India Trough.



Hopes are pinned to the parliament's adoption of new social security draft law, prepared by the Ministry of Social Solidarity in cooperation with relevant ministries. Ministry of Social Solidarity also conducted several rounds of consultation and community dialogues. This represents a quantum leap in the provision of social protection to the poor segments that are void of opportunities for earning a living under high unemployment and ill health rates.

Despite intensive efforts in the field of agriculture, the main food security considerations face considerable policy constraints and confusion, including, for example, the government announcement in early 2015 that it will not buy the domestic wheat crop, which it priced at less than L.E. 350/ton for 2014 yield, for considerations related to the fact that the world wheat prices are lower compared to the local price, the matter that motivated many farmers to refrain from cultivating wheat and cultivate, instead, other crops. However, in early 2016, owing to the difficulties of the world price, coupled with the transportation cost and high exchange rate, the government tended again to buy the local crops, and set a better price, up to L.E. 450/ton of wheat. Yet, it was too late, as the wheat cultivated areas had regressed and so did the wheat yield the matter that requires a decision of a strategic nature to ensure the provision of this strategic crop.

### **The Right to Health**

In the scene of the "Right to Health" the state exerted tremendous efforts, namely, boosting the efforts of the General Organization of Health Insurance (GOHI), simplifying measures for treatment at the State's expense through the Specialized Medical Councils, accelerating efforts to address the major rampant diseases, particularly Hepatitis C Virus (HVC), and approving the launch of a new phase of refurbishing and rehabilitating public hospitals.

At the level of warding off the most dangerous epidemic diseases, the State significantly went ahead in providing HCV-infected patients with the required treatment, and facilitated the import of the necessary quantities of "Alsuvaldi" from the major producing company. It also facilitated the establishment of a factory for the production of the same drug locally, and signed a contract for the purchase and distribution of the same medication which price is 90 % less than its foreign equivalent.

Despite the success of the said medication in curing 80% of the registered critical cases, it was proven that it is not the appropriate treatment for some patient categories due to the nature of the local climate and features of the endemic virus. Accordingly, the State

embarked on a contract for the import of a substitute drug for the cases that fail to respond to the available medication.

The needs for warding off the widespread Hepatitis – for which the stated numbers of affected people are conflicting between 3 million to 12 million - prompted the state to adopt locally-developed drugs that proved typical successes when launched for the first time. Most of cured patients, according to medical sources, had suffered HAV and HBV that could mutate into HCV.

On the other hand, the high prices of Pharmaceutical drugs affect the provision of the necessary treatment for Hepatitis-affected patients, particularly as the reasonably-priced pharmaceutical drugs disappeared and some essential drugs were rather replaced by expensive alternatives. This is weighing heavily on the public health and constitutes a growing social security crisis. Meanwhile, the General Authority for Health Insurance (GAHI) has to perform its duties of providing medicine to the beneficiaries. Many cases indicate failure to receive the prescribed medicines, whether due to lower inventory, or because GAHI failed to pay the due amounts to the producing or importing companies in due time.

Sources noted that several international pharmaceutical companies affect the local market through gripping several national pharmaceutical companies, which is apparently based on a plan to take over the local drug market thus threatening serious consequences on public health efforts, from the perspective of the anticipated enormous cost.

Competent sources estimate that about two thousands out of out 6 thousand medical drug have disappeared from the market, the majority of which are affordable to ordinary people, and that alternatives to some of the disappearing drugs appeared in the market. The price difference between the two types ranges between nine-fold and 27-fold.

Despite the country's ability to develop an effective and capable health system, the reality on the ground reflects a horrible deterioration in the various aspects of health services, both those borne by the general budget, or those provided abroad.

In many cases, patients had to rely on the support of a private doctor to facilitate the getting less expensive treatment through referring him/her to one of the free public hospitals or those that charge symbolic or trivial fees, particularly when it comes to undergoing simple or complex surgeries, or even to receiving appropriate health care in the hospital, including access to beds for the patients who need rather lengthy care.

Despite the poor quality and the low level of service, the cost of private medical services are non-affordably high to the majority of the population in the absence of oversight, the matter that impel many of the rich groups seek health services and medical care abroad, to ensure getting quality service, or rather to minimize the cost compared to the local costs.

In August 2015, the country witnessed a wave of intense heat as a result of to India's Seasonal Trough that hits the country almost every ten years, resulting, according to official sources, in the death of more than 150 citizens.

The expected lifetime age on the birth date is estimated at 74.1 years, which gives an indication that the breakthrough is preserved between 68 and 71 years. However, the indicator of the health life span is tentatively less than 61 years, which indicates the gap related to the available health care.

