

National Council for Human Rights (The Council/ NCHR) – Fifth Annual Report Executive Summary

Divided into 5 Chapters, the report covers the situation of human rights in Egypt in the period of 2008, and the first quarter of 2009. The chapters are classified into: the general state of human rights in Egypt, the Council's efforts in dealing with complaints received, efforts of NCHR in promoting a culture of human rights, The Council's activities in the field of international and national cooperation, and its efforts to implement the national plan for the advancement of human rights.

It must be noted that this period was one of both achievements and infringements on human rights, perhaps paradoxically, due to the delicate and complex development of human rights in Egyptian society. While on the one hand there appears to be significant political progress, still the country remains to be in a declared state of emergency, and the emergency law is still in practise.

While there appears to be advancement in the right to freedom of opinion and expression in society, there remain constraints due to the intolerance of authority in achieving this right. Although there is also an increase in the number of recognized political parties, there are parties that continue to pursue recognition, having in the past submitted establishment requests, but without avail.

In spite of the breadth of activity of civil society and their long standing success in establishing a definitive role in society, NGOs and professional syndicates still continue to face legislative and regulatory restrictions that limit their movement and prevent them from gaining momentum, in an era when civil society in developed countries has become the third significant pillar in contributing to the process of political and social development together with the government and the private sector.

At a time when currents of opinion on the internet took to the forefront and characterized Egypt as a centre of internet freedom in the region, some Egyptian bloggers were tracked down and constrained in a way that contravenes with human rights, to the extent that limited awareness needed by Egyptian society to continue the long path to democracy.

At the legislative and institutional levels the political reform process has not reached the levels anticipated by Egyptian society – that still suffer a modest, if not a low level of political apathy - always confirmed by a low turnout at the ballots in times of elections (presidential elections - legislative -- local) and reflected also in the by-elections and supplementary elections in some constituencies over the past year.

Perhaps the remaining component to complete human rights situation in Egypt is citizen complaints received by NCHR. The majority of complaints were comprised of social and economic sufferings amounting to more than 70%, while violations of civil and political rights made up 9.1% of the total.

These ratios reveal the complexity of the situation of rights in Egyptian society, and that living standard concerns come first especially under the global financial crisis have had local implications across Egypt making the violation of civil and political rights secondary in significance.

The state of human rights in Egyptian society is not any different to that the region has witnessed and even to that of the world at this time. A period characterized by recession and the apparent decline of human rights in the areas of conflict and occupation of Palestine and Iraq. There has been an alarming worldwide spread of contempt to religions and cultures of others in breach of the universally accepted ideals of tolerance and respect to others and cultural diversity stipulated in all international treaties and agreements.

On the other hand civil and political rights came to the forefront when Baha'i families in Upper Egypt were subject to harm and injury, their homes burnt and expelled from their villages under security protection. Many shocked at these actions that give evidence to the existence of conflicts of intolerance and rejection of the other in the face of the principle of citizenship, that is guaranteed in the Constitution and protected by law.

This incident gave rise to controversy when it came in time with the much welcomed Interior Minister's decision to amend Civil code regulations to introduce a dash mark (-) next to the religion box to allow for Egyptian citizens that do not belong to the officially recognized religions; Islam, Christianity and Judaism to leave it open. This is not limited to the 3 Baha'i cases that the Administrative Court ruled in favour of.

In the area of fundamental rights:

The report makes note of the security concern that overrides access to rights and has stood obstacle to political reform. The country remains to be in a state of emergency, the victims of torture and ill-treatment are on the increase, abuse of power continues at an unprecedented manner that has resulted in masses taking part in protests and demonstrations.

The past year has also stood witness to incidents of arbitrary arrests and unjustified and disproportionate action in the face of demonstrations related to political activity, to unauthorized participation in social protests even to demonstration in solidarity with the Palestinian people due Israeli aggression in the Gaza strip.

In addition to this, is the continual trial of civilians before military courts in exceptional cases or under the emergency law is prevalent. This is both unjust and not in conformity with international standards.

On an equal footing there have been positive efforts exerted by authorities in dealing with some human rights violations of personal liberty and dignity. Some law enforcement officials have been brought forward to trial for torture offences and ill-treatment while others have been convicted; and moreover some detainees have even been released.

Still, for security reasons, some are still arrested under the emergency law and still families of wanted suspects are taken hostage unlawfully to force them into surrender. There have also been reported cases of detainees that have been sent to undisclosed locations without the knowledge of their families or lawyers and cases of “disappearance” have also been noted.

