

**Annual Report
of
The National Council
for Human Rights**

2005/2006

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Introduction

This second NCHR annual report comes out amid a vibrant global community that is taking a rising interest in HR causes and problems and an Egyptian society that is thirsty for democratic change and elimination of HR abuses.

Although the extent and volume of achievements in this regard throughout 2005 remain debatable, yet the democratic wheel of change is unmistakably already in motion.

The constitutional amendment of Article 76 of the Egyptian Constitution was perhaps the most outstanding event taking place during the year. Several candidates had to compete for the presidency by means of direct elections rather than the referendum that did not ensure competition nor the expression of the direct and true will of the people in choosing their president.

However, this amendment laid several restrictions, rendering the conditions to be satisfied for candidacy in the presidential elections extremely difficult, especially in light of the frailty of opposition parties in Egypt- both in the past and at present- for various reasons of complex nature.

The presidential elections were followed by parliamentary elections, which gave all political parties, political currents and political powers, in addition to independent persons, the opportunity to practise their original and natural rights of nomination. The first phase of the elections was conducted under judicial supervision and in an atmosphere of neutrality. However, there was a relapse of varied degrees in the second and third phases of the elections.

Along with the NCHR's admission of the positive aspects in the electoral process, it nonetheless expressed its concerns regarding the negative aspects. Some of these negative aspects were caused by practices of security forces which led to the shutting down of some election committees and the setting up of cordons around others, thus, preventing voters from entering the premises of such committees and denying them their constitutional right in selecting their representatives.

Moreover, there were negative signs revolving around the sorting process and announcement of the outcome of the election as well as the wrongful conduct of the candidates and voters themselves, such as bullying, using violence and bribing voters.

The NCHR issued a special report on the parliamentary elections, demonstrating all positive and negative aspects to make the best out of this experience. The NCHR reiterated its wish to establish a permanent independent entity for supervising the elections in all phases, to be composed of independent public figures who are known for their efficacy and integrity, as is the case applied in some regional and international practices.

In 2005, HR also acquired new positive dimensions. No longer were HR limited to civil and political fields but also included other basic rights in economic, social and cultural fields. These include the right to equality and equal opportunities in public posts, the right to individual development, healthcare, free speech and expression, as well as the right to political and societal participation based on the principles of transparency, neutrality and supervision, by first overcoming corruption.

The NCHR paid special attention as well to including HR in educational syllabi, and how to promote this culture among children and youths, particularly promoting the values of dialogue, tolerance and liberation.

The NCHR witnessed- with much optimism- the growing awareness of society regarding the HR values throughout the past two years. It also sensed the importance attached to this issue by the State organs as seen in their responses to the complaints referred to them by the NCHR. The NCHR further commends the Government's Memorandum issued in response to the NCHR first annual report ⁽¹⁾ and the establishment of the HR Committee in the PA. It also praised the issuance of Presidential Decree No. 74 of 2006 issued on 22 February 2006 determining the authorities and tasks of the Minister of State for Legal Affairs. Article 5 of the Decree states that the Minister's tasks shall be to "coordinate between the Government and the NCHR and communicate the Government's opinion with regard to the contents of the NCHR's reports, including making both remarks and proposals, in cooperation with competent ministries." This step indeed highlights the Government's interest in the NCHR's activities and in its role to enhance HR in Egypt.

With regard to the NCHR's exercise of its authorities as stated in Article 3 of Law No. 94 of 2003 on the establishment of the NCHR, and out of its belief that defending the rights and freedoms of individuals is of both national and humanistic importance, even if roles and locations differ, the NCHR is keen on stating the following:

First:

The NCHR reiterates its previous proposals to end the state of emergency and related exceptional legal provisions jeopardizing or reducing the rights and freedoms of individuals. The NCHR believes that

⁽¹⁾ See GoE memorandum in reply to the NCHR first annual report in annexes.

maintaining national security and social stability is a national unified goal which rises above any argument. The NCHR sees no contradiction between realizing national security and granting citizens their rights.

Along with the NCHR's reiteration of the importance of the urgent ending of the state of emergency, it insists on resolving the situation of detainees in Egypt. The NCHR believes that any law governing cases of terrorism and organized crime should take into consideration the protection of HR and public freedoms. The NCHR, thus, calls for the drafting of a law to this end to be pursued by the different State sectors, civil society organizations and public opinion.

Second:

The NCHR also calls for the rapid settlement of the cases of detainees arrested on basis of administrative decisions without abidance by legal procedures and guarantees stated in the Constitution and the law. The NCHR cannot take any action in this regard save for expressing its concern for this growing phenomenon, whether in terms of the number of detainees, the lengthy periods of detention, the common cases of administrative detention, or the non-execution of final court judgments acquitting some detainees.

Accordingly, the NCHR calls for activating the provisions and guarantees stated in the Egyptian Constitution and for abidance by the legal obligations arising from Egypt's signing of the International Charter for Civil and Political Rights as per Article 151 of the Egyptian Constitution.

Third:

With a view to realizing the much aspired balance between social security requirements and effective investigations on one hand, and the requirements for maintaining the rights and freedoms of individuals on the other hand, the NCHR also calls for reducing the period of PC and the necessity of stating the reason behind such procedure whenever taken. Moreover, this procedure is to be deemed an exception to the rule, which should not be enforced except in cases of the insufficiency of other procedures, including all forms of judicial supervision.

Fourth:

On one hand, the NCHR commends the positive steps taken in combating torture by bringing security officers accused of acts of torture to trial before court. The NHCR reiterates the importance of moving in this direction to put an end to torture and assure that the mistreatment of detainees and those arrested are also discontinued.

On the other hand, the NCHR is concerned about the revelations made by HR organizations and international reports in this regard. The NCHR calls for combating such practices by changing the behaviour of security officers and changing their concept of security.

The NCHR equally calls for amending legislative provisions relating to crimes of torture, so that they would not only apply to the torturing of indicted persons but also to any detainee, regardless of the place of detention, whether they be legal detention premises or places not falling under the supervision of the Prosecution Office, such as buildings, premises, and places of the State Security Services, or camps of the Central Force affiliated to the Ministry of Interior.

Fifth:

The NCHR is proud of the role of the Egyptian judicial system in protecting HR by means of application of principles and judgments issued by regular courts, administrative courts and the Supreme Constitutional Court. The NCHR, however, calls for enhancing the right of defense throughout the trial and pretrial stages to ensure that this basic right is given top priority.

In this context, the NCHR proposed a draft law for protecting freedoms, including aspects worthy of amendment in the field of PC, crimes of torture and enhancing the right of defense.

The NCHR presents this proposal in the draft law, pursuant to its jurisdiction stated in the first paragraph of Article 3 of its acts of incorporation. In light of the rights and freedoms of individuals as stated under the Constitution in Chapters III and IV, and pursuant to Egypt's obligations by virtue of signing international treaties and agreements on HR, the NCHR aspires that the draft law for protecting freedoms shall be supported and adopted by all competent authorities in Egypt for the sake of its issuance as soon as practical.

The NCHR reiterates the necessity to permit the formation of parties and organizations, to allow free opinion, belief and innovation, deeming them basic HR, along with related freedom of expression, including all means of expression, whether written, audio or visual, provided that the Constitution and the Law shall be the reference guide governing and protecting such freedoms.

Sixth:

The NCHR also witnessed- with great concern- the violations of HR, whether those stated in the complaints sent to the NCHR in the form of allegations of violations or acts of oppression, noting that the complaints amounted to approximately 6,500 complaints in 2005. Accordingly, the NCHR calls for giving proper attention to these violations and oppressive acts.

The NCHR appreciates the initiatives taken by some entities by responding to the complaints. Some responses included taking positive steps to rectify these violations and oppressive acts. However, the NCHR believes that such responses are still below the aspired volume.

In light of the above, the NCHR reiterates its call that all governmental entities, authorities and institutions give proper attention to complaints referred to them by the NCHR.

Seventh:

With regard to civil and political rights, the NCHR records- from the outset- its appreciation of the allowance of peaceful demonstrations by parties, society members and syndicates. On the other hand, it expresses its deep regret due to the violations which reached the extent of assaulting demonstrators, which was caught on TV and shown on some satellite channels. This violation is not only deemed a severe violation against the right to peaceful demonstration, free speech and freedom of expression, according to the Penal Code, but is also deemed a violation of the values, conduct and ethics of the Egyptian society.

Further, with regard to civil and political rights, as had been previously announced, the NCHR reiterates its call for nullifying imprisonment for crimes relating to publishing and free speech as per President Mubarak's promise and in compliance with the Government move toward legislative reform, which gave much hope to journalists in particular and the Egyptian society at large.

Eighth:

To motivate the participation of all sectors of society including youths (who represent 60% of the entire population) in the democratic process, the NCHR calls for the amendment of the Student Body Regulations of 1979 since some aspects in them form unjustified restrictions on the practice of democracy within student activities.

Ninth:

With regard to the violation of economic, social and cultural rights, the NCHR depicts some of the noticeable areas of progress, such as the enhancement of women rights during the past years. This includes the issuance of the new law on personal affairs, the establishment of Family Courts and the amendment of the Law on Nationality. On the other hand, the NCHR expresses its concern regarding the phenomenon of homeless children, violence against children and child labor, in violation of national legislations and international treaties.

Despite modest resources, NCHR finds it essential that the most vulnerable groups be given priority over others especially in light of the widening gap between the rich and the poor.

The NCHR also calls for giving proper attention to those with special needs, especially on account of their large numbers, reaching 3 million, i.e. 4.2% of the total population in Egypt.

Moreover, the NCHR also finds it essential to consider the phenomenon of corruption as a critical issue against which all efforts should be united on legislative, institutional and preventive levels.

The NCHR also calls for paying due regard to the rights of laborers in this phase of economic shift to privatization within a framework that would realize a balance between the requirements of a free economy, and social rights.

Tenth:

Aware of the international dimension of the HR issue, the NCHR calls for all HR concerned parties in Egypt and abroad to unite their efforts to face the new challenges threatening HR and impeding their progress in the right direction. The NCHR also views that the realization of democracy in the larger international system is a cornerstone in HR affairs and that if such democracy is shaken or if double standards are applied, relapse of HR will ensue.

The NCHR, moreover, believes that accusing cultures of “the other” to be inferior, and the consequential spreading of religious disdain and cultural provocation, is a very critical issue. Accordingly, the NCHR sheds light on the dire need that the world community at large adopt an international resolution or agreement to establish a balance between practising free speech on one hand, and respecting all religions on the other hand, while stressing the right of peoples and societies to cultural

diversity, as has been stated in the International Treaty issued by UNESCO at the end of 2005.

The NCHR aspires that the Government, in this parliamentary session present the draft laws proposed in this report, and the laws for nullifying imprisonment for publishing and journalism cases, the law on judicial authority and the law on establishing worship places. If drafted with enough discretion, such laws should realize the interests of both the ruled and the rulers. This in turn is deemed as the first step towards founding security for the society, realizing its stability and paving way for development and prosperity.

Despite the commendable measures taken by the State in support of HR and freedoms, the NCHR is aware that the road is still long and arduous, and that it requires enthusiasm from devotees and believers in the just cause of HR, as much as it requires a political will to push this cause forward.

Chapter One
Issues of Concern this Year

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Issues of Concern this Year

First: The Elections

Two electoral processes were conducted in Egypt in 2005; the presidential elections and the parliamentary elections ⁽²⁾, which took place in the midst of much debate caused by the amendment of Article 76 of the Constitution. This amendment allowed- for the first time in Egypt's history- the selection of the Egyptian president by direct voting among different competitors. This is besides the amendment of the Law on Exercising Political Rights which caused many to believe that this was a preliminary step towards comprehensive reform in the Egyptian society and encouraged others to call for the pursuance of the long-sought reform process. On top of the list of reform is the cancellation of the state of emergency and all other laws laying restrictions on freedoms.

The PA agreed to amend Article 76 of the Egyptian Constitution after obtaining the consent of 405 members to the proposal, while 3 members abstained from voting, 34 refused the amendment and 12 were absent.

However, a public referendum was conducted for the amendment of the said Article on 25 May 2005. Unfortunately, violence erupted during this process as many protesters took to the streets. The violence reached its peak in front of Saad Zaghloul Statue and the Journalists Syndicate as the police assaulted the demonstrators.

(²) See the NCHR's report on presidential and parliamentary elections.

Results of the Referendum:

Voters amounted to 17,184,902, representing 53% of the total number registered in the electoral lists. The results revealed that 82% votes were in favor of the amendment whilst 17% were not.

1- The Legislative Context:

The presidential election taking place in 2005 was the first of its kind in Egypt, as more than one candidate could nominate themselves pursuant to the amendment of Article 76 of the Constitution that took effect on basis of the referendum conducted on 25 May 2005.

The amendment of said Article set the rules for nomination as president, including that nomination was to take place by direct discrete ballot, and that the candidate had to be supported by at least 250 members in the PA, the Shoura Council and Governorate Municipalities, provided that the number of supporters do not fall below 65 members from the PA, 25 from the Shoura Council and 10 from each Municipality in at least 14 Governorates. Such numbers are to increase in proportion with the increased percentage of the number of members in such entities.

A political party established for at least five consecutive years prior to the date of the call for nomination, which continued to exercise its activities, and whose members earned at least 5% of the electoral seats in both the PA and the Shoura Council, shall be allowed to nominate one member from its higher board according to its Statutes, provided that one year at least had elapsed since the date of his membership in the board.

As an exception from the foregoing, each political party may nominate- in the first presidential elections- one of the members of its higher board formed prior to 10/5/2005 according to its Statutes.

Although the amendment of Article 76 of the Constitution represents- in itself- a positive step, yet it is riddled with some restraints, which almost override the essence of the constitutional amendment. This amendment also deprived two Egyptian parties from nominating candidates in the presidential elections, namely, the Tagamuo Party and the Nasserite Party.

It is also stipulated that a party acquire the consent of 5% of the electoral seats in each of the PA and the Shoura Council in order for a member of its higher board to nominate himself as president, a matter which is extremely difficult and burdensome, especially in light of the frail position of Egyptian parties.

Nomination is no less difficult for an individual in the face of the exaggerated constraints imposed by the said amendment.

With regard to parliamentary elections, the Egyptian Constitution issued on 11 September 1971, includes several clauses governing the parliament in Egypt. Chapter 2 of Book V of the Constitution contains Articles 86 to 136 on the PA, and Chapter 1 of Book VII contains Articles 194 to 205 on the Shoura Council.

It will suffice to present some of the provisions in the Constitution regarding the election of members of the PA. It must be noted that election of members in the PA takes place by public direct secret ballot, out of which 50% of the members are formed up by laborers and farmers according to Article 87.

The Constitution also states that Law No. 38 of 1972 on the PA determines the electoral constituencies, provided that two members are elected from each constituency, one of whom at least is a labourer or farmer. Within this context, it is worth noting that according to Article 87, the Egyptian President may appoint 10 members at the most.

As regards the soundness of membership, Article 93 of the Constitution states that the PA shall have competence over determining the soundness of the membership of any of its members after investigations are conducted by the Supreme Court. Any membership shall not be nullified unless by resolution of the majority of two thirds of the members of the PA. In spite of the fact that such judgment is issued by the Supreme Court, which is the most superior entity in the judicial system, nonetheless such shall not be binding on the PA, but shall rather be deemed as an opinion. It is worth noting that the PA had objected to such Court judgments more often than not.

Further, the Supreme Court is required to finalize investigations in cases referred to it by the PA within sixty days, whereas practical application has shown otherwise, as some appeals remained held for tentative investigation at the Supreme Court for periods reaching close to the end of the sessions of the PA. The PA, on the other hand, does not abide by the time-frames for determining the soundness of memberships of some of its members.

Law No. 73 of 1956 on the Exercise of Political Rights, as amended by Law No. 173 of 2005 and Law No. 38 of 1972 on the PA, as amended by Law No. 175 of 2005, have introduced some amendments to ensure the neutrality and integrity of elections, such as setting up the Supreme Committee for Elections, phosphoric ink and the rules on electoral campaigns.

As regards the rules on nomination in the PA, as stated in the Constitution and the Law on Exercising Political Rights, as well as the Law on the PA; some of such rules have given rise to much debate due to preventing persons of dual nationality from becoming MPs. This has been settled by the Supreme Administrative Court in its judgment No. 1259 of J.Y. 47.

On the other hand, jurists believe that laws governing candidacy for MPs, do not contain clauses preventing persons with dual nationality from becoming MPs, especially in light of the Law on Nationality, which allows acquisition of another nationality besides the Egyptian one.

The same applies to those evading military service, who are infinitely prevented from becoming MPs according to the interpretation made by the Supreme Constitutional Court on 17 August 2003 of J.Y. 24, of Article 5-5 of the Law on the PA, in light of Article 58 of the Constitution, even if the concerned person is not sentenced to imprisonment or any other criminal penalty. This deprives such persons from one of their basic HR since they will remain deprived for the rest of their lives from exercising their right to apply for membership in the PA.

This calls for Article 5-5 of the current Law to be amended due to its contradiction with the Egyptian legal system, which allows for acquittal from a punishment and allows for staying the execution of a penalty including all entailed consequences. It also allows for redeeming one's honour in all cases, including criminal cases. This allows indicted persons to resume exercising their political rights (Article 2 of the Law on Exercising Political Rights).

This provision is also in contradiction with international treaties, as stated in Article 52 of the International Treaty on Civil and Political Rights. Moreover, the right to vote stated in Article 1 of the Law on

Exercising Political Rights, is not deemed a right but an obligation for which a fine of LE 100 at the most shall be imposed on those failing to carry out such obligation.

However, the Egyptian Law gives each Egyptian citizen reaching the age of 18 the right to vote, while it exempts some categories and deprives others, as evidenced in the following text, “officers and those in the main, subordinate and additional branches of the armed forces, as well as officers and those in the police force, shall be exempted from this obligation throughout the terms of their service in the armed forces or the police force.”

Although such exemption falls under the justified restrictions on the right to vote, the existing electoral lists are jammed with thousands of citizens from these sectors, which allows some candidates to vote in a manner that allows for the abuse of the entire electoral process.

As regards cases of deprivation from exercising political rights, it is noted that the Egyptian legislation has expanded such cases, depriving larger numbers from the right to vote. This includes any person against which a judgment is issued by the Court of Values to confiscate his money although the judgment issued by such Court is only based on evidences that are not legally recognizable, which weakens the case. The Egyptian President undertook- in his electoral programme- to work on canceling the Court of Values and the Socialist Prosecutor, which requires a constitutional amendment.

Furthermore, those dismissed from posts in the State or the public sector for dishonouring reasons, are deprived of taking part in the elections for five years as of the date of their dismissal. In such case, the legislator has given equal status to disciplinary judgments and criminal judgments, both of which lead to deprivation from political rights, on

basis of which a citizen loses his eligibility to vote, which is deemed an exaggerated and unjustifiable act.

The legislator also overlooked setting up electoral procedures for some categories, such as temporary detainees or detainees that should be treated as temporary detainees according to Article 2 *ibid* of Law No. 396 of 1956 on Prisons. The same applies to prisoners in execution of court judgments for crimes other than those stated in Article 2-4 of the Law on Exercising Political Rights, who are not legally deprived of exercising their political rights.

The Law does not set out electoral procedures for Egyptians living abroad in spite of their right to vote. Furthermore, Article 3 of the Law on Exercising Political Rights states that “exercising political rights is not given to those on which guardianship has been imposed throughout the guardianship term, those with mental illnesses locked up in mental institutions as long as they are locked up, and those who have been announced as bankrupt for five years from the announcement date of their bankruptcy unless their honour has been redeemed before that period.” Accordingly, the Egyptian legislation has deemed such persons as ineligible for exercising their political rights.

The mentally ill who are locked up in mental institutions are deprived of exercising their political rights as long as they are locked up. This is no justification enough for depriving those announced bankrupt from exercising their political rights, since judgments on bankruptcy are related to commercial matters, which are civil affairs, that may not be deemed a reason in itself, for depriving the bankrupt person from his political rights. The bankrupt person may only be so deprived if such bankruptcy is due to fraud and a final court judgment indicting him has been issued.

Similarly, it is not acceptable to deprive those falling under guardianship from exercising their political rights, since the reason for guardianship could be the squandering or misuse of money, which is not deemed a good enough reason to prejudice one's political rights.

With regard to electoral lists, there are some discriminatory arrangements regarding registration in electoral lists. Although the Law states equality between men and women in registration in electoral lists, Article 6 of the Decree issued by the IM promulgating the Executive Regulations of the Law on Exercising Political Rights, stipulated that women should submit written applications to Head of the Committee concerned with registration, while men are registered automatically, which is in contradiction with the essence of the Law.

Regarding registration in electoral lists and preparing lists of voters, this takes place in villages by unqualified members, who might even be illiterate, and this falls under the supervision of the Mol. This may allow for tampering with such lists, or at the least, it may lead to the imprecision of the lists and the difficulty to organize them. Another problem is restricting the registration period between November and 31 January of the following year, which prevents many people from voting.

There is also a difficulty in determining the voter's electoral residence which may lead to the increased power of big families and the wide spread of clannishness. This, in turn, may open the door for tampering with the registration process as some registrations would be illegally repeated and others would be based on fake residences in favor of a certain candidate or party, the i.e., so-called "mobile voting bloc". This requires cancellation of the clause regulating this issue and the laying of strict rules for registration in electoral lists to be based on actual residences.

The Law does not include a clause for the voting of Egyptians living abroad. An amendment should also be made with regard to the geographical borders of electoral constituencies in order that they coincide with the changes in the electoral lists. It must be noted that some citizens may reach the legal age to vote and the population density may vary in each constituency, while none of this is properly reflected.

All the above has been taking place in spite of the clauses ensuring the integrity and neutrality of the electoral process, which takes place under full judicial supervision. Policemen and military forces are not allowed to enter the election premises unless requested by Head of the concerned committee. A voter must smear his finger with ink that is not removable until after 24 hours at least after the time of voting. Then the voter must sign next to his name in the electoral list whether in writing or by placing his finger print. Head of the Election Committee must sign a certificate evidencing that the voter has given his vote. Secretary of the Committee must sign next to the voter's name in the electoral list, testifying that he has voted and has used the election card, which the Secretary, in turn, must hand over to Head of the Committee. After that, the votes are scrutinized in presence of the representatives of each candidate.

The Law on Exercising Political Rights has set criminal penalties to be imposed on any person assaulting Head of the Committee and its members, any person using force or threats or using bribery to stop any person from voting in favor of a certain person or to force any person to vote in favor of another person.

2- Judicial Supervision over Elections:

By virtue of the amendment of Article 76 of the Constitution and Law No. 174 of 2005 regulating presidential elections, Article 5 stipulates the formation of a supervisory committee to supervise the presidential elections to be presided by the President of the Constitutional Court. Furthermore, Law No. 173 of 2005 was issued amending some provisions of the Law on exercising Political Rights, which stipulated the formation of a supervisory committee to supervise the parliamentary elections presided by the JM.

It is noted that the two committees are composed of non-judicial persons, which jeopardizes their integrity. Although the committee supervising presidential elections has wide jurisdiction over everything relating to the electoral process, it is immune against any form of appeal before any judicial organ. As with regard to the committee supervising parliamentary elections, its opinions are no more than consultative opinions with limited competence. Thus, it lacks the required authority to carry out its tasks, such as determining the date for the public elections, determining the general and secondary committees, and preparing the electoral schedules, which are issues undertaken by the Mol instead.

The works of the committee are also effected by Decree No. 5635 of 2005 issued by the JM, in his capacity as Head of the Supreme Electoral Committee, for the formation of the technical secretariat of said Committee, in application of Article 3 *ibid* of the Law. The majority of such secretariat is composed of members of the judicial supervision entity, which is assigned to report on the performance of members of judicial entities, their promotions, transfers and appointments. This leads to losing confidence in the electoral process and opens

the door to possibilities of affecting judges in their supervision over the electoral process.

The experience of judicial supervision over the elections has given rise to the idea of prejudicing the judicial system which had long been supported by the society. This was also a result of the prevailing debate around the judicial system's increasing inclination to politics, a matter which the judicial system should remain apart from.

Some suggestions were even made to have judges guarded by military forces during their supervision over the elections. This, on the other hand, gives rise to an important question: "Is the role of judges in the elections, one of supervision or control?" This issue must be resolved before the upcoming elections.

It is worth noting that escalations took place when three judges were called to be heard before the State Security Prosecution Office on 15/2/2006 regarding the press releases they made on the performance of some judges in the parliamentary elections. This gives rise to the argument around the independence and integrity of the role of the judicial system.

3- Electoral Campaigns:

Presidential elections last for 3 weeks to end two days prior to the voting day. The maximum sum spent is 1 million Egyptian Pounds and the State allowed for the receipt of financial assistance by all candidates.

The Supreme Parliamentary Polling station set a ceiling to electoral campaigns amounting to 70 thousand Egyptian Pounds, provided that electoral campaigns would end two days before the voting date.

4- The NCHR's Supervision over Elections:

A- International Supervision:

During the NCHR session of July, it confirmed the importance of international supervision over presidential and parliamentary elections and called for the invitation of representatives of international organizations, e.g. UN, the Arab League, the African Union and the Francophone Organization, to which Egypt is a founding member, and which have experience in this field, to take part, since this would be deemed a means of supporting the Egyptian experience.

President of the NCHR brought up this issue in numerous meetings with several concerned parties within and outside the NCHR.

However, the State and all other political powers refused that proposal at that time, since they deemed it a sort of intervention in the State's internal affairs that may compromise its sovereignty.

The judges also refused that idea since they argued that it was their right to supervise the elections according to the law.

This objection to international supervision did not stop some representatives of diplomatic missions from visiting some election committees in different governorates. Nor did it prevent the presence of representatives of some international organizations in the field of supervising elections, who are concerned with adjusting the legal conditions of elections in Egypt prior to the commencement of the electoral process. This took place in cooperation with some Egyptian NGO's in the early preparation phases of supervision.

In this regard, they set up training courses on supervision and issued a report concerning the results of the supervision process in which some

violations were pointed out (the International Republican Institution and the Democratic National Institute).

Furthermore, permits were granted by the General Information Authority to about 2000 media men (and women), including journalists, correspondents, news agencies, and television channels from all over the world to cover the electoral process in several constituencies.

This also coincided with the changed opinion of some political forces and parties, which had rejected international supervision on parliamentary elections since Egypt had participated in supervising the elections of other countries. International supervision became a repetitive demand during the elections, especially due to the violations committed during some electoral phases.

B- Domestic Supervision:

Since the very outset, the NCHR had confirmed the right of NGO's to carry out their supervisory tasks during the elections. To this end, the NCHR held several meetings and undertook the necessary communications to facilitate such supervisory tasks. Supervision would also be carried out by the NCHR itself within permissible limits.

The NCHR also called for the use of transparent glass boxes in the elections. This proposal was submitted to the IM and the JM, in the latter's capacity as Head of the Supreme Committee supervising parliamentary elections, in order to make a tender for procurement of such boxes from Canadian and European suppliers at a maximum cost of \$23 per box.

The NCHR also brought in a sample of such boxes to show it to the Mol, which accepted the offer to use the glass boxes. This was deemed a positive step for ensuring the integrity of the elections.

C- Onsite Follow Up:

The NCHR formed six subcommittees from among its members for supervising the presidential and parliamentary elections onsite. The NCHR President was keen on participating in supervising the elections and visiting the election committees. President of the NCHR, his Deputy, the Secretary-General and some members visited over 60 general and subordinate committees in the Governorates of Cairo, Giza, Kalyoubeya, Alexandria and Beheira.

The purpose of such visits was not to conduct a statistical study on the elections in the technical sense of the word but rather to closely observe such committees and to determine the general direction of the electoral process.

The NCHR was therefore keen on reviewing all data and reports of the organizations supervising the presidential and parliamentary elections. It paid due regard to many of the observations and recommendations made in such reports when preparing its own report on presidential and parliamentary elections.

The NCHR relied on a group of trained lawyers specialized in perusing complaints who were present in all electoral constituencies throughout Egypt to look into the complaints submitted to the control room, to verify the information contained therein and to complete any missing

data in order to enable the NCHR to take any necessary procedures for contacting the concerned entity to resolve pending issues.

D- Complaints Committee

During the presidential and parliamentary elections, the NCHR formed a Follow Up control room to work parallel with the Complaints Committee in receiving the complaints submitted to the NCHR throughout the elections period as of the beginning of the media campaign up to its termination as well as during the election day.

In perusing the complaints and verifying them, the control room depended on the observations and remarks of the onsite supervision committees formed by the NCHR composed of its members and general secretariat.

The work of the control room depended on receiving complaints from voters, candidates and NGO's whose participation rights in the State public affairs were prejudiced. The total number of complaints submitted to the control room on the presidential elections amounted to 512 complaints and complaints on the parliamentary elections amounted to 406 complaints, all of which were taken up with concerned authorities for setting arguable issues.

E- Procedures Taken regarding Complaints:

After the complaint is received by the control room of the NCHR, the concerned lawyer specialized in handling complaints is contacted in order to peruse the complaint and send a detailed report regarding the complaint, including all information, data and measures taken in its regard.

After that, the NCHR notifies the concerned entity with the contents of the complaint and advises it to take the necessary action to remove the reasons leading to the complaint. This procedure is taken by means of telephone. Herein below are a few examples:

On 25 May, an assault was made on members of Kefaya Movement and their supporters, which was in violation of Article 76 of the Constitution. The assault took place in front of the Press Syndicate and the Statue of Saad Zaghloul. As soon as this took place, the NCHR Secretary General called the Office of the PP and the Mol to discuss this grave matter.

This was followed up on the next day by advising the PP Office of the contents of the complaints coming in from HR organizations in order to investigate their contents in this regard^{*}. Here are a few examples:

Some members of Kefaya Movement and their supporters held a peaceful demonstration in front of the Press Syndicate and the Statue of Saad Zaghloul on 25/5/2005 to express their rejection of the referendum made concerning Article 76 of the Constitution and its amendment. They believed that this did not allow for real competition for the presidential post. They were shockingly assaulted by others in spite of the heavy presence of security, including officials from the Ministry of Interior.

In the investigations conducted by the PP Office, they accused some officers and members of the NDP of setting up this assault by assigning male and female bullies to beat them up. The assaults reached the

* (NGO's included Shemoue Organization for Handicaps and HR, the National Organization for HR and Human Development, the Arab Center for the Independence of Judges and Attorneys, Hesham Mubarak Law Center, the Arab Network for HR Information, the Egyptian Centre for Housing Rights, the Legal Assistance Organization for HR, the Word Centre for HR, the Centre for Lovers of Environmental Rights, the Egyptian Organization for Combating Torture, El-Nadeem Centre for Psychological Treatment and Rehabilitation of the Victims of Violence, the Egyptian Initiative for Personal Rights and the Women Cases Organization).

extent of tearing up female demonstrators' undergarments (!). This was caught on camera and was broadcast on some satellite channels, to show one of the worst violations ever, not only against the right to peaceful gatherings, freedom of speech and expression and the Penal Code, but also against the simplest ethical codes and values popular among the Egyptian society.

The NCHR continued to contact the Director of the Technical Office of the PP, updating him on everything happening on the spot regarding this issue. On 28/5/2005, the NCHR told him about the complaint submitted by the Arab Programme for HR Activists from one of the witnesses of this incident. The issue was followed up on 22/6/2005 with the complaint submitted by the Word Centre for HR, in which reference was made to the security threats made against journalists in Al-Dostoor Newspaper in order that they refrain from testifying in this case.

The PP Office received several complaints on the same matter, for which many reports were filed and procès-verbals were issued:

- On May 25, police report No. 7165 of 2005, Kasr El-Nil Misdemeanours was filed, by Ms. Nawal M. Ahmed, a journalist in the Al Geel Newspaper, in which she complained that she was assaulted, her undergarments clothes were torn up and her purse was snatched by a group of members and supporters of the NDP.
- Procès-verbal No. 262 of 2005 served by the attorney Mr. Montasar El-Zayat to the PP, in which he complained that the attorney Ms. Rabaa Fahmy was assaulted and her clothes were torn.
- Procès-verbal served on 30 May by the Legal Assistance Organization for HR regarding the assault made against the demonstrators and the attempt to assault Shaimaa Aboul-Kheir and Abeer Ahmed El-ASKary,

both reporters in Al-Dostoor Newspaper, as well as the reporter Nashwa Talaat.

- Procès-verbal served by Mr. Hassan Karim on the PP on 31 May regarding the assault of five members of the Labour Party and their arrest by some members and supporters of the NDP and security forces during their demonstration in front of Saad Zaghloul Statue.
- Procès-verbal submitted by Head of the Press Syndicate on 13 May regarding the assault made against some female journalists in the demonstration taking place in front of the Press Syndicate.
- Two procès-verbal served on 18 June by the attorneys Ms. Maha Mahmoud Youssef and Ms. Wafaa Abdel-Salam Mohamed El-Masry and Engineer Abdel-Aziz Mohamed Hassan El-Anwar, in which they requested that their testimonies be heard.

The above were joined to Case No. 7165 of 2005, Kasr El-Nil Misdemeanours, registered under No. 112 of 2005, investigations of Cairo Appeals Prosecution Office.

The Prosecution Office met with the victims, witnesses and accused parties, and it was proven that the following victims were beaten up: Nawal A. Mohamed, Akram A. Helmy, Iman T. Kamel, Ahmed B. Mohamed, Abeer A. El-Askary, Hany I. Samean, Diao-el-Din Soliman, Nashwa T. Hassan, Fouad K. Sayed, Rabea F. Mohamed, Mohamed T. Hassan, Gamal F. Hussein. Injuries ranged from bruises on the back, shoulder, knees, and some cuts and scratches as stated in the forensic report.

The PP Office concluded that there was no reason for filing a lawsuit for the time being since the perpetrator was unknown and the police was assigned to investigate this issue. This decision was also based on the

victims' delay in filing reports and the fact that they did not file the reports themselves, which is in violation of Article 25 of the Law on Criminal Procedures, which gives each person, aware of a crime, the opportunity to report it, that is besides the fact that the proofs submitted by the victims were poor and insufficient in proving the accusations.

In light of the above, and out of their dissatisfaction with the decision of the PP Office, the representatives of the victims went to the NCHR to look into potential action that could be taken. They stated that they would continue to take legal measures to reveal the underlying facts, which also included appealing against the PP.

The fact that the investigation was filed and put away gave rise to much criticism from political powers and those concerned with the public welfare, as well as HR organizations, especially since the assaults had taken place in presence of heavy security, who did not more to prevent the occurrence of the assaults or to arrest the criminals on the spot or even pursue them afterwards and hand them over to investigation bodies. This generates the ideas of complicity, and undercover protection, as a means of intimidating demonstrators with the assistance of supporters of the NDP.

A report was filed by Maat Center for Law and Constitutional Studies regarding some violations taking place in Kaft Constituency in Qena Governorate in the first round of the second phase of the parliamentary elections. People from the constituency found some envelopes containing red wax-sealed applications from Committee No. 125.

The NCHR contacted the Supreme Committee for Supervising the Elections and arranged for a meeting with Head of the Maat Center. A member of the technical secretariat went along with one of the

counselors of the Supreme Committee to deliver the documents for perusal by the NCHR.

F- Replies:

1- The NCHR received replies from the Mol and the PP to some of the complaints sent by the Complaints Committee during the presidential elections, including the following:

A reply to a complaint made by a member of the Higher Board of El-Ghad Party, in which he complained that four supporters of his Party's candidate in the presidential elections, from Abou Homos City, Beheira Governorate, were arrested for putting up election posters for their candidate.

The reply stated that said Party's four members had torn up the posters of a candidate in the NDP, which led to an argument with residents of that area and ended up in a fight. Report No. 22854 of 2005, Abou Homos Police Station, was filed and El-Ghad members were transferred to the PP Office on 30/8/2005, and soon after were set free.

In reply to a complaint made by an attorney from Marsa Matrouh Governorate, about heavy security being placed at the polling stations to intimidate voters, the Mol affirmed that the purpose of the security was to secure the electoral process without any interference in the election itself or any attempt to influence the voters.

The Mol replied to the repetitive complaints regarding the electoral lists and lists and the flaws found in them which were confirmed to have

taken place. According to Article 15 of the Law on Exercising Political Rights, the accuracy of such tables and lists should also be the responsibility of citizens and NGO's.

In this regard, the NCHR made proposals focusing on the following:

- a) The use of computers for preparing the electoral lists instead of paper. This would ensure the accuracy of the data, avoid repetition, and facilitate finding the names of voters. To this end, raising the citizens' awareness is a must.
- b) Giving access to all concerned persons (candidates, parties, supervisors) to the electoral lists before the commencement of the elections by an adequate time, which would help in checking the lists and correcting the names.
- c) Considering the use of the national identity number card instead of the election card.
- d) Considering a legislative amendment whereby citizens correct, amend and add their names to the electoral lists all year long.