### **The Right to Housing**

The State embarked on restless efforts for providing the "Right to Housing", and sought to implement the housing project suggested by Republic's President for completing the construction of "1" million new housing units by 2020, at an average of 200 thousand units per year. In early 2016, the state announced the completion of about 300 thousand new housing units, and began to practically distribute those units once completed. It also announced that a total of 500 housing units would be distributed by April 2017, and that an initial number of 100 thousand units were distributed in May 2016, 100 thousand others in mid-2016, and 200 thousand and one by late December 2016.

These units include the so-called "social housing" intended for low-income people, and other larger units, in term of areas. While significant facilitations are made available for the low-income people, through various forms of assistance to ensure that the units are available to eligible applicants, calls were made for raising the applicants' maximum age from 45 to 50 years. At the beginning the competent authorities failed to respond but later decided to receive applications until the age of 50, and linked the number of years for the payment of the due premiums to the number of years remaining until the age of 60, which is the retirement age.

While admitting the urgent need for allocating a proportion of the "Social Housing" units for rent to enable the less fortunate categories get the residence fulfill they need, the

Housing Ministry announced its understanding to that need, and its resolve to work on the provision of such a quota to meet the outstanding needs by mid-2017.

Whereas applicants for moderate housing units complain of the high price of the residential unit despite payment on installments, as the unit value per square meter is up to L.E. 4400, which make it beyond the purchasing capacity of many of average segments who are in dire need of such units, given the fact that the higher segments of the average category are interested in residing in new investment-natured communities. This highlights the need for the State to pay more attention to the "Social Housing" in a manner that encompasses the lower middle-class segments.

The State continued to provide building-land plots in the new communities to enable those who can afford build separate residence. The sale of such land plots received considerable demand on the part of target public.

While the State's efforts in the field of housing in general were relatively satisfactory to a great extent, the active construction move had adverse results for the high cost of building and construction materials for which there is growing demand among the official, private and popular sectors. Furthermore, the State's efforts in that regard coincide with the growth of investment communities in the new areas, particularly around Cairo, which is consequently reflected in the rise in the rent values which is expected to continue amid the lack of tools to control the market.

However, the frequent and repeated rise the value of electricity, drinking water and waste water service bills raised more complaints on the part of a larger segments of citizens, and although the government declined, in September - November 2015, from raising the rates of the said services, the wave of price rises recurred again in March and April 2016 thus impelling the competent ministries to promise that they would consider such complaints, though they denied the that the rates were increased.

The Council looks with deep concern into the complaints filed by of many citizens vis-à-vis the jail sentences issued against them on charges of "property squander" as they failed to pay their water bills, which rose three fold compared to the usual value, in due time. The jail sentences were issued as the Administrative Authorities took legal actions against those who failed to pay their bills in due time, including "book" or "paper" sequestration on the movables of those who failed to pay the due bills in due time. This would make them later accused of squandering the sequestered movables which could later subject them to sentences depriving them of their freedom and would only be reversed when they pay their arrears and reconcile. The complainants reject to be

imprisoned because of their consumption of drinking water, which is an intrinsic source for life, and their inability to meet the tremendous increases in drinking water prices, the matter that requires urgent legislative and political intervention.

### **The Right to Education**

Although the State's political discourse is concerned with conducting fundamental reforms on education, however, that file remains the weakest in terms of actions taken compared to the different other sectors. Despite the fact that the general budget of basic and secondary school education was doubled twofold and a half, however more than 90 % of the budget goes to salaries, awards and administrative expenditures. The stagnated educational reform reduced hopes for achieving comprehensive sustainable development. Education reform constitutes a fruit that requires between five to ten years to ripe its advantages in favor of the development in its comprehensive sense.

After around five years of the political turmoil that has had a negative impact on the educational process, there were different hopes vis-à-vis the possibility of reforming the educational process during the academic year 2015 - 2016, but the traditional policies that are adopted did not contribute to the management of the cumulated complications.

The growth rate of the number of schools that are necessary to accommodate the growing numbers of students is still lower than the 1999 rates. The number of students in a public school classroom is up to 90 students, whereas in private schools it is 45 – 65 students. But the stumbling block in this connection is the continuous rigidity of the educational process between the lack of efficiency and absence of interest on the part of the teachers, the poor management, lack educational behavior, deterioration of curricula, absence or lack of sports and cultural activities, and the continued phenomenon of private lessons that poses a staggering burden on the shoulders of the Egyptian family.

Apparently, there is no proper planning to link the educational process to development considerations, neither are its outputs linked to the basic needs of the labor market.