Concerning general rights, the right to freedom of opinion and expression has reached an unprecedented high especially with respect to media. Independent and opposition papers and controversial TV shows on Egyptian satellite have scrutinized and openly criticised government policies. The President of the Republic has also issued a pardon against a sentence made against the editor in Chief of a newspaper; and the Court of Appeal has also dropped charges made against 4 independent paper journalists on bail.

In spite of all these efforts, still the penal code remains to be an impediment to the journalists’ right in practising freedom of expression since the presidential pledge to repeal punitive provisions that allow the imprisonment of journalists for publication crimes has not yet been implemented. This in turn has led to media organizations practicing self-censorship especially when it comes to highlighting claims of political custody.

Regarding the right to peaceful assembly, security reactions have varied in nature. There has been remarkable disparity in the lenient reaction of security apparatus to the marches in expression of solidarity with Palestinians in the face of aggression and blockade, as compared to their later violent reaction to strikes and demonstrations, detaining numerous citizens, as in the case of the Mahalla demonstrations that led to clashes. The Prosecutor General has released the majority of those detained in such events over the year.

The Shura Council Party forming Committee continues to object to the emergence of new political parties, and continues to reject recognition of parties that had previously submitted their paperwork due to their inability to meet new legal requirements that have been implemented retroactively. There also remains to be an unlicensed sharp polarization between the ruling National Democratic Party and the Muslim Brotherhood. This acts as a barrier to the development of political parties recognized in the country.

The Council has been following with great interest the laws governing the work of NGOs and professional syndicates that have been a barrier to the development of civil society institutions. NGOs complaints still reflect the restrictions enforced through the current legislation, and trade unions and syndicates continue to suffer from the conditions laid out in law 100 on the democracy of professional syndicates. In this regard, The Council has held meetings with concerned authorities that have resulted in positive feedback and The Council looks forward to taking it to public debate prior to its enactment.

However, it is with utmost concern that The Council looks at the fact that by-elections of the People’s Assembly and Shura Council as well as municipal elections took place without amendment to the local election laws that led to

the postponement of municipal elections for two years. NCHR also acted as observer to the elections with the participation of NGOs, unfortunately to find violations to the law that were endorsed by court order.

In the realm of civil and political rights, The Council must bring to the forefront two issues of serious concern to The Council and the society at large. First is sectarian tension growing between Muslims and Christians that has resulted from normal social friction turning into sectarian strife. This is a threat to social peace and national unity of Egyptians.

As always, The Council suggests that the solution lies in placing emphasis on the rights of citizenship, to promote equality and equal opportunities, and The Council also insists to further studying its previously submitted draft law for the building of all worship places regardless the religion to ensure justice and equality for all.

The second issue of significance The Council wishes to highlight is security tension in the Sinai Peninsula forming since the terrorist acts of 2005 in Taba and Sharm El Sheikh that resulted in strict security measures. The period covered by the Report also witnessed more tension as a result of Palestinians storming through the Egyptian borders with Gaza, following the Israeli blockade imposed on the strip. Intense debate also followed about the recurring closure of the Rafah crossing, as well as Israeli allegations of weapons smuggling through the Egyptian borders, and the intensifying activities of African migrants' towards Israel.

The Council emphasizes the importance of granting Sinai special attention. There is a need to address the economic and social problems facing its citizens, and bridge security with political measures required to tackle the situation there. Enhancing development plans in a way that responds to the needs of the population is also required.

In the area of economic and social rights

The Council recognizes that the series of global crises, which include the world food crisis and the current financial crisis, had dire repercussions on the economic and social realities of the country and on governmental efforts to advance social and economic rights.

The Council appreciates the efforts exerted by the government to overcome some of these crises, such as the way it dealt with the bread loaf catastrophe that had had deep ramifications on society, and the State's efforts to counterfeit the monopolies in the production and distribution of some construction materials, which had led to the unprecedented leaps in prices of cement and iron hugely impacting the construction and housing sectors.

However, the Council's deeper concern lies in the increase of corruption which led to the deterioration of Egypt's ranking according to Transparency International Index from the 70th in 2006 to the 107th in 2008. The Council also followed with concern the price hike of essential goods despite the increase in wages approved by the President to assist low income groups. Even when food prices started to decline worldwide, the prices in Egypt remained relatively high in comparison. Moreover prices of agricultural products are on the increase and basic services including water and electricity have gone up

The Council expresses its concern about the impact of the severe economic shock waves suffered by the country as a result of the world economic crisis. This has resulted in pushing large segments of the Egyptian society below the poverty line. Studies show the high concentration of these segments at the lower and upper poverty lines.