The NCHR also received replies to its correspondence sent during the parliamentary elections. There were 2 replies from the Supreme Committee Supervising the Parliamentary Elections and 160 replies from the Mol, 86 of which were concerning condemnation of the heavy security installed in front of polling stations, the shutting down of some polling stations by central security forces, prevention of voters from voting, and the use of tear gas. The essence of such replies is as follows:

- The role of the security forces is restricted to securing the electoral process, the voters, the candidates and the judges supervising the elections as well as the polling stations premises.

- There was intense security in front of some polling stations since it was reported that some rioting and criminal acts were expected to take place by bullies supporting some candidates who aimed to upset peace and security.
- Rioting and bullying acts were dealt with according to the law to maintain peace and security. The use of force took place gradually, starting with giving warnings, then using tear gas wherever violence broke out among candidates' supporters.
- Security forces did not interfere with the electoral process and did not prevent any voters from voting.
- Persons caught red-handed in acts of rioting and bullying were brought before the PP Office.

The other 74 replies concerned complaints sent by the NCHR in which the complainants stated that some judges prevented some candidate representatives from attending the sorting process and that some chairmen of polling stations prevented NGO supervisors from entry.

The complainants were also skeptic about the results in some electoral constituencies. They complained that some judges were more favourable to some candidates rather than others. They also complained of the sluggishness of the electoral process in some polling stations, which led to the congestion of voters in front of their premises.

The Mol's reply was that it had no jurisdiction over such complaints since they fall under the competence of members of the judicial authorities supervising the electoral process.

5- Cooperation with NGO's:

The NCHR held several meetings regarding coordination with representatives of NGO's. Some of them were held prior to the presidential elections with representatives of civil society entities supervising the elections.

The NCHR also issued guidelines on supervising the elections, which were widely distributed among supervisors.

Coordination meetings were also held during the parliamentary elections with NGO's participating in the supervisory process. This resulted in the formation of a small joint committee composed of NCHR and the NGO's for drafting detailed proposals to regulate their role in the supervisory process and how best to address the competent authorities.

The outcome was the setting up of a Draft Coordination Mechanism between NCHR and NGO's which included the elements of coordination and cooperation.

A- Training:

In sustaining the right of NGO's to supervise presidential elections, the NCHR held four training courses for journalists during August and September, in cooperation with the Egyptian Institution for Training and HR. The course aimed at training 70 journalists from newspapers in order to familiarize them with the necessary skills for covering the elections.

The NCHR also arranged for a revitalization with the 17 trainers of the Civil Society Alliance Supervising the Elections, which provided training in its different courses all over Egypt.

In conjunction with the Bar Association and the EHRO, the NCHR arranged a training day to qualify 245 attorneys in how best to investigate the complaints submitted to the Follow-Up Chamber of the NCHR all over Egypt, having one attorney assigned to each constituency.

In the parliamentary elections, the NCHR set up a training programme with a view to empowering NGO's in supervisory work. Benefiting from such programs were 600 supervisors from 11 Governorates, representing 16 NGO's.

The core of the training included familiarizing the trainees with the NCHR, its committees and its mechanisms in supervising the elections, as well as the international criteria for elections, the Law on Exercising Political Rights, the rules governing the nature of a supervisor's work, characteristics of a supervisor, the means of detecting and documenting violations, the internal and external environment of polling stations, in addition to the means of preparing and drafting reports.

The NCHR also issued a training manual to help familiarize supervisors with the means of supervision. Such manual was distributed among all participants of the training courses.

B- Sustaining the Right of NGO's to Supervision:

The NCHR made various contacts to convey its vision regarding domestic follow up of presidential elections. It contacted the Election Surveillance Committee several times to make this vision clear and to take all necessary measures to facilitate the organization of domestic supervision.

The said Committee showed passivity with regard to the above and did not reply to NCHR's correspondence until a few days prior to the

election day. This is deemed a late change in the Committee's stance. NCHR and NGO's were allowed to enter polling stations premises. Thus, supervision became void of its targeted mission.

On 5/11/2005, the Secretary-General of the NCHR attended a meeting with officials of the MoI and the MoJ as well as the General Information Authority concerning organizing the supervisory process over the parliamentary elections and issuance of the necessary permits.

Officials of both Ministries expressed their refusal to grant permits to NGO's not registered according to Law No. 84 of 2002 on NGO's, or to those that have not been managing well. The Secretary-General of the NCHR presented the NCHR's vision and reiterated the importance of enabling NGO's to participate in the supervisory process since security or stringent legal restrictions would be counterproductive and would not prevent NGO's from supervising the electoral process one way or the other, regardless of whether such NGO's had satisfied the required legal stipulations or not.

After many discussions and deliberations between NCHR, the Supreme Parliamentary Election Surveillance Committee and the officials from the MoI and their insistence on their viewpoint out of the NCHR's awareness of the importance that NGO's should exercise their right to supervise parliamentary elections, and upon contacting non-profit research centers and civil companies, the NCHR suggested that they coordinate with legally established NGO's.

Some supervisors from such centers and entities joined NCHR technical department to assist in the electoral process. This took place at the same time the Secretary-General of the NCHR contacted the Secretary-General of the Supreme Committee with regard to its vision regarding the badges.

A sample was sent to the Chairman of the Public Authority for Information to look into preparing the final model of the badges.

The NCHR expressed its complete satisfaction with the court judgment allowing NGO's to supervise the elections without any coordination with the NCHR, their right to refer directly to the Supreme Committee, and the right of supervisors to enter the sorting committee premises.

Then, the NCHR received applications from different NGO's (associations, syndicates and civil entities) to obtain permits for badges for its supervisors to oversee the parliamentary elections.

The NCHR continued to meet with representatives of NGO's 24 hours a day until the second round of the third phase. The number of permits issued were 5418 for 52 NGO's all over Egypt.

6- Results of the Supervision over Presidential and Parliamentary Elections:

A- The Promotional Phase:

During the presidential elections, national television's coverage was neutral, as it allocated equal space for each candidate, while State-owned papers and magazines were more inclined to the NDP due to the fact that its candidate was from the ruling Party as well as the President of Egypt.

There were varying stances among the national papers. Some expressed neutrality and objectivity or passive inclination to candidates, while party papers focused on the breaches taking place during the promotional phase, especially the newspapers belonging to parties presenting candidates in the presidential elections and presenting their programs.

The material published in their papers was fundamentally against the supporters of the NDP, the officials in charge of districts and the central force. They also focused on the removal of advertisement posts and the impediment of some meetings and demonstrations.

With regard to parliamentary elections, there was no impartiality in the coverage of public newspapers. Some were inclined to covering the promotional campaigns of the NDP and its candidates in the elections on one hand, and displaying the achievements of the Government and following up the procedures carried out by the Government, particularly the NDP, such as adopted policies and positive acts, on the other hand.

Some national papers dedicated, a lot of space in their inside pages to cover election meetings held by the NDP, especially ministers and high-ranking officials in charge of the NDP and the Government, a matter which reveals the variance in the media coverage of the candidate of the NDP on one hand, and the remaining political currents on the other hand.

With regard to all types of press, they revealed some negative aspects prevailing in the electoral process, such as the use of handouts to buy votes, the spread of violence and bullying, the intervention of security forces and the control of some groups and families over the electoral process in some areas. The depiction of the above aspects varied in national papers and independent and party papers. The national papers were keen- in most of their coverage- on ignoring the responsibility of the Government and security forces regarding such violations.

The very opposite could be seen in independent newspapers, particularly “Elalam Elyoum” and “Nahdet Misr”, which conveyed, on a daily basis, reports of the onsite supervision organizations and testimonies of judges and others regarding the integrity of the electoral

process in a more objective manner and, literally, without ignoring any entity or criminalizing any competitive party in the electoral process.

On the other hand, some advertisements and articles were banned by some national papers. For instance, “Shayfincom Movement” (We See You) For People’s Supervision over the Elections, was banned from placing ads in the semi-official newspaper "Al Ahram". Instead, they were published in “El Masry El Youm” on 26 November 2005.

B- The Phase of Conducting Elections and Announcing Results:

The following was agreed upon by the majority of the reports issued by the onsite follow-up representatives of the NCHR, or was deduced from the complaints received by the Follow-up Chamber, as stated in the reports of the NCHR:

1- Electoral lists:

The electoral lists were not accurate and included repeated mistakes in names of voters in addition to the absence of names of other voters. This was detected in the early phases of the presidential elections and was repeated once again in the parliamentary elections.

Other problems were also found in the latter elections; as candidates were not handed over copies of such lists prior to the electoral process by an adequate time; there was discrimination between the candidates with regard to deadlines; there were also repeated mistakes on the CD’s handed over to the candidates; soft copies of them were not hung on the external walls of some committee premises; while the premises of other committees were altered.

2- The Role of Security Organs:

The security organs were impartial during the first phases of the parliamentary elections, as was the case with the presidential elections. However, such impartiality reached the point of passivity at times of bullying, violence and the use of different kinds of weapons, which led to the death of four voters and the injury of tens of voters.

The security forces also formed a cordon around the premises of some polling stations to prevent voters from voting in several constituencies, which particularly took place during the third phase of the elections. Policemen also used teargas and rubber bullets extensively in some election constituencies (Damietta, Kafr El-Sheikh- Alexandria), which was associated with the death of four voters.

Furthermore, some arrest campaigns were carried out against supporters of candidates from religious currents, most of which had general powers of attorneys from their candidates. The security forces also prevented some NGO supervisors from carrying out their tasks and prevented representatives of some candidates from entering the premises of the polling stations.

3- Judicial Supervision:

The estimative authority of judges had a great impact on the elections of 2005. However, although the entry of candidate representatives into the polling stations premises of both presidential and parliamentary elections was a general rule; nonetheless, some of them were prevented from that.

The same applies to NGO supervisors. There were considerable restrictions laid on their tasks in the presidential elections while the case was more flexible in the parliamentary elections. At the same time, many supervisors were prevented from entering the sorting centers so that monitoring was made impossible.

Sometimes candidates, their representatives or NGO supervisors were prevented from even seeing what was going on. Some judges allowed security men to enter the premises of the polling stations during the sorting process, while other judges allowed for violation of the rule of voting behind shades in presidential and parliamentary elections.

In other polling stations, there were no shades in the first place, which led officials to make voters vote in favour of certain candidates. In other cases, there was no phosphoric ink, while at other times, employees were not strict about its usage or used normal rubber-stamps that were removable.

4- Using State facilities:

Governmental vehicles were used throughout the presidential election day to transfer voters for the sake for NDP's candidates in some constituencies. Security organs contacted merchants and shopkeepers to support certain candidates and forced taxis to transfer voters to certain polling stations or else their licenses would be taken from them. Mayors and chieftains were also pushed by security forces to instruct voters to vote for the NDP candidate.

As regards parliamentary elections, some candidates who were officials in the Government, used state-owned means of transportation and computers in promoting themselves.

5- Bribes:

The phenomena of bribery spread out in several election constituencies. This reached the point of buying votes with money within the earshot of concerned authorities. The Onsite Surveillance Committee of the NCHR witnessed this in several constituencies (Misr El-Kadima, El-Sayeda Zeinab, Nasr City, Heliopolis) where candidates took advantage of the poor economic status of the voters. Furthermore, the lack of general political awareness enabled candidates to buy more votes.

6- Collective Voting:

It was proven that some candidates had their employees vote for them in collective voting. Collective voting was also discovered when some voters were moved from their original voting premises to other polling stations for the sake of voting for certain candidates.

It is worth noting that a court judgment was issued nullifying the collective voting that took place on the day prior to the elections, a matter which the judges supervising the elections were unaware of. The members of the Onsite Surveillance Committee ran into voters from Dakahleya, Kalyoubeya, Gharbeya and Sharm El Sheikh voting in Cairo (Nasr City Constituency).

7- Violence:

There was no violence and bullying during the presidential elections. However, violence took place among candidates and their supporters during the parliamentary elections where different kinds of weapons

were used by all candidates, whether supporters of the NDP, MB or independent candidates.

This took the form of several fights between supporters of the candidates, especially in the constituencies where there were candidates from religious currents in Governorates such as Beheira, Sharkeya and Ismaelia, varying in the degree of violence. In some cases, even judges supervising the polling stations were harmed.

8- Persons with Special Needs:

There were difficulties for those with special needs to reach the ballot boxes due to defects in constructions. For instance, some polling stations were located on higher floors and written instructions or signs regarding the means of voting were not available for the dumb and deaf.

9- Surveillance:

Preventing supervisors from monitoring a number of constituencies during the presidential and parliamentary elections was repeated. Some were even arrested and detained in police stations as the number of NGO's participating in the monitoring process increased. The number of NGO's reached 52 in 12 different Governorates. This coincided with the revelation of the inadequate qualifications of some of the supervisors which led to their inefficient monitoring, while others were biased and abused their authorities as supervisors for supporting their candidates and acting as their representatives.

10- A Look at the Election Results:

Upon analysis, we find that there was popular unwillingness to participate in managing public affairs. This is evidenced by the small number of voters in the presidential elections in comparison with the number of those registered in the electoral lists, which reached 31,826,284 voters. However, those participating were only 7,305,036, representing 23% of the total.

In the parliamentary elections-in spite of the dependence of religious currents on their slogans, and independent candidates on their close relations with their supporting voters- the result of the elections does not reflect the participation of the majority of voters as they reached only 45 million citizens.

Voters do not even reflect the number listed in the electoral lists. Although the NDP obtained 72% of the Parliament seats, such percentage bespeaks of only 18.6% of those listed in the electoral lists and 71% of those participating in the elections, as demonstrated herein after:

- The MB obtained 6% of the votes of the participants enlisted in the electoral lists, which represents 23% of the participants in the elections.
- The independents obtained 1.4% of the votes of the participants enlisted in the electoral lists, which represents 5.3% of the participants in the elections.
- Candidates from political parties obtained 0.6% of the votes of the participants enlisted in the electoral lists, which represents 2.4% of the participants in the elections.
- From the above, it becomes apparent that this does not bespeak of the social and political powers found on the Egyptian street, who are

not participating for reasons that should be studied and analysed. This percentage represents only 65% of the voters, 25% of which represent opposition parties, the MB and independent candidates.

Second: The Crisis of the Sudanese Refugees

The crisis of the Sudanese refugees dates back to 29 September 2005. A number of refugees gathered in front of the premises of the UNHCR Affairs in Cairo, requesting that they be granted the right of refuge in a western country and refusing to stay in Egypt or to voluntarily go back to Sudan.

However, the UNHCR did not give in to their requests. This drove them to hold a stay-in-strike in the Mustafa Mahmoud Mosque public gardens adjacent to the UNHCR premises.

On 10 October 2005, the UNHCR sent a letter to the MoFA officially notifying it of the increase in the number of demonstrators (1,500 Sudanese citizens) to exceed the international protection custody scope of the UNCHR. Therefore, the UNHCR had no choice but to temporarily suspend its work until the situation was resolved thus ensuring the safety and security of its employees and premises.

The Phase prior to the Stay-In-Strike Dispersion:

From the first day of the stay-in-strike, extensive discussions were held between the Egyptian MoFA and the UNHCR on one hand, and the leaders of the stay-in-strike on the other hand, with a view to reaching a way to end the crisis peacefully. Unfortunately, a settlement could not be reached.

UNHCR was called in several times by MoFA to clarify the matter and demonstrate the reasons for freezing the UNHCR's work. The officials at the UNHCR's reply was that the demands of the demonstrators could not be met since such demands transcended the competence of the UNHCR and that the reason for the suspension of work was out of fear for the safety of the UNHCR.

In response, the MoFA representative reiterated the fact that Egyptian authorities gave visas to a large number of the Sudanese citizens wishing to enter Egypt and that this was a matter of sovereignty governed by rules. He explained it was within the scope of the UNHCR's work to deal directly with such circumstances by means of conversation and that there was no need to suspend the UNHCR's work.

He further requested that the matter be dealt with immediately and that the UNHCR's obligations be carried out towards the demonstrating refugees or those requesting refuge.

He also reiterated that the Egyptian authorities, on their part, bear the responsibility of securing the UNHCR Office and its personnel.

At the same time, the MoFA representative advised all security organs to take necessary procedures for protecting the Office and its members in order to enable them to carry out their functions properly and to identify and classify the demonstrators.

The MoFA requested the UNHCR Office to send a memorandum stating the identity of the demonstrators gathered in the public garden and the action and procedures taken by the UNHCR in compliance with their requests.

The MoFA also requested to know the UNHCR's proposals to help ending the crisis since this was part of its core responsibility while it was the

Egyptian authorities' mission to make the suitable atmosphere available for the UNHCR to carry out its tasks.

The Regional Office of the UNHCR replied that most of the demonstrators did not fall under the UNHCR's competence and requested that the competent authorities interfere immediately to end the crisis peacefully.

The MoFA held a series of expanded meetings, which were attended by representatives of the MoI and the national security forces to study the crisis without security interference, so that the situation be dealt with through conversation.

The problem was presented to the Higher Egyptian-Sudanese Joint Committee during its convention in Cairo. The outcome of the meeting held by the Sudanese Embassy in Cairo with a group of the demonstrators was presented to Mr. Ali Othman Taha, the Vice President of Sudan during his visit to Cairo.

Keen on solving this problem, Mr. Taha gave instructions to urge the refugees to return to Sudan, to set up all necessary facilities in this regard, and to form a special committee in Sudan for receiving them, help them settle down and be integrated into the Sudanese society. On its side, the Sudanese Embassy carried out all that was necessary for their return to Sudan.

UNHCR submitted neither proposals nor initiatives for solving the crisis and ending the sit-in-strike to the MoFA in spite of the latter's repeated demand.

As a result, a conclusion was reached in the meeting held by all representatives of the security organs, that in dealing with the crisis,

UNHCR was passive and that the deterioration of the situation was a result of such passivity.

Thereafter, several meetings were held with representatives of the demonstrators to solve the crisis by the Egyptian Foreign Minister, the Sudanese Foreign Minister, officials of the UNHCR Office in Cairo, some of the representatives of the Sudanese NGO's and the Egyptian Mol. However, all attempts failed due to the refugees' intransigence.

On 30 December 2005, the security authorities executed a security plan to end the stay-in-strike. It started by a round of negotiations after which the demonstrators refused to end the stay-in-strike, a matter which called for the interference of the security forces. This led to a number of deaths and injuries among the refugees.

The action taken by the NCHR towards the crisis of the Sudanese refugees:

The NCHR followed up the crisis of the Sudanese Refugees and its consequential developments with considerable interest. It started by addressing the MoFA regarding the contents of the Legal Assistance Association statement on the stay-in-strike of the Sudanese refugees.

It also followed up the developments of the case after ending the stay-in-strike by force on 30 December 2005 leading to the death and injury of some Sudanese. The NCHR took immediate action to reveal the truth:

1- A Hearing Session on the Case:

The Social Committee of the NCHR held a hearing session on 5 January 2006 on the incident of ending the stay-in-strike of the Sudanese

refugees in Mustafa Mahmoud Square, which was attended by representatives of the MoI and the MoFA and some of the NCHR members as well as witnesses of the incident.

The session revolved around one main goal, which was the keenness of the specialized members of the NCHR to know the real facts of the stay-in-strike and its consequences leading to cases of death and injury among the demonstrators, and the consequential reactions on both local and international levels. The crisis and its developments were reviewed at the meeting and answers were given to the inquiries, which are as follows:

- **Representative of the MoFA:**

The MoFA representative displayed the efforts exerted by the MoFA to limit the crisis. He first pointed out that the GoE is not a party in the Sudanese refugees case, that its role was to act as a mediator between the refugees and the UNHCR and that it has no problem with the Sudanese people.

The best proof for that, was the fact that there are more than three million Sudanese people living and working in Egypt without any problems. The MoFA representative then clarified that the problem arose when the UNHCR in Cairo failed to comply with the refugees' requests and applications submitted a long time before, which was basically to allow them to settle in a western country and reconsider their status as refugees.

The The MoFA Representative also revealed that, at the beginning, the applications were submitted to the UNHCR as independent cases in the normal course and that the UNHCR's negligence and refusal of the

applications led to the stay-in-strike, which was confined at the beginning.

This was followed by the joining of large numbers wishing to reside in western countries. After the stay-in-strike took place, the MoFA interfered- although it did not have to do so- as a mediator for the UNHCR and it tried to urge it to accept the applications of the Sudanese refugees.

The MoFA officially called Head of the UNHCR more than once to advise him of this proposal. Indeed, some compromises were made, the most important of which were the reopening and reconsidering of some refugees' closed files and housing them in camps. An agreement to this end was concluded and presented to the leaders of the stay-in-strike. They, however, refused the agreement and expressed their doubts about its execution.

With the escalation of the stay-in-strike and its continuance for a long period, reaching over three months, the MoFA received several requests from the UNHCR to secure its Office and to end the stay-in-strike out of fear for the safety of its personnel.

The issue was perused by the special Ministerial Committee especially formed for this purpose from among representatives of the concerned ministries (the MoFA, the Mol and the Ministry of Health... and others), which took a decision that ending the stay-in-strike was necessary.

The Assistant Minister of Foreign Affairs pointed out that, on the day following the ending of the stay-in-strike and the transfer of the refugees to refugee camps, the MoFA asked the UNHCR to carry out the necessary tasks towards the refugees and to provide them with the necessary special assistance.

- **Representative of the Mol:**

The Assistant IM displayed the circumstances surrounding the ending of the stay-in-strike and its consequences, assuring that the Mol had dealt with the matter since the very beginning as one of political dimension and not as a security issue alone.

He also assured that the role of the Mol at the beginning was to secure the UNHCR and the area surrounding the stay-in-strike location. He assured that the security forces were able to contain the situation throughout the period prior to the decision to end the stay-in-strike.

Regarding the plan for ending the stay-in-strike, the Assistant IM stated that it depended on intensifying the existence of forces to secure the area without the use of force or even teargas.

The area was cordoned and 60 buses were made available for transferring the refugees. The evacuation process did not commence until after four hours of negotiation with leaders of the stay-in-strike to convince them to evacuate the area without any clashes or resistance out of concern for the safety of children and women.

However, all negotiation attempts failed as extremists among the refugees intimidated the others both morally and materially to force them to stay. The negotiations continued from 12 midnight up to 4 am to no avail. After that the evacuation plan had to be carried out.

The Assistant IM stated that at the beginning of the evacuation process, the security forces were refrained from using any violence. Instead, water hoses were used to break up the gathering but the refugees pushed themselves into the middle of the public garden, which led to

the death of some children and women, who were stepped over by the stampede.

Then the security forces went in with very mild weapons to force the refugees on to the buses. The refugees started throwing empty bottles, stones and tree branches violently at the security forces, stopping them from moving forward, a matter which drove the demonstrators to flow in strongly to the middle of the public garden where the women and children were located. This eventually led to cases of death and injury.

The Assistant Minister revealed that the number of death cases during the evacuation process were first ten only, eventually reaching 27 cases (7 men, 11 children and 9 women). Preliminary examination revealed that the apparent cause of death was choking. There were 108 casualties among the security forces.

Mr. Mohamed Fayek, a member of the NCHR, stated that some sources, including Sudanese NGO's stated that the onsite death cases were 240 besides those who passed away afterwards in the hospitals.

The Mol Representative Wasfy Amer denied this and confirmed that there were only 27 death cases as evidenced by the hospitals receiving them.

- **Witnesses:**

One witness, who is a resident in the area of Mustafa Mahmoud Mosque, stated that he had witnessed the incident from the very outset of the stay-in-strike up to the time it was ended. He said that upon talking to some of the stay-in-strike leaders, he learnt that some of the refugees had requested to meet an official from the UNHCR to discuss

the proposal to transfer them to other places. However, the UNHCR totally ignored their request.

After the stay-in-strike was ended, some told him that the number of death cases was over 95, that others were taken to detainee camps, that the injured were left in the sun for two days, and that many deaths occurred during that period, which were never kept record of.

He said that he himself had watched closely and that he did not see any of the alleged indecent conduct among the demonstrators, such as publicly having sex, drinking liquor...etc. He also mentioned that some demonstrators spoke of the occasional maltreatment they faced at the hands of security forces and that the demonstrators refused any assistance or aid from the area residents or from passers-by in order that they may not be misinterpreted as beggars.

- **Representative of Cairo Centre for HR Studies:**

The representative of Cairo HR Centre for HR Studies (a Sudanese researcher at AUC concerned with Sudanese refugees affairs in Egypt) testified that death cases according to many demonstrators, dramatically rose due to the security forces' use of sticks in ending the sit-in-strike. A group of the witnesses stated that some of the victims were killed as a result of the stampede caused by the police forces who were caning the demonstrators.

Regarding the number of death cases, he stated that some international and local NGO's stated that they reached over 56 cases plus 70 missing persons. Other NGO's put up the number of deaths at 200. Most likely there were around 70 death cases.

The representative commended the role of the Egyptian MoFA but he questioned the legality of transferring the refugees to closed camps whereas refugees in any state fall under the protection of UNCHR rather than the host country.

He also pointed to the debate going on between the MoFA and the UNHCR regarding the party responsible for the incident, especially after the spread of rumors about the intention of transferring some of the refugees back to their homeland. This intention is allegedly implied in mutual correspondence between the MoFA and UNHCR.

- **Members of the NCHR**

After listening to the attendees of the meeting, members of the NCHR began to inquire and comment upon some points, as shown herein after:

- Dr. Fouad Riad inquired about the performance of the police forces and whether the matter transcended the right to legitimate self defense, which led to cases of death and injuries. His second inquiry was about the reason why the police allowed easy access to and from the demonstrators camp.
- Dr. Georgette Kalini had two inquiries; the first was regarding the legality of the stay-in-strike of the refugees in any host country and whether that threatened the country's security, and the second was regarding the soundness of the decision of the MoI to leave the stay-in-strike to take place in spite of the alleged possibility of the breakout of epidemics such as AIDS.

- Mr. Mounir F. Abdel-Nour inquired about whether the demonstrators were reassured of the place they would be taken to after evacuation.
- Dr. Mustafa El-Fiki had some remarks on the consequences of ending the stay-in-strike. The first remark was on the negative image of Egypt abroad. His second concern was regarding the tension between the peoples of Egypt and Sudan. He inquired about the absence of the political dimension in taking the decision to end the stay-in-strike and asked why the matter was not revealed to the world during the stay-in-strike period.
- Mr. Mohamed Fayek inquired about the casualties among the police forces and their right to protect themselves. He also pointed out the role of the media, which could give a wrong image about the incident. He reiterated that there was no justification to evacuate such great numbers in such a short time while similar cases in other countries would take several days out of concern about human lives.
- Dr. Osama Harb agreed on the lack of political foresight as the PM visited the injured police officers and not the Sudanese victims. He pointed out that the UNHCR should be questioned for its irresponsible behaviour towards the incident and investigations should be conducted to reach the correct number of the death cases. He also referred to the fact that the Egyptian police was not qualified enough to deal with such cases of gatherings.
- Ms. Mona Zulfakar wondered why there was no alternative plan for ending the stay-in-strike without the high level of casualty. She further asked why, although casualties had been expected, there

were not enough ambulances to transfer the casualties to hospitals.

- Mr. Hafez Abou-Seda reiterated the political dimension of the case and the MoFA's failure to convince either the UNHCR or the EU to respond to the requests of the refugees.
- He also shed light on the inefficiency of the security organs in dealing with such events and that a different course of action should have been taken with such a peaceful gathering rather than dealing with them as rioting groups. He recommended that there be transparency when conveying the outcome of the incident and that an apology be made for the mistakes committed.
- Dr. Soliman Abdelminem inquired whether there was a mechanism for dealing with such crises composed of the different concerned ministries. He also reiterated that the concept of dealing with such cases should be altered among the security forces.

- **Remarks of the Guests:**

After the members of the NCHR took part in the meeting, Dr. Hossam Badrawi made a proposal in the name of the remaining members to visit the refugee camps. Then, he addressed the guests to comment on the remarks and inquiries of the NCHR members.

In his comments on the remarks of the NCHR members, the Assistant IM for Public Security denied the claim that no other alternative was used in ending the stay-in-strike. He stated that negotiations were held at the beginning, after which police forces interfered in an organized manner,

stepping in from three different sides while the fourth side was left open for the refugees to exit the place without causing any confrontations. Instead, the demonstrators insisted on staying in and started assaulting the police forces.

As regards transferring the refugees, the MoI Representative stated that they were taken to locations for classifying them into refugees with stay permits and those without such permits and that they were not taken to detainee camps. On the following day, 1543 were free to leave and 630 remained with the UNHCR personnel to verify whether they had the right of refuge or not.

Regarding the reason for not cordoning the stay-in-strike since the beginning to force the refugees to leave, the MoI representative stated that the MoI took the political dimension into account and that Egypt was not a party in the case.

Regarding the inquiry whether the demonstrators were told of the shelters they would be taken to after evacuation, he confirmed that they were informed of that prior to putting an end to the stay-in-strike but they did not accept that.

As regards the legality of the refugees' stay-in-strike in a host country according to International Law, the MoFA representative revealed that the Law does not permit this.

2- The visit of the NCHR members to the detained refugees:

On 17 January 2006, a delegation of the NCHR and the Technical Department paid a visit to Elkanater El-Khayreya Prison for women where the Sudanese women were kept until their further deployment to their own country of origin.

At the beginning of the visit, the Assistant IM for Prisons Affairs explained the situation of the Sudanese refugees locked up in Egyptian prisons after ending their stay-in-strike in Mustafa Mahmoud Square. He stated that the current number was 466 Sudanese, 174 of whom were locked up in Abou Zabel Prison for men, 96 in Shebin El-Kowm Prison for men, and 86 women and 108 children were kept in El-Kanater Prison for women. These were the remainder of the 680 refugees after 216 had been released after their residence matters were settled with the UNHCR in Cairo.

He revealed that such refugees were classified into detainees to be deployed and that they enjoyed the necessary living conditions and health care until they would be released.

He also pointed out that the UNHCR representatives visited them three times to settle their problems and to deploy them back to Sudan, a matter which most of them refused.

In this context, the NCHR members revealed- at the outset- that according to International Law, a refugee's deployment by force to his country was not permissible unless his stay formed a threat to his own safety. Egypt also abides by the Agreement on the Four Freedoms signed with Sudan which gives Sudanese and Egyptians the right to move freely between both countries, as well as reside, learn and work in them. The NCHR also stressed the importance of the political dimension of the case, as this may lead to tension in the Egyptian-Sudanese relations, especially in the midst of the current circumstances prevailing in Sudan.

The NCHR delegation then checked the places to which the women and children were brought, which was a yard (approximately 25 x 12 meters), a shelter facility containing 24 three-level bunk-beds on both sides, some of which had blankets on them and no mattresses. Other

refugees had to sleep on the floor since the beds were insufficient. Attached to the shelters was a small facility containing four three-level bunk beds and only one large bathroom was attached to both shelter facilities.

The NCHR delegation met with the women-refugees and listened to their problems. They demanded the following:

- 1- A clarification of the fate of the missing refugees including children, husbands and relatives.
- 2- Settlement of their situations by the UNHCR, whether by allowing them to reside in Egypt or in other countries or their repatriation back to Sudan.
- 3- Their release from prisons.
- 4- Conducting investigations regarding how the stay-in-strike was violently ended.

The NCHR delegation also paid visits to hospitals where refugee women were taken:

- Amal H. Beshara had been in hospital for three days with her daughter (8 months). She suffered from pneumonia because of the allegedly severe cold in the shelters. She said the shelters' windows would not close properly. She said that she lost her two sons (Hazifa, 13 years old and Ahmed, 16 years old) during the dispersion of the stay-in-strike and she had no idea where they were.
- Eshtiaq, who was hospitalized for treatment of her broken right arm said that a UNHCR official (called Rania) paid a visit to them in jail and told them that their files were disposed of (burnt) although Ishtiaq

had been residing in Egypt since 2001 and bore the UNHCR yellow card.

- Teresa Paula (from South Sudan) had been in the hospital since January 12th for problems due to pregnancy and problems in her right ear. She requested that she be examined by an ENT specialist. She said that she had been in Egypt for seven months and that she joined the stay-in-strike with her colleagues after her residence period of three months had expired. She also said that she had two children staying with her in the hospital.

During their conversations, the NCHR delegation assured the refugees that their demands would be referred to the concerned authorities for evaluation and a hopefully prompt resolution.

At the end of the meeting, the NCHR delegation commended the officials of the MoI for their cooperation and for providing health care and accommodation facilities for the refugees.

3- Recommendations of the Report:

On 25 January 2006, the NCHR made the following recommendations:

- 1- The UNHCR's settlement of the situation of the refugees without delay and its decision with regard to their prospects.
- 2- The release of refugees from prisons (Tora, Abou Zabel, Sheben El-Kowm, El-Kanater).
- 3- The follow up of the investigations conducted by the PP Office and the imposition of penalties on those indicted.

- 4- The rapid burial of the corpses of the Sudanese victims upon settling this matter with the Sudanese Embassy in Cairo and giving compensation to those affected.
- 5- Preparation of a report by the Social Committee of the NCHR to include the conclusions of the hearing session, the visits to the prisons, the reports of the NGO's, and- at the close of it- the importance of the Egyptian Sudanese relations with a view to reflecting Egypt's true image.
- 6- Preparation of a press release on these recommendations and the NCHR's stance in this regard and presenting it to different types of media.
- 7- The importance of the Egyptian Government's measures to maintain Egypt's image before the world and to maintain Egyptian-Sudanese relations. This can be made possible by looking into the means of giving compensation or aid to the victims and extending an apology.

The NCHR also issued a press release on 26 January 2006 including the aforementioned recommendations. The NCHR transmitted the conclusions and recommendations of the report on the Sudanese refugees to the MoI.

The MoI's reply is as follows:

Upon ending the stay-in-strike of the Sudanese refugees in the public garden in front of Mustafa Mahmoud Mosque in Mohendisein, Giza, 2174 Sudanese refugees were put in four camps, in which they were provided with shelter, necessary means of living and medical care. The refugees were classified according to their legal status and the following categories were released:

- 1- All those carrying refugee cards (blue and yellow) and those proving their legal residence in Egypt.
- 2- All women and children on humane basis.
- 3- Those from Darfur and those who had not been registered as refugees at the UNHCR due to the deteriorating humanitarian conditions in that region.

The MoI's reply also stated that the UNHCR officials were allowed (upon the UNHCR's request) to visit the detention premises on a daily basis to check on the conditions there and they were also provided with all required facilities for carrying out their tasks.

The reply further stated that all necessary means of medical care and treatment were made available for the Sudanese detainees by means of specialized medical committees present on the detention premises on a permanent basis. Furthermore, all requirements necessary for living and personal requirements, as well as proper means of living and nutrition were made available to them.

Finally, the reply stated that all the aforementioned Sudanese refugees were released on 11 February 2006.

Third: DPs and HR

Activists in the field of HR and civil society in Egypt have paid increased attention to DPs and the means of caring for them since awareness has risen regarding the necessity of having them reintegrated into society.

Furthermore, it is their right to be provided with the necessary means of a decent live among their disability-free fellow-countrymen. The State is playing an important role to this end by setting up humanitarian and

community plans that would take the rights of certain groups into consideration, including DPs.

Within this context, the NCHR paid special attention to DPs in Egypt through its Social Committee. This NCHR Committee has been keenly studying all the dimensions of the issue to determine the flaws that need to be overcome for fully integrating DPs into society.

Among the efforts exerted by this NCHR Committee, was organizing a large-scale seminar to which parties supporting the rights of DPs in Egypt were invited and whose aim was to study the requirements of DPs in Egypt and to make proposals to raise their standard of living and overcome any injustices done to them.

The seminar's discussion on DPs took place in light of UN treaties, related Arab papers, the Egyptian legislations, and the reality lived by DPs in Egypt.

The Reality Lived by DPs in Egypt:

Studies and statistics in the field of disability are in short supply due to the fact that disability is not yet considered a social problem that needs an overall aggressive confrontation.

Equally noted is the inaccuracy of studies conducted in the past due to the great divergence in their definition of a DP and in the criteria used in each study.

Furthermore, there is a shortage in the measurement tools and definition of the type and degree of disability in general, besides the size of each category of disability in terms of geography, age, gender or vocation. Moreover, disability is a relative matter, which depends on the type of activity that is required to be exercised .

Anyway, although the worldwide statistical data has pointed out that the percentage of DPs in the Middle East has reached 10 - 12% of the total population, DPs in Egypt, according to the (CAMS) reached about 3.4% of the total population in 1996.

It is clear that mental disability is considered the highest-ranking disability, as mentally DPs reach over one and a half million, which represents about 73% of the total number of DPs.