Despite the promises made by the successive Education Ministers, the private schools continued to raise the annual fees and impose a specific uniform, which is a back door for attaining additional profits. However, the level of the educational process declined.

While the prohibitive foreign schools maintain the quality of their educational and service levels, which is only received by the category of people who can afford paying such

prohibitive fees, whereas the State is unable to impose supervision on the curricula taught in those schools, and this could impact the national culture and identity.

Under repeated campaigns initiated by mothers of students in the different stages of the basic and secondary education to synopsise the curricula in the second semester of the school year 2015 - 2016, the Education Minister instructed the cancelling of part of the curricula in other grades than the Certificate grades (primary – preparatory – secondary). Yet, the measure that has supposedly come in response to the mothers' call has increasingly angered the community because the parts of the curricula that were eliminated had already been studied and included in preliminary exams, the matter that discharged the measure of its objectives. This prompted the campaign to call upon the President to intervene to address the problems.

In the spring of 2016, the Ministry of Education launched a unique initiative under which licenses and land plots were granted for projects to establish private schools as per the a new philosophy adopted in the new urban communities. The Ministry of Education had received the land plots that are exclusively intended for educational establishments in areas subject to the supervision of the Public Authority for Urban Communities. The initiative included granting licenses for school projects provided that the construction works should be completed in two years and that this experience would be assessed after 10 years of issuing the license. The appropriate decision, either to extend the license or withdraw it, would then be taken according to the assessment results, and in case the license was extended, the school founders would receive a share of 25 – 30% of the profits after the tenth year. The Ministry of Education did not explain how the initiative is useful for reforming the educational process.

However, minor crises of a political nature raised suspicions in the Ministry of Education announcement of launching a unique effort to develop the curriculum for the coming years, as the name of the political opponent "Dr. Mohamed El-Baradei" was excluded from the list of the Egyptian Nobel Prize recipients, but it turned out to be that it is one of those who drafted the curriculum who did so on his own.

The Public opinion was also surprised by ouster of former Sharqia Governor, Dr. "Reda Abdel-Salam", as per the governors' transposition move, with no clear reason. The public opinion's interest in his role is associated with his active field moves, particularly closing down the private-lesson-centers that are numerous in the governorate, which the public opinion considered a preliminary step to State's role for fighting private lessons that eat up the people's limited economic capabilities.

The public is of the opinion that educating their children is a substantial and fundamental investment, and is a major concern for families in Egypt. Hence, the education policy needs be drawn with high sensitivity in the planning and implementation.

At the level of university education and post graduate studies, the State is facing no less challenges than those of the basic and secondary education, where the continuous problems relating to fulfillment of the salaries of faculty members, particularly big differences between the salaries of groups within the faculty, at the same university and same college. The political problems still have their implications on universities, and so do the manifestations of bias towards certain groups in facilitating enrollment in universities, giving priority of appointment of the sons/daughters of the university staff members. Moreover, a new crisis popped up in face of student freedoms after the revocation of General Student Union elections in Egypt.

### **The Right to Work**

Unemployment rates, particularly among the youth and new labor market entrants, are continuously on the rise. According to CAPMAS, the unemployment rate rose from 9 – 11% up to 12.8%, while the unofficial estimates are to between 20 and 22 percent.

This difference is attributed to considerations related to the official estimates of the Egyptian Labor force that stand below 28 million in official statistics, while the intuitive estimates go up to nearly 56 million, according to considerations of age and population pyramid. The exclusion of those who are at the education age or the migrant labor does not constitute a reduction of the labor force to 35 million.

Unemployment rates among the youth and women reached up to 25 % especially among university graduates and postgraduates.

Despite the contribution of the giant economic projects adopted by the State vis-à-vis the provision of more job opportunities and enhancement of the employment policies, yet, the desistence of private capital from the economic activity restricts the cherished boost to employment rates.

The State is also embarked in 2016 on fostering and expanding the base of beneficiaries of the banking credit policies, according to a new plan, to encourage the young people, in particular, to set up small industries in the framework of the President's program known as the "Year of Youth".

The Social Development Fund (SDF) has been active in supporting small and medium industries through creating modern mechanisms, including the provision of studies for

hundreds of projects, facilitating assistance to small-scale industries through simplifying procedures and implementing the "one-stop shop" policy, providing advisory services to smoothen the implementation of projects, and linking output to the needs of local markets

The Social Development Fund has also adopted a new program for encouraging the transformation of the informal sector into formal sector. For this end, SFD is providing gradual support over a few years, including the provision of financial assistance. It also developed measures for filing complaints to a specialized office, to interact with any grievances or complaints.