The Council expresses its appreciation of the government's increasing attention to education as a locomotive of development, as witnessed by the convening of the National Conference on Education and tasking a national agency with the mandate of ensuring quality of education and standards of excellence. The Council, however, feels obliged to highlight the reservations that some experts have with regards to certain aspects of the developments mentioned above and the society's ongoing concern for the spread of the "private tutoring" epidemic outside the official school system, the unsatisfactory academic levels of graduates, and the absence of cultural, sport, and art related activities in school and universities as well as concern over recent phenomena; the leaking out of final exams before their time, violence at schools and students dropping out at early stages of the education ladder.

The Council expresses its appreciation for the position taken by the Egyptian judiciary to stop the movement towards the privatization of healthcare. The Council also expresses its support for government efforts aiming at expanding the healthcare insurance coverage to include various segments of the society. NHCR renews its call for taking into consideration the social dimensions in producing an improved healthcare system.

The Council shows concern over high unemployment rates, in spite of official statistics that point in the opposite direction together with the effect of global stagnation on the return of many Egyptians working abroad to Egypt.

In monitoring the course of economic and social rights, The Council draws accentuates two phenomena that require attention without detracting from the attention currently given to them by the state. Namely the problems facing Egyptians abroad, and the issue of **illegal immigration** that leads to hundreds of deaths annually.

The Council's own monitoring efforts, together with complaints received, expose humiliating incidents that Egyptians face while working abroad. And while the State has exerted significant efforts to contain such incidents, those

efforts are still a long way from being institutionalized. There is first a need to deal with the surge of unemployed citizens returning from the Gulf in light of the global economic recession. The Council also cautioned against problems facing workers in the maritime sector, especially now that international piracy and incidents of navigational hazards have revealed the nature of the risks, problems and exploitation that they face in the absence of adequate legal protection.

The Report also highlighted the phenomenon of illegal immigration, which despite the Council's appreciation of the efforts exerted by the Government in combating it, continues to pose a threat to the lives of Egyptian youth. This necessitates negotiating with the European Union to reach development based solutions, not only security measures, to commensurate with European calls for enhancing cooperation between the Northern and Southern shores of the Mediterranean.

In the context of dealing with citizens' complaints, The Council introduced a comprehensive improvement in the work and mechanisms of its complaints department; introducing the use of mobile units to reach citizens in various governorates, establishing a permanent complaints office in Sohag, and establishing a free hot line to receive citizens' complaints. This resulted in a surge in the number of complaints to reach 14,672, double the number received in the previous year.

Enhancing the effectiveness of these mechanisms were the parallel events carried out by the Complaints Office that took place to the side of mobile unit visits to various governorates, in which officials, leaders of political parties, and professional syndicates participated.

In addition to this, Agencies and bodies receiving complaints and recommendations from The Council have also shown increased responsiveness, some of them taking initiative in reviewing the complaints and finding satisfactory resolutions to the complaints, and reporting back to The Council.

The Council continues to distil the larger problems highlighted by the complaints it receives, through the organization of workshops and roundtable discussions to further study them. Stakeholders are invited to participate prepare reports, and inform the state and its agencies of its results and recommendations.

The Second Chapter of the Report listed the complaints received by the Complaints Office, and classified them according to: the type of right violated, according to governorates, the means by which the complaints were received, and the months in which they were received. This data was compared to last year's, hence shedding light on the impact of the improvement in the Office's performance, as well as evaluating the responses received by concerned agencies on the complaints referred by The Council.

In the field of promoting the culture of human rights, the subject of the report's third chapter, and in continuation of The Council's efforts in this filed since its inception, The Council concluded the first phase of the National Project to Promote Human Rights Culture. Its objective was to raise citizens' awareness of their duties and rights, promote the values of equality and non - discrimination, and enhance citizenship and political participation as detailed in the Report.

Last year The Council also carried out a study aimed at assessing the contribution of various pillars that contribute to the formulation of the citizen's consciousness and values, most significantly the education system. The Council has continued to revise and review education curricula to make it rights friendly, developed jointly with the Ministry of Education. In this regard, the Council commends the excellent results achieved by the Ministry.

The Council also continues its efforts to enhance the protection of human rights. Here it must draw attention to the need to abide and conform with international human rights standards in all laws and policies. NCHR is also involved in convening seminars and conferences that allow for a platform for the discussion of controversial issues in Egypt. Participants have included experts, concerned ministries, agencies, and nongovernmental organizations, as well as Specialized National Councils.

During 2008, The Council held 10 main seminars, the last of which was an international seminar, in collaboration with UNESCO, on the occasion of celebrating the 60th Anniversary of the Universal Declaration of Human Rights. The Seminar was chaired by Dr. Boutros Ghali, President of the Council and was attended by international dignitaries.