Next are those with movement disabilities, who represent 14.5%, while DPs in terms of sight and hearing represent 12.5%. Data also shows that DPs are concentrated more in larger governorates:

Estimations of DPs in Egypt (1961- 2016) ⁽³⁾

Type of Disability	1996	2001	2006	2011	2016
Visual	151510	169805	183098	197535	213175
Audio	90906	101883	109859	118521	127905
Mental	1515100	1698050	1830975	1975350	2131750
Movement	303020	339610	366195	395070	426350
Total No. of DPs	2060536	2309348	2490127	2686476	2899180

As regards disability among children from 6 to 16 years of age, their percentage in 1996 was estimated to be about 3.4% as stated in the forecasts of the CAMS. However, it may reach about 8% according to survey studies conducted by UNICEF in cooperation with the NCCM.

⁽³⁾ Source: The National Strategy for Overcoming the Problem of DPs in Egypt, July 1996.

The difference between the percentages of these two organizations is due to the fact that UNICEF included all types of DPs in its report. Mental disability (simple mental disability and severe mental disability, as well as reactive and emotional disturbances and difficulty in learning) is the basic type of disability, which bespeaks of 2.5% of the total population between the ages of 6-16 and reaches 4% of the total number of children in Egypt as stated in the UNICEF study. In sum, there are around 6,150,000 DPs in Egypt .

DPs and the International Community:

Several documents issued by the UN have included principles determining the problem of DPs and the means of dealing with them. The Declaration on the Rights of DPs was issued on 9 December 1975. The International Work Programme included many legislations for ensuring the rights of DPs and ensuring their full participation and equality. The Arab Charter for Persons with Special Needs (2004-2013) was also issued.

1- The Declaration on the Rights of DPs:

On 9 December 1975, the UN General Assembly issued the Declaration on the Rights of DPs, which called for taking action on local and international levels, on basis of the Declaration, for ensuring the following rights:

- The term "disabled person" (DP) means any person unable to ensure by himself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his physical or mental capabilities.

- DPs shall enjoy all the rights set forth in this Declaration, without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, wealth, birth or any other situation pertinent either to the DP himself or to his family.
- DPs have the inherent right to respect for their human dignity. DPs, whatever the origin, nature and seriousness of disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life as normal and full as possible.
- DPs have the same civil and political rights as other citizens; paragraph 7 of the Declaration on the Rights of Mentally Retarded Persons applies to any possible limitation or suppression of those rights for mentally DPs.
- DPs are entitled to the measures designed to enable them to become as self-reliant as possible.
- DPs have the right to medical, psychological and functional treatment, medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration.
- DPs have the right to economic and social security and to a decent level of living. They are entitled, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions. So are they

entitled to have their special needs taken into consideration at all stages of economic and social planning.

- DPs have the right to live with their families or in any substitute home and to participate in all social, creative or recreational activities. No DP shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required by his or her condition or by the improvement he may undergo. If the stay of a DP in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his age.
- DPs shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.
- DPs shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their persons and property. If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account.
- Organizations of DPs may be consulted in all matters regarding the rights of DPs.
- DPs, their families and communities shall be fully informed, by all appropriate means, of the rights contained in this Declaration.

2- The International Work Programme and the Rights of DPs:

The Declaration on the Rights of DPs was aimed to draw attention to the importance that DPs enjoy certain rights and be given the opportunity to fully participate and integrate into society. The international slogan for dealing with DPs was "Full Participation and Equality".

The 1980's Charter included the relevant legal principles and so has the international Action Plan included some legislations regarding DPs as outlined herein below:

- a- Ensuring the rights and opportunities to schools, education, employment and public utilities, as well as social security and protection from inhumane treatment .
- b- Making means of transportation available to DPs .
- c- The establishment of organizations composed of DPs on local, national, regional and international levels when planning programmes and services for DPs.
- d- The formation of a coordination committee on local and regional levels to research and follow up the activities relating to DPs, so as to include all concerned parties, including organizations for DPs.
- e- The abidance of governments by the following:
 - planning, organizing and funding activities of DPs on all levels .
 - Providing opportunities to ensure full participation by removing any existing obstacles.
 - Providing rehabilitation services, such as social, nutritional, medical, educational, vocational and compensation services.
 - Establishing public and private organizations related to DPs .
 - Supporting the establishment and development of organizations for DPs.
 - Obliging media organs to prepare and disseminate information on DPs to society and enhancing public culture on this issue .
 - Taking appropriate procedures to prevent deficiencies and disabilities through programmes on all levels of society, including

preliminary health care for mother and child, raising health culture awareness on nutrition, prevention and early discovery and intervention, setting out safety and prevention systems from accidents, providing programmes on vocational health, supervising the abuse of medication and providing appropriate training to personnel in medical fields.

- Cancellation of taxes on imports for DPs .
- Making facilitated applicable means available to enable DPs and their families to file appeals before judicial authorities against decisions relating to their rights and dues .
- Ensuring the right to going to restaurants, cinemas, theatres, libraries, sport courts, hotels and beaches without any discrimination .
- Providing training to technicians required to work with DPs and giving them financial allowances according to the nature of work they are assigned, provided that they have the judicial capacity to ensure the rights granted to DPs according to the law.

Within the scope of the international efforts for completing the necessary international legal framework for protection of the rights of DPs worldwide, the International Committee concerned with the drafting of an international agreement for the rights of DPs and their social dignity is carrying out its tasks to this end. It held its seventh session between 3 to 16 February 2006 presided by Don McKeen, the former Permanent Representative of New Zealand at the UN with wide participation by different states and NGO's.

3- The Arab Charter for DPs (2004-2013):

The Arab Charter for DPs was the outcome of the efforts of Arab DPs and organizations concerned with Arab DPs who felt the absence of a promise that would satisfy their needs. This drove organizations composed of DPs themselves to claim for their rights from Arab states. Considerable efforts to this end were exerted by the Arab Organization for DPs in cooperation with the Arab League until the Arab Charter was drafted and signed by presidents of the states:

The basic provisions of the Charter are derived from the basic Arab values and the teachings of monolithic religions and are guided by some international papers and declarations as well as international treaties preceding the Arab Agreement.

The Arab Charter for DPs aims at realizing the following:

- a- Improving the image with which DPs see themselves, making them see their abilities as valuable and working on changing the negative image with which society sees them.
- b- Putting the issue of disabilities and the needs of DPs on the Government's priority list.
- c- Supporting and facilitating the establishment of private organizations for DPs themselves and necessitating that they be represented in supreme authorities and councils for disabilities to ensure their active participation in drafting policies, setting up plans and programmes for enhancing the status of DPs.
- d- Setting up a comprehensive database on DPs.
- e- Enhancing and updating existing governmental and civil society services and programmes assisting DPs and rendering them services.
- f- Unifying the terms on disabilities and defining and categorizing same .

- g- Making available the technologies that support DPs.
- h- Providing material and moral support to DPs and their families and providing them with information.
- i- Conducting practical studies and researches on cases of disability.
- j- Developing the skills and capabilities of those rendering services to DPs.
- k- Laying out the necessary plans and programmes for the integration of DPs in schools, workplaces, housing compounds, as well as sports, cultural and scientific clubs and other places.
- l- Supporting and encouraging qualified DPs for nominating themselves in parliamentary and representational elections.

As shown above, the Charter includes all rights of DPs, including political rights. However, it should be noted that although this Charter was signed by Arab governments, it is only consultative and is not binding on them.

DPs in the Egyptian Legislation:

The Egyptian legislator was keen on drafting legislations that would preserve the rights of Egyptian DPs and provide them with the opportunities that would ensure for them a decent life in society. Law No. 39 of 1975 was issued on the rehabilitation of DPs, the most important clauses of which state the following:

- 1- Giving DPs a vocational definition as well.
- 2- Determining the services provided to DPs, exclusive of entertainment and sports services, and providing services to the families of DPs.

- 3- The right of DPs to receive rehabilitation services from the State, which includes providing him with compensation equipment, artificial limbs, physical treatment services and rehabilitation services within the limits permitted by the State budget .
- 4- Forming a Supreme Council for Rehabilitation, composed of the representatives of competent authorities to rehabilitate DPs with a view to preparing the general studies on rehabilitation, coordinating programmes that would make use of local and international experiences, and planning rehabilitation projects.
- 5- Determining the MoSS as the entity responsible for providing rehabilitation services other than the rehabilitation services required to be carried out by Military Services. Accordingly, the Ministry shall be in charge of establishing rehabilitation entities.
- 6- Maintaining rehabilitation operations and supporting those who have gone on pension as long as they are qualified for receiving same .
- 7- Issuing qualification certificates free of charge, stating the vocations each DPs is qualified to perform and obliging its registration in the Office of Labour Force with jurisdiction over the DP's domicile to assist him in finding a job.
- 8- Obliging employers with 50 employees and above to employ DPs at the rate of 5% of the total number of employees. The State administrative organ and the Public Sector is also obliged to employ this percentage of DPs in vacancies of the third degree based on the nominations from the Office of Labour Force.
- 9- Penalties are imposed on employers, either in the form of fines and imprisonment or fines alone for hiding records of DPs which they

employ. The fines imposed are allocated to financing rehabilitation services.

10- The Law gives the Minister of Social Affairs the right to the allocation of certain vocations and works to DPs exclusively where other appointments would be deemed null and void.

11- Exemption from physical fitness tests in cases of disabilities evidenced in a rehabilitation certificate.

12- The Law gives employment priority to DPs whose disabilities have resulted from military operations or services.

13- Labour Force offices should provide Social Service offices with periodical data on DPs.

14- Funds allocated in the Insurance Authority and Labour Force Office shall be transferred to the MoSS while all provisions in former laws shall be revoked .

Some time after application of the Law, some defects appeared which affected the main purpose for which the Law was issued. For instance, many establishments and authorities became keen on the employment of persons with simple disabilities resulting from injuries at work and included them among the stipulated percentage of DPs.

Other establishments and authorities sufficed with satisfying this percentage in the establishment's head office, which deprived DPs from similar opportunities in the establishment's branches.

Furthermore, the Law did not state any penalties to be imposed on officials in the government and the public sector in the event of their violation of this clause or of the provisions of Article 39 of 1975. Finally, the penalties stated in the Law were not suitable in comparison with the elevated social status .

Within this context, Law No. 49 of 1982 was issued, amending the provisions of Articles 9, 10, 15 and 16, which are the Articles on the obligatory employment of DPs in companies, establishments, State administrative organs and the Public Sector. The Law also imposes penalties in the event of its violation .

On 28 March 1996, Law No. 12 of 1996 on Children was issued, which, along with its Executive Regulations, regulated many provisions on disabled children.

It is worth noting that, within this context, some NGO's and organizations concerned with the rights of DPs, reiterated the importance of drafting a comprehensive law that would regulate the rights of DPs in Egypt that would be in conformity with the political, economic and social changes taking place in Egypt during the past two decades.

Within this context, Shemou Centre for the Care and Development of HR and the Development of Society took the initiative of preparing a draft law for the comprehensive rehabilitation of DPs.

Besides, the NCHR Social Committee and Legislative Committee, are busy drafting a comprehensive law that would include the rights of DPs in Egypt within the framework of successive social developments.

The Efforts of NGO's in Caring for DPs:

NGO's working in the field of providing care and rehabilitation services to DPs appeared early with the appearance of the idea of NGO's, which took place since the beginnings of the past century.

Although the type of services they render for taking care of DPs is rather a blend of social, medical and rehabilitation services, they have paved

way for the development of organizations specialized in caring for DPs, which are well known today with their clear organizational structures.

It is worth noting that, in this field, although NGO's have relatively spread widely since the mid 60's up to this date, they are not as widely spread as NGO's working in other care fields, such as social, scientific, cultural and religious fields.

This is attributable to the fact that there is a type of NGO concerned with social rehabilitation of DPs, and which renders care and rehabilitation services to all types of DPs on the entire regional level. Accordingly, there was no longer a need for the establishment of specialized NGO's to render such services.

Some NGO's are specialized in rendering services to one type or more of DPs while others render services to all types of DPs. DPs in Egypt consist of eight types (the dumb and deaf, the blind, the physically disabled, the mentally disabled, survivors of tuberculosis and leprosy, and patients of cardiac rheumatoid and cancer.

Efforts of the NCHR in Taking Care of DPs:

Within the framework of its action plan for enhancing and supporting HR in Egypt, the NCHR has taken interest in the issue of DPs and persons with special needs. This was reflected in the NCHR's active role with NGO's and different parties in meetings, seminars and different events, described as follows:

- On 26/9/2005, the NCHR participated in the Ninth Annual Sports and Arts Event for DPs organized by El-Salam Coptic Organization in Tanta under the sponsorship of El-Ragaa Centre for Supporting Persons with Special Needs in cooperation with some schools, associations

and centres working in the field of supporting persons with special needs all over Egypt, which amount to 80 schools and associations. It was attended by representatives of the Ministries of Social Affairs, Youth and Sports and Education, as well as the NCCM, the representatives of some ministries, in addition to officials and public figures from Tanta Governorate.

- Within the context of preparations for the seminar for the protection of the rights of DPs, the NCHR, with representatives of NGO's that support the rights of DPs, held the first preliminary session on 14/6/2005. The second preliminary session was held on 28/6/2005.
- On 25/7/2005, the NCHR held an extensive seminar, to which it invited a large number of NGO's working in the field of supporting the rights of DPs to discuss the reality of disability in Egypt, the major obstacles faced by DPs and the best means of overcoming them.

The session also presented the papers and agreements on the protection and enhancement of the rights of DPs, such as the Draft UN Agreement for DPs, the Arab Charter for DPs 2004-2013, "The Strategy for Alleviating Disability in Egypt in 2017" submitted by the MoSS, as well as the Egyptian legislations on disability within the framework of the efforts of the MoJ in drafting related legislations .

During the seminar, three workshops were held to come up with proposed solutions and suggestions for overcoming the problems of DPs and their families. A presentation was also made on the role of NGO's in the field of disability as well as a film on the right to life which displayed the problems of DPs .

The Seminar's Major Recommendations are as follows:

- 1- To establish a committee affiliated to the NCHR for preparing a unified and comprehensive draft law to support and protect the rights of all DPs within six months from the date of the seminar held for submittal to competent authorities, provided that representatives of DPs and concerned parties participate in the process;
- 2- NCHR Social Rights Committee shall be responsible for reviewing and evaluating the Strategy for Overcoming Disability in Egypt submitted in 1997;
- 3- The NCHR Complaints Committee shall receive complaints from DPs and shall facilitate the achievement of their rights;
- 4- To prepare a document on laws and ministerial decrees in force concerning disability in Egypt and the extent of their implementation;
- 5- To call upon ministries and governmental authorities to observe the rights of DPs.
- 6- To include the rights of DPs explicitly in the State's five-year-plan (2007-2012);
- 7- To create an accurate database on DPs in Egypt pursuant to known scientific principles on basis of the statistics compiled in 2006, and
- 8- To include all detailed recommendations of workshops as basic principles in the comprehensive law for DPs in Egypt.

Within the same context, the NCHR continued to contact various associations and bodies concerned with DP care in Egypt or such entities with activities related thereto, such as follows:

- 1- The NCHR and a number of NGOs working in the field of disability are arranging for a workshop entitled, "The Right of DPs to Healthcare and to Building Families". The NCHR's Legislative Committee held

three preliminary sessions with "NAS" Institution for Persons with Special Needs and Shemou' Association for Protecting HR. There was a general consensus on the goals of the symposium and the points for discussion. A date for holding the workshop has not been set as yet.

2- The NCHR contacted the NCCM, NAS Institution for Persons with Special Needs, and the MoSS to discuss the means of cooperation and coordination in the domain of bolstering the rights of DPs in Egypt.

3- The NCHR trained the proctors of NAS for Persons with Special Needs and Shemou' for Protecting HR on proctoring parliamentary elections.

The Social Committee, in collaboration with the Legislative Committee under the NCHR, is preparing a comprehensive draft law on the rights of persons with special needs in Egypt.

Fourth: The Culture of HR

NCHR's Efforts to Disseminate the Culture of HR:

The Law stipulating the establishment of the NCHR states that its aims include "bolstering, developing and protecting HR, reinforcing values and raising awareness on HR, and contributing to ensure such rights are exercised". The Law also stipulates the formation of a national plan for achieving this goal and the means proposed to execute such plan.

The NCHR believes that laying down a national plan or strategy to bolster HR is not an easy task. Furthermore, such task can only be

achieved by collaborating with all the institutions of the State and civil society.

The fields of HR have considerably expanded to include all aspects of life. Development has become a HR and not merely restricted to economic growth. HR are no longer associated with political and civil rights only, but with economic, social and cultural rights as well.

More elaborately, housing, medical treatment, education, work, nutrition, security and a decent life are no longer merely deemed as needs but as rights. This concept must be conveyed in the development plan. Therefore, it is important to disseminate this new culture not only among the population but also among those who execute such plans.

Furthermore, democracy has become a HR that cannot be fully exercised unless other HR are exercised. Accordingly both democracy and HR are interrelated.

1- The Culture of HR and the Media:

The NCHR, since its establishment, has shown a major interest in disseminating the culture of HR, as it is a cornerstone in defending issues concerning various HR. This has prompted the NCHR to lay down its vision concerning its action plan in the domain of disseminating the culture of HR, the most important being the activation of the role of all types of media, including audio, visual and written media, to expand the circle for defining the concepts of HR and their founding among the population.

The NCHR views those working in the various domains of the media as its partners in its efforts aiming at bolstering and disseminating this culture since the media has a special place and considerable influence in

creating awareness and directing public opinion and sentiment. This role has been immensely enhanced owing to the vast development in communications technology.

In this context, the NCHR held a symposium entitled "Toward an Information Strategy to Disseminate the Culture of HR" from 21 to 22 June 2005. Representatives of the Minister of Information, a number of media experts, several media men and persons interested in HR were invited to attend the symposium.

The symposium aimed at reaching a clear-featured information strategy that includes an accurate definition of the final goal of such strategy and, at the same time, defines the elements of impact and approximation methods that may be translated into transitional programs that rely on available media tools (audio, visual or written) in their implementation by building on the following points of consideration:

- 1- The general tendency of the media is influenced by a number of factors, most importantly the nature of the prevailing socio-political system and the legislations regulating the work of the media, the mass media, and their transfer systems, the influence of political and economic elite, media men's formation of their vocational and syndicate organizations, and systems of accountability and penalties regarding publication crimes.

The more the media becomes independent and the more the freedom of thought and expression are bolstered, the more the media will be able to assert its proactive role regarding HR issues including the dissemination of the culture of HR.

- 2- With the expansion of the circle of HR such that it has become a major component in all policies, it has become imperative that

journalists and media men, in general, become infinitely aware of issues regarding HR and that they continually cover them accurately and objectively. Therefore, the training of media men on issues concerning HR is a necessity.

- 3- Disseminating HR, means making people aware of their rights, while, at the same time, obligating them to respect the rights of others, including the right to life, freedom of faith, and the right to be different. This culture negates the culture of terrorism and will eventually put an end to it.
- 4- The culture of HR will considerably help in ridding society of much of its negative behaviour reflected in every day practices on all levels, which negatively affect HR, especially when dealing with administration organs concerned with the interests of the people. There is no doubt that the mass media is capable of playing an axial role in this domain, as it is one of the most influential sources that have a strong impact on public opinion and that direct the people and dictate their behaviour.

The symposium discussed a draft media strategy for disseminating the culture of HR as well as the role that radio and television can play in that domain. It also discussed the role of direct means of communication and cultural creativity in disseminating the culture of HR. The symposium reached a number of recommendations which shall be discussed in this report, with particular emphasis on role of the radio and television in disseminating the culture of HR in the current phase followed by the role played by the press in this domain.

First: General Recommendations:

- 1- To create a joint committee composed of the NCHR and the Radio and Television Union and specifying its functions in order to activate the role of the NCHR in disseminating the culture of HR, as well as preparing an information plan to be implemented by the various sectors of the Union to achieve the goals determined therein;
- 2- To set forth an agenda for issues of priority regarding HR which the NCHR aims at raising awareness about through the media. This agenda includes a number of issues, such as civil and political rights as well as the rights of certain social groups, such as women, children and persons with special needs. There is also a proposal to focus, in the first stages, on civil and political rights because of their link with Egypt's political reform agenda. These rights will also entail dealing with issues that concern women and children and the rights of each;
- 3- To take particular interest in well-defining the persons targeted in this stage for becoming aware of the culture of HR as well as the different age groups to which this shall be conveyed;
- 4- To arrange training courses and workshops for media men, and those calling for and establishing communication in the field of in HR;
- 5- To publish a series of books or booklets that have been written or translated on HR then selling them to the public at low prices through the family library project, while at the same time, affirming that the dissemination of the culture of HR principally aims at providing a decent life for every citizen in order to realize a free and strong society;
- 6- To review the provisions of the Penal Code concerning publication crimes as well as the laws regulating journalism in order to free the

press and journalists from the restrictions that hinder them from discovering violations committed against HR and publishing them with utmost transparency and credibility.

Second: Recommendations on the Role of Audio-Video Media in Disseminating the Culture of HR:

1- Optimal use of radio and television in disseminating the culture of HR- according to the proposal- of the most attractive radio and television forms to various social classes such as: talk shows, live investigations, films documenting realities, cartoons for children, programs, and drama displaying sources of popular complaint. In the meantime, to refrain from direct programs that sometimes include complicated terminology. It is important to assert the presentation of a clear and simple informational message that reaches viewers and listeners everywhere.

In this context, the action plan may include laying down a vision concerning short-term and long-term media campaigns that can be discussed between those involved with the radio and television provided that preparing and executing it commence within a time schedule following a number of training courses aiming at creating media cadres capable of delivering messages through the media to disseminate the culture of HR among various sectors of society.

2- To consider the role which programs for youths, women and children can play in issues regarding HR.

3- To benefit from informational programs that tackle socio-political issues by introducing the issue of HR therein;

- 4- To urge local broadcasting channels to participate in the dissemination of the culture of HR while focusing on raising awareness concerning legal and social rights, the rights of women and children, as well as following up the efforts exerted by the NCHR and presenting solutions on the reports it issues;
- 5- To renew religious sermons broadcasted on the radio and television to achieve the goals of the legislation and the principle of HR in a manner that is contemporary;
- 6- With due regard to the rights of radio and television producers, the symposium appeals to them to consider HR in their works;
- 7- To hold discussion circles between the NCHR and those establishing communication to discuss the pros and cons of works broadcasted on the radio or television to amend what is necessary and benefit from the positive aspects in this regard.

Third: Recommendations of the Role of the Press in Disseminating the Culture of HR:

- 1- To call upon newspapers to tackle issues concerning HR providing that they do not only present informational solutions but analytical, illustrative and evaluative ones as well so as to create a public opinion that supports HR in Egypt;
- 2- To appeal to all types of Egyptian newspapers not to present treatments of issues concerning HR for the sake of agitation but rather to abide by established press values such as respecting privacy, refraining from anonymous news sources, and to avoid confusion between publicizing and writing;

- 3- To create a balance between the principles of freedom and the responsibility of the press dealing with issues concerning HR while activating the role of journals in social observation of violations against HR and vesting in them full and unrestricted authority to observe and record such violations;
- 4- Newspapers should dedicate more space to readers' mail sections such that they become an arena where the public can write about violations concerning HR while following up on such violations and scrutinizing what is written in such regard;
- 5- The Press Syndicate should include a reward for the best article concerning HR in Egyptian society along with the group of rewards it offers for the best media coverage presented throughout the year.

Fourth: Recommendations on the Role Played by Direct Communication and Cultural Creativity in Disseminating HR Culture:

- 1- To call upon producers in different artistic domains, whether the cinema, theatre, or literature, to adopt HR issues and present historical or contemporary role models to facilitate the dissemination of the HR culture and raise awareness of HR by deriving same from folkloric heritage, songs and sayings, which would facilitate disseminating such HR cultural concepts among various social classes.
- 2- To promote and adopt the production of literary and artistic works that call for HR in various domains.
- 3- To call for the allocation of HR elements in all existing and future public libraries.
- 4- To promote and organize lectures in schools, universities, professional syndicates, labor unions, sport clubs, registered NGO's /

associations, political parties, cultural centers and branches of the NCW to tackle HR principles.

- 5- To organize, in collaboration with the Ministry of Youths, an annual contest for youths on HR
- 6- To organize an annual festival in honor of a person of the year whose efforts in the domain of HR are outstanding and also in honor of the best artistic and literary work in the same domain.

Dr. Ghali, the NCHR President, delivered the above recommendations to the Minister of Information, who, in turn, delegated a work group to collaborate with the NCHR in achieving the goals of the symposium held for the dissemination of the culture of HR.

The Ministry of Information advised the NCHR of the steps it has taken in this regard, which are as follows:

- 1- The representatives of the MoI have coordinated with the NCHR to execute the recommendations of the symposium and to take more interest in HR in all audio and visual materials along with the role played by regional television and radio broadcasting channels.
- 2- Television and radio programs have been adjusted to be compatible with the political and economic reform agenda in Egypt.
- 3- It has been agreed with the trainers of the Radio and Television Institute to organize a training course for announcers, programme directors and program presenters in radio and television shows, which was supervised by Ambassador Ahmed Haggag, Secretary of the African Association in Cairo.

- 4- The NCHR confirmed the importance of including HR issues in dramatic works and materials produced by various production sectors (Sout El-Cahera Co., Production Sector, the Media City) within the framework of a long term plan concerned with HR.
- 5- Use has been made of the general atmosphere ensuing the amendment of Article 76 of the Constitution and the presidential elections, as well as the general atmosphere ensuing the parliamentary elections in supporting the rights of citizens and their political participation, as part of exercising their HR and freedom of expression, which will eventually support the process of disseminating the culture of HR in Egypt.
- 6- Issues concerning women were significantly highlighted in the symposia held during the presidential and parliamentary elections, and eminent and reputable examples in the domain of women's rights were presented.
- 7- Media coverage has focused on all the activities and symposia of the NCHR that has been commended by the President of the NCHR in his letter to the Minister of Information. The last of these symposia was organized by the NCHR on 15 November 2005 on the rights of children.
- 8- The Ministry coordinated with the National Information Authority to have internal media libraries in different governorates hold symposia and events concerning the dissemination of the culture of HR among society, as well as issuing publications in this regard.

The Ministry of Information furnished the NCHR with the following report:

- The role of Egyptian media (audio and visual) in disseminating the culture of HR (the programs presented in the audio and visual media between 2004 and 2005 concerning HR in radio and television dramas and courses held within a two-year span) as well as the role of the National Information Authority in disseminating the culture of HR.

The NCHR is continuously working with all media bodies to set rules for disseminating and expanding the scope of familiarization with the concepts of HR. It has already begun coordinating with the Nile News Channel and the Nile Culture Channel as well as the specialized news broadcasting station to prepare periodical programs concerning HR issues by hosting NCHR members or public figures working in this domain. They will also broadcast programs concerning HR.

2- The Culture of HR and Education:

The NCHR is keen on disseminating HR culture pursuant to Article 3 of its Articles of Association. Clause 10 thereunder reads as follows:

"Taking action to disseminate HR culture and to raise public awareness thereof with the assistance of competent institutes and organs concerned with educational, media and cultural affairs."

Furthermore, NCHR strongly believes in the fundamental role of education in molding the minds of youths who will shoulder the development of the future.

The NCHR Cultural Rights Committee action plan of 2005-2006 designates the following functions, *inter alia*:

- **"to disseminate HR culture among all social classes in all sectors"**

- **"to confront outdated culture which harbors the idea of discrimination, which, in turn, entails anti-HR behavior on all levels"**

According to the same action plan, one of the execution mechanisms is:

"the review of academic curricula of various educational stages to recommend how best to raise awareness of HR principles".

To this end, and in collaboration with the MoE, a study titled "The Features and Terms of HR Rhetoric in Compulsory Stage Textbooks" was launched, as a preliminary step, by a specialized team headed by Prof. Farouk Abu Zeid (Vice President of Misr International University and Dean of the Mass Communications Faculty thereat, and former Dean of the Mass Communication Faculty, Cairo University). The principal research team was composed of three professors and lecturers at the Mass Communications Faculty, Cairo University. The team was assisted by researchers and lecturers from the Faculty as well as assistant researchers in automatic data entry and statistic analysis.

It was agreed to measure the extent to which textbooks adequately treated HR issues and delivered related values to schoolchildren. The analysis was based on both: quantitative and qualitative levels.

The study adopted a number of goals via several integrated epistemic levels as follows:

- 1- To deduce the components of the rhetoric of HR in textbooks by focusing on two definite indicators, namely:
 - the set of core values regarding equality, justice, freedom and tolerance.

- the set of personal freedoms regarding voting, education, employment and expression of opinion.
 - the set of rights of women and children.
- 2- To analyze the set of frameworks that govern the production of scholastic rhetoric which conveys HR issues. The study of such rhetoric should be done in parallel with an examination of the factors that influence its formation, with particular emphasis on educational policies in current use.

Conclusions reached by the Study are as follows:

First: Features and Terms of HR rhetoric in Religious Education Textbooks:

Upon analyzing both Islamic and Christian textbooks of religious education, the study uncovered several points:

- 1- Several authors participated in producing the curricula in Islamic education textbooks while only one author produced Christian education textbooks. Furthermore, there seems to be underlying discrimination against women, all authors being men.
- 2- It was mentioned in a number of lessons that HR issues were being discussed therein but, in fact, they were not.
- 3- On the other hand, some of the lessons that were not said to be of relevance to HR were, in fact, so. In general, Islamic education textbooks discussed HR issues (both positively and negatively) relatively more often than their Christian counterparts.

- 4- There is a basic paradox with regard to the rhetoric in religious education textbooks' treatment of HR issues. Based on their own worn-out perspectives, the authors are firmly establishing the concept of self-distinction. At the same time, the authors promise that this self-distinction perspective will help students renounce extremism and violence. This assumption shows how the authors were unconscious of extremism being essentially founded on the feeling of self-distinction.
- 5- Furthermore, lessons alluding to HR issues are not elaborative. Nor do they present them in a context adequate to the level of understanding of students to ensure their comprehension.
- 6- A set of socio-cultural HR were highlighted in the surveyed textbooks, mainly enhancing understanding and tolerance among human beings. These include the right to moral and mental health, the freedom of thought, the right to request information, the freedom of religion and faith, the right to enjoy arts, and that the goal of learning is the enhancement of man. A positive trend dominated the treatment of the rhetoric concerning the set of social and cultural rights, with the exception of the freedom of thought.
- 7- Within the framework of women's rights, a number of rights were highlighted, mainly equality between men and women, which was tackled in a rather negative light. This right was followed by women's right to participate with men in bringing up and disciplining children, then by women's right to mental and moral health.
- 8- Within the framework of the set of civil and political rights, only two rights appeared in religious education textbooks, i.e., the right to non-discrimination and the right to safety. The rhetoric fluctuates between treating the two rights in a positive or negative light.

However, treatment of the first right was mainly negative whereas treatment of the second was overwhelmingly positive.

9- The agenda of economic rights was concerned with three issues: protecting the environment to improve living conditions, the right to employment, and the right to an appropriate standard of living. A positive trend dominated the treatment of these issues with the exception of the right to employment.

10- The methods of verification to demonstrate ideas and statements included in the rhetoric of HR issues were not varied. Religious evidence was more dominant than historical evidence. There was also limited use of observations from reality to verify the issues included in the rhetoric.

Second: Features and Terms of the Rhetoric in HR issues Discussed in General Religious Education Textbooks:

This set of textbooks contains what may be called an epistemic framework and is complementary to the other religious textbooks taught in the entire 3-year preparatory stage. These textbooks do not discuss or explain direct religious teachings, but rather convey such teachings through biographies or topics of significant religious reference. The selection of these textbooks – as case analyses – is based on the fact that they represent an applied framework for the improvement and development process of the curricula of Islamic education. Therefore, their rhetoric is worthy of study and should be comprehensively analyzed to note their concepts and the methods of tackling them.

Researchers have Reached the following Analytical Indications:

1- Mainly male students are addressed throughout:

This indicator is manifested in two integral dimensions. The first involves those concerned with authorship, review and educational preparation. All of the eleven authors are males. Textbooks lack any sort of information concerning the authors that may justify their authorship of such work. There is no mention of those responsible for their review or editorial preparation either. Furthermore, there is no specification of such preparation or review in the lessons.

The analytical indications that have been concluded reveal that the rhetoric of such textbooks is built on a male perspective and addresses male readers. This is apparent when analyzing the content of the phrases included on the cover of such textbooks, as they convey general instructions and advice to students. Although such instructions and advice are direct and confirmatory, they tend to be addressed to male rather than female students.

2- Inconsistency between the selection and treatment of characters and issues on the one hand and the contemporary epistemic, social and HR context, on the other:

The absence of public goals relevant to the present, according to which protagonists are selected, has led to the absence of an organized and indirect approach to values and issues concerning HR. Moreover, the selection of protagonists is not governed by a certain method but rather a number of formal goals which do not give dimensions to selected characters. In fact, the set of their individual morals and personal behaviors is highlighted without linking that set with their general contemporary framework. Therefore, the analysis of the content reveals that the selection of characters is governed by mere coincidence and is

based on easily accessible information rather than on research and introspection.

3- Concentration of stories on the same historical period:

The analysis highlights the fact that the textbooks of the first and second preparatory stages concentrate on the same Islamic period. Accordingly, all the aspects and vocabulary of this period on social, political, cultural and epistemic levels are predominant in the domains educed by students. Therefore, there is no progression of time in a manner that allows readers to relate with events. On the contrary, this approach creates a sort of isolation in a specific period in time, which may lead to a kind of detachment from reality. This is so because authors portray absolute idealism in the historical periods and protagonists they select. Students may, therefore, relate such concepts with that specific period without applying them to the present.

4- Dominance of stereotypes and marginalizing roles of women in religious rhetoric:

By analyzing the nature of the roles of women characters in a number of generic religious education textbooks, it is evident that females are given stereotype and secondary roles in comparison with male characters. This, in fact, limits the role of women in real life in the minds of male and female students. Giving female characters secondary roles in lessons, negatively affects educational and HR goals. A positive image of Muslim women and their proactive and independent roles in life should be portrayed since women are actual partners in development. Such portrayal should be made obvious even if authors do not declare it as a

goal in their treatment. Otherwise, what is the purpose of portraying female characters in the first place?.

5- Biographies of one-dimensional characters and linear plots:

Protagonists around whom events revolve are portrayed as if guided toward a specific goal. The plot is linear, thus ignoring epistemic and analytical techniques which contribute to creating three-dimensional characters.

6- The roles and actions of characters are presented as ideal and uncontroversial:

Evident in every single chapter of these textbooks is the tendency to present historical protagonists as ideal characters that are incapable of wrong-doing or hesitation. If this is deliberate to highlight the characteristics which should be emulated, it may create, in the minds of students, a continuous sense of guilt or despair in rectifying any defaults of their own. In other words, they may view such protagonists as lofty and, therefore, feel the difficulty of emulating their noble morality. This ultimately fails to serve the authors' purpose.

7- Conveying general statements and absolute judgments that do not rely on a logical indicative structure:

The rhetoric in most textbooks is confirmatory and direct and is not based on applied events or cases. The aim behind this is to deliver

specific ideas. However, the rhetoric appears separate from the general structure.

8- Direct and brief portrayal of the positive characteristics and roles which highlight the general role of women:

The few indicators present in the content, which could have been portrayed in an expanded content manifesting the positive roles of women in general domains, are actually portrayed in an unattractive and brief manner. Furthermore, women do not take place in the course of events.

Also, in portraying female characters, authors continue to cast them against male characters without paying heed to the general qualities of women. In other words, the behavior of female characters is compared to that of male characters instead of evaluating the characteristic behavior of women.

9- Direct concentration on presenting the aspects of biographies rather than on judicial and educational goals:

There is considerable elaboration in the continuous narration of separate events in biographies without paying heed to presenting implicit or explicit educational or HR goals. Furthermore, there are no humanitarian or HR indications to be deduced from the narration.

Although the events of such biographies have various important angles, which reiterate the importance of contemporary terms of HR, the authors do not analyze such events to confirm the concept of equality among human beings. The reason is that the authors do not have the intention of conveying this point. Sometimes, arbitrary and unconscious

interventions have obliterated many of the indications of the content of these books.

10- Presenting a number of indicative statements within the HR structure:

Comprehensive and thorough research has proven that the rhetoric in these textbooks includes a number of statements and events, which implicitly confirm the values and meanings relevant to the set of HR. The most important of these concerns the textbook taught to students in the third preparatory stage titled “Islamic Notions for Raising Environmental and Demographic Awareness”. This textbook conveys an obvious concern about contemporary issues of priority in the domain of human development.

11- The manner in which religious references are used in the treatment of some issues and situations:

Since these textbooks concern religious education, religious reference is almost singularly relied on in justifying or rationalizing the acceptance of certain concepts regarding particular issues, such as the importance of protecting the environment and land reclamation.