The period covered by the report witnessed a continuation of previous phenomena. Applying salary raise in a general and comprehensive manner declined. It was hoped that applying such a raise would have an impact on reducing the average public spending, in general, and contribute to boosting the minimum wage limit in particular, especially as the lawsuits evoked by the beneficiaries in the judiciary, oil and banking sectors succeeded to undermine the president's plan for setting a maximum wage limit that applies to the various groups working under the State's umbrella.

Some sectors of government and public sector employees are not yet covered by the application of the minimum wage limit for procedural and non-objective considerations. This encompasses some 800 thousand workers from among about 6.5 million workers.

The deceleration in amending the "Trade Unions Act" weakened the organizations that represent worker and hindered their ability to advance their responsibilities for protecting workers' rights and regulating their interests and relationship with the State's legislative, executive and judicial bodies. This is coupled with the rivalry that emerged in early 2016 between the General Trade Unions Federation (GTUF) and the independent Trade Unions when the State took the side of GTUF.

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## **Conclusion**

This report concludes the series of annual reports for the current session of National Council of Human Rights with its present composition that was announced in August 2013 and ends after the elapse of three years, or rather after the completion of the new formation to be conducted by the House of Representatives after being elected.

As usual, the report tackled an analytical presentation of the state of human rights and public freedoms in the country, and kept the standing sections on NCHR performance of the duties described in its Constituent Act, including interaction with the citizens' complaints, provision of advice to the government in various human rights, civil, political, economic, social and cultural areas. Its duties also include the dissemination of the culture of human rights, following-up on Egypt's international obligations as a signatory to international conventions and communicating with the competent regional and international organizations.

However, as per the NCHR-established tradition at conclusion of each session, the report adds a closer overview on its works. This overview defines the pros and cons of NCHR reports and scrutinizes the development of its administrative and organizational structure. It also revisits its statutes, and highlights the extent to which they met the expectations and aspirations of both NCHR and the community vis-à-vis the fulfillment of its duties and how far they met the international standards regarding the functions of national institutions, which are "Paris principles".

### **First: Assessment of NCHR performance**

While the independence of any national institution is considered the cornerstone of its credibility, the NCHR has been able to maintain its independence amid a gulf of political and social turmoil that affected the state institutions. However it maintained its plurality which includes the country's political and social trends, and took the initiative of suspending the membership of the members who ran for the elections or were involved in the leading partisan work while they were nominated.

The NCHR embarked actively on shaping the country's legislative and constitutional structure after the Revolution of June 30th, and was involved with a direct representation, as an institution, with the committee assigned for drafting the constitution. Three of its members were involved, by virtue of their public activity, in the discussion of the legislation drafted by the executive authority.

NCHR became a platform for discussing issues pertaining to human rights or public opinion, particularly the economic, social and cultural policies. It involved government representatives, stakeholders and civil society organizations on many issues in the health, education, labor, social security, and social justice in the search for unconventional solutions to the steady increase of population, the fight against poverty and economic and social marginalization, including the civil and political rights and public freedoms.

NCHR is credited for drawing the attention to, and focusing on, the vulnerable areas and marginalized groups. In the course of doing so, it engaged with fact-finding missions and took part in field visits and hearings. In that context, several fact-finding missions, field visits were delegated to Sinai whereby they held hearings. NCHR members conducted accurate periodic follow-up. Aswan and Nubia were given great care in the framework of an explorative process and were visited by NCHR Chief and several NCHR members who held an interactive dialogue on the problems of Aswan with the Aswan officials and community leaders. NCHR also took part in monitoring Halayib and Shalateen elections and then reported the findings of those visits and the recommendation reached through these dialogues, along with the results of the valuable follow-up by NCHR members, to the competent State authorities.

The marginalized groups were given a great deal of attention, particularly those with disabilities. The NCHR unit concerned with the affairs of people with special needs carried out 23 activities in support of the rights of people with disabilities, and to integrate them within the society. It also carried out activities to protect the refugees and irregular migrants.

NCHR also engaged in efforts for addressing the challenges of the transitional period at the legislation level. In this connection, it took part in the discussions pertaining to the constituent legislations in cooperation with the Ministry of Transitional Justice and National Reconciliation (2013 – 2014). It engaged in discussing issues of transitional justice and in following-up on the discussions held with the Ministry of Legal Affairs and the House of Representatives vis-à-vis other drafts laws issues.