In March 2009, The Council held an Arab Prep Meeting for the "Review of Durban Conference", with the participation of Arab National Institutions for Human Rights. The aim of which was to formulate an Arab position on the issues on the conference agenda.

During the period covered by the Report, The Council continues to work closely with the civil society organizations and UN agencies, as well as other international organizations.

The Council also continues its efforts to institutionalize its relations with a number of organizations through reaching new cooperation protocols, and implementing old ones, as well as carrying out joint events, and supporting organizations that were subject to excessive measures and interfering on their behalf with the authorities.

Also NCHR remains to exert efforts to enhance cooperation with national institutions and international Ombudsman, with the objective of exchanging knowledge and expertise. The Council also took part in these organizations' regional and international meetings, and developed new formulas for

cooperation in the context of setting up a regional network of Arab Ombudsman.

The Council continues to cooperate with various UN agencies, in particular the Office of the High Commissioner for Human Rights, the Human Rights Council, UNESCO, UNDP, and the International Committee for Coordination between National Institutions, of which the Council is a member. In addition bi-lateral relations have also improved.

During 2008, The Council maintains its follow up on the implementation of **the National Plan for the Promotion of Human Rights** (Chapter 5). Originally drafted in 2007 according to international standards, and put forward for discussion with state agencies and civil society organizations with the objective of integrating it in the state's five-year plan (2007-12).

It is worth mentioning that The Council has taken the lead in establishing a unit tasked with the follow up and evaluation of the implementation of the plan since March 2007. The unit suggests work mechanisms necessary to reach the plan's objectives and achieve coordination between the Council and governmental and nongovernmental organizations in pursuit of these objectives, as well as coordinate between the Council and international counterparts to exchange lessons learned in the implementation and follow up of national plans.

The Council's efforts in this regard have comprised conducting dialogues with 19 ministries and agencies regarding the plan's implementation, follow up, and further development. Chapter 5 reflects on the content of those dialogues in detail.

The Council commends the genuine cooperation extended by the representatives of these Ministries.

The Council complemented its dialogue with government agencies together with a similar dialogue with civil society organizations, and it looks forward to widening this dialogue in a way reflective of the way its views these organizations and their role in the implementation of the plan and achieving its objectives.

Recommendations

The National Council for Human Rights (NHCR) in issuing its annual report in pursuance of its mandate according to article (3) of Law no (4) for the year 2004 establishing the Council;

And while acknowledging that the year 2008 witnessed some positive developments in the field of the protection of human rights, it has also witnessed some negative developments and infringements;

And while recognizing – as highlighted in previous annual reports – the complexity and sensitivity of the domestic and regional environments, and the persisting terrorist threat, and the implications of that for the ongoing need to protect national security interests and preserve social peace;

While highlighting that national security considerations do not contradict with the protection of citizen rights, and that the balance between both remains feasible, and required, as demonstrated by the experience of developed countries;

While acknowledging, based on the 14674 complaints received last year, that economic and social suffering of the majority of the Egyptian people represent a concern that can't be readily dismissed or ignored, especially in light of the current economic and financial crisis;

While expressing concern regarding emerging negative societal trends as a result of the limited culture of human rights and the retreat of values such as tolerance, respect and the acceptance of others, and the rise of domestic violence and violence in schools, and the ongoing religious tensions, and the spread of political custody.

While concluding that despite the complicated and difficult legal matters involved, there remains room for efforts to promote human rights in a number of fields and issues without compromising national interest and social peace;

The Council recommends the following:

First: The Legislative Environment of Rights and Freedoms:

- 1) The Council reiterates its previous recommendation regarding ending the application of the emergency laws. It highlights the importance of conducting a broad societal dialogue of the proposed terrorism law so that the approved law responds to hopes and aspirations of the Egyptian society.

NHCR asks the drafting committee of the law to take into consideration the opinions and suggestions of the members of The Council in their meeting with Dr. Mofeed Shehab, Minister of State for Legal and Legislative Affairs in May 2007.

The Council also demands, that in case of any delay in the passage of the law, that emergency laws be applied in limitation to specific

geographic areas and for a limited time, and only as is demonstrably necessary.

- 2) The Council appeals to the Parliament to: seek amendments to Articles 126 and 129 of the Egyptian criminal code regarding the crimes of torture and use of violence. In this regard, The Council notes its detailed proposal that ensures broadening the scope of the definition of criminalization, increasing of penalties and allowing the right to appeal against the accused of committing those crimes.
- 3) To propose completing the required steps needed to put into effect the President's pledge to revoke imprisonment in cases of opinion and publishing crimes.
- 4) To advise for further development of the laws governing civil society organizations and professional syndicates and removing restrictions and obstacles of Law no (100) for the year 1993 and Law no (84) for the year 2002, so as to allow civil society organizations to carry out their responsibilities in political, social and economic development of society, at a time when modern development literature emphasizes the need for coordination of governments, the private sector and civil society efforts.