The merger between religious and other references adapted from reality, actual experiences and modern sciences may allow the rhetoric to be generally correlated and more open to the movements of society and its activities. This is without prejudice to the importance of employing religious references in the framework of religious curricula.

12- Lack of clear identification of targeted groups:

For example, the textbook titled “Islamic Notions for Raising Environmental and Demographic Awareness” presents a certain perspective with regard to environmental and demographic issues. This textbook endeavours to answer and refute some of the accusations made against Islam and Moslems, especially after the 9/11 events. Such accusations mainly revolve around terrorism. The authors, instead of addressing the accusers and refuting their claims, address the students.

Third: Characteristics and terms of the rhetoric of HR in Arabic language textbooks:

This includes four textbooks; the first three are taught in the 3-year preparatory stage and the fourth is taught in the first year of primary stage. Overall, these books are well developed coherent and related to the goals of study. Upon analysis, the following conclusions were made:

1- Dominance of address to males (the authorship and language of presentation):

Upon analysis, it was observed that the 24 persons responsible for the authorship, review and improvement of these four textbooks, are all males. This is reflected in the rhetoric, its concepts and various contents. This is also manifested in the language of the guidelines on the cover of these four textbooks, as they are addressed to male students.

2- Superficial interest in including HR issues in the content of the rhetoric:

Although the authors, especially of the preparatory-stage textbooks, are over-enthusiastically showing interest in HR issues and including such issues wherever and whenever possible in their lessons.

At the beginning of various lessons, it is indicated that part or all of the included topics concern “HR”, “children’s rights”, “rights and obligations”, as well as other clichés. However, upon perusal of the text, it becomes evident that the text, in the most part, does not, in fact, tackle such issues. There are no support materials or experiences.

3- Lack of announced goals and the evasion thereof (confused rhetoric):

This phenomenon is evident in the absence of the intended meaning, or the direct approach in delivering a meaning, so that the text is composed of affirmative statements that are neither manifested via epistemic indicators nor via support dialogues and experiences from reality. There is, therefore, a sort of confusion in presented concepts and an inconsistency in the approaches chosen.

This phenomenon was common in the four textbooks and was manifested with considerable similarity. It was not manifested in the first preparatory-stage textbook (36.4%) and least manifested the first primary-stage textbook (9%).

For example, on a number of occasions, individual morals are portrayed in a lofty manner as a guide to students’ behavior. However, this is made at the expense of the legal and general legislative framework in society.

One example of confusion in the treatment, is the illustration of a young working boy. It seems that the aim of the illustration, is to advocate children’s rights by absurdly reaffirming child labor. It is worth mentioning that the lesson in which this illustration appears, supports children’s rights to enjoy drawing as a hobby. That is to say that illustrations in textbooks should be promptly reviewed, especially since

images have a significant impact on children's imagination at this young age. The child in the illustration is portrayed smiling while operating a machine, which seems to imply that he is actually enjoying child labor(!).

Furthermore, among the issues included in lessons, is the issue of "globalization", and the biography of Ahmed Zueil, PhD. is presented. However, the text and authors, without logical or objective justifications, reinforce the notion of animosity toward the culturally developed West without even explaining the reasons for such notion by giving historical or contemporary examples. Instead of conveying such animosity, the author could have discussed a relevant and objective point in the lesson, which is the considerably insufficient developmental aid granted to poor and impoverished countries, the brain drain of third world, and the monopoly of scientific development. Because all of this is not discussed in the lesson, this animosity seems to be characterized by its absolutism and eternity.

4- Direct and abstract treatments, the tendency to congest information in lessons dedicated to tackling terms of HR structure:

One of the major analytical phenomena common in the textbooks under study, is the attempt to dedicate one or more lessons in each unit of a textbook to discuss issues and concepts concerning HR. Despite the positive feature of this attempt, yet more important, is the absence of an analytical mentality or an ability to transform these HR issues from the scope of direct treatment and abstract concepts into a process pervading the various lessons. The authors, however, concentrated on abstract epistemic units and tailored them into stereotype lessons for students to study and learn in the usual manner, which is ironically what the authors have warned against by advocating understanding instead of memorizing.

The analysis of the rhetoric of these topics reveals an important conclusion, which asserts that more often than not, the manner of presenting and treating these concepts has failed to fulfill the expected goal. Although some of the lessons include direct headings concerning HR issues, and although this selection is vital for laying down an agenda for HR issues for youngsters in this age group, the treatment was, unfortunately, checked at the preliminary stage, which is the reproduction of the special declaration of HR and the world's declaration of children's rights.

The presentation lacks the mechanisms of an attractive treatment based on an educational and HR vision characterized by an expanded indicative significance of these concepts and issues. Therefore, the lessons seemed to be meant for memorizing the declarations included therein instead of comprehending them.

On another plane, other lessons attempted to introduce an epistemic framework directly relevant to issues and elements regarding HR. However, the desire to congest an enormous amount of information and absolute concepts without their presentation in experiments, experiences or examples, has made lessons less appealing, thus encouraging pupils to merely memorize them.

Moreover, there are a number of paragraphs that directly deal with supporting the set of HR and its various dimensions and domains. These allusions are scattered throughout the text and sometimes require elaborate explanation and linkage to the humanitarian and developmental meanings behind them so as to prevent them from merely becoming statements detached from their epistemic and human content. Nonetheless, these generally represent an important and significant presence. We recommend that they be expanded and made

closely relevant to the movements in, and development of society, while concentrating on the political aspects of HR as well.

5- Eclecticism in portraying indicative models and cases of certain concepts and tendencies:

The various treatments of the rhetoric are dominated by a sort of eclecticism with regard to some indicative models and cases concerning a definite tendency, the most evident being the selection and presentation of examples of HR violations throughout the world. The sole realistic example concerning the violation of HR is presented in an external context that establishes the dominance of religious reference in the presentation. Although it is valid, it, nonetheless, conveys eclecticism; "HR's are still violated in almost all parts of the world and people live in continuous chaos owing to armed aggression, as was the case in Bosnia, Herzegovina and Chechnya."

Fourth: Features and terms of the rhetoric of HR in general textbooks:

- 1- The agenda on issues related to the set of cultural and social rights, whether concerning the freedom of thought and religion or not, dominates the rhetoric in social studies textbooks. The freedom of thought and expression ranks first and is followed by the freedom of acquiring and conveying ideas; thence, is the right of peaceful association and assembly.
- 2- The freedom of thought and expression is evident in the rhetoric in the form of instructions given to students to take part in activities, in which they can express their concepts with a certain extent of freedom and also exercise the right to criticize.

However, the agenda of the State's notions has been imposed on students by requiring of them to write articles on issues related to the State's policies and tendencies. The right to acquire information is manifested in directing students to participate in library activities, in addition to obtaining information from the media. The issue of non-discrimination and its various forms, is discussed in several social studies textbooks.

- 3- Within the framework of the agenda on issues related to the set of economic rights, the right to economic soundness is highlighted along with the right to employment and the selection of a profession.
- 4- The rhetoric paid little attention to tackling women and children rights. Instead, attention was devoted to the right to maternity and childhood healthcare and medical services, as well as equality between the genders in all fields, particularly education.
- 5- On the level of active participation, the rhetoric is more concerned with men as active players and children (of a certain age group) at the expense of women and other male age groups. With regard to the characteristics and roles that are generally attributed to the active players in social studies textbooks, they are all positive.
- 6- The authors of social studies and mathematics textbooks are all males, which reflects a sort of discrimination against females. This is also evident from the fact that the names in given examples and illustrations to describe certain situations, are those of males.
- 7- The rhetoric in mathematics textbooks rarely mentions names that may be given to both Muslims and Christians. The names of Muslims dominate the examples given.

In light of the study's conclusions, the research team has made a number of recommendations, which are as follows:

1- To review the entire follow-up mechanism of writing textbooks so that they may be developed as follows:

- To create an extensive national committee to set down a specific strategy for academic curricula goals, which should be relevant to developmental and HR issues and should encourage the enhancement of the students' intellectual skills, as well as other goals entertained by the entire society. This committee shall have the right to form specialized groups, each of which shall propose auxiliary goals and visions for the contents of each textbook pursuant to their respective disciplines.
- To hold a national competition for the authorship of these books in return for a suitable financial reward sufficient to attract experts from universities and centers of excellence. Such reward may be funded by adding an additional five Egyptian Pounds to the price of each textbook, provided that it is publicly announced.
- The national committee and its sub-committees shall select the three winning projects for each curriculum and shall have the right to merge them or use their contents.
- This competition should be held every 3 years to allow for the objective development of the curricula to meet the ever-changing needs and requirements of society in various disciplines. This will help produce new generations in constant touch with their contemporary environment.

2- To complement this research project by an analytical study of the secondary stage curricula.

- 3- To contemplate the characteristics of the HR rhetoric in many other educational systems, most importantly the curricula for the language schools system.
- 4- To conduct an evaluation of the tendencies of teachers and their modes of interaction with the curricula they teach. Such study should include a number of determinants that may reveal the constraints met throughout and the lessons taught to students.
- 5- To organize training courses for teachers on how to enrich the scholastic content of various subjects by introducing the culture of HR, especially in the secondary stage, so that scientific and educational elements are integrated therewith to support this culture in its various forms.
- 6- To conduct field surveys on students via several central discussion groups in various governorates and schools (boys, girls and mixed) to seek their opinions regarding the contents of textbooks, the extent of the benefit attained from the study thereof, and the extent of their relevance to scientific realities. This survey should be based on scientific realities, particularly with regard to HR issues, using criteria and standards that indirectly measure these tendencies.
- 7- To provide the means for the adequate printing of textbooks. So far, quality has been somewhat lacking in their design, paper, inks, and illustrations, which of course makes textbooks less attractive to students of this stage. Furthermore, instructive illustrations and graphs should be designed using specialized computer programs.

Copies of this research have been forwarded to:

- Mr. Mohamed El-Fayad, Head of the Central Department for the Office Affairs of the Minister of Education.
- Prof. Mohamed Sherif Omar, Chairman of the Education and Scientific Research Committee, the PA.
- Prof. Farouk Ismail, Chairman of the Education and Scientific Research Committee, the Shoura Council.

It is worth mentioning that the NCHR plans to publish the entire research under separate cover.

Chapter Two
The Situation of Human Rights
in Egypt
(As Reflected in the Complaints submitted to NCHR)
During 2005

Chapter II
The Situation of Human Rights in Egypt
During 2005

Introduction:

In this Chapter, the NCHR- through its Complaints Committee- provides a general outlook on the violations committed against HR in light of the complaints sent to the NCHR, which have reached 6528 complaints during the period from 1/1/2005 through 28/2/2006. The complaints have ranged from allegations made by citizens claiming violation of their rights which are protected by domestic laws, legislations and international agreements.

This has driven the NCHR to evaluate such violations to identify the most commonly violated rights. The NCHR has realized this by conducting research and studies in cooperation with competent authorities, with a view to amending such violations and overseeing the solutions reached, while taking into account that complainants should be notified of the corrections made to such violations.

The NCHR- within the context of studying the complaints- attempted to solve them by presenting recommendations for the amendment of some laws and legislations which it believes affect HR or by presenting new

draft laws which ensure the preservation of human dignity as stipulated in monolithic religions and international agreements.

The NCHR- in this field- cooperates with NGO's by receiving complaints from them or participates with them in solving the most important violations against HR. Besides the complaints which the NCHR has set out to solve, 1166 complaints have been put away owing to the NCHR's lack of competence over their area of concern.

The Means of Receiving Complaints:

The NCHR has made available several means for individuals and NGO's to deliver their complaints on violations against HR, in which they may demand that any of their civil, political, economic, social or cultural rights be restored. These means include regular mail, hand delivery to the NCHR premises, fax, telegraph and email.

Individuals and NGO's have used these different means. However, the most common means used was regular mail. Complaints delivered by this means have reached 3527 complaints, which represent 54% of the total number of complaints received by the NCHR up to 28/2/2006, totaling 6528 complaints.

This is attributable to the fact that regular mail is the most cost-effective means, especially for those who are geographically distant from Cairo or those who cannot go to the NCHR directly, such as prisoners and detainees.

In spite of such advantage, regular mail has some negative sides to it, as it slows down the NCHR's processing of their content. This is due to the delay in the delivery of the complaints to the NCHR address (which takes

to 5-10 days). Another problem is that sometimes a complainant may fail to mention an incident or surrounding circumstances which he may deem as unessential.

This state of affairs requires that the NCHR spend more time in verifying the extent of the complaint's seriousness or in gathering all the missing details. Legal researchers at the NCHR are tasked with seeking more data and clarifications on missing details from complainants whether over the phone or by mail, which may take more time (between 10 to 15 days) for sending the mail and receiving a reply to it.

Although the Complaints Committee of the NCHR was established a long time ago, yet some complainants do not know the postal address of the NCHR, which results in complaints being sent to the wrong addresses, which would then redirect the complaints to the NCHR. This causes a further delay in the delivery of the complaint and, in turn, slows down the process of evaluating and attempting to solve it.

Hand delivery of complaints comes in second rank. The complaints delivered to the NCHR by this means have reached 1898 complaints, representing 29.8% of the total number of complaints.

It was noted that this means was mainly used by those residing in Cairo due to their geographic closeness to the NCHR, which reduces material costs.

Personal verbal communication of the complaints is also used by some who prefer to learn to what extent NCHR could intervene if a complaint was accepted or what steps to be taken if NCHR turned out to have no competence in the area of their concern.

Unlettered people resort to this means and NCHR legal researchers receive them and take down their oral reports. After writing down the complaints in a professional manner and up to the satisfaction of the complainants, they get them to sign/rubber-stamp the outcome.

As regards delivering complaints via fax, it came in third rank by individuals residing in Egypt or abroad, and by civil society organizations in general and Egyptian and international NGO's concerned with HR in particular. Complaints delivered by fax reached 938 in number, representing 14.4% of the total number of complaints sent to the NCHR in 2005.

Although this means is faster than regular mail, it is rather more expensive. Hence, complainants' failure to give a detailed account or attach enough documentation. This leads to a delay in taking action with regard to the complaint until verification is made of its seriousness. In this case, it loses its sole advantage of speed.

Telegraph comes in the fourth rank as the number of complaints sent by this means amounts to 133 complaints, representing 2% of the total number of complaints submitted to the NCHR in 2005. The advantage of this means is its speed, which ensures that the NCHR can take immediate action to help the complainants. The telegraph, like the fax, is also deemed an expensive means, which causes complainants to send a simple and even vague plea for help, which only bespeaks of a violation without mentioning the details. This requires that the complainant be contacted by phone to verify the seriousness of the complaint and to complete the missing data in order that the NCHR may take the necessary procedures to solve the complainants' problems.

Electronic mail comes in the fifth rank, as complaints sent by this means amount to 12 complaints, which represents only 0.3% of the total number of complaints delivered to the NCHR. The reason for this low percentage is that electronic mail is an advanced means which needs certain know-how and is thus prohibitive for many complainants.

As regards the remaining complaints, which total 20 complaints, representing only 0.3% of the total, 12 were delivered to the Secretary-General, 3 were delivered via the NCHR delegation during their survey visits, 3 over the phone and 2 via the Committee Secretary.

Table 1

Classifies the complaints in terms of their means of delivery

Mail	Fax	Hand Delivery	Telegraph	email	Secretary-General of the NCHR	Survey Visits	Committee Secretary	Telephone	Total
3527	938	1898	133	12	12	3	2	3	6528

Classification of the Complaints in terms of Violated Rights:

Complaints received from 1 January 2005 through the end of February 2006 by the NCHR- as already mentioned- are 6528 in number. The increase in the number of complaints delivered to the NCHR, is an indication of the increase of the concerns and problems of the citizens, and the existence of a gap between them and the State administrative organ. Individuals have found a relief in the delivery of their complaints and their transfer to the violating body in an attempt to regain their rights from the State officials who claim that the complainants are the ones who overlooked their rights.

In terms of the type of violated rights on basis of the complainants' allegations, social and economic rights represent the largest number of complaints, reaching 2787 complaints, which represents 42.7% of the total number of complaints delivered to the NCHR. This is attributable to the importance of these types of rights, which are deemed as basic rights without which life would be impossible, such as the right to housing and health.

The second rank was occupied by civil and political rights, reaching 1851 complaints, which represents 28.35% of the total number of complaints delivered to the NCHR.

The third rank was occupied by complaints about violations that did not fall under the NCHR's competence, and which were thus referred to competent authorities. The NCHR received requests for legal assistance in judicial disputes, assistance for publishing literary works, especially poetry and short stories, or assistance to find job opportunities.

Besides, there were complaints that had to be put away due to the lack of seriousness or due to the anonymity of sender.

The above complaints amount to 1166, which represent 17.86% of the total number of complaints delivered to the NCHR, which reflects a lack of awareness of the NCHR's role and jurisdiction.

Complaints about legislative affairs (legal procedures of judicial disputes) came in the fourth rank, amounting to 329 complaints, which represent 5.04% of the complaints delivered to the NCHR.

Complaints regarding the rights of Egyptians living abroad came in the fifth rank, amounting to 117 complaints, which represent 1.80% of the total.

Complaints relating to public issues came in the last rank, amounting to 278 complaints, which represent 4.25% of the total complaints, submitted by the general public. Submitters of such complaints propose solutions and recommendations to alleviate or overcome such problems relating to HR.

Table 2

Classifies the complaints in terms of violated rights

Classification of Complaints	No. of Complaints	Percentage
Civil and political rights	1851	28.35%
Economic and social rights	2787	42.7%
Legislative affairs	329	5.04%
International relations	117	1.80%
Public cases	278	4.25%
Complaints over which the NCHR has no competence	1166	17.86%
Total	6528	

Geographic Distribution of the Complaints:

Table 3 shows the extent of variance between Governorates in dealing with HR cases. Such variance sheds light on the factors that must be taken into account when presenting solutions and proposals which would minimize such gap. The most important factor is raising awareness on the culture of HR in many Governorates which are geographically distant from the Capital. The variance between Governorates indicates the following:

First: Greater Cairo:

The number of complaints coming in from Greater Cairo Governorate (Cairo- Kalyoubeya- Giza) represents 38.04% of the total number received. This is attributable to several factors. Greater Cairo is the Capital and is home to a large number of people, reaching about 25% of the entire population. It includes all the ministries, governmental authorities and many universities.

Furthermore, many HR NGO's, from which many complaints were received, are located in Cairo. Many prisons also exist within the borders of Greater Cairo (Abou Zabal Prisons- El-Kanater El-Khayreya Prison - Tora Prisons- El-Marg Prison- El-Kata Prison) from which many prisoners send complaints regarding their violated rights (mistreatment, deprivation from the right to education, conditional release or pardon, and the right to health care) as well as other basic rights which are violated.

The spread of the different means of the media has contributed to raising awareness of the culture of HR within Greater Cairo. Most importantly, the NCHR premises exist in Cairo.

Second: Upper Egypt Governorates:

These comprise the Governorates of Menia, Assyut, Beni Suef, Fayoum, Sohag, Kena and Luxour. The number of complaints delivered by these governorates to the NCHR represent 25.57% of the total number of complaints. It is observed that only a small percentage of complaints are sent from the Governorates of Upper Egypt due to the poor level of awareness of the culture of HR, the long distance between them and Cairo and the fact that residents of such Governorates still resort to unofficial councils and tribal customs for solving their disputes.

Complaints coming in to the NCHR from such Governorates mainly revolve around the abuse of authority by Governmental agencies, employment and housing requests, complaints regarding public utilities, complaints from the facilities of prisoners on their maltreatment inside prisons. Other complaints revolve around agricultural property rights, legal disputes and complaints of temporary workers.

Third: Governorates of the Delta:

These comprise the Governorates of Minuofeya, Gharbeya, Dakahleya, Kafr El-Sheikh, Damietta and Beheira. The number of complaints from Northern Egypt (the Delta) represents 19.2% of the total number of complaints sent to the NCHR. This is deemed a small percentage of complaints due to the nature of such Governorates, which are of agricultural nature. Most complaints from this area revolve around disputes with governmental authorities on the ownership of land, private properties, construction licenses, employment or housing applications, requests for health care, complaints regarding public

utilities and complaints from prisoners seeking to pursue their education, their conditional release or pardon.

Fourth: Coastal and Border Governorates:

These comprise the Governorates of Alexandria, Ismaelia, Suez, Port Said, The Red Sea, Marsa Matrouh, the New Valley, Aswan, North Sinai and South Sinai. The number of complaints from these governorates represents 13.4% of the total number of complaints delivered to the NCHR. It is noted that this represents the smallest percentage of complaints. This is due to the long distance between such governorates and Greater Cairo and the modest level of awareness of the culture of HR there in.

Besides, some of these areas are still governed by tribal customs and traditions, which prevent them from submitting their complaints to the competent authorities, including the NCHR, and their dependence on unofficial councils (in most cases). Furthermore, there are many obstacles preventing women in such governorates from delivering their complaints.

Table 3

Classifies the complaints in terms of geographic distribution

Srl.	Governorate	No. of complaints	Percentage
1	Cairo Governorate	1736	26.60%
2	Giza Governorate	568	8.7%
3	Menia Governorate	468	7.18%
4	Assyut Governorate	326	4.5%
5	Menufia Governorate	108	1.65%
6	Benisuef Governorate	180	2.7%

Srl.	Governorate	No. of complaints	Percentage
7	Kalyubia Governorate	238	3.64%
8	Alexandria Governorate	227	1.87%
9	Sharkia Governorate	275	4.21%
10	Fayoum Governorate	214	3.28%
11	Gharbia Governorate	226	3.47%
12	Dakahlia Governorate	229	3.50%
13	Sohag Governorate	258	3.96%
14	Kena Governorate	199	3.04%
15	Kafrelshiekh Governorate	136	2.08%
16	Ismailia Governorate	109	1.67%
17	Aswan Governorate	148	2.27%
18	Suez Governorate	89	1.37%
19	Sinai Governorates (South and North)	69	1.05%
20	Port Said Governorate	98	1.50%
21	Damietta Governorate	145	2.22%
22	New Valley Governorate	135	2.06%
23	Luxor Governorate	64	0.91%
24	Red Sea Governorate	57	0.89%
25	Mersa matrouh Governorate	48	0.73%
26	Beheira Governorate	178	2.72%
	Total	6528	

Classification of Complaints in Terms of Gender:

It is noted that most complaints were delivered by men, reaching 5450 complaints, which represents 83.5% of the complaints, while those delivered by women reached 1078 complaints, which represents 16.5% of the complaints. This shows that the level of participation of women is still very modest and most of them revolve around the same topics.

This is due to the fact the Egyptian society is still governed, to a great extent, by many customs and traditions, which do not enable women to fight for their rights, such as delivering complaints to the NCHR. Rather a male member of her family is entrusted to do so (this is particularly the case in the countryside).

It is worth noting that one of the most important complaints made by women is that relating to social affairs, especially regarding their children (this is attributed to the fact that most Egyptian women are housewives). The fact that NCW and the NCCM are more specialized in these cases and play a greater role in them, has led to the small percentage of the complaints submitted by women to the NCHR. Besides, the level of awareness of the culture of HR among women in particular (especially those living in the countryside) is quite modest. It is noted that many complaints submitted by women also revolve around economic rights, in which they mainly ask for housing units for themselves and their families and for pension from the MoSA due to the absence of a bread-winner, sometimes, due to being handicapped.

Other complaints contained requests for job opportunities due to women's impoverished economic status. This is followed by complaints from women regarding their workplaces and the violation of their labour rights. Most of the latter type of complaints came in from Greater Cairo.

Table 4

Classifies the complaints in terms of gender

Gender	No. of Complaints	Percentage
Men	5450	83.5%
Women	1078	16.5%

Total	6528	
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Replies by the Competent Authorities to the Correspondences sent by the NCHR:

After the phase of accepting and registering the complaints, and identifying the concerned entities, the NCHR addresses such governmental authorities, institutions and municipalities as well as NGO's to cooperate in assisting the complainants.

The total number of correspondences sent by the NCHR to the concerned entities, whether ministries, governorates, universities, companies, banks or governmental authorities, have reached 1970 correspondences between January 2005 and February 2006, whereas the number of replies from such entities to the NCHR up to February 28th have reached only 960 replies, which represents 48.7% of the total correspondences sent to them by the NCHR.

Table 5 demonstrates the number of correspondences sent by the concerned entities in comparison to the number of correspondences sent them by the NCHR. It also sheds light on the increase in the number of replies sent to the NCHR in comparison with the number of replies stated in the NCHR first annual report.

We would like to refer to the reply sent by the GoE to the NCHR's first annual report. Yet, some entities, still refrain from sending any replies to the correspondences sent to them by the NCHR regarding their violation of the rights of their own employees or residents which fall under the competence of such entities due to their domiciles, geographic location or employment relation.

Table 5

Shows the NCHR correspondences re. complaints and the replies made to them

1- Ministries:

Srl.	Ministry/Similar	No. of Complaints	No. of Replies	Percentage
1	The Cabinet	16	3	18.6%
2	Ministry of Interior	353	168	47.5%
3	Ministry of Justice	110	104	94.5%
4	The Public Prosecutor	212	187	88.2%
5	Ministry of Foreign Affairs	27	9	33.3%
6	Ministry of Social Affairs and Insurance	62	55	88.7%
7	Ministry of Health and Population	78	58	74.3%
8	Ministry of Higher Education & Scientific Research	95	67	70.5%
9	Ministry of Defense and Military Production	48	24	50%
10	Ministry of Manpower and Emigration	14	4	28.5%
11	Ministry of Agriculture and Land Reclamation	27	10	37%
12	Ministry of Waqfs	13	10	76.9%
13	Ministry of Water Resources and Irrigation	9	7	77.7%
14	Ministry of Foreign Trade & Industry	4	4	100%
15	Ministry of Electricity and Energy	28	21	75%
16	Ministry of Investment	16	8	50%
17	Ministry of Civil Aviation	8	2	25%
18	Ministry of Education	40	5	12.5%
19	Ministry of Finance	15	3	20%
20	Ministry of Culture	5	4	80%
21	Ministry of Tourism	6	5	83.3%
22	Ministry of Housing and Urban Communities	17	12	70.5%
23	Ministry of Youth	7	1	14.2%

Srl.	Ministry/Similar	No. of Complaints	No. of Replies	Percentage
24	Ministry of Communication and Information Technology	1	1	100%
25	Ministry of Petroleum	15	1	6.6%
26	Ministry of Supply and Home Trade	20	6	30%
27	Ministry of Transport	9	2	22.2%
28	The Central Agency for Management and Statistics	22	8	36.3%
29	Ministry of State for Environment Affairs	10	-	-
30	Ministry of State for Local Development	10	4	40%
31	Ministry of Information	3	-	-
32	Ministry of State for Military Production	3	-	-
33	Ministry of State for Administrative Development	10	-	-
34	The Central Agency for Audit	1	-	-
	Total	1314	794	60.3%

2- Governorates:

Srl.	Governorate/City	No. of Letters	No. of Answers	Percentage
1	Cairo Governorate	55	32	58%
2	Giza Governorate	23	6	26%
3	Gharbia Governorate	17	3	17.6%
4	Ismailia Governorate	7	5	71.4%
5	Kafrelshiekh Governorate	13	1	7.6%
6	Assyut Governorate	14	1	7.14%
7	Kena Governorate	14	5	35.7%
8	Red Sea Governorate	2	1	50%
9	Beni Suef Governorate	15	9	60%
10	New Valley Governorate	6	2	33.3%
11	Alexandria Governorate	14	4	28.5%

Srl.	Governorate/City	No. of Letters	No. of Answers	Percentage
12	Fayoum Governorate	9	2	22.2%
13	Aswan Governorate	20	2	10%
14	Dakahlia Governorate	19	1	5.2%
15	Behira Governorate	17	3	17.6%
16	Menia Governorate	30	4	13%
17	Kalyubia Governorate	23	1	4.3%
18	Port Said Governorate	1	-	-
19	Mersa Matrouh Governorate	4	-	-
20	Menofiya Governorate	14	1	7.14%
21	Sharkia Governorate	15	-	-
22	Damietta Governorate	7	-	-
23	Sohag Governorate	8	-	-
24	Suez Governorate	3	-	-
25	South Sinai Governorate	6	-	-
26	North Sinai Governorate	1	1	100%
	Total	357	83	23.2%

The remaining concerned entities addressed by the NCHR:

Srl.	All Entities	No. of Complaints Communicated	No. of Replies	Percentage
1	Governmental authorities and agencies of special nature	124	48	38.7%
2	Banks, joint stock and private companies	75	25	33.3%
3	Universities, and entities affiliated to them	24	3	12.5%
4	Professional Syndicates, labor unions, NGO's	76	7	9.2%
	Total No. of correspondences and replies made to them	1970	960	48.7%

The Situation of HR: (As per the Complaints):

This is based on the analysis of the complaints which basically depends on the contents of such complaints without any explanations or additions, upon deeming them as allegations which shall be later verified. Demonstration shall also be made of the most common means of violating rights and freedoms, without going into detail relating to the social status or circumstances of each of the complainants. Furthermore, there shall be a display of each right that has been violated and the guarantees and provisions sustaining such rights in international agreements and the Egyptian legislative body, comprising of the Constitution, the laws, executive regulations and ministerial decrees governing them.

Civil and Political Rights:

(1) The Right to Life:

The right to life is the most fundamental of HR. Article 6 of the ICCPR states that, "Every human being has the right to life which shall be protected by the law as the arbitrary deprivation of any human being of his life is impermissible."

The year 2005 witnessed outrageous violations to the right to life. Such violations were committed by police officers (against detainees under PC, convicted prisoners, and arbitrarily detained persons) and also by extremist groups at various tourist sites.

On 8 April 2005, a bomb was detonated in Al-Azhar area, which, according to the Egyptian Security Forces, led to three fatalities: the terrorist bomber, an American and a French tourist. It also caused the

injury of 18 persons (9 Egyptians and 9 tourists: 4 Americans, 3 Frenchmen, 1 Italian and 1 Turk).

On 30 April 2005, two terrorist attacks occurred in Tahrir Square and El-Sayeda Aisha District. In Tahrir Square, a bomb exploded near the Egyptian Museum. According to security officials, the terrorist lost his life while 3 Egyptians and 4 foreigners were injured: 2 Israelis, 1 Russian and 1 Italian.

Less than two hours later, El-Sayeda Aisha District witnessed a round of gun shots fired at a tourist couch. The two female terrorists were shot by the coach security guard and died. This is the first time women execute violent operations in Egypt.

On 2 July 2005, two unidentified armed persons abducted Dr. Ihab El-Sherif, head of the delegation to protect Egyptian interests in Iraq. He was abducted at night from his own home located in Al-Mansour District in Baghdad. Dr. El-Sherif's mandate was to reinforce relations between the Egyptian and Iraqi peoples. He was eventually murdered by his abductors who belonged to armed resistance groups.

On 22 July 2005, Sharm El-Sheikh City witnessed a violent attack, as three bombs were detonated in the old commercial market, Ghazala Gardens Hotel and the parking lot at Nema Bay. According to the Ministry of Health, there were 62 fatalities, including Egyptians and foreigners. Furthermore, 110 civilians were injured.

Such vicious acts committed against innocent Egyptians and foreigners leading to their death were unanimously condemned by the Egyptian public who demanded that the perpetrators be punished.

Although NCHR condemned such acts upon their occurrence, it strongly believes that the perpetrators have the right to a fair trial before court judges as stipulated in international conventions for HR.

Several infringements on the right to life occurred at various state authorities, some of which led to the death of civilians during their detention, presumably by torture. The year 2005 witnessed several deaths inside police stations and detention centers. Here are a few examples:

- On 18 April 2005, Ahmed Mahmoud Salem died at Kafr Sakr Police Station from a broken pelvis, as he had jumped from the third floor to escape arrest by security forces. He was battered inside the Kafr Sakr Police Department ⁽⁴⁾.
- Ashraf Said (accused of executing the bombings at Al-Azhar and Abdel Moneim Riad areas) died inside his detention cell. He was arrested on 29 April 2005 in Monufia Governorate and taken to an unknown location. Officials stated that his death was due to a rage which caused him to hit his head against the wall ⁽⁵⁾.
- Mohamed Refaat Elsayed (26 years old) died of an unknown cause. His death was filed under No. 8265 of 2005 – Helwan Administrative.
- Insherah Ahmed Maarouf (41 years old), who was sentenced to 6 years of prison for robbery, died while being transferred from El-Khalifa prison to Al-Kanater prison on 5 July 2005 ⁽⁶⁾.

⁽⁴⁾ Statement from the Legal Assistance for HR 23 May 2005

⁽⁵⁾ Statement from the Egyptian Organization for HR, 15 August 2005.

⁽⁶⁾ Statement from the Legal Assistance Association for HR, 6 July 2005.

- On 23 November 2005, Ahmed Mitwally Ahmed Saleh (19 years old), a suspected robber, died at Kafr Sakr Police Station. On the preliminary examination of the corpse, the medical inspector suspected a criminal act had been committed causing his death. An autopsy was therefore requested to disclose the exact cause and date of death, as well as the murder weapon, if any⁽⁷⁾.

The PP's Office is responsible for investigating these cases and has referred the perpetrators to criminal courts for trial. However, this measure is very time-consuming. No judgments have as yet been passed against any of those suspected to have tortured the above civilians to death in 2005.

- With due respect to Mol and PP's Office for their fruitful cooperation in this regard, NCHR fears however that such torture crimes manifest stereotype behavior while dealing with suspects and detainees. This requires that further measures be taken. In addition, continuous guidance and training should be given to restrain those who believe that their authority and power give them immunity vis-à-vis the constitutional rights of civilians.

From this arises the NCHR's interest to contemplate some of the provisions of the Penal Code that criminalize the act of torture with a view to increasing their effectiveness and widening the scope of their execution.

In this regard, several court judgments have been issued against the perpetrators of torture crimes, including:

⁽⁷⁾ Statement of the National Association for Defending Rights and Freedoms, 25 November 2005.

- On 17 January 2005, the Criminal Court of Cairo condemned the murder of Mohamed Imam. He died of the torture afflicted by a police officer at Bab El-Shaaria Police Station in April 2001.

The case was filed under No. 1209 of 2001 – Administrative – Bab El-Shaaria. The corpse was autopsied by forensic doctors who verified that the deceased had been tortured by electrocution causing his death. The General Prosecutors Office accused Officer Ahmed Darwish at Bab El-Shaaria Police Station of torturing him to death.

- On 10 May 2005, the Criminal Court of Cairo rendered a judgment for the punishment of Officers Mohamed Ali, Zaghoul Higab and Ibrahim Samaha at El-Sayeda Zainab Police Station, sentencing them to 3 years in prison for their condemnation in Case No. 3521 of 2005 - El-Sayeda Zainab, filed under No. 85 of 2005, for the deliberate battering and death of Mr. Mahmoud Gabr Mohamed.

**** Victims of Parliamentary Elections:**

Several infringements on the right to life were committed during the period from 9 September to 7 December, as witnessed during the three stages of Egyptian legislative elections (November – December 2005). Several acts of violence broke out causing the death of 11 ⁽⁸⁾ civilians and the injury of many others. During the first round in the second stage of the elections, El-Montaza District in Alexandria Governorate witnessed the first outbreak of violence causing the death of Mohamed Ibrahim (41

⁽⁸⁾ Report by Egyptian Organization for HR.

years old). He was stabbed to death during confrontations between the candidates' supporters.

Furthermore, during the first round of the third stage of elections in Baltim City in Kafr El-Sheikh Governorate, Gomaa El-Ziftawy, a 37-year-old farmer, was shot to death. The incident was filed under No. 4436 of 2005 – El-Borolos Administrative. The second round in the third stage also witnessed widespread acts of violence causing the death of 9 persons and the injury of many others.

In El-Mataria City, Dakahlia Governorate, Islam Shahata was shot with a rubber bullet which penetrated his left eye and lodged in the brain. He eventually died on 14 December 2005.

During acts of violence and confrontations between the candidates' supporters and security forces, Tamer El-Komash, a 24-year-old student, was shot in the lung and mouth and eventually died. The incident was filed under No. 3957 of 2005, El-Mataria Administrative. Moreover, Magdy El-Bahrawy, a 41-year-old fisherman, was also shot and killed.

In Damietta Governorate, El-Said El-Digheidy, a 41-year-old carpenter, was shot and killed. Ihab Ezz Eldin, 27 years old, was shot to death on 18 December 2005. During the same round in Damietta City, Shaaban Abu Rabaa, 62 years old, was shot to death.

In Sharkeia Governorate, Mostafa Abdel Salam, 60 years old, was also shot to death. Mohamed Eleiwa, 27 years old, was shot to death. This incident was filed under No. 6210 of 2005, Abu Hammad - Administrative. Mohamed Gazar, a 25-year-old student, was shot to death. The incident was filed under No. 19456 of 2005, Abu Hammad-Misdemeanor.