Similarly, NCHR was involved in efforts for addressing the challenges of the transitional period, including the breaking up of "Rabaa" Sit-in and the acts of violence that encompassed the operation, the attacks on the State facilities, police stations and on the Egyptian Copts, their churches and properties in several governorates. It then issued its report in Arabic and English, which is almost the only report published in that regard. Even the International Fact-finding Commission published but a summary report. NCHR repeatedly tackled the phenomenon provisional detention which, with the legal

amendment that prolonged the detention period, and the lengthy trials, ended up with becoming a penalty per se. The amendment also led to the over crowdedness of the legal detention centers in a manner that made them a pattern of harsh and degrading treatment.

NCHR also embarked on probing allegations of enforced disappearances that preoccupied the national and international public opinion in 2015. It followed up the alleged cases of enforced disappearance with families, lawyers, civil society organizations, the Attorney General Office and the Interior Ministry. This effort managed to reveal vast majority of those who have allegedly disappeared.

NCHR continued its visits to prisons and succeeded during the period covered by the report in completing three tasks: cooperation with the Interior Ministry for issuing a new prison bylaw in 2014 and bringing about improvements in the prisons that were closed down with the approval of the Attorney General. It also organized a dialogue between the internal Arab national institutions and the Interior Ministry in framework of the Arab Network of National Institutions.

As expected, NCHR paid great attention to the government's unjustifiable escalation against the civil society organizations, particularly those acting in the field of human rights, as the Ministry of Social solidarity threatened to take action against the organizations that failed to adapt to their situations to Law # 84 / 2002, and hindered access of several NGOs to grants for expanding their social and cultural projects. Sometimes such actions were taken without justification to pressure them, despite the fact that the law itself was still under consideration, and despite NCHR's intervention to postpone any steps by the government until the new law, under which the existing problems could be handled, is enacted.

The government also initiated the resumption of the investigation in the "Foreign Funding" case No. 173. This undoubtedly means to interrogate the Egyptians citizens after the release and return of the foreign suspects accused in this case to their homelands several years ago. This implies improper and incomprehensible discrimination. Successive actions were taken towards organizations and activists who exercised tangible activities on the national scene, e.g. travel bans.

In addition to NCHR efforts for enhancing its activity, it sought to develop the work mechanisms and structure implied in its bylaws. In that context, it received impetus in the Constitution, in 2014, that vested it the right to join the prosecution to the side of the affected if they so requested. Accordingly, NCHR has already started to embark on developing a regulatory plan to expand on exercising this right.

NCHR also conducted a restructuring of its Rules of Procedure in 2015 in light of its experience and duties since its inception, boosting its work techniques and mechanisms, and has already completed the appointments in accordance with the new job profiles.

The restructuring process took into account the experience of the earlier stages, development challenges and ambitions, and sought to enhance expertise. In this connection, NCHR spared no efforts for explaining to its personnel the changes resulting from the restructuring process, and opened promotion opportunities to implant the spirit of ambition among them. It also developed promotion rules based on their experience and the scientific experience, leaving the promotion to senior position to the selection of the senior management. This action coincided with a comprehensive review of the workers' share of social insurance. It also coincided with the development of health care contracts and tax arrangements in cooperation between the NCHR and experts from the Organization and Management Authority, and Tax Authority.

NCHR sustained efforts to develop its personnel abilities, providing them with opportunities to participate in capacity building programs given by the High Commissioner for Human Rights and other relevant local and international organizations, or rather through programs organized by the NCHR itself; and encouraged their participation in organizing workshops and conferences.

## **Second: The Challenges**

In addition to the positive aspects of NCHR performance, however, it faced several challenges that affected, and are still affecting it. Such challenges could be highlighted in the following:

1-The decline of the government's interaction with the NCHR. Such a decline is represented in the fact that the government stopped short of holding official discussion of NCHR reports in the Cabinet meetings or respond to their content after the encouraging start it has shown toward the initial NCHR report, and just gives formal or procedural replies to complaints referred by NCHR to the competent ministries or Authorities. Furthermore, it unjustifiably overlooked some of the fundamental reform suggested by NCHR, e.g., proposals for combating torture, and/or discrimination. The comparison here is that NCHR proposals in this regard are based on the Constitution (on the multiplicity of publications since the founding of the Council) and represents an essential element in the State's international legal obligations in line with the its official discourse. Overlooking such proposals was a justification of the 2011 revolution.

2-Confusion in society's understanding of NCHR role, being a national institution, the matter that impels it give priority for on problem solving, restitution, holding abusers accountable, filling in the legal gaps and preventing a repetition of such gaps over its concern with criticizing, managing and condemning. This incurred continuous harsh and unjustified criticisms to NCHR.