The Council also recommends studying the separation between the right to practice a certain profession and membership of the relevant professional syndicate, so that the second does not become a requirement for the first.

- 5) To pass a law that promotes values of citizenship, equal opportunities and prohibition of discrimination between citizens based on race, religion, ethnicity, or political affiliation, that takes into consideration the Council's proposed draft law proposed in that regard. The Council also highlights the need to enhance and protect citizens' access to litigation, by avoiding raising litigation fees.

Second: Treatment of Prisoners

- 6) To Improve the living and health conditions of prisoners and detainees, protecting their human dignity, declaring the whereabouts of prisoners and detainees, and make easier their contact with families and lawyers.
- 7) To ensure judiciary supervision of prisons, detention centers and police stations.
- 8) To provide judicial supervision for the carrying out of sentences, while benefiting of successful models used by countries around the world. The Council calls on the Parliament to work on enacting a law that puts into action such a system, while attending to the specific nature of the Egyptian judiciary system.
- 9) To work on speeding up handling of detainees' files and to release those who received sentences in their favor.

Third: Support and Promote Political Participation

- 10) To work on enacting a new law to organize elections and the exercise of political rights on the basis of relative lists, in accordance with the recent constitutional amendments, and in support of political pluralism and democratic practice.
- 11) To put into effect judicial supervision of the election process, and to filter election lists, while emphasizing the role of the judiciary as the final arbitrator in election appeals.
- 12) To encourage women's political participation through application of positive discrimination, and to advance the legislation already announced stipulating the specification of a number of parliamentary seats for women.
- 13) To lift the restrictions imposed by the Political Parties law on the formation of new parties, without undermining the general system.

Fourth: Economic and Social Rights

- 14) To take the necessary steps to confront unjustified increases in prices, in particular food stuffs where prices still are far from reflecting global decline in prices.
- 15) To propose new and creative policies and taking the necessary steps to fight poverty and to close the huge gap between the haves and the have-nots which has been widening over the years and is developing into a serious concern.
- 16) To expand healthcare coverage and taking the necessary steps to put into action the President's continuous call for taking into consideration the social dimension in the pricing of health services.
- 17) To enhance the role of the Ministry of Foreign Affairs and relevant authorities to improve the handling of problems of Egyptians abroad, similar to that extended by other countries to their citizenry, including putting in place the required mechanisms and processes in Egyptian Embassies.
- 18) To formulate a comprehensive multifaceted strategy involving the participation of all relevant authorities to combat illegal immigration of Egyptians. The Ministry of International Cooperation should start negotiations with the European Union to reach developmental, rather than security remedies to the phenomenon of illegal immigration.
- 19) To bridge the existing legal vacuum in the face of illegal immigration and human trafficking, including the enacting of laws that criminalizes those activities.
- 20) To take the necessary legal and social steps to confront the phenomenon of street children and trade of human organs, including the enacting of a law to systematize the official transfer and implantation of human organs, ensuring necessary conditions and

guarantees against misuse or deviation in contradiction with human dignity.

- 21) To contest corruption through enacting smart laws that bar various forms of corruption and prohibit conflict of interest, and puts into place an effective system of witness protection. This will encourage reporting and exposure of crimes. Also the need to encourage and support consumer protection groups and combating monopoly.
- 22) To promote the concept and practice of corporate social responsibility and encourage businessmen as well as the private sector to contribute human development efforts. To encourage voluntary work and initiatives amongst the youth.

Fifth: Cultural Rights

- 23) Take active and persistent efforts to put an end to the problem of illiteracy, especially in light of the sharp cuts in budgetary allocations for education. Also to come up with creative solutions to deal with this problem, while benefiting from best practices and useful experiences of other countries which succeeded in few decades to eliminate illiteracy entirely.
- 24) To combat the trend of private tutoring as an alternative to formal education. Currently a threat to the role of the educational institution in raising generations of good citizens, as well as a burden on the least affluent of the society, let alone it being unique to Egyptian society. Not to be found in other countries, both rich and poor.
- 25) To continue with efforts to spread the culture of human rights throughout Egyptian society, and encourage initiatives to spread values of respect, tolerance, and acceptance of differences. To launch a societal dialogue over the need to modernize religious speech and bring to the forefront the positive values and the role models in our religious heritage, as well as promote the value of national loyalty that is in peace with the values of human progress.