The Right to Freedom and Personal Safety:

The right to freedom and personal safety, which is one of the most important political rights, stipulates the protection of civilians from detention, imprisonment, and other procedures except when necessary and after all legal procedures are followed and relevant warrants are obtained from competent authorities.

The Constitution and law support this right. Moreover, institutions concerned with the updating of laws and legislations which govern this right endeavor to make such laws and legislations compatible with international conventions.

The NCHR has, on several occasions, requested the abolishment of the Emergency Law as a cautionary procedure during investigations, as it represents an outrageous infringement on the right to freedom and violates one of the most important legal principles.

Administrative Detention:

Administrative detention is considered one of the most dangerous infringements on the right to freedom and personal safety. The NCHR has received 482 grievances from the families and relatives of detainees, complaining that their relatives have been detained for long periods, some going back to the early nineties.

They also request the release of their detained relatives and the improvement of their health and living conditions at the prisons where they are detained. In its weekly issue of 23 February 2006, the newspaper, "The Egyptian Today", included an article titled: "No Detainees in Egypt According to Interior Minister Assistant". However, the NCHR confirms that it has received numerous complaints concerning 96 persons who have been detained since the early 1990s in Egyptian prisons. They include for example:

No	Name	Date of Detention	Name of Prison	Remarks
1	Ashraf Othman	1991	Tora	
2	Zeinhom Shakal	1992	Wadi el Natron 1	
3	Fadel Saleh	1992	New Valley	Renal pain, cardiac problems, rheumatism, liver problems
4	Hassan Mohamed	1992	New Valley	TB, Bronchial asthma, weak eyesight, hypertension, gastric and colon problems, and disc prolapse
5	Abdel Azim Kotb	28/3/1993	New Valley	TB, liver problems, chronic asthma, hardening of the spinal column
6	Ali Abdullah	23/4/1993	New Valley	Mitral regurge, coronary heart disease bronchial asthma, elevated levels of liver enzymes, peptic ulcer and anemia
7	Ibrahim Abdullah	23/4/1993	New Valley	
8	Sayed Darwish	14/9/1993	New Valley	Gall bladder stones, severe prostate pain, elevated levels of liver enzymes

No	Name	Date of Detention	Name of Prison	Remarks
9	Mahmoud Yousef	6/12/1993	New Valley	Retinal detachment, hepatic fibrosis, nasal septum deviation and hemorrhoids.
10	Abdel Moneim Farrag	1993	New Valley	Requires urgent spinal surgery, diabetes, weak eyesight, asthma, hypertension, hypertrophy of liver, prostatitis
11	Sayed Elsayed	18/3/1994	New Valley	Renal pain, renal stones
12	Ali Khalil	19/6/1994	Tora	Disc prolapse, left leg atrophy

There are two major forms of detention, which are as follows:

Political detention, which is carried out pursuant to administrative decisions based on Article 3 of the Emergency Law. There have been 287 complaints concerning political detention.

Criminal detention, which is exercised on detainees who have served their imprisonment sentences, whether in military or civil cases, and are eligible for release but remain incarcerated pursuant to subsequent orders issued by Mol to extend their detention. At other times, suspects in criminal cases are detained for long periods without standing trial.

A common concern is evident in all the complaints received by the NCHR, which is the illegal detention of some detainees. Such detention is in violation of the guarantees stated in Article 3 of the Emergency Law. Some of the complaints claim that some detainees have been imprisoned for relatively long periods at illegal detention areas (buildings, premises, centers and camps belonging to Mol) and had been

subjected to torture and battering before written warrants for their detention were issued.

Many complaints also state that several judgments for the release of detainees have been adopted by the Emergency State Security Supreme Court, in some cases ten judgments. However, the IM defiantly continues to release such detainees only on paper and immediately issues new orders for their detention for long periods reaching, in some cases, 16 years.

This phenomenon has become known to those concerned with HR issues as “repetitive detention”. It is an infringement on the principles of the rule of law and the jurisdiction of authorities. It also represents a hindrance of and infringement on the provisions of Article 72 of the Constitution, which states that, “Judgments are adopted and executed in the name of the people. The abstinence to execute or the hindrance of the execution of such judgments by competent civil servants is a crime punishable by law. The judgment beneficiary in this case has the right to file a direct criminal action before a competent court.

From the facts stated in the complaints, there seem to be two reasons for detention according to detention orders. The first is belonging to Islamic militant groups, which represents a threat to State security and stability. The second is participating in rallies or demonstrations by college students.

After the terrorist bomb attacks that targeted tourist sites in Al-Azhar area and Abdel Moneim Riyad Square in Cairo and Sharm El-Sheikh City, security forces carried out several detention campaigns, arresting a considerable number of civilians related to the persons executing the bombing attacks (relatives – neighbors).

It is needless to say that the NCHR appreciates the danger of terrorism crimes as well as their devastating impact on tourism in Egypt. However, it believes that arresting campaigns should not be broadened to include civilians unless there is hard evidence of their involvement in terrorism operations. Such arrests should also be carried out according to correct legal procedures and the provisions of the law. They should also be compliant with relevant international standards.

Moreover, a great number of detainees, perhaps thousands of Islamic militants who were imprisoned in the nineties during the security forces campaign against extremist groups, still remain in detention.

Some of these detainees have executed their sentences and yet have not been released. This is because of the repeated detention orders issued against them by virtue of the provisions of the Emergency Law. The detention of other detainees is renewed automatically and successively after each grievance. Others are released on paper after the lapse of their sentence as ordered by law and are forced to remain in detention until new orders are issued for their imprisonment.

In repeated attempts by the NCHR to release detainees and in its continuous pleas during meetings held with officials from the MoI to improve detainees' health and living conditions, the NCHR presented to the MoI a list of names of detainees and requested the contemplation of their situation. In response, the MoI revealed that it was releasing 110 of the listed detainees.

Illegal Detention:

Depriving human beings of their freedom without legal cause is a grave infringement according to the Constitution and laws that have set guarantees to ensure the freedom of individuals. This is encoded in Article 41 of the Egyptian Constitution of 1971, which reads, "**Personal freedom is a natural, guarded and untouchable right. Except if indicted, it is prohibited to arrest, search, or detain an individual or restrain his freedom in any way or prohibit his movement unless an order is issued based on the urgency to attain and maintain safety of the people. Such order shall be issued by a competent judge or the General Prosecutors Office. This is pursuant to the law.**"

Furthermore, Article 9 of the International Declaration for HR published in 1948 states that, "It is prohibited to arbitrarily arrest or detain or exile any individual."

Illegal detention is only the beginning of a number of other related infringements to which a detainee may be exposed. It is evident from the grievances received by the NCHR that security forces intrude into homes without written warrants from competent authorities.

They also detain civilians for periods ranging from 2 to 10 days without such warrants in order to coerce them into confessing to crimes they may not have committed or to inform them of the whereabouts of persons in hiding. Or, they may detain civilians as a favor to people of influence or to threaten detainees and prevent them from filing charges against them.

Some of the positive procedures taken by general authorities to curb the occurrence of such crimes are as follows:

- On 29 March 2005 in El-Montazah, Alexandria, the District Attorney made a spot check on the detention area at El-Montazah Police Station. The check was made by 4 district attorneys headed by Abdel Rahman Hafez, Head of the District Attorneys Office. They established the absence of the Chief Officer at the police station, and also discovered that 55 civilians had been illegally detained*.
- Some civilians residing on Aziz Ezzat land plot in Imbaba District, Giza, were tortured and abused by the Chief Officer of Imbaba Police Station. Furthermore, false charges were filed against them. They were illegally detained and threatened that even more false charges would be filed against them and their families if they complained to any authority.
- During the month of April, 21 civilians were arrested at Kafr Sakr Police Station in Sharkaya Governorate without legal standing. They were not questioned and therefore their detention is arbitrary.
- Such actions make it necessary to limit the random arrest of civilians, as this is considered an infringement on the right to liberty and personal safety.

Torture and Abuse:

The right of a human being to physical soundness and protection from torture or abuse is guaranteed by the law by virtue of Article 42, which reads, **"Any civilian who is arrested or detained or deprived of his liberty in any way should be treated in a manner which maintains his**

* Statement from the Legal Assistance Association for HR, 6 July 2005.

integrity as a human being. It is prohibited to harm him physically or morally. It is also prohibited to detain or jail him except in places to which the Law on Prison Regulations applies. Any statement which is proven to be given by a civilian under any sort of coercion or threat shall be disregarded."

Although the GoE signed the International Anti-Torture Convention in 1986, which is deemed an integral part of the national legislation pursuant to Article 151 of the Egyptian Constitution, torture is still a common practice at some police stations and detention centers.

Therefore, since its inception, the NCHR has been keen on asserting the importance of legislative intervention to amend some provisions under the Penal Code and Criminal Procedures concerning torture, abuse, and the right of civilians to directly accuse their abusers.

The JM confirms Egypt's commitment to international conventions and agreements concerning HR as well as its commitment to ban torture. Deaths occurring inside detention areas are subject to a sequence of legal procedures that should be executed by the General Prosecutor.

Furthermore, complaints submitted by relatives of victims should be scrutinized and all legal criminal and punitive procedures should accordingly be taken if any such crime is proven. The IM has declared that civilians shall not be subjected to any form of abuse at police stations. He pointed out the presence of a permanent HR committee at the MoI as well as another specialized office at the General Prosecutors Office that deals with complaints concerning infringements.

However, the NCHR believes that there is a considerable discrepancy between the provisions which guarantee such rights and the daily practices exercised in violation of such rights.

It transpires from the complaints received by the NCHR about some civilians having been subjected to cruel treatment by security forces inside detention areas, that the legislative amendments proposed by the NCHR should be studied and applied to some provisions of the Penal Code and Criminal Procedures as soon as possible. Also, more frequent checks on detention areas should be carried out.

Most complaints revolve around the harm caused to the complainants because of some persons' abuse of power or influence or because of gangs, extremely dangerous criminals or individuals with criminal records who threaten the safety of such complainants and their families.

- For example, Ghalia Abdel Tawab filed a complaint against a police officer at Hush Esa Police Station in Beheira Governorate. She claims that the officer arrested her brother and stripped him of his clothes then framed him for the possession of narcotics. He also tortured him and verbally assaulted him.
- El-Sayed Ali submitted a complaint against Chief Officer of Minyet El-Nasr Police Station in Dakahlia Governorate, claiming that the officer framed his son in a case of narcotics and that his son was eventually acquitted by a court order.

Thereafter, his son was arrested again in February 2005 for reportedly possessing a firearm and again he was acquitted. The officer refused to carry out the court judgment ordering the release of the detainee. He also prevented the complainant from delivering medication to his son while in detention thus jeopardizing his health and his life.

- A similar complaint was filed by Salah Ebeid against a police officer at Ismailia Police Station, in which he claims that the officer was constantly following him and his daughter, preventing them from entering their own home and using his power to terrorize them.
- Ahmed Eleiwa filed a complaint against an officer at Sharkeya Police Station, claiming that that officer made fake reports against him with the assistance of the police officer at El-Hasseinia municipality to seize the complainant's land. The complainant and his family were also subjected to verbal assault.
- On 8 October 2003, Hossam Amer, while at Al-Azbakia Police Station filing a report against a taxi driver, was mistreated and verbally assaulted by several police officers. Claiming he would go on a hunger strike for being mistreated, he was kicked and hit with the butt of a revolver by the officers at the police station.

He later submitted a complaint to the General Prosecutor concerning the mistreatment he received and made evident the bruises on his body due to battery. The General Prosecutor ordered his release and examination by a forensic doctor. However, the Azbakia officer did not release him and kept him detained for three days during which he was subjected to further battery and verbal assault.

On 19 January 2005, an investigation report filed under No. 2942 of 2005 – Azbakia Misdemeanor, was submitted before the Misdemeanor Court of Azbakia for the trial of Officers Amr Seoudi and Yasser El-Tawil for their cruelty in treating Hossam Amer pursuant to Accusation Articles 129 and 242, paragraphs 1 and 3 of the Egyptian Penal Code.

- On 24 January 2005, Mohamed Salem was detained at Mashtool Police Station under Case No. 627 of 2005 – Mashtool Misdemeanor.

During his detention, he was kicked in the back while his hands were chained behind his back and eventually lost consciousness. Although the General Prosecutor ordered his release, upon returning to the Police Station to finalize his release procedures, he was detained again for three days during which he was repeatedly battered and then finally set free on 27 January 2005.

Upon examination at Zagazig University Hospital, he was found to be suffering from a fracture in the lower vertebrae, the inability to move, loss of sensation in his lower limbs, and the inability to control urination or excretion, thus requiring neurological surgery to fix his spinal cord at a cost estimate of LE 10,000.

- On 6 April 2005, Misdemeanor Court of Nikada rendered Verdict No. 10062 for 2005 for one week of imprisonment and set bail at LE 20,000 for Officer Mohamed Taha Ibrahim Miklid, Chief of Nikada Police Station.
- On 9 April 2005, Mohamed Habashy (27 years old) was on his way home when he was stopped by 4 police officers from Azbakia Police Station who requested to see his ID. They then ordered him to purchase 4 meals for them. When he refused, they verbally assaulted him, then beat him with their wireless, kicked him and dragged him in the street in front of passers by. They then took him to Bandar Alminya Police Station where they abused him. The incident was filed under No. 6705 – Bandar Alminya Administrative.
- On 12 July 2005, Mohamed Abdo Mohamed, 33 years old, was arrested and taken to El-Dikheila Police Station in Alexandria. He was battered by security forces by wooden rods and bats leading to several injuries in the face, neck, chest, back, arms and legs.

- On 7 October 2005, Alaa Abdel Latif (microbus driver) and Mohamed Adly were both shot in the neck. The latter was paralyzed. This was due to an argument between a police officer at Atlas Police Station who ordered the passengers out of the microbus and asked the driver to drive him to Atlas District. When the driver refused, the officer opened fire on the two victims. The General Prosecutor investigated the incident filed under No. 10166 of 2005 – Helwan Administrative, and the officer was temporarily detained.

Treatment of Prisoners and Detainees:

The minimum standard rules for the treatment of prisoners as authorized by the UN General Assembly in 1955 regulate the treatment of prisoners. Non-compliance with the said rules is deemed a violation. With regard to the exercise of torture in prisons and detention areas, the NCHR records the actions taken by the MoI in its internal administrative investigations and by its punitive committees vis-à-vis complaints against police officers. The General Prosecutor, likewise, takes action and refers definite cases of abuse to competent courts.

However, resolving such cases is time consuming. Complainants and HR institutions cannot keep abreast of the course of action taken (if any) as regards their grievances.

(*) The Right to Healthcare:

The provisions of Article 16 of Law No. 396 of 1956 on Prison Regulations state that prisoners have the right to healthcare. This is also stipulated in Ministerial Decree No. 9 of 1961 issued by the IM. The minimum

standard rules for the treatment of prisoners institute that the right of prisoners to healthcare during imprisonment is deemed a priority. The rules also stress that the standard of healthcare and treatment in prison should be equivalent to the least standards offered outside prison.

However, NCHR has received 29 complaints concerning the suffering endured by prisoners owing to the poor medical services provided in prison, which has consequently led to their illness. Complainants request the prompt release of their imprisoned relatives because of their deteriorating health from the lack of proper healthcare.

Prison infirmaries lack the necessary outfit and equipment to provide adequate healthcare services. There is also a total lack of specialized doctors. Moreover, prisons are characterized by low hygiene standards and contaminated drinking water and food.

These circumstances have prompted Mohamed Abdel Fattah, Tarek Ahmed, Khalid El-sayed and Mohamed Abdullah Ahmed to go on a hunger strike starting from 25 May 2005 at Wady El-Natron Prison. They have been persecuted against by sharers in the same cell, who have bullied them and even broken Mohamed Abdel Fattah's arm.

As a result, the abovementioned prisoners requested the prison administration to relocate them to a different cell but their request was turned down. Moreover, the administration refused to provide medication and medical treatment to Mohamed Abdel Fattah, who also critically suffers from gastric cancer and intestinal ulcers.

(*) Visitation Rights:

Article 3 *ibid* of the Emergency Law states that, "Detainees shall have the right to contact whomsoever they wish to inform of their situation and the right to a lawyer and that prisoners shall be treated as detainees" under PC. Article 38 of the Law on Prison Regulations No. 396 of 1956 states that convicted prisoners and detainees under PC have the right to correspond and should enjoy visitation rights once a week except on Fridays and official holidays, as stipulated under Article 60 of the Executive Regulations of that Law.

However, NCHR received eight complaints in which complainants claim that their relatives have been deprived of their visitation rights. Therefore, relatives are incapable of delivering the necessary medication required by prisoners, resulting in the deterioration of their health conditions. Brevity of visitation periods is also a violation committed by prison administrations.

Although Article 71 of Decree No. 79 of 1961 adopted by the IM states that visitation periods should be a quarter of an hour for prisoners serving minimum sentences and detained in general prisons and half an hour for those serving maximum sentences with labor and detained in central prisons (Article 40 of Decree No. 1954 of 1971).

The phenomenon of closed prisons is one of the major obstacles hindering the exercise of visitation and correspondence rights. Such closure of prisons is neither convincing nor justifiable. The pretext for closure is the same in all cases: "security reasons", pursuant to the provisions of Article 42 of the Law on Prison Regulations. It states that visits may be completely prohibited or restricted according to circumstances and in certain periods due to health problems or matters concerning security.

However, 18 suspects in Case No. 2 of 2003 – Martial Felonies, known as "God's Soldiers Cell", declared a hunger strike at Tora Prison on Friday, 24 June 2005, due to the isolation of five prisoners detained at Abo Zaabal Prison (Ehab Ismail, Mohamed Darrag, Tarek Abu El-Azm, Mohamed Bassyouni, Ezzat El-Nagar) after being terrorized by police dogs outside their cells. They had also been deprived of their visitation rights as well as their rights to resume education.

(*) Rights to Resume Education:

Although Prison Regulation Law No. 13 and Rule No. 77 on the minimum standard rules for treating prisoners state that detainees under PC have the right to resume their education and sit for examinations at relevant examination centers, the NCHR received 7 complaints from complainants claiming that they are incapable of resuming their education because of the long distance between their prisons and relevant examination centers. Prison administrations also strictly prohibit university textbooks and the attendance of examinations.

(*) The Right to Sound Nutrition:

Since failing to consume a balanced diet will eventually lead to disease, prisoners have had to rely on food brought to them by their families or on food bought from the prison canteen.

Moreover, prison cells are congested with prisoners. Most prison cells in Egypt are about 6 x 4 meters and there is an average of 15 prisoners detained in each cell. There is no doubt that detaining so many

prisoners in such a small area will inevitably lead to the spread of many diseases.

Also, most cells in most prisons do not have more than one small window for ventilation, and thus inmates in such cells hardly enjoy sunlight or fresh air.

Furthermore, water is permanently lacking in all prison cells. It is available at certain times but dependence on groundwater is predominant, which causes many renal diseases.

(*) Right to Fair & Just Trial:

The Egyptian Constitution stipulates in Article (68) that every citizen has the right to stand trial before a competent judge and that no administrative actions or decisions shall be immune from judicial monitoring. Article (66) of the Constitution asserts the principle of criminal and penal legitimacy, and that punishment shall be based on a fair trial in which the accused has the right to a lawyer.

Judicial Authority Law No. 48 of 1971 regulates the guarantees for an independent judicial system. Furthermore, procedural laws stipulate all litigation guarantees, including openness, confronting the accused with their accusations and with the testimonies against them.

International conventions concerning HR affirm the right to a fair and just trial. For example, Article (14) of the International Convention on Political and Civil Rights stipulates a number of criteria to ensure a fair and just trial, which include: equity before the judiciary, open trials, the independence, impartiality and competence of courts, the presumption of innocence, the right to adequate time and facilities to prepare for a

defense, openly announced judgments, the right to call witnesses for the defense pursuant to the same terms as to call witnesses for the prosecution, and the right to appeal court judgments before higher courts.

It is evident that the martial trials of those suspected of committing violent acts with arms have become lacking in such criteria, which represents an infringement on the right to a fair and just trial provided for by the Egyptian Constitution as well as the international conventions on HR to which Egypt is a party. The GoE deems the provisions of such international conventions as internal laws pursuant to Article (151) of the Constitution.

Efforts have long been exerted to curb the sluggishness of litigation procedures by increasing court circuits, appointing more judges, providing training courses and enhancement programs, reforming bodies assisting the judiciary, canceling legal procedures that extend the duration of litigations, and finding alternatives for resolving disputes outside the court house.

However, collected information on criminal trials reveals the apparent need in a number of cases for conforming to the basic standards of a fair and just trial, as evident from the following examples:

- 1- Trying civilians before martial courts composed of military judges that are governed by the armed forces chain of command.
- 2- Resorting to exceptional judiciary represented in State Security Emergency Courts that are formed by a presidential decree by virtue of the Emergency Law.

3- Misusing the PC system (Criminal Procedure Law) to conduct investigations and trials in criminal cases. Many requests have been made to solicit its reform so that it does not become an independent permanent penalty at variance with the presumption of innocence. The NCHR has recommended formulating stringent controls on PC and determining its scope, allowing for compensation in case of its misuse or wrongful extension which eventually ends up with the detained being acquitted.

With regard to martial trials, a significant improvement was witnessed in 2005, as no new decisions were passed to refer civilians to martial courts.

Moreover, during the same year, the Martial Court followed through with its decisions to continue the detention of the accused persons in Case No. 2 of 2003 – Military Crimes, known as “God’s Soldiers Cell”. The incidents of the case began in October 2002 when 43 persons were arrested and accused of joining a banned extremist group that was formulated against the provisions of the law. In 2003, they were referred to the Military Prosecution Office.

Protection of Egyptians’ Rights Abroad:

The violations committed against Egyptians working abroad are considered part of a wider and more comprehensive phenomenon, i.e., the violation of the rights of migrant workers in many countries and regions throughout the world, as stipulated by international conventions and agreements.

In this regard, the International Convention on the Protection of Migrant Workers and Members of their Families signed in 1990 states under Article 7 that, “signatory states to the Agreement, pursuant to international instruments on HR, shall abide by and respect the rights stated under the Convention and shall apply them to all migrant workers and members of their families in their territories or under their jurisdiction without discrimination of any kind, whether based on sex, race, color, language, religion, faith, political or other opinions, nationality, ethnicity, social or economic standing, age, ownership, citizenship, marital status or any other criteria.

Within the context of protecting Egyptians working abroad, Egypt has supported the initiative for the creation of the Global Commission on World Migration, as it believes in the importance of an international dialogue in order to reach a compatible decision on the nature of politics and institutional frameworks concerning global migration in the future.

In fact, global migration is an important determinant to ensure the demographic balance between the north and the south and a bolster to cultural integration as well as a bridge between cultures and communities.

The NCHR has received 107 new complaints concerning the rights of Egyptians working abroad in addition to last year's complaints. It should be noted that radical solutions have not been reached and that cases are still in various legal stages. The majority of the complaints concern the claim of expatriate Egyptians for compensation from liable parties.

Here are a few examples:

- Mosaad El-Zoghby had an accident in Saudi Arabia in 1996 and suffered from medical negligence that resulted in severe deterioration of his health. He therefore demands compensation.
- Tarek El-Wakdy had an accident in Bahrain in April 2005. Due to a medical mishap in one of the hospitals, the condition of his right arm severely deteriorated. He demands that the hospital continue his treatment or compensate him.
- Gamal Taha submitted a complaint to the NCHR requesting that he be granted appropriate compensation for the grave violation committed against him (imprisonment for 3 years in a case for which maximum punishment is only 6 months) during his stay in Saudi Arabia.

Other complaints submitted to the NCHR concern the inability of complainants to obtain fair judgments regarding their claims to financial dues from private companies and governmental bodies in some countries:

- Abdel Mofdy Massoud submitted a complaint demanding his financial dues from Iraq like his co-workers.
- Ezzat Ghanem, on behalf of his wife, submitted a complaint stating that she had been working as a gynecologist at an infirmary in Dammam, Saudi Arabia. As a result of the infirmary Director's verbal abuse against her, she filed a complaint against him. He had her extradited back to Egypt without giving her her financial dues.
- The family of the late Mohamed El-Sheikh submitted a complaint claiming that they were unable to collect their late father's financial dues from Prince Saad Al-Abdullah El-Sobah in

compensation for executing interior works inside one of the prince's palaces in Kuwait.

In spite of the efforts exerted through Egyptian diplomatic channels in some cases, the phenomenon of violating the rights of Egyptians working abroad requires additional efforts internally, regionally and internationally. With regard to the latter, it is imperative that an initiative be launched between countries of origin and hosting countries in order to protect the rights of migrant workers on the one hand, while conforming to the laws and regulations of their host countries on the other hand.

The Case of Samy El-Leithy of Guantanamo Bay Detention Center:

Since the events of September 11th, there has been obscurity surrounding those arrested by the USA within the scope of its war on terror. They have been imprisoned at an American base in Guantanamo Bay Detention Center in Cuba. There is obscurity regarding the nationalities and numbers of detainees, as well as whether or not they will be granted a fair and just trial and whether or not their basic HR are being observed.

The media had reported the existence of some Egyptians at the aforementioned prison camp until US authorities released Dr. Samy El-Leithy on the first of October 2005. It transpired that he had been arrested near the Afghani border with Pakistan. He was then transferred to Guantanamo Bay Detention Center, where he was detained under inhumane conditions for four years. During the six months of interrogations with him, he was subjected to torture leading to the

fracture of his spinal cord that paralyzed him. He is now confined in a wheel-chair.

Upon his return to Egypt, he was transferred to Kasr El-Einy Hospital for proper medical treatment. The NCHR promptly contacted the MoHP to request that he be treated at the State's expense ⁽⁹⁾. The NCHR also contacted the MoFA to request information on other Guantanamo Bay detainees.

The response indicated that a joint report had been issued by the head of the anti-arbitrary detention working-group, the rapporteur for the independence of the judiciary and lawyers, the rapporteur for the freedom of religion and faith, and the rapporteur for the individual's right to the highest standards of physical and mental health.

The aforementioned report was based on information collected from ex-Guantanimo detainees, answers from the US Administration, lawyers of detainees, reports by NGOs and the media.

The same report pointed to the obligations of the US Administration, as per the International Law on HR, the Refugee Law, the International Humanitarian Law, the International Convention for Political and Civil Rights, the Anti-Torture Agreement, the Anti-Discrimination Agreement, the Geneva Convention (III) which relates to the treatment of prisoners of war and the Geneva Convention (IV) which relates to the protection of civilians during times of war.

The report expresses concern about the enforcement of the legal system at the said Center the prison camp, owing to the fact that detention continues for long and indefinite periods without accusations, in

⁽⁹⁾ Article in Al-Ahram Newspaper dated 10/10/2005.

violation of basic HR rules. Furthermore, detainees are reportedly tried before military tribunals that possess none of the requirements of a fair and just trial.

The report also discussed torture and the inhumane treatment detainees are subjected to. The rapporteurs were informed that investigators used investigation methods that paid no respect to certain religions or faiths.

The report also included the devastating effect on the detainees' mental health and the link between maintaining good health and the detainees' cooperation during investigations.

The report recommended the importance of non-discrimination on the basis of religion or faith as well as the importance of proper treatment. The report also stated that every detainee has the right to complain of maltreatment and that independent investigations be conducted in this regard. Those committing illegal practices should be tried and victims should be compensated. Moreover, the assistance of medical personnel should be sought in cases of hunger strikes.

The report demanded, in conclusion, that detainees be tried expeditiously according to the law or before international courts of competence. All rapporteurs should also be allowed to visit the Detention Center and hold personal interviews with detainees. Finally, the report demanded that Guantanamo Bay Detention Center be closed and all detainees be released.

Involuntary Disappearance:

Involuntary disappearance means holding an identified person against his will by individuals or organized groups claiming that they act in the name of the government or as per its direct support, permission or approval, and that they are mandated to keep such person in hiding, concealing his fate while denying his detention. Therefore, the missing person is outside of the jurisdiction of any legal protection and is subject to all types of HR violations.

Throughout 2005, NCHR did not receive complaints concerning involuntary disappearances. However it did receive some complaints about a few civilians reportedly missing for one reason or another. Furthermore, reports of a few other involuntarily missing persons whose fates were unknown as yet had previously been filed. Therefore, immediate investigations should be conducted and the results of previous investigations -if any- should be announced.

Freedom of Thought & Faith:

The Egyptian Constitution guarantees and protects this right under Article 40, which stipulates that all individuals are equal before the law and have equal general rights and shall not be discriminated against on the basis of gender, ethnicity, language, religion or faith. Article 46 provides that the State shall ensure the freedom of faith and the right to practise religious rituals. However, the NCHR has received complaints from individuals claiming that they were denied such rights:

1- Copts:

Although only a few complaints have been received concerning Copts, most of such complaints concern not receiving replies to submitted complaints or what some may call "stalling in resolving complaints."

It is worth noting that the NCHR has received letters concerning some of these complaints from Coptic organizations abroad inquiring about or confirming the non-enforcement of certain provisions. Following are a few examples:

- Complaint from Priest Mousa Shaker, representative of Kuseya Diocese and pastor of Virgin Mary Church in El-Mansha'a El-Kobra, Assyut Governorate, in which he complains that although he obtained the Governor's approval, security forces refuse to approve the request submitted on 18 March 2002 to renovate a dilapidated building attached to the church so that it may be used as an elderly nursing home.
- Complaint from Priest Kamal Naiem, pastor of the Khamsiniya Church of Anglican Copts in Sharona Village, Maghagha, Minya Governorate, dated 10 April 2005, in which he complains of being denied approval to renovate the dilapidated church building that was officially closed and security personnel were assigned to guard it.
- Complaint from Priest Kamal Malak, head of the ecclesiastic supervisory body at Abu Teeg and El-Badary in Assyut Governorate in April 2005, in which he complains of being denied a positive response to his request to renovate the cracks on the façade of the Nahdat Al Qadasa Church for Anglican Copts located in Abu Teeg although he had finalized all required procedures.

- Complaint from the Egyptian Association for HR concerning the incineration of Mar Morcos Church on the first of April 2005 at Tilwana village, El-Bagour, Minufeya Governorate. A police report was filed under No. 1980 of 2005 – El-Bagour Administrative, concerning the damages caused to the church by the fire. Other reports were filed concerning the harm caused to individuals and their property.
- Complaint from Priest Hanin Girges Hanin, pastor of El-Mithal Church in Assyut Governorate on 5 May 2005, in which he complains that his request dated 26 February 2003 to renovate the church and to modify some interior parts thereof was not approved.
- Complaint from the residents of Mankiteen submitted on 26 March 2005 because the building of a church since 1977 had not been completed up to the date of their complaint. They were also denied approval to use the new premises of their association.
- Complaint from the Coptic-American Authority on 31 October 2004 because the renovation and repair of Virgin Mary Church in Shablanga Village, Qalubeya Governorate have been stopped in spite of obtaining an approval to execute such works since June 2003.
- Complaint from Priest Raga'ei Michael, pastor of the Anglican Church in Hamdy and Baragil village, Malawy, Minia Governorate in 2006 regarding his request to build a lighthouse on the roof of the church.
- Complaint from Talaat Hannah on behalf of the Copts of Bani Khaled Village, Maghagha, Menia Governorate on 14 May 2005

(has submitted over 20 complaints to the NCHR) concerning the refusal of competent authorities to have the Christian Shehata Emaniya Association registered.

Although the competent authorities have contacted the NCHR, the complainant still believes there is inflexibility on the part of the Governorate which continues to prevent the finalization of the registration procedures.

- Complaint from El-Kilma Center for HR in June 2005, in which the Center complains that the Ministry of Information has refused the establishment of a radio station on the Medium Wave to broadcast Christian programs including hymns and sermons. The Ministry of Information based its refusal on the pretext that according to the provisions of the law, the Egyptian Radio and Television Union has the sole right to establish and own audio and video broadcasting stations. The reply states that Sunday Mass is weekly broadcast and all Christian holiday ceremonies are broadcast on various television stations.

As for the content of the abovementioned complaints, a major part concerns the non-response of governmental bodies to requests concerning the building of new churches or the renovation and repair of existing ones.

Such complaints concern actual cases which necessitate the enforcement of the provisions of the Constitution and the law concerning the principle of equity in all personal, civil and political rights.

However, charged feelings have led to a tendency to illustrate such events as the result of discrimination against Copts on the part of some security forces and governmental authorities.

The development of this tendency has been catalyzed by the close occurrence of events during the past ten years, beginning from the events concerning Mar Girges Church, Bahgoura Church, and the first and second incidents in El-Kabsh village, then the events of the Alexandria Church in Moharam Beik, El-Adesat Church in Luxor, up to the events at Ezbat Wasif Ghaly in Ayyat, Giza Governorate.

Another factor for uneasiness is the conversion of some Coptic girls to Islam. This has caused confusion between objective and subjective issues, especially due to the lack of accurate information concerning such events at the right time. In fact, the delay in declaring accurate information has caused considerable confusion. The NCHR has received numerous inquiries from Copts in Egypt and abroad as well as from international HR organizations, such as:

- During the meeting held in the USA on 25 December 2005 between Mr. Maguid Riyad, the spokesman for Pope Shinuda, and his delegation on the one hand and the NCHR's chairman, deputy chairman, secretary-general and other members thereof on the other hand, Mr. Riyad brought to light the national unity issue, the most important problems faced by Copts in Egypt, and the approaches to resolve same.
- The two sides confirmed the NCHR's concern about these issues, which eventually caused the establishment of a committee for national unity titled the Citizenship Committee.
- In their 16 January 2006 meeting with deputy chairman of NCHR, the secretary-general of NCHR and some NCHR members, Frank Wolf, member of the US Congress and his delegation, discussed some concerns raised by the American public opinion and the

Congress, particularly about the freedom of religion for minorities in Egypt.

- The deputy chairman confirmed that this is a very complicated and delicate matter, and that there is a wide difference between religion and piety. Religion is a personal matter whereas piety is a social phenomenon that should be checked so that it does not develop into extremism that jeopardizes the stability and unity of society.
- He also stated that throughout history, Egyptians of all faiths have been coexisting peacefully without friction or bigotry. The current situation is currently under serious and objective study by the NCHR.
- During his visit to Switzerland, the deputy chairman met with Adly Abadeer, the spokesman for immigrant Copts, and a small number of Copts all of whom repeated the abovementioned complaint.

The deputy chairman confirmed that the Egyptian Constitution asserts absolute equality among Egyptians. Copts in Egypt, by virtue of the Constitution, enjoy all rights of citizenship. They have their own channels and institutions in Egypt that represent them basically as Egyptians. It is unthinkable that entities abroad should monopolize speaking in their name. The NCHR demonstrates strong interest in all cases that arise concerning the right to religion and faith as well as equality.

It is worth noting that Copts' demands concerning places of worship (building, renovating, etc.) are not met expeditiously for fear of inciting sensitivities among the Muslim majority that may in turn lead to eruption of uncontrollable tension.

On the other hand, several Coptic Women have gone missing after their marriage to Muslim men. Many Copts suspect that these girls were forced into the marriages and that concerned bodies were well aware of this fact but did not take the necessary action to prevent them, especially since it is believed that some of the young women were still under legal age. Following are some examples:

- Raafat Faheem from Helwan, Cairo, complains on 11 April 2005, that his daughter, Wafaa, declared her conversion to Islam and her marriage to a Muslim.
- Ghattas Selim from Fayoum Governorate complains in December 2005 that his daughter, Marian, declared her conversion to Islam.
- Asaad Ibrahim from Sharkia Governorate complains in May 2005 that his daughter declared her conversion to Islam.
- Samuel Khella from Kalubia Governorate complains that his daughter Nadia is missing and that he suspects that she has converted to Islam.

The NCHR has forwarded to the MoI and MoSA all the complaints received in this regard. They replied that the conversion of the above women to Islam was based on their personal conviction and in accordance with the provisions of the law. However, some Copts tend to believe that concerned authorities are reluctant to play an active role in these cases due to their tendency to discriminate against Christians.

Notwithstanding Presidential Decree 291 adopted on 7 December 2005 authorizing all governors to license the repair, renovation and rebuilding of churches, and the Presidential Decree to assign a Christian governor

for the first time, Copts are still ungratified and continue to demand the following:

- To promulgate a new unified law for the building of all places of worship in order to reinforce the principle of equality among Egyptians pursuant to the criteria of citizenship;
- The authorities vested in the President still stipulate the requirement of his approval on the building of new churches but not new mosques.
- To address the administrations working for governors and security authorities that obstruct the execution of Presidential Decrees

Bearing in mind these feelings of inequality sensed by Egyptian Copts, NCHR established the citizenship committee, as mentioned above. The committee has held two meetings to date and has also completed its executive program which will, by the end of this year, finalize and release a comprehensive national document on this important issue.