3- The number of complaints received by NCHR declined from an average of 466 complaints in 2005 to 190 in 2015. Although there are numerous reasons that could justify such a decline, e.g., failure of the State apparatus to solve the complainants' problems, or rather it pays more attention to the complaints adopted by the media for the media influence, or because of the multiplicity of entities that now offer the same service to the citizens, it remains certain that this decline represents a negative indicator that needs to be addressed. NCHR Executive Committee discussed this phenomenon in mid-2015 discussed, and the Head of the Complaints Bureau attributed this phenomenon to three factors, namely that Bureau does not have a media unit and lacks of financial support, and that State entities do not cooperate with the Bureau.

While the Council's discussions raised a set of suggestions, the most significant of which are: To create two new sections to be affiliated to the Complaints Bureau, one for investigation and the other for the provision of legal assistance. It was also suggested that NCHR be involved in dispute resolution, and that NCHR member lawyers join the Legal Assistance Unit and members of the NCHR-organized fact-finding committees participate. A clause was added to NCHR Act to authorize the Complaints Bureau or accord it the right to intervention and mediation. The clause provided for the designation of a number of investigators/experts to do the media and public relations role for the Complaints Bureau, and set up a page on the social media "Facebook".

## **Recommendations**

During the last three years, the NCHR has put forward a set of recommendations which have been developed to be feasible and applicable at the levels of legislation and practice.

The NCHR has been keen on linking and harmonizing its proposed recommendations and three types of obligations namely: I- the new Constitution entitlements which reflect popular demands raised by two great revolutions in less than 3 years, II- Egypt's international obligations under its accession to the majority of the international human rights conventions, and III-the development which accompanied the two aforementioned obligations under the commitments and recommendations accepted by Egypt within the context of the “U.N. Human Rights Universal Periodic Review- 2015”.

The NCHR has also taken into account these recommendations' interaction with the “Sustainable Development Agenda 2030”, and the “Climate Convention 2016”, as well as the public opinion's urgent demands regarding a number of issues.

Although the reference to these recommendations may be new, it must be noted that all these issues are not new, while most of the recommendations area confirmation of previous ones that have been made by the New NCHR's Council ever since its composition. Nevertheless, in all cases, these recommendations constitute the basis for an integrated action program which responds to the aspirations of the community.

At the legal and legislative levels:

- The completion of accession to international human rights conventions and joining the International Convention for the Protection of all Persons from Enforced Disappearance.
- Reconsidering the official stance that refuses the accession to the “Torture Prevention Protocol” which provides for the establishment of an independent national mechanism for torture prevention.
- The adoption of the draft law submitted by the NCHR to meet the constitutional entitlement, and the state's acceptance of the recommendations related to ensuring the NCHR's full compliance with the Paris Principles, to support its role and help it to carry out its functions properly and realize its goals in promoting and protecting human rights.

- Assigning priority to the completion of the unified election law and issuing it as soon as possible, as well as establishing the Independent Electoral Commission.
- Accelerating the issuance of the prospective Judicial Authority Law in accordance with the constitutional guarantees.
- Accelerating the issuance of the proposed Police Act so as to contribute to addressing the major challenges currently facing the country.
- Accelerating the issuance of laws regulating the media and establishing its constitutional bodies in addition to a law which guarantees the free flow of information.
- Accelerating the issuance of the laws on trade unions and professional syndicates as well as the NGOs law.
- Issuing the new labor law in line with the constitutional guarantees
- Accelerating the issuance of the Social Security draft law proposed by the Government.
- Accelerating the issuance of a law that provides for the establishment of an Equal Opportunity Commission, prohibition of discrimination among citizens and the criminalization of incitement to hatred, according to the 2014 Constitution, which was called for by the NCHR since its inception.
- Accelerating the issuance of the Church building and renovation law, in accordance with the 2014 Constitution.
- Accelerating the issuance of the transitional justice law.
- The necessity of assigning priority to: reviewing laws regarding anti-terrorism and emergency laws, the protection of witnesses and informants, demonstrations and criminal proceedings to be, in consistence with constitutional guarantees

At the civil and political rights level:

- Facilitating access to official personal identification documents to all citizens regardless of their beliefs and issuing necessary decisions in this regards in accordance with Article No.6 of the 2014 Constitution
- Enforcement of Law No. 64 of 2010 on combating human trafficking and activating the fund which assists human trafficking victims.

-The integration of ideas and calls concerning the reform of the religious discourse within a comprehensive strategy for: cultural reform, consolidation of citizenship, the renewal and development of religious discourse, the dissemination of tolerance and the rejection of atonement, hatred and fanaticism. The NCHR recommends, in this regard, the establishment of a competent mechanism comprising religious institutions, ministries, concerned agencies, specialized councils and civil society organizations, including the media and art, so as to ensure the harmonized enactment of this strategy and the following up of its implementation.