The committee is chaired by Dr. Ahmed Kamal Abul-Magd, deputy chairman of the NCHR, and Dr. Ahmed Youssif Ahmed, Mr. Mohamed Fayek, Mr. Mounir Fakhry Abdel Nour, Dr. Mostafa El-Fiky, Dr. Salah Amer, Dr. Said El-Dakkak, Counselor Adel Kora, Dr. Georgette Kileeney, Dr. Leila Takla, Mr. Famhy Nashid, Counselor Gamal Shoman, and the NCHR Secretariat.

Based on the information compiled on all prior events, reports, and studies in this regard, the committee should furnish competent authorities with its recommendations, including legislative amendments, in order to achieve the ultimate goal of all Egyptians, namely, equality-based citizenship.

2- Bahaa'youn

Representatives of Bahaa'youn in Egypt have submitted 19 complaints to NCHR which focus on their urgent need to have their own religion indicated on their birth certificates ⁽¹⁰⁾, death certificates, national IDs and passports.

Consequently, they find difficulty enrolling their children at schools and colleges or having their military service deferred.

The NCHR proposed a compromise; to issue them with passports in lieu of national IDs if the competent authorities have no problem with the use of passports for every purpose. Anwar Iskandar and Sameh Hosni are examples of many who have been helped by NCHR in this regard.

The delegation of the HRW, chaired by Joe Stuarck, asserted in their meeting with the NCHR Secretariat on 8 November 2005, freedom of religion and the obstacles that hinder the issuance of IDs for minorities that belong to faiths different from the three monolithic religions.

The Secretariat confirmed that the NCHR has discussed this issue with the Mol with a view to resolving it to the satisfaction of all concerned parties.

The NCHR also stated that the Mol established a special bureau to assist Bahaa'youn in issuing passports which stand for identification cards as a transitional procedure.

3- Shiaa

⁽¹⁰⁾ A birth certificate attached herewith.

The most important complaint delivered to the NCHR in this regard during the year 2005 is that from the family of Mohamed El-Derini, secretariat of the Higher Council of the Prophet's Descendants' Welfare. He was arrested on 22 March 2004 along with other persons on account of their Shiaa creeds. All were set free afterwards except El-Derini.

Upon receiving a complaint from his family, the NCHR followed up the matter with the competent authorities to uncover the reasons underlying his arrest and constant transfer from one prison to another. The NCHR also met with his family several times. The NCHR continued to follow up the case until his release on 19 June 2005.

4- Jehovah's Witnesses

The NCHR secretary-general met with representatives of this faith, Marcel Geela, Denini Ingeli, Philip Barmili, Raymond Girges on 6 February 2006. Geala asserted that the aim of the meeting was to inquire about the official means and procedures required to establish and register their institution in Egypt by which they may develop a dialog with whoever is interested without being exposed to discrimination or violation.

He stated that they have resorted to the NCHR because of its known credibility and its principles and goals that assert the bolstering of HR. In this context, they mentioned that one of their followers in Egypt was discriminated against and tortured by security officials. Cigarette butts were extinguished on his skin.

Ingili mentioned that Jehovah's Witnesses obtained a legal status in Cairo and Alexandria in 1951 and 1952 respectively. Their status has,

however, changed as the Government at one time accused them of Zionism. Ingili demanded full recognition their institution so that they may resume their activities.

The NCHR secretary-general explains:

- That the problems faced by Jehovah's Witnesses in Egypt are not dissimilar to those faced by them elsewhere and among various communities, whether Islamic, Catholic or Orthodox. This means that there are ambiguous and vague factors concerning members of this faith and their institution. They therefore must clarify any obscurity or misunderstanding about their faith.
- To legalize their status in accordance with Egyptian laws, Jehovah's Witnesses HQ should submit a request to Egypt's MoFA for the establishment of an Egypt branch, as per Law 84 of 2002. There are currently 18,000 registered NGO's in Egypt.

Freedom of Speech and Expression:

Article 48 of the Constitution stipulates the freedom of speech and expression, reading thus, **"The freedom of the press and publications and the mass media is guaranteed. The censorship of newspapers and the warning, closure or cancellation thereof by the Administration are prohibited. Excepting cases of declared contingency or during times of war where newspapers, publications and the mass media may be censored only within the scope that concern public safety or for the purpose of national security. This is pursuant to the law."**

Article 6 of Press Law No. 96 of 1996 stipulates that, **"Journalists are independent and are not governed except by the law."** As for Article 7

under the said Law, it states that, "**The viewpoint of a journalist or the correct information published thereby shall not lead to the jeopardy of his safety. Furthermore, journalists may not be coerced to disclose the source of their information. All of this is within the scope of the law.**"

The PoR promised at the beginning of 2004 to cancel all penalties that deprive freedom in legal actions concerning publications. The Press Syndicate submitted the bill it had prepared during the month of April 2004 to the PA. The bill was discussed during a number of meetings but a law has not been issued to date. The PA then declared the formation of a joint committee of the MoJ and the Press Syndicate to further discuss the bill as a preliminary step for its endorsement by the Cabinet and then the PA for its issuance in the last parliamentary session. Several institutions including the Press Syndicate and some HR institutions and organizations demanded the fulfillment of the Presidential promise to cancel the imprisonment penalty in legal actions concerning publications. The Press Syndicate submitted a bill for the cancellation of the imprisonment penalty in legal actions concerning publications¹¹ and requested that it be expeditiously reviewed so that the new law may be endorsed in the coming parliamentary session.

With the delay in the issuance of the new law, the current law is still in force and effect. Consequently, a number of journalists were imprisoned in several legal actions.

The case that has infuriated public opinion most is that under No. 13781 of 2004 – Kasr El-Nil Misdemeanor - which was viewed before the Criminal Court of Cairo. The case concerns the news published in Issue No. 73 on 18 Aug. 2004 of the newspaper "The Egyptian Today" under

(¹¹) See attachments.

the title, "Inspection of Ibrahim Seliman's Office ... Minister's Instructions ... Freezing His Activities until the End of the Inspections".

The alleged inspection of the Minister's office was refuted on the same day by the official spokesman of the Prime Minister. Accordingly, the newspaper promptly corrected the news in its following issue No. 74 on 19 August 2004. However, the case was taken to court on 17 April 2005. The court sentenced journalists Abdel Nasser Ali, Alaa El-Ghatrify and Yousif El-Oumy to ten years imprisonment and a fine of LE 10,000.

- On 24 February 2006, Criminal Circuit 19 of the South Cairo Court rendered a judgment for the imprisonment of Abdel Nasser Ali for one year and rescinded the judgment for the imprisonment of the other two journalists. However, it charged the three journalists a joint fine of LE 10,000 as provisional civil indemnity.
- On 26 January 2004, the Fourth Misdemeanor Appellate Court reviewed Case No. 9839 of 2003, in which Mohamed Ragab, of El-Geel Newspaper, was accused of verbally assaulting and slandering a businessman in an article in the second issue of El-Geel Newspaper dated 22 May 2002 and titled "Land Mafia Reveals its Fangs in Kafr El-Sheikh". Ragab was first sentenced to six months imprisonment and a bail of LE 100. On 13 May 2005, the judgment was repealed and he was only fined LE 5,000.
- Another example of the violation of the freedom of thought and expression stipulated by the Egyptian Constitution and international conventions on HR, is the confiscation of Issue No. 213 of El-Shorouk Newspaper, which was to be out on 29 June 2005, by orders from the General Department for Publications.

The issue was confiscated because of an article written therein by Editor in Chief, Dr. Abdel Fattah Ali, in which he requested the Chairman of the PA, Dr. Fathy Sorour, to hold a press conference in order to refute the accusations made against him by journalist Wael Al-Ibrashy.

- On 16 May 2005, writer and poet Farouk Gueida, of Al-Ahram Newspaper, was summoned before the deputy General Prosecutor for Cairo for interrogation on an article written on 25 May 2005 titled, "Angry Messages in a Critical Case". He was interrogated for six consecutive hours and was requested to submit an apology for what was written in the article. Shaken, Gueida had a stroke and was transferred to hospital. Similar interrogations were conducted with journalists Adel Hamouda, Karam Gabr, and Mohamed Abdel Latif.
- Furthermore, former Editor-in-Chief of Afaak Arabia Newspaper, Adel Al-Ansari, was arrested on 27 May 2005 immediately before the demonstration of the MB that was to march before the Houses of Parliament.

Al-Ansari and eight others were placed under PC on the charge of joining a group that was formed contrary to the provisions of the Constitution, promoting the uprising of the general public, possessing books and fliers that advocated the viewpoints of a banned group, and planning a coup d'etat.

Interrogations should not entail placing journalists under PC pursuant to Law No. 96 of 1996 unless they offend the PoR, as such custody does undermine the requirements of free journalism and contradicts with the principles of the Constitution and the law that maintain and guarantee such freedom.

- Another incident that exemplifies the violation committed against journalists took place on 25 May 2005, during the parliamentary elections. A number of female journalists standing in front of the Press Syndicate and Bar Association were battered and sexually molested by agents of the security force. Victims included Abeer El-Askary, Shaymaa Abul Kheir, Nashwa Talaat, Iman Taha, and several others.
- In a separate incident, female journalist at El-Karama Newspaper, Asmaa Mohamed Ali, was assaulted while on the job.
- Journalist and Editorial Director at El-Wafd Newspaper, Mostafa El-Fayoumy, and his photographer, were assaulted while covering the elections in Bagour Constituency by supporters of the NDP.
- Security forces assaulted Los Angeles Times correspondent, Hossam El-Hamalawy, while covering the elections in Damanhour Constituency in Beheira Governorate.
- On 13 May 2005, security forces arrested nine persons working for Al-Jazeera News Channel and confiscated four cameras. They were detained at the SSIS premises for eight hours and then released without charges.
- On 9 November 2005, broadcaster and journalist, Ahmed Mansour, was assaulted in front of the office of Al-Jazeera News Channel where he had been waiting to interview the head of the Wafd Party, Dr. Noman Gomaa, on his weekly show.

Right to Party and Syndicate Organizations and Formation of Associations:

Under Article 55 of the Constitution, "Citizens shall have the right to form associations according to the provisions stipulated by the law. The formation of an association whose activities are antagonistic to society and its systems, or are of a secret or military nature, is prohibited."

Also Article 56 reads, "The formation of syndicates and unions shall be based on the democratic rights stipulated by the law. Such organizations shall be recognized as judicial persons. The law shall regulate the contribution of syndicates and unions in executing social plans and programs, raising sufficiency levels, supporting socialist behavior amongst members, and safeguarding its own funds.

They are responsible for holding their members accountable for their behavior and activities according to a code of ethics. They are also responsible for defending the rights and freedoms of their members."

Furthermore, international conventions, to which Egypt is a party, guarantee these rights. Article 22 of the International Convention on Civil and Political Rights reads thus:

- Every individual has the right to form associations with other individuals, including the right to form and join syndicates for the protection of his interests.
- It is prohibited to impose, in a democratic society, restrictions on exercising this right, with the exception of those stipulated by the law or in cases of contingency, in order to maintain national security, public safety, and to protect public well-being, public demeanor, and the rights and freedoms of others. This is without prejudice to imposing legal boundaries with respect to the exercise of these rights by members of the armed forces and police officers.

- This Article does not include what may be construed as the allowance of signatories to the ILO of 1948 on syndicate freedoms and the right to syndicate organizations, to take legislative precautions or to enforce the law in a manner that would undermine these guarantees set forth in the said Convention.

With regard to **the right to organize political parties**, the Political Parties Committee approved the establishment of two new parties, namely Shabab Misr and El-Salam Democratic Parties, thereby increasing the number of political parties in Egypt to 21 parties.

However, the activities of some parties have been frozen for considerable periods of time by virtue of the order issued by the Political Parties Committee owing to the dispute over their leadership.

Examples include the Socialist Labor Party established in 1978 under Mr. Ibrahim Shokry, Misr El-Fatah Party established in 1990 under Mr. Ahmed Hassanein, the People's Democratic Party established in 1992 under Mr. Anwar Afifi, and the Social Justice Party established in 1993 under Mr. Mohamed Abdel Aal.

As for the **right to organize union work**, professional syndicates currently operating in Egypt are 23 in number. However toward the end of the nineties, a number of syndicates witnessed disputes between the board of such syndicates, dominated by MB, and the Judicial Committee, which was to supervise syndicate elections.

This caused the postponement of elections in 11 syndicates for periods between 4 and 11 years, resulting in the postponement of the rights of an entire generation of syndicate members to practice their electoral rights.

Furthermore, legal custodianship was imposed on the Engineers Syndicate for nine years, as well as on the Alexandria Branch of the Doctors Syndicate. Also delayed were elections at the Cairo Branch of the Bar Association. Moreover, the Syndicate of Commerce Graduates, Syndicate of Applied Arts Graduates and the Syndicate of Veterinarians remain without presidents.

The NCHR hosted a workshop titled, "A new law for professional syndicates", held by the National Association for Defending Rights and Freedoms in participation with Maat Center for Legal and Democratic Rights. The workshop was attended by several syndicate members and other interested parties in the union movement. The agenda prepared by the NCHR's Legislative Committee included the proposition of amending Law No. 100 of 1993 amended by Law No. 5 of 1995.

The workshop's recommendations were as follows:

First: presenting the provisions of the new law proposed to replace Law No. 100 of 1993.

Second: proposing the establishment of an umbrella association for professional syndicates.

Third: presenting this proposed bill to all professional syndicates for consideration and feedback.

By the end of the workshop, the Judges Club expressed an interest in executing the recommendations of the general assembly in order to:

- cancel the Judicial Committee's role in supervising or interfering in the affairs of professional syndicates

- repeal Law No. 5 of 1995
- reactivate the role of the general assembly of professional syndicates and amend the laws and executive regulations thereof.

As for the **right to establish associations**, controversy dominated the deliberations concerning Law No. 84 of 2002 regulating NGOs. The controversy mainly revolved around its imprisonment penalties and the established right of the MoSS to arbitrarily dissolve associations via an administrative order.

NGOs and HR organizations continued to call for the legislative amendment of the disputed articles in order to guarantee the right of establishing associations and the right of carrying out its activities. So did they advise the competent authorities to study such amendment before endorsing the current law.

The Right to Peaceful Assemblies and Strikes:

The Egyptian Constitution stipulates this right under Article 54, which reads: "Civilians shall have the right to privately assemble in peace, provided they are unarmed, without the need for prior notice or warning. Security forces shall not have the right to attend private or public assemblies. Processions and assemblies shall be allowed within the scope of the law."

International agreements and conventions on HR stipulate the right to peacefully assemble and obligate states to protect, respect and maintain such right in their legislations and practices since it is one of the basic means of expressing the ideas and opposing or supporting viewpoints of all social movements. This is manifested in Article 20 of the Universal

Declaration on HR, Article 21 of the International Convention on Civil and Political Rights, and Article 5 of the Universal Declaration to Protect HR activists.

Although the Constitution guarantees the right to peaceful assembly, there are a number of laws that contradict this right, such as Law No. 10 of 1914, which is still in effect, Law No. 14 of 1923, Law No. 109 of 1971, and Law No. 162 of 1985.

The beginning of year 2005 witnessed several demonstrations and assemblies that accompanied the wave of political reform that coincided with the heated elections. Some of these demonstrations took place under normal circumstances without any acts of violence.⁽¹²⁾

On 17 March 2005, an assembly representing civil society organizations, residents of Serando Village, Beheira Governorate, and some members of the PA, participated in a demonstration in front of the Supreme Court in Cairo in protest of the events that occurred in Serando Village and the violence used against civilians.

On 18 March 2005, Arish City, North Sinai Governorate, witnessed a demonstration in which thousands of civilians participated, particularly the female relatives of prisoners, in protest of the arrest of their relatives after the events that took place in Taba 2004.

On 27 March 2005, the MB organized a demonstration in front of the PA premises in demand of amendment of the Constitution and termination of the state of emergency.

However, some infringements were committed as security forces prevented other demonstrations from taking place, such as the

⁽¹²⁾ Legal Assistance Association for HR.

demonstrations of the Egyptian Movement for Change (Kifaya Movement), in Cairo, Alexandria and Mansoura Governorates on 30 March 2005. Security forces arrested several Kifaya activists and threatened to arrest others. So the Movement decided to relocate its Cairo demonstration to the premises of the Press Syndicate.

In Alexandria, police forces prevented Kifaya Movement from demonstrating and arrested 22 of its activists, including Dr. Mohamed Abass, Eng. Rabie Idrees, Lawyer Mahmoud El-Ruby, and workers leader Bilal Hamed, according to the Movement's spokesman, Mr. Abdel Haleem Kandil. Mr. Kandil confirmed that although some of the Movement's supporters had been arrested, over 800 people participated in the demonstration.

Demonstrations were also prevented from taking place in Mansoura Governorate, as security forces arrested the Movement's leaders on 30 March 2005, namely Mr. Ibrahim Saleh and activist Abdel Maguid Rashid. Around 250 people participated in the demonstration according to Mr. Kandil.

Students of Egyptian universities organized various demonstrations with varied demands. At the universities of Cairo, Tanta (Kafr El-Sheikh branch), and Al-Azhar respectively, students protested against the Emergency Law which is still in effect. They also requested the amendment of the Students' Regulations of 1979. Furthermore, they commemorated Sheikh Ahmed Yassin, the Palestinian leader, who had been assassinated by Israel.

The violation of this right can be represented in the punishment of Haitham Mady for participating in one of the demonstrations in Al-Azhar University while still an undergraduate. After his graduation, he was

hired at the Ministry of State for Environmental Affairs pursuant to a contract dated 16 January 2005. However, his contract was not renewed because he could not obtain security clearance due to his previous participation in the aforementioned demonstration.

On 21 April 2005, security forces prevented a solidarity delegation, composed of the Egyptian Anti-Globalization Committee in participation with several influential politicians, journalists, lawyers, and workers at the Qalyoub Spinning Factory who had been on strike since 13 February 2005 in protest of the sale of the factory and nonpayment of their wages for two months.

The demonstrators gathered in front of the Bar Association and were transferred by bus to the location of the workers to show their support of their requests. However, security forces prevented the bus from reaching its destination.

On 30 July 2005, Kifaya Movement and several political parties organized a demonstration in protest of President Mubarak's announcement concerning his candidacy for presidency for a fifth term. The demonstration took place in Tahrir Square, Cairo. Security forces were deployed on the day prior to the demonstration to prevent demonstrators from assembling. They also assaulted demonstrators until they were able to disperse them.

After this event, a considerable number of Kifaya members demonstrated in front of the Press Syndicate until the following morning. Security forces arrested 50 Movement members and detained them at the Central Security Forces Camp in Darasa District. Security forces approved the release of George Ishak, the Movement's

spokesman, Amin Iskandar, a member, and Karim Yehia, coordinator of the "Journalists to Create Change" movement on the same day.

Meanwhile, 24 members of the Movement were interrogated by the SSIS on charges of gathering and possessing fliers and assaulting security forces, but they were released on bail on the first of August 2005.

In protest of the tragedy of El-Salam 98 Ferry that sank in the Red Sea waters, members of Kifaya Movement organized a demonstration which included over 200 Movement members. They gathered in front of the General Prosecutions Office on 15 February 2006 requesting the trial of those responsible for this tragedy. Security forces used violence and verbal abuse against the demonstrators. This prompted the NCHR to contact the Mol and the PP.

The Mol response indicated that on 15 February 2005, members of Kifaya movement took to the streets near the Supreme Court of Cairo, which disrupted the flow of traffic. Security forces thus had to intervene in order to restore law and order without assaulting any of the demonstrators.

The Right to Participate in the Management of Public Affairs:

Presidential elections were held on 7 September 2005, with 10 persons running for presidency:

- 1- Mr. Mohamed Hosny Mubarak of the National Democratic Party
- 2- Mr. Noman Mohamed Khalil Gomaa of the Wafd Party
- 3- Mr. Osama Mohamed Shaloot of the Social Solidarity Party
- 4- Mr. Fawzy Khalil Mohamed Ghazaal of the Misr 2000 Party

- 5- Mr. Rifaat Mohamed El-Agroudy of the National Reconciliation Party
- 6- Mr. Ibrahim Mohamed Tork of the Democratic Union Party
- 7- Mr. Ayman Abdel Aziz Nour of the Ghad Party
- 8- Mr. Waheed Fakhry Al-Oksori of the Misr Arab Socialist Party
- 9- Mr. Mamdouh Mohamed Ahmed Kinawy of the Social Constitutional Party
- 10- Mr. Ahmed El-Sabahy Awadallah Khalil of the Umma Party

Also Law No. 173 of 2005 was issued to amend some of the provisions of Law No. 73 of 1956 regulating the exercise of political rights. It also included an entire chapter regarding the formation of the Supreme Committee for Electoral Affairs.

The NCHR recorded two major phenomena that were obvious to all the authorities and organizations that followed up on the presidential elections. The first phenomenon is the impartiality and non-intervention of security forces and the Administration inside and outside of election booths.

The second phenomenon concerns the legislative elections, as many complained that the names inscribed on the electoral lists were different from the names of the candidates. Moreover, electoral booths were relocated thus depriving a considerable amount of voters from casting their ballots.⁽¹³⁾

University Students' Participation in Student Union Elections:

⁽¹³⁾ Review the chapter on the cases of the year.

The Student Regulation passed in 1979 is still in force and effect. Unfortunately, it restricts student activities, particularly activities concerning student union council elections and the official influence exercised over them.

The NCHR recommends the review and amendment of the aforementioned Student Regulation so as to respect students rights, allow for capacity building, and confirm students' responsibilities in managing their own affairs and participating and representing others in board meetings of educational institutions.

The NCHR recommends the following:

- canceling the authorities of the Administration to strike out candidates
- prohibiting the referral of students to disciplinary tribunals on account of their activities
- affirming student councils independence and freedom in managing their financial and administrative affairs
- allowing students to exercise the freedom of expression, the right to peaceful assemblies, and the right to form student societies and associations

The NCHR believes that implementing these legitimate requests would allow students to practice their democratic rights within a regulated framework. It would also put an end to the state of apathy and isolation which have marginalized the roles of student unions in institutes and universities.

Economic, Social and Cultural Rights:

Interest in economic, social and cultural rights has significantly increased during the past few years throughout the world. This is manifested in the numerous international conferences and symposia held to affirm the importance of these rights, placing them on the same footing with other rights.

One example is the Francophone Institution Conference for National Councils for HR held in Montreal, Canada in October 2005. Another example is the Fifth Conference for African National Authorities held in Nigeria in November 2005.

During all such events, the importance of disseminating the culture of economic, social and cultural rights and of ranking them equally with other HR was highlighted. The Conference also called on states to include the abovementioned rights in their national plans and executive programs concerning HR. Moreover, the states that had not yet signed the International Convention for Economic, Social and Cultural Rights were called upon to become signatories thereto.

These rights are guaranteed by the Egyptian Constitution in Articles 10, 16, 17, and 156, whereby all entities in Egypt are bound by virtue of international agreements and conventions to which Egypt is a party.

Economic Rights are represented in:

Curbing Unemployment:

The Egyptian Constitution, under Articles 8, 13 and 14, the Universal Declaration for HR, under Article 23, and the Arab Convention for HR,

under Articles 32 and 33, all affirm the right to employment and equal opportunities among citizens.

The NCHR held a hearing session concerning "Criteria for employment particularly in governmental and judicial posts". The session was attended by all concerned governmental bodies and authorities to deliberate on the extent of the problem and the means of solving it.

The NCHR also held a workshop under the title "Correlation between HR, Development and Investment", with a view to promoting investment in Egypt so as to provide more job opportunities and thus curb unemployment.

The NCHR received 262 complaints from able-bodied and disabled persons requesting employment. Most complainants are heads of households whose social and economic conditions are deteriorating.

Below are some examples:

- Hammouda Gad from Cairo requests employment as he is the sole provider for his family of four members. His son suffers from brain cell atrophy needing extensive and expensive treatment.
- Fatma El-Leithy requests employment because her handicap has made it difficult for her to find a job.
- Ismail Abu Eida from Gharbia is a DP and requests reemployment at the Ebad El-Rahman Mosque where he previously worked pursuant to a temporary contract. When the mosque became attached to the Ministry of Awkaf, his contract was not renewed because he was then still under age.

Workers Rights:

Egyptian legislations regulate and determine work relationships between workers and institutions, companies and authorities at which they are employed by virtue of Labor Law 112 of 2003 and Law 47 of 1978 and its Executive Regulations concerning civil servants.

However, violations and infringements against workers exist, whether regarding their transfer or discharge, or the non-adjustment of their employment status, and the inability to obtain their financial dues, whether in regard to wages, allowances or raises. This is evident from the complaints received by the NCHR in 2005 from individuals and civil society organizations concerned.

Below are some examples:

- Samah Abdel Aziz complains that she was appointed, among the top graduates of 2000, at the Agricultural Research Center, under the Ministry of Agriculture, as a chemical specialist grade 3. During her term of studies leading to a Masters degree in science, she conducted some research at the Center that led to the discovery of a new compound which bore Nuclear Polyhedrosis Virus (NPV) to protect it from sunlight and increase its efficacy in the field.

Upon application in the field against cotton worms, her compound proved its efficacy by over 80%. However, on 8 October 2003, she was transferred from the Biological Combat Unit to the Cotton Worm Department, allegedly in an attempt to deny her access to the equipment and apparatus that would enable her to successively complete her research.

She submitted a request for a transfer from the Agricultural Research Center to the National Research Center. She did in fact obtain an approval to her request but her transfer was not executed.

- Wafaa Imam complains that after the imprisonment of her husband in October 2004, an administrative directive was issued to terminate her husband's contract with the Maasara Co. for Engineering Industries run by the Ministry of State for Military Production because of his non-attendance.
- A total of 200 workers at the clay-brick and building materials Factory in Beni Suef Governorate attached to the Upper Egypt National Co. complain that the factory operations were discontinued three months ago and workers have not been paid their dues since then.
- Workers employed in various sectors of the Radio and Television Union after 1993 complain that the Central Agency for Audit had retrospectively deducted from their salaries the 10% raise to which they, like all civil servants, are entitled, by virtue of Law 174 of 1993.
- Fayka Mohamed, a senior specialist at the Technical Institute for the Production of Building Materials in Helwan, complains that she was arbitrarily seconded to the Technical Commercial Institute in El-Rowda.
- Fatma Ebeid, head of the Student Care Department at the Technical Institute for the Production of Building Materials in Helwan complains that she was seconded to the Technical Institute for the Press located at El-Sahafa Street although she resides in Helwan. This has burdened her with additional transportation fees.
- Complaints were received from more than 2,000 railway-carriage safety workers employed in various governorates about the

nonpayment of their financial dues (e.g. special bonuses and traveling allowances) enjoyed by other railway workers and employees.

The complainants' task is to report on the safety conditions on the trains. However, their reports are shelved and never read. Complainants are viewed by the Railway Authority as "redundant and illegitimate workers".

They are also threatened that if they continued to complain, the Railway Authority will dissolve the Safety Department and discharge all workers. The Authority also deprives them of the right to set up an association to look after their own interests. It also refuses to issue them with railway workers union ID's.⁽¹⁴⁾

Exceptional Pensions:

By perusing the 236 complaints received by the NCHR concerning exceptional pensions, it is evident that such amounts, though meager, would be important sources of income to the complainants, most of whom are elderly, widows, divorcees, or chronically ill. Unfortunately, there are many obstacles that prevent them from obtaining exceptional pensions.

The NCHR has forwarded such complaints to competent authorities and requested that they facilitate the necessary procedures for the complainants.

Below are some examples:

⁽¹⁴⁾ Delivered to the NCHR from Ard Center for HR.

- Hameeda Mansour, Giza Governorate, who requests to have an exceptional pension in view of her ill health and economic conditions.
- Goumaa Ahmad, Giza Governorate, who requests to have an exceptional pension in view of his condition resulting from being involved in an accident while carrying out his job as a plasterer, not covered by insurance, in addition to being responsible for a big family and living in a rented residence.

Social and Cultural Rights:

Health:

Articles 16, 17, 156 of the Egyptian Constitution affirm the right to healthcare as one of the fundamental social HR. This has also been affirmed by the concerned international conventions, especially the International Declaration for Economic, Social and Cultural Rights, articles 9, 12. By reviewing the foregoing laws and conventions, it is clear that the State bears numerous burdens for providing healthcare and health insurance for all its citizens alike.

The complaints received by the Council revealed that many citizens cannot enjoy the right to the State's free medical care. The service offered by the National Health System is emptied of its content.

This has led the NCHR to appeal to the concerned authorities to exercise their supervisory role to ensure that the Health Insurance System is effectively operating as it serves as the last resort for a large sector of Egyptians needing medical care.

Here is a sample of the relevant complaints:

- Complaint of Hashem Mohammed, in which he requested treatment for his son, Shehab, 5 years, at the State's expense, as he suffers from a brain tumor and needs an urgent surgical operation to remove the tumor, and in view of the seriousness and side effects of such operations, requests to have such surgery performed in advanced centers abroad.
- Complaint of Noura Amer, the mother of Isra'a Al Issawi, who has suffered from brain paralysis and a motor disability since birth, and is being treated by medications, motor-mental training, physiotherapy, speech therapy, development of skills and behavior.

Although the sick child's mother had arranged for the cost of her treatment in Italy, to her surprise, her attempt to obtain a visa for herself to travel with her daughter encountered hurdles. On its part, the NCHR contacted the Egyptian MoFA to eliminate such hurdles and the complainant obtained the visa she was seeking.

- Fatmah Fekry requests to increase the value decided for her daughter / Amal's treatment. Amal has suffered from high creatinine level as a result of fibrosis of kidney tissues since a kidney-transplant operation was performed on her sometime ago and requires anti-rejection immunity medications throughout her life, of a value amounting to LE 4,939 monthly at the State's expense.
- Hayam Ahamd, requests her treatment at the State's expense as she suffers from inflammation in the limbs nerves and rheumatoid in the joints, and needs a medication imported from abroad at a very high cost.
- Abdulla Al Qadi, requests to increase the value of the treatment decided by the State for his wife/ Zeinat Mahmood. Zeinat suffers

from failure in the heart muscle that does not respond to intensive medications, and requires implanting a three-chamber regulator, at the cost of LE 52,000 in addition to hospitalization and fixing costs.

Education:

The government's efforts in the field of reforming education in Egypt over the past recent period have enabled many society sectors to enjoy their rights to education, especially in the Egyptian countryside where education rates have remarkably increased. The complaints received by the NCHR in this respect focused on the requests of parents of students to transfer their children to the nearest schools to their residences as well as complaints reporting various incidents of beating up their children at school. Here are some examples:

- A request from the parent of Moustafa Hassan, 4th elementary grade, Abtal Portsaid Elementary School, Al Zawiya Al Hamra'a Educational Department, that his son be transferred to the nearest school to his new residence in Khair Allah village, Zahra'a, old Cairo.
- A complaint from the parent of Hebat Allah Mussad, 2nd general secondary grade, services, Al Sabtiya Secondary School for Girls, that the school officially dismissed his daughter although her school-fees had been paid in time in addition to the underground train subscription and although she had been regularly attending classes for two months.
- A complaint from the parent of Mohammed Hamdi Mohammed Omar, 6th elementary grade, Sheik Zayed Elementary School for Basic Education, 11th District, Sheikh Zayed City, that his son was beaten up by a teacher at the school.

Housing:

Over the past few years, grew the State's attempt at finding solutions for the housing crisis through the establishment of new residential communities outside Greater Cairo that offer residential units to meet with the rising population numbers.

However, the State could only provide residential units in cooperation with the private sector. Despite all this, the phenomenon of random houses (shantytowns) has persisted and even increased greatly recently.

Most of the 187 complaints received in this connection focused on requests to obtain alternative residential units instead of old ones or those damaged by the 1992 earthquake. The following are a number of such cases:

- Residents of Al Khazan Street, Al Duwaiqah Area, Manshaat Naser, Cairo Governorate, are complaining of a potential collapse of rocks above their houses as a result of erosion factors and the flow of underground water. The District Authority carried out the necessary inspection and confirmed the possibility of a collapse of the rocky masses above the houses. They request to provide them with alternative houses instead of their houses which constitute a major hazard to them.
- A complaint from the Egyptian Center for Housing Rights against the residents of Azeez Ezzat land area, whose population amounts to 50,000 persons, including employees, workers and handicraftsmen who live in 194 emergency shelter rooms because the majority of them had their residences either exposed to demolition or collapse. On its side, the NCHR contacted the Ministry of Housing.

- Ahmad Hassan, Cairo, is complaining of an administrative evacuation decree of the building in which he has been residing since 1986. He said he submitted an application to the Governorate and obtained an approval for contracting and allocation, filed in the housing archive of Cairo Governorate under No.3541 dated 24/9/1996. As yet, he has not been able to obtain the alternative residential unit.
- Inmate / Gamal Mohammed, detained in Assiut Public Prison, is requesting to obtain a residence for his family consisting of five members, as they are residing in a rented room and have no source of income, in the public houses of Suhag Governorate.
- Amal Hindi, Banha, Qalubiya, is requesting to obtain a governorate residence as she is a divorced woman and has no source of income, in addition to residing in a rented house.
- Inmate/ Usama Abdulaziz,, detained in Abi Zaabal Prison No.1, is requesting to obtain a residence of Qalubiya Governorate residences for his family consisting of eight members, after being evicted from the rented apartment in which they resided.
- Abbas Mahmood, Cairo, is requesting to obtain the residential unit determined for him, as he is among the victims of the 1992 earthquake. Further, he is entitled to the residential unit, for the building No.16 A, Tour Sinai Street, Daher, in Al Waili residential area, issued by the planning decree No. 23/1993, File No.56, for demolishing the said building.

Insurance and retirement rights of workers:

The insurance and retirement rights of workers who are retiring either through reaching the legal age or through early retirement system, have

acquired significance in light of the socio-economic changes introduced by the Egyptian government under the economic reform program. The privatization process was associated with the firing of a large number of workers according to the early retirement system, and thus a number of violations of the workers' rights ensued.

According to the complaints received by the NCHR, the complainants focused on the following:

- 1- Not receiving their financial dues in full.
- 2- Slow formalities for reimbursement of pensions.
- 3- Calculating wrong periods for those pensioned off and dropping other periods, which damaged lives of such workers and their families.

Although Law No.79 of 1975 and its amending and supplementing laws oblige the Public Institution for Social Securities to fulfill its obligations determined under the law for those subject to its provisions, even if the employer did not subscribe on their behalves in the Institution. Although insurance with the Public Institution for Social Securities is obligatory for employers and their staff, yet it has been violated in many instances, e.g.:

- The complaint of Lutfi Ayad, Cairo, against the Ministry of Social Affairs for implementing the Supreme Constitutional Court's verdict in Case No. 33 of J.Y. 25 for unconstitutionality of depriving early pensioners from the increment of the pension for variable wage by 80% of the five allowances which have not been included with their basic wages, by declaring that the previous verdict's implementation will be confined to the allowances for entitled early pensioners during the period from 1989-98 only.
- A number of the former employees of Beni Suef Health Affairs Directorate pensioned off five years ago, represented by Ramadan

Abu Al Ela, are requesting to implement Verdict No. 226 of J.Y. 42- (Labor), issued to them by Beni Suef Court of Appeal, ruling for their entitlement to their financial dues from the Insurance Fund of Beni Suef Health Affairs Directorate Staff.

- The complaint of approximately 700 workers of Al Maadi Engineering Industries Company (formerly, Military Factory 54) who went on early retirement and had their cases settled without addition of the allowances, incentives or bonuses.

The Bird Flue Crisis:

On 17/2/2006 the Egyptian Government announced the appearance of some birds flu infection cases in some governorates. Then, announcements were made subsequently on its emergence in other governorates. This crisis cast its shadows on all workers in the poultry industry, estimated to be approximately 1,800,000 workers, with total investments of around LE 17 B. This matter augurs ill for the national economy, especially as too many investors rely for their businesses on bank loans.

Meanwhile, a decree was passed banning the transfer of chickens between one governorate and another and shutting down poultry shops. This led to the citizens' abstention from buying live chickens or chicken-meat.

The NCHR followed up with great concern the implications of this crisis. Promptly, it contacted the concerned authorities. On 20/2/2006, it contacted the PA HR Committee. On 23/2/2006, it contacted the UNDP, reaffirming the significance of "laying down a contingency plan to contain the crisis with all its dimensions, and consider the allocation of suitable compensations to such investors, to assist them in continuing

their work,” provided such compensations are offered through the official authorities or the concerned civil society institutions.

In light of the implications of the crisis, NCHR Economic Committee passed a statement on how the epidemic had spread in several governorates, as well as the devastating effects it left behind on the lives of individuals generally and on poultry farms in particular, the majority of which have been established under the umbrella of the small private sector initiatives, in addition to its effects on the national economy and the circulation of negative rumors.

In its statement, the committee has confirmed the following:

- 1- The significance of continuing the government’s monitoring, through its various systems, of this dangerous epidemic, which killed birds of various types. Further, it has its dangers on the health of citizens who come in contact with the birds in poultry farms or in the sales outlets. The Council appealed to all the State authorities to consider this matter with extreme seriousness, on the level of central authorities in Cairo and on the level of the local governorates, which is the starting and take-off point.
- 2- Inviting the local administration authorities in the various governorates and on several levels to express a greater concern in following up birds farms as well as the locations at which citizens breed birds, regardless of the size of such areas, especially in the Egyptian countryside as the spread of the infection is not confirmed to an area or associated with a specific quantity and number of such birds. The council observes that the local administrative should follow

up this matter strictly, as it represents the cornerstone for the success of local administration.

- 3- Inviting all the government authorities, as well as the banks and finance institutions to initiate flexibility for the loans granted to chicken breeders, and that the government should offer assistance to the owners of poultry farms to mitigate their sufferings and reduce the serious losses they are facing.
- 4- Appealing to all organizations of the civil society, as well as its different active sectors, to initiate – within the framework of solidarity and common spirit- assisting those damaged by this serious epidemic.
- 5- Requesting all citizens to feel calm and avoid panic or spread anxiety on one part, as well as take serious precautions in confronting the emergence of any symptoms of birds' flue disease and report them immediately to the concerned authorities.
- 6- The significance of having the government offer compensations and assistance to poultry breeders.
- 7- Further, the Council observes the necessity of being alert and cautious on part of the government for the more serious scenarios, which is the transmission of the disease from one person to the other, and the significance of making preparations and providing the vaccines for such scenario, as well as the necessity of developing the vaccines available with the Ministry of Health in Egypt or in other countries, as cooperation within the international and regional frameworks constitutes a significant foundation for confronting the crisis.
- 8- The committee observed that any society in any sensitive and serious phase, such as that to which Egypt is being involved, has rumors widely spread, which is an unhealthy phenomenon and should be

investigated, as well as avoiding the circulation of incorrect rumors which affect citizens negatively.

Example of a complaint received from a number of poultry breeders complaining about the damages they sustained:

- On 21/2/2006, the NCHR received a group complaint from poultry breeders in El Menya Governorate, complaining that they own several poultry farms containing almost 200,000 chickens of different ages, some of which are in the marketable age, while others passed the marketable age.

One more problem is that of credit terms, which means they have overdue debts resulting from their inability to market the chickens. Henceforth fodder and medicine factories stopped their supplies. This led to the death of many chickens and many others are awaiting the same fate.

Immediately, the NCHR contacted the concerned authorities. The PA's HR Committee replied that a number of decisions were already recommended on the economic and social levels, including the necessity of compensating poultry-farm owners and workers, as well as compensating small breeders whose livelihoods were damaged as a result of this crisis.

Women's Rights:

Article 40 of the Constitution stipulates that "all citizens are equal before the law, and they are equal in public rights and duties, without discrimination among them in this respect due to gender, origin, language, religion or creed."

Further, Article 26 of the International Convention on Civil and Political Rights states that parties to this convention undertake to guarantee the equality of men and women in the right to enjoy all the civil and political rights stated under this Convention, and that all people are equal before the law, and enjoy an efficient protection against discrimination on account of race, color, gender, language, religion, political or non-political opinion, national or social origin, wealth or blood relationship, or any other reasons.

The Egyptian Constitution guaranteed the right of political rights and assuming posts by both genders without discrimination. However, the Egyptian woman's involvement in political and parliamentary life is still limited. The year 2005 witnessed a drop in the participation of women in parliamentary elections, either nominating themselves or voting for others.

Further, the percentage of the presence of women did not exceed four seats (1%) of the total number of seats in the PA's. This is considered a drop compared with the previous parliamentary elections' percentage (3.6%)⁽¹⁵⁾. Because out of 3.5 million Egyptian women who are entitled to voting, only less than one million go for voting, the legislator should reconsider the election process, in order to ratify the "quota system, i.e. the determined share", and a percentage (like 20%) could be set to ensure fairness of women's representation.

The attendance of women in the parliamentary elections was not limited to nomination and voting. Moreover, they have also contributed in the judicial supervision over the impartiality of the elections. Women proved that they had borne the responsibility of supervising the elections with

⁽¹⁵⁾ Report of the Egyptian Center on Woman's Rights, "Women in the Parliamentary Elections 2005."

impartiality and transparency, and were even forthright in unveiling such negative aspects as forgery and rigging.

Vice Chair of the administrative prosecution, Dr. Nuha Al-Zaini, for one, published her testimony in the Egyptian newspapers in which she confirmed the occurrence of forgery in Bandar Damanhour electoral constituency.

Women are likewise exposed to violence and aggression, which contradict with the concepts of civilization and the humanitarian values stated by the International Declaration for HR, as well as the International Anti Discrimination Agreement Against Women, ratified by Egypt.

Among the most prominent aggression practiced against women are those related to crimes of honor, mainly in the countryside. The press observer of the "HR Development Dialogue Forum"¹⁶ revealed that 70 crimes of honor were committed during the period from 30 June through 25 December 2005.

Moreover, cases of confirming blood relationship filed before the Egyptian courts amounted to 14,000 cases, as per the last statistics published by the General Administration for the Family and Child, Ministry of Social Affairs, i.e. there are at least 14,000 children without a name, identity, legal existence or social acceptance.

Some of these cases have resulted from informal marriages denied by the father, which necessitates the existence of a provision in the Egyptian law to force DNA examination in civil and legal cases for confirming blood relationship.

(16) A media bulletin published by the Center for the HR Development Dialogue forum

Perhaps FGM cases are among the most prominent forms of practicing aggression against women. Girls are still being subjected to FGM at an early age, particularly in the countryside, thus undermining her dignity and humanity. Some studies indicate that it exceeds 90% among girls. The year 2005 did not witness any drop compared to the previous years, despite the constant efforts being exerted to curb this phenomenon.

Although the year 2004 witnessed amendments of the law concerned with nationality, and the amendments were enacted under law No.154 of 2004 which ruled that children of an Egyptian woman from a non-Egyptian father shall enjoy the nationality of their mothers; nevertheless a new problem has emerged for which no solution can be seen in the short term. The problem is related to the fact that children of an Egyptian mother married to a Palestinian father do not enjoy the nationality. The NCHR received numerous complaints related to the children of Egyptian mothers who can not obtain the Egyptian nationality because they are children of Palestinian fathers, including the following;

- Complaint of Amal Attiya, in which she requested to have the Egyptian nationality for her children from her husband (Palestinian national), as per the new Nationality Law No.154 of 2004. However, her request was always turned down by the concerned authorities. She requested assistance to implement the law and equal her children with the children of Egyptian women married to foreigners who obtained the nationality according to this law.
- Complaint of Kamal Attallah in which he requested to obtain the Egyptian nationality, as he is from an Egyptian origin, but obtained the Palestinian nationality due to his birth in Palestine, which

deprived him from the Egyptian nationality till now. He said all his requests were rejected. Further, he can not financially provide what is requested from him in order to submit the required papers to obtain the Egyptian nationality. Therefore, he approached the NCHR to provide assistance in order to obtain the Egyptian nationality.

- Complaint of Nabila Shabib (Egyptian national) in which she complained that her daughter, Rasha, from her husband Fayz Darweesh (Palestinian national) did not obtain the Egyptian nationality, and that she is a holder of a degree in medicine from Ein Shams University with "very good" grade. However, she is unable to register for the Masters degree, because of the enormous fees determined for non-Egyptians.

Among the most flagrant relapses witnessed by the year 2005 as regards women's rights was what is known as Bloody Wednesday 25 May, which is the referendum day on the amendment of Article 76 of the Egyptian constitution.

On that date, a number of Egyptian female journalists were exposed to beating and assault during the demonstrations denouncing such amendment. The assault reached the extent of sexual harassment and tearing their clothes at the entrance gate of the Journalists Syndicate.

Reference should be made as well to the case of the three dismissed veiled TV presenters who accused the TV authorities of circumventing a court verdict in their favor through a decision forcing them to sit for a camera tests anew.

Rights of the Child:

The 1971 constitution guaranteed the right of the child to life, survival and growth. It entrusted the State with the responsibility of protecting motherhood and childhood, caring for the youngsters and providing the appropriate conditions for developing their capacities.

Furthermore, the Egyptian government ratified the International Convention for Childhood Rights and the declaration of the first decade for the Protection of the Egyptian Child in 1989, as well as the Egyptian Child Rights Document in 1991, the declaration of the second decade for Protection of the Egyptian Child in 1991. Furthermore, the State issued in 1991 Law No.12 and its executive regulations on childhood rights.

Article 10/2/b of the International Convention of the Civil and Political Rights stipulates that the accused juveniles should be segregated from adults and should be referred, as soon as possible, to court in order to decide their cases.

Article 37/B stipulates that no child shall be deprived of his freedom illegally or oppressively, and that the apprehension, detention or imprisonment of the child should be carried out according to the law, and shall only be practiced in case of absolute necessity and within a strict time-frame.

Further, Rule 13/4 of the UN Bottom-line Standard Rules for management of juvenile delinquency affairs stipulates that juvenile delinquents detained on account of trial should be segregated from adults.

Article 37/C of the Childhood Rights Agreement stipulates that each child deprived of his freedom should be treated with respect and dignity

and that his needs should be considered in consistency with his age. Also juveniles in detention shall be segregated from adults.

Despite the continued projects completed for children's welfare by the concerned authorities and NGO's, including NCCM, several negative phenomena still prevail in Egypt.

The phenomenon of child labor and aggression against children is reflected in a study published by the Earth entitled "Official and Social Aggression, and Forms of Various Assaults".

The phenomenon of street children and the associated aggression practiced against them has emerged in developing societies generally and the Egyptian society in particular as one of the harmful outcomes of social transformations. The rates and numbers of homeless children and those vulnerable to delinquency increased.

Children working on daily wages in the agricultural sector are exposed to accidents on the road from and to work, which leads them to tragic loss of life. Herein below are some such accidents:

- Girls on their way to work for collecting the seeds crop at Markez Badr, El Beheira Governorate had a tragic accident. Rehab Hussein, a girl of 14, died and 13 others were injured.
- Elsewhere in El Beheira, in the Madbouh Village, a car accident led to the death of two girls and serious injuries sustained by 22 other girls and boys.
- Also in El Sharqia Governorate, Kafr Al Dahtmoan Village, Markaz Abu Kbir, five 5 children riding in a semi-truck were run over by a train coming from Salhiya to Faqous, while they were on their way to harvest the strawberry crop.

Undoubtedly, such tragic accidents require reconsideration of the systems that control such manpower.

However, this does not prevent treatment of this phenomenon within its more general and comprehensive scope, and searching for its actual roots, represented in the deterioration of the socio-economic level of the families of these children, thus making their need to work a harsh necessity. This is in addition to the association between this phenomenon and school drop-out, which in turn is attributable to the risen school financial burdens, including fees, etc.

The Egyptian law has adopted the principle of separating children from adults in the detention centers or prisons. However, it is not implemented actually, as practical reality reveals the apprehension of many children with adults in the Egyptian prisons, such as the case of juvenile/ Iman Abdulhalim, 16 years, in case No.2125 of 2004, Felonies, Giza juveniles, who was detained with adults in the women's prisons in al Qanater, in a clear and flagrant violation of the Egyptian childhood law and international agreements and conventions.

The detention of juveniles with adults, even if they are members of the family, is considered a flagrant violation of the code of ethics and law. The international community has criticized this issue, as the juvenile is exposed – as a result of such detention- to physical or sexual assaults, as well as severe physical and psychological pain.

NCHR continued to follow up through its daily press archive, the news published in Al Akhbar Newspaper titled "Death of a Prisoner in Al Waraq Police Station, in which it said "a 17-year-old truck-driver-assistant was killed inside the detention room of Al Waraq police station as a result of four detainees falling on his head while he was asleep.

In this respect, NCHR appeals to the public authorities for the necessity of providing detention facilities for juvenile delinquents which are separate from the detention facilities of adults.

Chapter Three

Legislative Modernization and Human Rights

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Legislative reform – priority and aspects of the issue:

Legislative reform represents one of the significant priorities on the road toward promoting and protecting HR and freedoms. The year 2005 witnessed a number of legislative reforms which raised as much hope as doubts and arguments. However, they remain in all cases a significant step which must be developed and pushed forward.

Although such legislative reforms were focused on the election system of the post of the PoR and organizing the practice of political rights; nevertheless the need is still persistent for stepping up the legislative reform movement.

Among the persistent issues which require legislative reform in the field of HR is PC, combating torture, protecting the rights of the accused during the trial phase and guaranteeing the right of defense.

Further, there is still a persistent need for developing the political parties law in order to achieve more opportunities for multiple parties, which is associated with the necessity of updating the parties affairs committee, whether with respect to the nature of the role entrusted to it or to the authorities determining such role.

Undoubtedly, the criminal legislation, in particular, represents a significant means- if not the most significant- under the umbrella of promoting and protecting HR. It is confirmed that all the criminal legislations (objective and procedural together) are associated by nature in one form or another with HR.

However, some of them appear to be more relevant, either because they dispense with a fundamental human right or even a social right, or because they undermine the guarantees attached thereto. Therefore, all countries worldwide, whatever their political, social and economic levels, strive today to ensure the conformity of their legislations with fundamental HR.

If the issue of protecting and promoting HR in Egypt requires introducing some amendments, restricting some authorities, or giving more guarantees, then all this appears to be governed by the following considerations:

First consideration:

The significance of the expected legislative reform in this respect is not justified only by the necessity of having Egypt keep abreast of the legislative modernization movement in the field of HR, in which a number of Arab countries, e.g., Morocco, have a one a long way.

Rather, this legislative modernization is imposed by the fact that Egypt's compliance through signing and ratifying the international agreements and documents sanctioning HR, shall oblige it on the political, legal, and civilization spheres to carry out the most possible conformity and consistency between the ceiling determined by these agreements and

documents on one hand, and the determination of national legislations on the other hand.

Second consideration:

The anticipated legislative modernization for the protection and promotion of HR may require a certain methodology for prioritization in which there is a focus on and starting with the more persistent and most feasible issues.

There are some issues which may be started with immediately, while others may require a relatively longer time, probably because they may require a comprehensive amendment of the overall criminal procedures system, as is the case with the segregation system between the indictment and the investigation authorities.

Probably, cases of torture, mistreatment of citizens, and guaranteeing the right of defense from the moment of apprehending the accused or keeping a person under PC, are examples of priorities which could act as a take-off point. Further, some conditions in the jails, apprehension and detention locations are also priorities worthy of consideration and starting with.

Third consideration:

The significance of considering the balance between the protection and respect of HR on one hand, and the security of the society and efficiency of the criminal pursuit, on the other hand. This matter is possible through flexible and creative legislative solutions to avoid absolute

formulas. This may appear as an exit, even if temporary, in connection for example, with the state of emergency. There is nothing preventing termination of the state of emergency (a request which the NCHR has continuously called for over the past two years), with the possibility of confining declaration of the state of emergency – whenever necessary- to a certain area or during a temporary period to guarantee maintaining the security of the society on one hand, and protecting the rights and freedoms of individuals on the other hand.

First: New Legislations Enacted in 2005

The year 2005 witnessed a number of legislative reforms, including amendment of Article 76 of the Egyptian Constitution, enacted in 1971 in respect of the method of electing the PoR through direct public polling rather than the referendum system.

Further, amendment of Article 76 of the Constitution was associated with the passing of a new law No.173 of 2005, amending a number of provisions of Law No.73 of 1956 regulating the exercise of political rights. Further, Law No.177 of 2005, amending a number of provisions of Law No.40 of 1977 for the political parties system, was also enacted.

1- Amending Article 76 of the Constitution

The year 2005 witnessed the launch of the PoR's initiative for amending Article 76 of the Egyptian Constitution, whereby the PoR would be elected through direct public polling.

This amendment was finally ratified after months of public debate among various sectors of society.

However such amendment came out attached with stringent conditions for earnestness of candidates whether the independent or the opposition party members. Such conditions ought to be reconsidered to create more multiple partisan opportunities.

It is worth noting that partisan weakness was too obvious during last parliamentary elections in which only the NDP managed to acquire, for the nomination, the minimum requirement of 5% of the number of seats in the PA.

Amended, Article 76 of the Constitution now reads thus:

“To be an approved nominee to the presidency of the republic, the applicant shall be supported by at least 250 members of the elected members of both the PA and Shoura Council, as well as the local popular councils of the governorates.”

“The number of supporters shall not be less than 65 members of the PA, 25 members of the Shoura Council and 10 members of each local popular council of at least 14 governorates.”

“The number of such supporters shall be in proportion to the increase in the number of MPs or members of popular councils of governorates. In all cases, support may not be for more than one candidate.”

“Political parties incorporated at least five consecutive years prior to the opening of the nomination and which have continuously been exercising their activity, their members’ winning at least 5% of the elected members’ seats in the foregoing PA and Shoura Council elections, may nominate one member of their supreme board to the presidency of the republic, as per their articles of incorporation, provided that at least one

consecutive year of this nominee's membership on the board has elapsed."

"As an exemption from the provision of the above paragraph, every political party may in the first presidential elections held after enforcing the provisions of this article nominate a member of its supreme board formed prior to 10 May 2005, as per its articles of incorporation"

"The nomination applications are to be submitted to an independent committee entitled "Presidential Polling station" (PEC), formed of the chairman of the Supreme Constitutional Court (SCC) as chairman and the chairman of Cairo Court of Appeal, the most senior deputies of the State Council President and five public figures known for impartiality as members."

"Three of these public figures shall be elected by the PA while the other two by the Shoura Council, upon a proposal from the office of each, for a five-year term. The law shall decide who to replace the chairman of the committee or any of its members in case of any problems hindering their assigned role."

"This PEC – solely- shall be tasked with the following:

- 1- Announcing the opening of the nomination and supervision over its procedures, as well as announcing the final list of the nominees.
- 2- General supervision of the polling and sorting procedures
- 3- Announcing the election results
- 4- Deciding on all grievances and objections, as well as all matters related to its terms of reference, including the conflict of specializations.

5- Laying down the procedures regulating its method of work and how to exercise its authorities.”

“This PEC shall pass its resolutions with a majority of at least seven of its members, and its resolutions will be final and enforceable by themselves, and not liable to challenge by any means or before any authority. Further, its resolutions may not be exposed to interpretation or discontinuation of execution. The law regulating presidential elections shall outline the other specializations of the PEC.”

“Furthermore, the law shall determine the rules regulating the nomination to any vacant post of any of the nominees for whatever reason, other than assigning the nomination during the period from the beginning of the nomination process through the end of the polling.”

“The poll is to be carried out within one day. The PEC shall form sub-committees to run the polling and sorting, provided that they are supervised by members of the judicial authorities, all being under PEC.”

“The election of the PoR shall be in place upon a candidate’s acquisition of an absolute majority of the number of correct votes. If no candidate was able to get such majority, the election would be repeated among the candidates with the largest number of votes after at least seven days.”

“In the event of equality between more than one candidate in the number of correct votes, both should undergo a re-election whereupon whoever gets the largest number of correct votes is the winner.”

“Procedures for election of the PoR shall be carried on even though there were only one candidate or only one candidate remained as a result of the exit of the other candidates or because no one was

nominated to fill the position of those whose positions became vacant. In such cases, the candidate with the absolute majority of correct votes would be the winner. If such majority was unattainable, the law would dictate the procedures to be followed.”

“The PoR shall submit the draft law regulating the presidential elections to the SCC after ratification by the PA, and prior to its enactment in order to determine the extent of its conformity with the constitution.”

“The SCC shall pass its decision on this matter within 15 days from the date of presenting the matter to it. If the court decides the unconstitutionality of one or more provisions of the draft, the PoR shall return the same to the PA for implementing this decision. In all cases, the SCC's decision shall be binding on everyone, and shall be published in the Official Gazette within three days from the date of enactment.”

“Further, within the context of the same amendment, a new Article No. 192 bis was added to the Constitution, stipulating that “the word “election” replace the word “referendum” throughout the constitution text in connection with the election of the PoR.”

2- Enacting a New Law No.173 of 2005, Amending a Number of Provisions of Law No.73 of 1956 Regulating the Exercise of Political Rights.

This law, passed on 2 July 2005 and published in the Official Gazette on the same date, added to the previous Law No.73 of 1956 a new Chapter One (bis) entitled the Supreme Polling station, which reads as follows:

Article 3 bis: A SEC shall be established and formed under the chairmanship of the JM and membership of:

- Three members of the current judicial personnel in the rank of deputy president of the Cassation Court or its equivalent, and an equivalent number as standby, elected by the Supreme Judicial Council.
- Six public figures unaffiliated to any political party, of whom four shall be selected by the PA, provided that at least two of them are ex-members of judicial authorities. Shoura Council shall elect two, at least one of whom are ex-members of the judicial authorities, for a six year term. Each of the two houses of parliament should select an equivalent number of both categories as standby members.

(If there is any reason hindering the membership of any of the committee members, he shall be replaced by any of the standby members according to the order of their selection).

Article 3 bis (c): The said committee shall have the following functions:

- 1- Laying down rules for preparing the election lists and their contents, the method of reviewing, revising and updating them.
- 2- Proposing rules for determining the electoral constituencies.
- 3- Laying down general rules regulating election campaigns
- 4- Contributing in the awareness and educational efforts related to the elections and laying guidelines rules for the advancement of the election process.
- 5- Monitoring commitment to the electoral code of honor.
- 6- Announcing the general result of the elections and referendum
- 7- Commenting on the draft laws of the elections

Article 3 bis (d): "The State authorities (or any other authority for that matter) shall-upon the said committee's request – support its functions,

enforce its decisions and furnish it with any data or information deemed necessary".

Further, the new law included a new chapter (No. 4) titled "Election Crimes" which introduced a number of election crimes and reinforced the penalty for a number of other crimes. It has also avoided the dual incrimination which existed under the former law leading to imposing reduced penalties for bribery and forgery crimes in elections. Therefore, Article 39 of the new law stipulates that the acts incriminated under this law shall be punishable, without prejudice to any stricter penalty in any other law.

3- **Passing Law no.177 of 2005**, amending a number of provisions of Law No.40 of 1977 for the political parties system, which reconfirmed in a more detailed manner in its fourth article that in order to incorporate or continue any political party (fourth) "that a party, in its principles, programs, exercising its activity, selecting its leadership or membership, shall not rely on religious, class, sectarian or geographical basis, or on exploiting religious sentiments or discrimination as a result of gender, race or creed."

Second: Proposals of Draft Laws for the Protection and Reinforcement of HR and Freedoms

Draft law for the protection of freedoms

Aspects of the proposed amendment:

- PC
- reinforcing defense right

- torture crime

Explanatory note:

Egypt is steadily marching along toward more respect for HR and freedoms, on the grounds that protection of same is a fundamental guarantee for the progress and stability of the nation, and its protection from the adverse of and unpredictable fluctuations of our age.

It is also based on the grounds that supporting HR represents a priority in the political reform project, which served as the backdrop for last year's presidential and parliamentary elections.

Despite the principles comprised by the Egyptian constitution enacted in 1971 in its third and fourth chapters, promoting fundamental HR and freedoms, yet there are numerous legislative provisions which appear at variance with this level of constitutional protection.

This matter is visible on the level of incrimination and punishment provisions of the penal law (such as updating the legal structure for the torture crime by expanding its scope of incrimination and reinforcing the determined penalty).

It is also visible on the level of the provisions of criminal prosecution and trial stated under the CPL (such as amending the provisions for PC, promoting defense rights and guaranteeing the rights of defendants during the trial phase).

In both cases, there is a persistent need for either introducing amendments to such provisions or introducing new provisions altogether.

In fact, the need for such amendments is dictated not only because of the legal consideration for achieving the desired conformity between the constitutional protection guaranteed for such rights and freedoms on one hand, and the legislative regulation for the procedures which represent a violation of the same on the other hand.

Rather, the need for such amendments is also imposed in respect of Egypt's ratification of international conventions and agreements related to HR, with which the provisions in question appear inconsistent as well.

It is established by law that such international conventions and agreements ratified by Egypt, hence becoming part of the Egyptian law, enjoy the force of legal obligation, as stipulated by Article 151 of the current Egyptian constitution that international conventions have the force of the law after being concluded, ratified and published, in accordance with the determined conditions.

In all cases, such desired legislative amendments are included under the legal reform project, considered as a cornerstone for the democratic transformation phase which, like the rest of the world, Egypt is undergoing in order to ensure the conformity of its legislations with the fundamental HR.

Since protection of HR and freedoms is associated with several provisions of the CPL, in particular, the desired development aspects require amending the structure of the CPL itself and changing some of its systems and mechanisms related to investigation and trial.

This matter may not be achieved in reality without a comprehensive amendment of this law, which in turn exceeds the limits of this proposed partial draft, and that it should remain in all cases a legislative ambition

which merits effort. An example for this is permitting the appeal in the verdicts passed by the criminal courts on the grounds that this is considered a significant guarantee for the right of defense and an implementation of the principle of litigation on both degrees of litigation. This has been taken into consideration recently by a number of foreign legislations such as the French legislation.

This is in addition to enforcing the examining magistrate system stipulated theoretically in the Egyptian legislation but not implemented in reality, as being a guarantee for the principle of separation between the accusation and investigation authorities.

This principle has been considered by numerous comparative legislations, including Arab legislations such as the Moroccan legislation and the Lebanese legislation. Further, restoring the referral court, whether through the mechanism of the referral counselor or the indictment chamber, which was applied in Egypt in the past, reflects a significant guarantee, associated as well with the rights of the accused person.

The penal amendments incorporated by this draft of the freedoms law are characterized in the first instance by the reality of their procedures, without implying any effect on the bases and structure of the criminal law itself, nor its overall systems. Further, they represent on the other hand aspects of extreme significance due to their close connection with what may be called as rules of the minimum limit of the rights of the accused person.

These rules are covered by constitutional protection through the provisions of the 1971 constitution, as much as guaranteed by the

international conventions and agreements Egypt has ratified and is thereby bound.

Updating of the PC system (PC):

Perhaps the PC system represents one of the significant aspects which merit updating while protecting and promoting HR: the defendant may be placed under PC for a period up to several months or even years without any court verdict for his indictment. PC even takes place before the defendant's referral for trial.

Many world legislations, when having to occasionally resort to PC, would do so under strict conditions and guarantees to curb overuse as it legally contradicts with presumption for innocence and practically leaves negative impacts on the detained person in social, family, occupation and psychological terms.

No doubt, PC is a breach of the principle of innocence dictated by article 67- first paragraph of the Egyptian constitution of 1971 that the defendant is innocent until he is indicted in a legal trial in which all guarantees for defending himself are afforded to him.

Further, it violates Article 14-Para. 2 of the ICCPR of 1966, stipulating that every person accused of committing a crime is considered innocent until the crime is legally proven against him.

Like many other world legislations, the Egyptian legislation permits PC during interrogation if dictated by reasons to do with the effectiveness and necessities of the interrogation.

However, it has remarkably expanded this system without enough strings attached thereto. Also its period extends for longer than necessary.

All the above compares unfavorably with numerous other legislations such as the French and even a number of other Arab legislations such as the Moroccan, Lebanese and Jordanian. Further, practical reality reveals the PC, despite the existence of other alternatives which are pretty sufficient to achieve its objectives without being associated with its adversities, such as judicial monitoring and bail.

It is noted that PC is used even for crimes of a lower degree of seriousness, even those punishable by less than three months imprisonment, if the defendant does not have a known permanent address in Egypt.

This compares unfavorably with many other world legislations, e.g. as per the French legislation, this minimum limit is three years, or even five years in cases of money theft, swindling, hiding or laundering. In the Italian legislation, it is not less than three years, while in the Jordanian legislation it is two years and one year in the Lebanese legislation.

As for the PC duration: Articles 142,143,201,202 and 203 of the CPL stipulate that PC duration may extend for long periods, and may thus be transformed from being an exceptional arrangement dictated by the investigation requirements to a freedom deprivation penalty without an indictment court verdict.

Other foreign legislations, including a number of Arab legislations, tend to impose a reasonable maximum limit which cannot be exceeded. In the Moroccan legislation, for example, the custody period in

misdemeanors may not exceed one month extendable only by court order for the same duration no more than twice. In case of a felony, the maximum limit is two months, extendable only by court order for the same duration no more than five times.

In the French legislation, PC duration is also shorter than in the Egyptian legislation. Further, it has granted the freedoms and imprisonment judge a free hand in deciding this matter and taking whatever he deems necessary into consideration (Article 144/2 of the French CPL.)

As for the alternatives to PC: the desired legal updating of PC calls for considering other alternatives, whereby PC is confined to serious crimes or to dangerous defendants.

What is known as judicial monitoring represents a potential alternative to PC which involves several advantages: First, it avoids the negative impacts of PC, whether those related to the criminal legitimacy and the presumption of innocence rule, or those involving social, family, professional or psychological damages to the detained defendant.

Secondly, the judicial monitoring system ensures achievement of the considerations required by the prosecution and the investigation. It is notable that numerous Arab legislations such as the Moroccan and Lebanese legislations have opted for the judicial monitoring system.

As regards PC guarantees:

The Egyptian legislation lacks numerous guarantees for the PC that can alone guarantee conformity between the effectiveness of criminal

investigation and maintaining the security of the society on one hand, and the observance of the principle of innocence and HR on the other hand.

Perhaps the most significant guarantee required within the framework of developing PC system is to outline the reasons justifying it with admissibility of challenging it on the other hand.

Unfortunately, in no way does the Egyptian legislation define the reasons justifying PC, unlike other legislations which stipulate such reasons.

The French CPL for example stipulates in Article 144 in explicit and conclusive terms, that it is inadmissible to order for PC or extend it unless it is the only means to:

- 1- Uphold material evidence or consequences, protect witnesses or victims from being influenced or prevent illegitimate contacts between the defendant and collaborators.
- 2- Protect the defendant in person, and ensure that he is present at the disposal of the judicial authority.
- 3- Put an end to the continued exceptional public disorder resulting from the seriousness of the crime, the circumstances of the crime or the scope of damage caused by it.

In fact Article 134 of the Egyptian CPL, while stipulating the authority of the examining magistrate in ordering PC, has not included a specification of any of the French law reasons stated above.

It has merely made reference to the existence of sufficient evidence against a person accused of a crime punishable by imprisonment for

more than three months. The case of PC ordered by the PP (Article 137 of the CPL) is not dissimilar.

As regards the necessity of justifying the order for PC, it is noted that the Egyptian legislation is devoid of such a provision, which represents an absence of a significant guarantee, on the grounds that justifying court verdicts and decrees involves an overall legal and practical advantage.

If the CPL stipulates that the person apprehended or placed under PC should be informed of the underlying reasons (Article 139 AC). From the legal point of view, this information does not mean a justification for PC.

It is worth noting that the Egyptian legislation makes it imperative that the decision for filing a criminal law-suit (Article 154/3 AC) but does not do the same thing with the order for PC!!! Although the decree for the reasons accompanies the presumption of innocence rule, while the order for PC prior to the passing of a court indictment order is an encroachment on this rule (!).

Most contemporary legislations stipulate that the order for PC should be justified. For example, the Moroccan legislation requires justifying the order for extending PC (Articles 176 and 177 of the Moroccan criminal law passed in 2003).

Further, the French legislation requires justifying the order passed for PC (Article 145/8 of the French CPL). Also, the French law stipulates elsewhere (Article 137/3) that the order for PC or extending its period or rejecting the release request by the freedoms and imprisonment judge should be justified. In addition, it should include a list of the legal and factual considerations behind the decision that judicial monitoring is

insufficient and that custody is thus called for by referring to the provisions of Articles 143/1 and 144.

This provision is new in that it considers judicial monitoring as the original principle. It therefore resorts to PC as it assumes that judicial monitoring conditions do not exist or that conditions for judicial monitoring are insufficient.

Admissibility of challenging the PC order, represents a significant guarantee associated with the justification guarantee which is lacking in the existing Egyptian legislations. If work is ongoing on the admissibility of pleading against the custody order, pleading as a review means of an administrative character remains less secure and less effective than objection as a judicial review mechanism.

If Article 161 of the Egyptian CPL admitted the PP to challenge all the orders passed by the examining magistrate it may – at least theoretically – be inferred that challenging the PC order passed by him is inadmissible. Practically, this inference loses its value as the PP is almost the sole authority that dominates -in fact- the process of criminal investigation, passing the relevant orders thereof.

It is noted that the ICCPR ratified by Egypt, to become - according to Article 151 of the Constitution - a part of the Egyptian legal system, admits challenge as a mechanism of judicial review. Paragraph 4 of Article 9 of this ICCPR stipulates that every person deprived of his freedom by detention or apprehension is entitled to refer to the court in order for this court to decide without, delay, the legitimacy of arresting him and order his release if arrest is proven illegal.

Although the said ICCPR refers to detention and arrest, this also includes PC prior to the passing of a court order for indictment, as being deprivation of freedom.

This view is supported by the Article 14 of the same ICCPR that every person accused of committing a crime is considered innocent until proven guilty as per the law.

This way, deciding on the objection of the PC orders is a matter sought after by HR respect advocates as it is a rule dictated by Egypt's obligation arising from its ratification of the aforementioned ICCPR.

Promoting the right to defense:

As per the Egyptian legislation, the defendant's right to defense is an established rule. This right is affirmed under the Constitution (Articles 67, 69 and 71 of the Constitution), several provisions in the CPL (Articles 77,78, 124 and 125) and the legal profession law (Article 525 of the legal profession law no.17 of 1983).

However, the right of defense still merits reinforcement in light of the remarkable development in the comparative law and the advanced levels of protection guaranteed by international conventions and agreements. This right has therefore been upgraded from the stage of principles and general provisions to the stage of guarantees and implementation mechanisms.

For example, Article 67 of the Egyptian constitution stipulates in its discussion of the presumption of innocence that the "defendant is innocent until his indictment is proven in a legal trial in which he is

guaranteed the right of defending himself. Every defendant shall have a lawyer defending him."

Further, Article 69 of the Constitution stipulates as well that the "right of defense personally or by proxy is guaranteed."

International agreements and conventions for HR have in turn upheld the right of defense. Article 11, Para 1 of the International Declaration of HR of 1948 stipulates that 'every person accused of a crime is considered innocent until his committing of the crime is proven in a public trial in which he is legally granted all the required guarantees for defending himself."

The right of defense became crystal clear by Article 14 Paragraph 3 B of the ICCPR, of 1966 stipulating that "every person accused of committing a crime shall enjoy while his case is being heard, the time and facilities sufficient for him for prepare his defense and communicate with a lawyer of his own choosing".

According to the foregoing manner, the Egyptian legislator has added to the right of defense for those accused criminally, a constitutional protection according to Articles 67 and 69 of the Egyptian constitution, as well as international agreements and conventions ratified by Egypt.

However, although the defense right enjoyed constitutional protection, it still requires to move from the phase of theoretical considerations and principles to hardcore regulation and enforcement on the level of legislative provisions, and to more protection mechanisms and methods which abound in foreign laws.

Perhaps among the most significant methods of upholding the right of defense is a lawyer's right to review the case file prior to interrogation

by a reasonable period of time in order to get acquainted with the evidence directed against him that may include statements, documents and the like, as well as take photocopies of such papers and documents. Included also is the accused person's right to be notified of his scheduled appearance before the court in misdemeanors and violations prior to holding the hearing by sufficient time.

It is noted in this context that the Egyptian CPL, although it has established the right to reviewing the case file under Articles 84 and 125 thereof, nevertheless this right has not been granted the extent it merits regarding two aspects.

First the lawyer is admitted to review the interrogation within a very short period, i.e. the day preceding the interrogation or confrontation as is inferred from Article 184 AC. This may not suffice for an adequate review, or an adequate preparation for the defense.

In a foreign legislation like the French, it is made imperative that the case file be reviewed at least four days prior to the interrogation of the accused.

Secondly, the Egyptian legislator admits prohibiting the lawyer to keep apprised of or review the interrogation on the day preceding the interrogation without any justification or conditions for this prohibition.

Article 125 of CPL stipulates that "the lawyer shall be admitted to review the interrogation on the day preceding the interrogation or confrontation unless the judge decides otherwise." Therefore, it is perceived that depriving the defense lawyer of the defendant from the right of reviewing the interrogation prior to the interrogation or

confrontation is absolute, without attaching certain conditions to this prohibition.

If applying the defense right also requires informing the defendant of the charge directed against him when he gets the notice to appear before the misdemeanors court, the Egyptian legislation currently considerably restricts the period afforded to the defendant from the date of notifying him until the date of the trial hearing.

Article 233 of the CPL stipulates that "the litigants' notice to appear shall be prior to holding the hearing by one full day in case of violations and three full days at least in misdemeanors, upon the request of the PP or the civil rights attorney."

No doubt, the requirement for enforcing and upholding the defense right calls for a longer period, to enable the accused party to adequately prepare himself and his defense.