- Ending the blackout policy, ensuring commitment to disclosure, transparency and briefing the public opinion on investigations included in reports submitted by the fact-finding independent committees, particularly the fact-finding National Committee report on the events that accompanied the June 30 revolution and its aftermath issued in November 2014. This also includes the investigations regarding the fact-finding report prepared by the NCHR on the Raba'a sit-in dispersal issued in March 2014.

- Ensuring the protection and respect of human rights in the context of combating terrorism and violent crimes.

- Limiting the implementation of the death penalty and taking the legislative measures to restrict it to the most serious crimes.

- Amending the Penal Code to be in line with “the United Nations Convention against Torture” and the 2014 Constitution. The NCHR recommends studying the establishment of an independent national mechanism for torture prevention, which could be developed by the NCHR.

- Urgent tackling of the overcrowding phenomenon in prisons and detention centers, dealing with the excessive use of pre-trial detention, promoting pardoning and conditional release policies, and considering alternative penalties that do not deprive liberty such as public service and financial fines.

- The NCHR recommends putting an end to the pressures and constraints exercised by the administrative authorities on the NGOs in accordance with the controversial law No.84 of 2002, and ceasing the defaming campaigns against human rights defenders, particularly the NGOs that are committed to the principles of transparency, openness and objectivity, until the issuance of the expected law by the Parliament. Moreover, the civil society associations should be involved in the discussion of the NGO draft law, anticipated to be issued by the parliament, in accordance with the safeguards guaranteed by the



Constitution, and in the light of the relevant verdicts issued by the High constitutional Court.

- Reviewing the Military Judiciary Law to ensure the abolition of civilians' trial before military courts, and controlling the application of constitutional text which permits this by submitting referrals to a common judicial consultation chamber comprising civil and military judiciary.
- The NCHR recommends the resumption of justice conferences aimed at strengthening the capacities of the judicial authority, ensuring its independence and promoting justice and equality guarantees before the law.
- Promoting awareness and training for law enforcement officials in the field of respecting and integrating international human rights standards while carrying out their duties.
- Launching a comprehensive national dialogue on the path of transitional justice and the relevant expected legislation.

At the economic, social and cultural rights level:

- Integrating human rights standards into the general development plan and economic policies.
- Issuing a new health insurance law which guarantees comprehensive coverage for citizens, in accordance with the Constitution and the principles of equality and solidarity.
- Developing the medical and therapeutic care system in a manner which ensures quality, access and efficiency, improving hospitals and medical facilities, promoting preventive medicine and combating endemic and epidemic diseases. Also developing the status of doctors, nursing staff and administrative personnel in medical centers, and promoting medical education and the health services system.
- Assigning top priority to addressing the severe shortage of the most common and widely used medicinal drugs, and discussing the phenomenon of the closure of the pharmaceutical companies or their acquisition by international firms, which adversely affects the availability of the medicines at affordable prices. The state should also undertake urgent measures to address the medicine crisis.
- Paying attention to redoubling efforts to address the shortages insanitation and providing safe drinking water.

- Promoting education and scientific research and the eradication of the alphabetic and digital illiteracy for all ages, particularly in rural remote and poor areas, according to a specific time plan, in addition to cooperating with civil society to enrich these efforts.
- Developing the scientific competences and professional skills of teachers, faculty members and their assistants, and protecting their mental and moral rights, so as to promote education quality and achieve its objectives.
- Giving priority to technical education, vocational training, and development requirements during the coming period. The NCHR recommends the expansion and development of the various types of technical education and vocational training, according to international quality standards and labor market requirements.
- Strengthening the state's efforts and plan to provide social housing, and reconsidering its policy so as to ensure social justice, economic and environmental conditions as well as facilitating the contribution of self and cooperative initiatives in its implementation. Regulating the use of the state's territories and the basic facilities within the framework of comprehensive urban planning for cities and villages and the population distribution strategy, in order to achieve the common good, improve the citizens' quality of life and preserve the rights of future generations.
- Strengthening the state's efforts in addressing the shantytowns' problem and developing a plan to eliminate them in a specific time frame in order to ensure improved quality of life and public health.
- The State shall ensure the provision of alternative housing for those affected by the forced evictions for the public interest, while ensuring their right to redress and compensation.
- Continuation of the state's policies designed to ensure that all sectors of society enjoy the right to adequate and good food, promotion of the in-kind subsidy systems and ensuring they are delivered to the actual beneficiaries, as well as offering free food to children in primary and secondary education.
- Combating monopolies, corruption and exploitation which lead to inflation and the increase in food prices, as well as encouraging both, the role of consumer protection associations, and the establishment of cooperatives.
- Supporting the state agencies concerned with the environment, and promoting environmental studies through interacting with the "International Convention on the Environment" (Paris 2015) in which Egypt played a prominent role by virtue of its

presidency of “ the African Ministers Council on the Environment” and the President of the Republic’s participation in the Paris Climate Summit as Africa’s representative.

- Toughening penalties against crimes that pollute and damage the environment and ensuring law enforcement.
- Conducting periodic monitoring of the environmental situation in Egypt, increasing citizens' participation in the management of their environmental resources, taking decisions on the environment, and ensuring the smooth exchange of information on environmental resources.
- Expanding the use of the new and renewable sources of energy, and the scientific treatment of waste and litter.
- Reducing the use of pesticides in agriculture.
- Development of a national plan by the state to effectively promote and create job opportunities, in consultation with civil society, and through cooperation between public and private business sectors, in order to address unemployment among youth and women, and eliminate poverty.
- Attaching importance to organizing and rehabilitating the informal business sector on a gradual basis so as to take into account the negative effects of the integration of this sector on the big operating rates it absorbs, and facilitating the implementation of small and medium enterprises to reduce unemployment rates.
- Monitoring the implementation of the minimum wage in the governmental sector, as well as the public and private business sectors, and linking it to inflation rates.
- Making legislative amendments to the labor law to preserve the workers’ rights, prevent unfair dismissal, and provide a mechanism for collective bargaining for the settlement of collective labor disputes, in addition to the issuance of trade union freedoms law, which was drafted by the government, trade unions and employers in collaboration with representatives from the International Labour Organization and civil society organizations.
- Reviewing tax laws and policies in order to achieve social justice, and encourage employment-intensive projects within the framework of fighting unemployment.
- Making urgent amendments to the Social Insurance Law to provide citizens with social insurance services, especially informal sector workers.

- Making urgent amendments to the Social Security Law to cover citizens who are not enjoying the right to social security and to ensure a decent life for them.
- The State guarantees pension and insurance funds and ensures the protection and independence of the competent authority.
- Developing and enforcing the state's declared directives for fighting corruption within its development plan and economic policies, and ensuring the enforcement of anti-corruption legislations, in addition to the intensification of the state's efforts to promote transparency and accountability measures, to ensure optimal use of resources and achieve sustainable development, especially the enforcement of Law 106 of 2013 on conflict of interests.
- Competent regulatory bodies' and organs' commitment to coordinate with each other on combating corruption and promoting values of integrity and transparency - to ensure the proper performance of the public service and the protection of public money-as well as developing and monitoring the implementation of the national strategy to combat corruption, according to the 2014 Constitution.

At the level of the rights of the most favored categories:

- The state guarantees women's right to hold public positions and senior management posts in the state and to be appointed in the judiciary without discrimination against them. It also continues its efforts to combat all forms of violence against women, and enforce relevant laws.
- The NCHR recommends that the Parliament ensures women's equitable representation in local and parliamentary councils, and that their representation is raised to one third, according to the best practices.
- Developing a plan to address children's dropping out of education, and prompting efforts to address the phenomenon of "street children," according to a plan for the rehabilitation and integration of these victims.
- Enforcing laws on combating violent crimes against children and the sexual, commercial and political exploitation against them, the pursuit of impunity, strengthening control over orphanages and juvenile institutions, and ensuring the State's commitment to enforce legislations related to the prohibition of child labor, especially in the field of agriculture and the informal sector.

- Adopting and enforcing national policies and programs that guarantee the enabling of persons with disabilities and the enjoyment of their rights on equitable basis and without discrimination. Strengthening the capacities of the National Council on Disability, according to the 2014 Constitution, and the issuance of “the Rights of Persons with Disabilities Act”, in accordance with the “International Convention on the Rights of the Disabled” and the draft law submitted by “the National Council on Disability”.
- Adopting the appropriate urban code to equip facilities with everything that suits the persons with disabilities, and exerting efforts to ensure the protection and promotion of their rights in the following fields: economic, social, cultural, health, recreational, sportive, educational and political, in addition to applying the percentages allocated to them in jobs, and enhancing their political participation and representation in parliaments.
- Toughening penalties for crimes attacking Egyptian heritage, performing the state’s duties and obligations in the field of monumental protection and conservation, safeguarding, maintaining, and rehabilitating monumental areas, as well as restoring what has been robbed, and organizing excavation procedures and supervision thereof.

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