Proposed amendments:

Article (?) criminal procedures:

"PC may not be ordered or renewed unless it is established that any other precautionary measure is not appropriate.

Applying the PC may not be enforced if the defendant is a pregnant or breast-feeding woman, or if the person is in serious health condition or above the age of 70 years, unless an exceptional necessity thus requires".

Article 134: criminal procedures

"the order for PC shall be justified, and the arrest order shall include a statement of the incident and the relevant legal provision applicable, as well as the legal and factual considerations demonstrating insufficiency of alternative precautionary measures other than PC.

The order for PC shall only be issued for the following reasons:

- 1- Maintaining material evidence or consequences of the crime or preventing any influence on the witnesses
- 2- Protecting the accused person and ensuring his presence at the disposal of the judicial authority.
- 3- Preventing recurrence of the crime and putting an end to violation of public security and order.

Article (134) bis – criminal procedures

"If is established after interrogating the defendant or in the event that he escaped or for any of the reasons stated under the foregoing articles that there are adequate evidences and the incident is a crime or misdemeanor punishable by imprisonment for a period exceeding one year, the examining magistrate may order that the defendant be placed under PC.

It is always admissible to place the defendant under PC if he has no known permanent residence in Egypt and if the crime is a misdemeanor punishable by imprisonment for a period exceeding six months."

Two new paragraphs (added) to Article 149 – criminal procedures

"Instead of the PC, house arrest may be ordered, and in such case the provisions of the PC related to period, renewal and other provisions shall apply. House arrest applies to sick and elderly persons and pregnant or breast-feeding women."

"Among the PC alternatives as well is the order to prevent the defendant from traveling abroad whenever the following conditions exist:

- 1- The travel ban decision is justified and passed by the PP alone
- 2- The incident attributed to the accused is a crime
- 3- Sufficient evidence exists for fear of the escape of the accused or his travel abroad may influence the evidence of the case.

The travel ban decision is liable to objection before the court concerned with reviewing the case mater every three months.

Article (151/2) amended- criminal procedures:

"In case of referral to the Criminal Court, order outside the judicial term shall be within the jurisdiction of the Appealed Misdemeanors Court. The latter court shall also be concerned with considering the case of imprisoning a person accused of a misdemeanor, until the date of the first trial hearing.

In all cases, the Appealed Misdemeanors Court held in the chambers may order each time for continuing the imprisonment of the defendant for a period not exceeding fifteen days, starting from the date of the previous imprisonment decision.

Article 151 bis (added) criminal procedures:

“Release - by force of the law - of the accused who has been referred while imprisoned or the defendant whom the court decided to imprison, shall be granted if no decision is made on the case subject within three months, whenever the accusation is related to a misdemeanor, and within six months in the event of being accused of a crime.

In all cases, however, the court may decide to continue imprisonment of the defendant for a longer period of time according to a justified decision.

Article 125 first paragraph (amended) criminal procedures:

“The lawyer shall be admitted to view the investigations within at least three days prior to the interrogation or confrontation, unless the judge decides otherwise for urgent reasons.”

Article 125 last paragraph (added) criminal procedures:

“The detained defendant shall be enabled to communicate with his family.’

Article 126 (amended) penal law:

“every public servant who has had a defendant or a detainee tortured, has done so, has so instigated, has corroborated such occurrence, has been acquiescent on the same, without preventing or reporting the acts of torture and their perpetrator, for the intention of this person or a

third party obtaining information or confession or to punish him for the act he or a third party did, or to terrify him or force him to carry out or refrain from doing an action, shall be punished by life imprisonment or reinforced imprisonment.

If the victim dies as a result of torture, said employee shall be punished by the penalty determined for manslaughter.”

Chapter Four
NCHR Activities

Chapter Four

NCHR Activities

The NCHR carried out numerous tasks and activities during the year 2005 in various domains of HR on the domestic, regional and international levels.

On the domestic level, the NCHR continued its field follow-ups through checking prisons, forming fact-finding missions, monitoring elections, in addition to the internal committees of the NCHR, represented in holding seminars, conferences, workshops and hearing sessions in issues related to HR, as well as the idea of HR saloons to which the NCHR invited thinkers and HR activists in Egypt. Further, the NCHR went on to deepen the dialogue and cooperation with civil society organizations operating in the field of HR. This was crystallized specifically in the presidential and parliamentary elections held recently.¹⁷

On the regional level, the Council took interest in cooperation and dialogue with counterpart Arab institutions, reflected in organizing the "Regional Symposium on National Institutions for HR in the Arab World."

(17) Statements issued by the NCHR meetings.

Further, the NCHR takes interest in the continuation of interaction with Arab political, ideological and legal figures to expand the establishment of more national institutions operating in the HR domain.

It is worth noting here that a meeting was held between NCHR President and a Syrian delegation to discuss means of establishing a Syrian NCHR. The meeting delivered an invitation to the Syrian side to participate in the NCHR's work as well as participate in the activities of the 2nd meeting of national institutions held in the State of Qatar.

On the international level, the NCHR's activity witnessed a remarkable cooperation with the international organizations and authorities concerned with HR, manifested in several meetings, dialogues and international conferences in which the NCHR participated.

First: Seminars

- **Seminar on the Conditions of Prisons: Between Reality and Ambitions**

The NCHR's Complaints Committee organized this seminar on 21 February 2005 for the purpose of crystallizing a comprehensive view on a new punitive philosophy to effect a change in laws and legislations in order to conform to the international conventions on HR and the decrees of the Prevention of Crimes and Treatment of Criminals Conference, adopting new punitive policies, such as alternative punishments to a number of freedom-deprivation penalties. The seminar discussions focused on the following topics:

- Revision of the Egyptian legislations and laws to conform to the international agreements and conventions on HR

- Revision of punitive practices inside Egyptian prisons and the extent of their conformity with the modern punitive policies.
- Activating the role of the PP to supervise the prisons.

The seminar concluded with the following recommendations in the field of improving the conditions of Egyptian prisons:

- 1- Reconsidering the prisons regulation law 396 of 1956 and amending the internal regulation of the prisons to conform to the principles of minimal treatment of prisoners, ratified by the UN.
- 2- Revising the criminal legislations for the purpose of limiting freedom-deprivation penalties.
- 3- Forming a national independent committee for conducting a comprehensive investigation to identify the conditions of the Egyptian prisons generally, and investigate the statements circulated about the deterioration of their conditions and the conditions of those detained inside them.
- 4- Eliminating the phenomenon of closed prisons which is considered among the most significant hurdles against practicing visitation and correspondence rights.
- 5- Giving up the method of repeated detention for political reasons, and appealing to the Mol for the immediate release of detainees who obtained final verdicts for release.
- 6- Activating the role of the judiciary in monitoring the prisons and detention locations, and proposing to issue a new legislation to appoint a judge to supervise the implementation of penalty inside the prison.

- 7- Transferring the responsibility for the prisons from the MoI to the MoJ.
- 8- Disseminating legal education among police officers on the method of interacting with the detainees inside police stations and centers.
- 9- Amending article 126 of the penal law concerned with mistreatment of the accused in order to reinforce the penalty for torture.
- 10- Inviting the government to provide the required financial resources to develop Egyptian prisons.

- **Regional seminar on the HR national institutions in the Arab world**

Under the umbrella of the NCHR' concern for dialogue with the Arab national institutions for HR, the NCHR organized – in cooperation with the Higher Commissariat for HR and the UNDP and the Arab League- the regional seminar on national institutions for HR in the Arab word, 6-8 March 2005, Cairo.

Delegations from 17 Arab countries representing national institutions for HR, as well as parliamentary committees concerned with HR and the Ministries of Justice in the countries in which no national institutions for HR exist, as well as representatives of NGO's active in this field (as observers), delegations from regional organizations representing geographical blocs of the world (Africa, Asia and Europe), representatives of a number of nongovernment international organizations operating in the HR domain, as well as the UN specialized agencies participated in this conference.

Discussions focused on the following topics:

- Conceptual, legal and historical framework of national HR institutions according to Paris Accords.
- The general framework for the functions of national HR institutions.
- The principles of the independence of national HR institutions and their success factors.
- Reviewing the experiences of national institutions for HR in a number of Arab countries.
- Reviewing a number of regional experiences in the field of national institutions for HR in the African continent (Kenya), Asian continent (South Korea) and Europe (France).
- The relationship of national institutions for HR with the UN mechanisms for HR, the HR committee and its procedures, as well as the role of the Higher Commissariat for HR.

The seminar concluded with the following recommendations:

- 1- Appealing to Arab countries which have not ratified as yet the international agreements concerned with HR in order to ratify them, as well as complete the ratification procedures of the Arab convention for HR, and establishing its implementation mechanism.
- 2- Inviting Arab countries which have not established as yet national institutions for HR to do so, in conformity with the UN general assembly resolution no.124/64 dated 17 December 1993.
- 3- Appealing to Arab nations to observe the independence of national institutions for HR and enabling them to perform the tasks entrusted to them as per the laws establishing them.

- 4- The necessity of having national HR institutions participate in laying down action plans indicating the steps and priorities which the country may follow in order to promote the protection and observance of HR.
- 5- The necessity of establishing the appropriate frameworks to promote and deepen constant and effective coordination between national institutions for HR and NGOs, based on common objective.
- 6- Supporting the recommendations issued by the Arab permanent committee for HR in its 19th session, held in Cairo on 7 February 2005.
- 7- Welcoming the initiative of the State of Qatar on hosting the UN HR Center for South West Asia and the Arab Region, and inviting national institutions for HR and the remaining parties to cooperate with the center upon its establishment.
- 8- Commending the efforts of the Higher Commissariat for HR in Arab countries, and inviting it to intensify its activities for supporting national institutions for HR in terms of their activities and programs.
- 9- Enabling national institutions for HR to undertake research and investigation in HR violations pursuant to the complaints they receive or upon their initiative.
- 10- Activating the role of national institutions for HR in offering advice, proposals and recommendations to the State authorities and bodies in all matters related to the political, civil, economic, social and cultural HR.
- 11- Inviting Arab national institutions for HR to reinforce their cooperation with the UN conventions mechanisms, the HR Committee and the Higher Commissariat for HR.

- 12- Inviting Arab and international HR national institutions to address priority in achieving the fundamental HR and freedoms for the Palestinian people and their legitimate rights.
- 13- Inviting Arab and international HR national institutions to show solidarity with the Iraqi people against any violations of HR to which they may be exposed.
- 14- Inviting Arab countries to lay down a strategy to confront all the laws and practices provoking hatred and discrimination, including those targeting Arabs and Muslims.
- 15- The necessity of having national institutions for HR observe each of the international criteria on HR and the religious, civilization and cultural elements, values and principles.
- 16- Inviting the Higher Commissariat for HR to facilitate the holding of periodical meetings similar to this seminar for the purpose of promoting HR in the Arab world.
- 17- Submitting Cairo Declaration document issued by the seminar, with its recommendations, to the Arab summit in Algeria.

The seminar activities were concluded with the passing of "Cairo Declaration" underlining matters agreed upon during the seminar activities.¹⁸

Further, the second seminar for Arab national institutions for HR in Doha, 4-6 March 2006 was held to complete the dialogue which started among national institutions on HR issues, and to discuss the best means for achieving constructive and fruitful cooperation among them. The

(¹⁸) Cairo Declaration issued by the regional seminar on national institutions for HR in the Arab world

seminar delivered "Doha Declaration" which focused on discussing HR culture.¹⁹

- **Arab parliamentary seminar on the UN anti-corruption agreement**

The social committee of the NCHR organized the Arab parliamentary seminar on the UN anti corruption agreement in Cairo, 15-16 June 2005, in cooperation with the Egyptian PA, the "Arab Parliamentarians Against Corruption Organization" and the UNDP Governance Program in the Arab countries, with participation of more than 180 participants representing parliaments, Arab governments and judicial authorities, civil society organizations and private sector institutions in a number of Arab countries, UNDP, UN office concerned with drugs and crime, the World Bank and representatives of NGOs amid intensive media coverage.

The seminar discussed the possibilities of activating the UN anti corruption agreement and making national legislations agree with its provisions, as well as urging the countries which have not signed or ratified the agreement yet to expedite joining the agreement and ratify it.

The seminar concluded with the following recommendations:

- Seeking to combat corruption of all forms.
- Promoting transparency and accountability, both being the most prominent components of good governance, in the public and private sectors.

(¹⁹) Doha Declaration issued by the 2nd seminar on Arab national institutions on HR.

- Promoting the role of parliamentarians in combating corruption, as being the prime legislator and the authority entrusted with monitoring the executive authority.
- Stressing the role played by the judiciary and monitoring bodies in combating corruption.
- Supporting civil society organizations specialized in anti corruption affairs and promoting transparency and accountability.
- Considering the UN Anti Corruption Agreement to help Arab countries to combat corruption in a comprehensive and effective form.
- Applauding the Arab countries that ratified the UN Anti Corruption Agreement and appealing to those who did not do so without delay.
- Revising the national legal and institutional framework for combating corruption forms and practices, developing and upgrading it to conform to the globalization variables and economic open-door policy.
- Building national, regional and international networks and partnerships to promote international cooperation in the domain of anti corruption.
- Striving to maximize the benefit from regional and international experiences in the field of combating corruption.
- **Seminar on increasing health awareness for children, providing healthy housing to them and providing educational opportunities to reflect the correct concept of HR principles :**

The cultural committee of the NCHR organized a seminar on "increasing health awareness for children, providing healthy housing to them and providing educational opportunities to reflect the correct concept of HR principles" in cooperation with the UN Fund for the Rights of Population, on 15 November 2005 at the diplomatic club for one day, in which a large number of scientists and researchers in the childhood field, as well as audio-visual and printed media officials and representatives from the Ministries of Health, Culture, Social Affairs, Awqaf and Education, and a number of private organizations participated.

The seminar emphasized the increasing awareness in everything related to the child in the Egyptian society through the concerned bodies, starting with the family, and affirming the role of the audio-visual and printed media, the role of culture in disseminating this awareness, besides the significance of the role played by the Ministry of Awqaf and preachers in making this program a success, making the public aware of such activities and pointing to the significance of the role played by clergymen.

The seminar concluded with the recommendations related to the welfare of the child, throughout the various stages of his life, the role of such authorities as the Ministries of Health, Housing, Information, Education and Culture, and the role of the family and community institutions in upbringing the child physically and psychologically.

- **Training course on international human law**

The NCHR, in cooperation with the Egyptian Ministry of Foreign Affairs, represented by the Diplomatic Institute, in participation with the Human Law Institute in New York, organized a training course leading to a

diploma in human law for 3 weeks, which started on the 4th September 2005. The course focused on the various aspects of the international human law and its applications.

Second: Conferences

- **Conference on Democracy and HR in the Arab World**

The NCHR in cooperation with the UNESCO and the International Center for HR (Byblos – Lebanon) organized this conference in Cairo, which was attended by representatives from Arab national institutions for HR, 19-20 December 2005. The conference discussed the following topics:

- 1- divine legislations and democratic rule
- 2- forms and phases of democratic rule
- 3- the international dimension of the democratic rule
- 4- responsibilities of the Arab democracies
- 5- the relationship between democracy and HR and development
- 6- the relationship between democracy and globalization

The conference was concluded by the issuance of certain recommendations⁽¹⁹⁾.

- **International conference for development and removal of mines from the north western coastal area :**

The social committee of the NCHR organized the international conference for development and removal of mines from the north

⁽²⁰⁾ Recommendations of the Conference on Democracy and HR in the Arab World.

western coastal area in Cairo for three days (27-29 December 200). A large number of those concerned with the mines issues worldwide whether GO's or NGOs participated in the conference.

So did a considerable number of experts and those concerned with the various economic, social and humanitarian aspects of the mines issue, in addition to civil society organizations and institutions operating in this field. A number of the relatives of mines victims in the north western coast area participated in the conference, as well.

The conference focused on the necessity of removing the massive amount of mines planted in the north western coast of Egypt during World War II, which is now a little less than 20 million mines according to the current estimates in this respect, and the significance of international cooperation to confront this problem.

Discussions were held in the conference on the following topics:

- Egypt and the mines problem
- Mines and HR
- Mines and the international law (existing international legal frameworks)
- International efforts and the role of international organizations in the removal of mines and assisting the victims
- Efforts of the civil society organizations and NGOs in removing mines and assisting the victims
- Egyptian national efforts for development and removal of mines

The conference concluded with issuing the following recommendations:

- 1- Egypt's invitation to reconsider its official stands declared in connection with the international agreements related to mines and particularly the Ottawa agreement for the prevention of mines of 1997.
- 2- Inviting advanced countries and international organizations to provide Egypt with the expertise and advanced technical and technological means and methods to ensure effective contribution in the process of cleansing the area of mines.
- 3- Establishing a fund to be allocated for the cleansing of the north western coastal area of mines, provided it is funded by the countries who were fighting in WWII, as well as other countries and international institutions and corporations.
- 4- Preparing a comprehensive Egyptian plan and framework not exceeding five years to cleanse the north western coastal area of mines, under the umbrella of international cooperation plan.
- 5- calling upon the Egyptian government to adopt creative and non traditional means to intensify Egyptians' own efforts to cleanse the area of mines.
- 6- Inviting international NGOs to launch an international campaign targeting the reinforcement of the Egyptian efforts for cleansing the north western coast of mines.
- 7- Inviting the NCHR to form a committee for following up the implementation of these recommendations in close cooperation with the concerned Egyptian authorities.

The conference concluded its work and discussions by issuing Cairo Declaration of 27-29 Dec. 2005. ⁽²¹⁾

Third: Field Visits

1- The NCHR delegation's visit to Al Areesh City

The civil and political rights committee held on 27/3/2005 a hearing session of representatives of NGOs active in the HR domain to be apprised of the incidents which took place following Taba explosions, particularly cases of random arrest, detention and torture of hostages, including men and women.

Pursuant to this session which referred to the occurrence of a number of violations, the committee submitted its report to the NCHR and recommended that a delegation should visit Al Areesh City to be apprised of the incidents concerned.

A delegation consisting of the NCHR members visited Al Areesh City on 18/5/2005, where it met with the governor of North Sinai in his office, in the presence of members from the PA and Shoura Council representing the governorate, and the NDP secretary.

Members of the Delegation reiterated the viewpoints which had been expressed in the hearing session held at the NCHR, with emphasis on the large number of detainees and the atmosphere of terror which prevailed in Al Areesh City, as well as taking women as hostages until the wanted persons surrender themselves and the torture to which detainees were exposed.

⁽²¹⁾ Cairo Declaration issued by the international conference on development and removal of mines from the north western coastal area.

Further, the Delegation focused on the current problems facing released employees and students as a result of the absence of any official proof confirming their absence from work or study. They have also pointed to the financial hardship to which the families of the detainees were exposed.

The governor explained that in connection with the extensive detention campaigns and the number of detainees, no one can determine their exact numbers precisely and that the current figure is approximately 100 detainees. He has strongly objected to the reports that a reign of terror prevailed in Al Areesh City, and strongly denied that any type of torture, or even beating or psychological force was exercised.

As regards the statement on the detention of women as hostages, he replied that probably it took place in specific cases at the beginning and that they were released immediately following the required intervention. Further, member of PA for Beer El Abd District said not a single lady was detained from his district.

So, as regards the hardships facing the detainees after their release, the governor said all of them returned to their work or schools immediately after their release. Also, the NDP secretary has confirmed that no actions were taken against the family of Ayad, the prime accused in Taba explosions, who was killed during this incident.

Then, the NCHR delegation met with more than 40 families of the detainees and those released at the HQ of Al Tajamu Party in Al Areesh City, after which it went to El Wadi El Akhdar Valley to meet with another group. Three ladies who met with the delegation said threats were used against them to deter them from meeting with the delegation.

The majority of the detainees' families who met with the delegation said the majority of detainees are from the "religious segment" or the so-called "religiously compliant". A number of cases focused on the suffocating financial crises sustained by the detainees' families, especially those who work in the private sector.

As for the detention of women as hostages, a woman called "Naaima Abdulla" said she was detained for 41 days, while another woman called "Amnah Rabah" said she and her breastfeeding child were detained for two days. Other women from El Wadi El Akhdar spoke about the detention of 10 of them for one day.

Further, all those who met with the committee- except two cases- agreed on the torture of the detained, but there was no reference to the torture of women.

Conclusions of Mission:

The circumstances that gave rise to El-Areesh incidents are hardly separable from the overall state of emergency. Therefore any partial treatment of the problem will not work. Only drastic measures will. Insofar as the same circumstances hold, El-Areesh incidents may take place once again.

There seems to be an agreement that transgressions did occur during the first days that followed the incidents, including the detention of women as hostages. However, disagreement between official and private stories on torture does exist. To unravel the full truth, legal and judicial steps need to be taken.

Partial disagreement exists as to whether the detainees and those released are being reimbursed their full dues or not. There is also partial disagreement as to the conditions of student detainees who were released.

There is agreement that the conditions of detainees in Damanhour Prison have improved, but not sufficiently. On the other hand, it appears that the official count of this Prison detainees (100) is not credible. The Mission has met the relatives of about half of them within El-Areesh City and the tiny village of Al-Wadi Al-Akhdhar only.

Following this field visit, NCHR promptly transmitted its conclusions to the Mol and the Attorney General which included the damages sustained by the families as a result of apprehending their relatives. Reported were mistreatment of the detainees' relatives, scattering of the contents of their houses, destroying their plants, disconnecting their telephone lines, taking some family-members as hostages.

Relatives of detainees were even subjected to torture, extracting false confessions from them. Following such incidents, the detainees were also exposed to illegal detention conditions, and non-implementation of court verdicts to release them, as well as non-payment of their financial dues from their employers.

The reply of Mol to the NCHR's complaint indicated that about 60 persons who embraced the Jihad ideology were involved in the 7/10/2004 and 23/7/2005 South Sinai terrorist attacks. Some of these were apprehended and referred to the competent authorities that initiated investigation with them. The search and apprehension processes were confined to group-members who had reportedly assumed a major role in committing such crimes.

Family-members were totally excluded from apprehension. Nor were they exposed to torture or mistreatment. According to Mol, such allegations were apparently motivated by the detainees families' wish to exercise pressures so that their detainees may be released as a result.

2- Visit by the NCHR representative to Journalist Asma'a Hareez

The NCHR delegated on 1/12/2005 one of its staff to interview Journalist Asma'a Hareez (a journalist under training at Al Karama Newspaper) in connection with the assaults she was exposed to while performing her journalist duties in the second phase of the 2005 parliamentary elections. Here is the journalist's account:

On 26/11/2005, at approximately 11:00 p.m., she was abducted while being in front of the sorting committee premises located behind Shubra El Khima Police Station -2. Unknown to her, the abductors overpowered her, pushed her into a black private saloon car, and sped away to an unknown place. There she was physically assaulted by a number of persons, some of whom were armed. She was also assaulted by a number of women. Then she was returned to the car and thrown in Abdulmoniem Riyad Square beneath 6th of October Bridge, on the following day at 1:00 a.m.

According to her account, this caused her to sustain the following injuries:

- A fracture in the right forearm- a suspected post concussion - a fracture in one of the molars near the right side of the upper jaw- bruises between the spinal cord discs- a rupture in the ligaments and

arteries in the right foot in the pelvis and knee area- dehydration of the right eye - various injuries and bruises all over the body

- At that time, the NCHR communicated with the concerned authorities to investigate this incident and has not received a reply as yet. It has also requested that she be treated at the State expense. Upon the NCHR's follow-up inquiry, the aforementioned said she had received two calls from the Ministry of Health urging her to go to the HQ of the specialized Doctors' Syndicates. However, her family preferred to provide her with treatment at their own expense.

3- Visits to the prisons

Pursuant to the provision of Article 3 Paragraph 4,5 of Law 94 of 2003 establishing the NCHR, and in view of the numerous complaints received by the NCHR in connection with the poor conditions inside prisons, the NCHR decided to have a closer look at such conditions. Therefore its visits to the prisons rose from one last year to 3 visits this year.

A- Visit to Al Kanater El Khairiya prisons

In coordination with Mol, and in conjunction with a representative from the HR Society for the Assistance of Prisoners, a delegation from the NCHR, chaired by the Vice Chairman visited El Kanater El Khairiya prisons (men and women) on 15/2/2005, in partial fulfillment of the NCHR program for checking on the conditions of the prisons.

The delegation was welcomed by Maj. General M. Wagdi, Assistant to the IM for Prisons Authority, who accompanied the delegation to the area allocated for the families visiting their relatives, then to the

furniture showroom, and the women-prison hospital. At the entrance of this hospital, a list of the physicians and their working hours was posted. There was also an advanced and equipped vehicle (mass check-up vehicle) where prisoners are periodically examined, especially chest disease patients. The prison pharmacy, located in a room adjacent to the hospital, is equipped with two wooden cupboards divided up into a number of shelves on which different medicines are placed.

The delegation also visited "Martyr Yousef Abbas" School in the prison, from which prisoners obtain a diploma of industrial secondary schools. This is the only school available inside the Egyptian prisons. The delegation also visited the literacy classes inside the women's prison, in which female prisoners are being instructed to reach the following educational stages (preparatory and secondary). Female prisoners who hold bachelor degrees help eradicate the illiteracy of the remaining female prisoners.

Then the delegation checked the ward of the imprisoned mothers and pregnant women to check their conditions and the care offered to them and their children. In response to a question by the Delegation, the prisoners confirmed that their babies' (born during their prison-term) have their birthplace box in their birth certificates filled with this: "Registered at El Kanater El Khairiya Health Office", without mentioning the prison.

Furthermore, the delegation visited the readymade factory in the men's prison. The NCHR Vice Chairman spoke with one of the prisoners working in the factory, called Said Habeeb, who said he learned how to make garments in the prison.

The NCHR delegation raised a number of questions with the MoI representatives on the treatment of men and women inside the prisons, and the extent of availability of their minimum basic rights.

Also, the NCHR delegation attended in the men's prison one of the committees held for release, to which 9 cases were referred (seven men and two women- including foreigners). One of the candidates, Safaa Qadri, who was serving a life-sentence with hard labor for a drug-trafficking case, had already spent 20 years behind bars. She came however to be known for her good conduct and behavior during this period. She was also declared to be free from any financial liabilities.

Henceforth, she achieved a conditional release by general consensus of the Committee.

The female prisoners brought to the attention of the Committee a number of their problems, such as the multiplicity of verdicts in cheque cases, or the post-release surveillance as being a supplementary punishment affecting the reputation of their families, and constituting a hurdle towards exercising their normal lives. The prisoners convicted of drug cases also raised their demand that the judicial year (9 months) be the basis of prison-term calculation. Another objection was to do with the long period for cassation in the their cases.

The NCHR Vice Chairman promised the complainants that all their issues would receive the NCHR's due attention. Some of the issues, he confirmed, are already under study and are awaiting the appropriate actions, such as conditional release, slow litigation procedures and PC.

B- Visit to Torah 992 Prison

On 5/1/2006 a delegation from the NCHR, chaired by the Vice Chairman, visited Torah 992 Prison, known as "Reinforced Security or the Scorpion" which is located within the area of the central prisons in Torah. The delegation was received by Major General Mahmoud Wagdi, Assistant to the IM for Prisons Authority.

The delegation entered the place where prisoners meet their families. It was time for an exceptional visit on the occasion of the Christmas. The delegation also checked the prison kitchen, then the examinations complex where examination committees are held for both Cairo and Ein Shams Universities jailed students. Further, the delegation visited the various rehabilitation workshops (shoes, furniture and wooden boards).

Afterwards, the delegation visited the wards and cells in which the prisoners are imprisoned. It met with the prisoner "Ahmad Ageezah" who was serving a life-sentence with hard labor on charges of joining a prohibited group. The delegation observed that the cell area is approximately 2.50 x 0.75 m, and that it has a wash sink equipped with a working tap and a toilet, a cement bed with two blankets, a ceiling fan and exhaust fan fixed on the room window, as well as personal effects (e.g. stone heater for tea) in addition to some books and papers and a 14-inch television set.

Ahmad Ageezah spoke with complete freedom, in the presence of the Prisons Authority senior officials, about his exposure to torture and mistreatment during his apprehension and investigation. He also said he was deprived of visits. He said he had earlier submitted a complaint to the Attorney General who referred the same to the Commissioner of the

prison who was the object of his complaint. In no way was any related investigation carried out.

He requested enhancing the living and hygienic conditions of the prisons as well as the visiting system. Another of his requests was for considering the legitimacy of the military courts, especially since he was tried before a military court.

The delegation also met with a number of Jihad Group prisoners who asked for mediation to help their initiative for discontinuation of aggression be accepted by MoI so that accordingly they be set free.

Fourth : workshops

- **A one-day workshop titled "HR, Development and Investment" on 27 November 2005.**

Represented were Egypt, Tunisia, Qatar, Morocco, Jordan, Djibouti and Sudan, UNDP, UNESCO, and UN Population Fund.

Discussions focused on the following topics:

- The status of investment in Egypt and the problems involved.
- The relationship between investment, development and HR.
- Regional and international cooperation for investment and development

Recommendations of the Workshop:

For more employment opportunities,

- 1- More investment in viable projects is needed.
- 2- Promotion for national and foreign investment opportunities would lead to more employment.
- 3- Activate role of the Social Development Fund in helping young graduates.
- 4- Apply the principle of equity and unbiased selection of job candidates, only taking qualifications and competencies into account.
- 5- Run training courses for fresh graduates to qualify them for the labor market.
- 6- Include public participation in the development process to achieve a linkage between democracy and development and between HR and basic freedoms.
- 7- Help women play a vital role in development.
- 8- Consider the establishment of economic courts for rapid settlement of economic / investment cases.
- 9- Confine freedom-depriving penalties to willful economic crimes involving gross encroachment on the national economy. As for economic crimes which occur by way of negligence, fines would suffice.
- 10- Activate the laws on economic rights as per Egypt's obligations under international agreements and conventions.
- 11- Promote more dynamically the right to development through investment. Feasibility studies for possible projects and their costs can be prepared for presentation at business conferences in Egypt, the Arab and foreign countries.

12- Run more workshops on economic rights issues focusing on development associations' support.

- **One-day workshop on journalism and HR on 11 May 2005:**

Organized by NCHR, in participation with the Egyptian Authority for Training and HR.

The workshop was entrusted with handling the issue of journalism and HR and the relationship between them through organizing discussions and open dialogue between workers in both fields to create more cooperation.

Discussions also addressed the political reform process in Egypt and the associated presidential and parliamentary elections, following the amendment of Article 76 of the Egyptian Constitution. The significance of the role of journalism and HR was affirmed as being two basic elements of the reform process.

Fifth: Hearing Sessions

- **Hearing session with representatives of a number of civil society organizations concerned with HR in Egypt in connection with El-Areesh and Serando incidents:**

The joint committee formed of the Civil and Political Rights Committee and the Complaints Committee met on 27 March 2005 to listen to representatives from a number of HR NGO's in Egypt in connection with their reports on the violations committed against HR in El Areesh City,

following the Taba terrorist incidents in October 2004, and the Serando Village incidents in January 2005.

The concerned organizations were represented to the meeting by:

- 1- Mr.Ahmad Seif Al Islam Hamad, "Hesham Mubarak Center"
- 2- Ms.Ragiya Abdulmoneim Omran, "New Woman Society"
- 3- Dr.Suzan Fayad, "Al Nadim Center"
- 4- Mr.Shadi Abdulkarim, Ms.Wala'a Abdulatif, Mr.Yasser Sami, "Egyptian Organization for HR"
- 5- Dr.Magdah Adli, "Egyptian Anti-Torture Society"

Representatives of the organizations pointed out practices related to breaking into houses, tampering with their contents, random apprehension of suspects from houses, mosques and the streets, and particularly arresting female relatives of runaways to pressurize them to hand over themselves.

In this context, representative of the "New Woman Society" stressed the necessity of discontinuing the practice of arresting women as hostages in order to pressurize those wanted to hand over themselves.

Based on criteria pointed out in the detailed reports lodged with the NCHR, representatives of the organizations estimated the number of detainees in El Areesh at approximately 2000 to 3000 detainees. They also pointed out the use of several torture methods including beating, suspending from ceilings, electrocution. Remaining traces of such torture are said to be conspicuous on the bodies of the discharged detainees.

In this context, representatives of the organizations pointed to contradictions in the official reports which included interpretations for the death of Nafisah Al Marakbi.

They also pointed to some practices of sexual harassment of the female detainees or women in general whose houses were searched, and to unconfirmed information about the attendance of foreigners (understood to be Israelis) at the investigation sessions during El Areesh incidents.

All the above, as reported by representatives of the organizations, led to a state of terror and anxiety at the incidents scenes, which reflected on the diminishing life signs there and a state of voluntary curfew by the citizens (refraining from walking in the streets, closure of shops, etc).

Reported also was the phenomenon of witnesses' change of their testimonies and refraining from cooperating with representatives of HR organizations, fearing for the punishment of security authorities.

Following the termination of the hearing session, members of the joint committee held a closed meeting, which concluded as follows:

- 1- Express their extreme fear towards the above said statements of representatives of the organizations, which reflect, along with similar statements in previous incidents, a common methodology for security handling with the citizens in issues related to the essence of HR.
- 2- Express extreme fear towards the statements of organization representatives on witnesses' and victims' relatives' collective withdrawal of their statements in an illogical manner, which raises anxiety.

- 3- Recommend that the NCHR look into these incidents with due speed and seriousness, and request to be furnished with all the relevant, details and documents, including the medical reports on the condition of Nafisah Al Marakbi.
 - 4- Recommend that a committee, chaired by the NCHR Vice Chairman, be set up to conduct prompt field visits to the locations where the incidents took place, to assist in reaching an objective assessment of the true incidents. This assessment can help the NCHR take an effective stand towards the whole issue.
- **Hearing session with Counselor Osama Attawya (Secretary-General of the Higher Committee Supervising Presidential Elections)**

On 21/9/2005, NCHR Committee on Civil and Political Rights held a hearing session on the NCHR premises with Counselor Osama Attawya on 7 September 2005. Here is the outcome of this session:

- The Counselor explained that the committee stance for not permitting surveillance by the NCHR and civil society organizations of the election process is attributed basically to the stance of some organizations whose political positions make their impartiality a matter of suspicion. This is in addition to the sensitivity of the surveillance condition for a number of judges supervising the committees.
- However, the committee observed the possibility of some committees being visited by representatives of the NCHR and civil society organizations wishing to do so.

- As for the election schedules and lists, Counselor Osama Attawya said these are basically the task of the MoI, by virtue of the law.

Members of the NCHR commended the election experience despite a number of blemishes, including:

- 1- The negative stance on part of the Presidential Polling station toward the request of civil society organizations and the NCHR to follow up the elections.
- 2- The Committee's responsibility for providing all the candidates with the election schedules way prior to the elections.
- 3- The right of Egyptians abroad to vote in the elections.
- 4- The right of the candidates' representatives to attend the process of sorting the votes.

- **Hearing session on the criteria of selection of candidates for government and judicial jobs in particular :**

The Social Rights Committee, chaired by Dr.Hosam Badrawi, held a hearing session to discuss the issue of appointment criteria to government jobs in general and judicial jobs in particular, in the presence of Dr.Boutros Ghali (NCHR chairman), and the NCHR members: Dr.Zeinab Radwan (Secretary of the Cultural Rights Committee), Counselor Samia Al Mutayam (Secretary of the Complaints Committee), Dr. Fouad Riyad (NCHR member), Mr.Galal Aref (NCHR member), Dr.Sameh Ashour (NCHR member), and the guests : Dr.Ahmad Darweesh (Minister of State for Administrative Development), Counselor / Sanaa Khalil (Assistant to the JM for HR), Counselor/ Ahmad Abdul Galil (Assistant to the JM for Courts Affairs), Counselor / Intisar Naseem

(Assistant to the JM for Judicial Inspection) and a number of NCHR members.

Three papers were presented by the members as follows:

- 1- A paper titled “Right to Work and Equal Opportunities”, by the Social Rights committee.
- 2- A paper titled “Special Cadres, Equal Opportunities and the Performance of Society”, by Ambassador / Dr.Nouman Galal.
- 3- A paper by Dr.Fouad Riyad, comprising a number of criteria required for job candidate selection.

Then, the Minister of Administrative Development, Dr. Ahmad Darweesh, described employees in the State administrative system, as well as the selection criteria for each part of these employees. He also discussed the alleged lack of transparency in selecting the State employees.

At the end of his discussion, the Minister indicated that the introduction of a number of amendments to the civil servants law would be finalized by next September, on he basis that contracting would be the basis for holding public jobs.

By end of the session, he agreed to provide the NCHR with a draft of the civil servants law proposed by the Ministry, for review and comments in order to achieve joint cooperation in the protection of HR.

Sixth: HR Saloons

During the past year, the NCHR added to its activities a micro forum for discussion of the basic issues and concepts of HR, to act as a "permanent cultural saloon for HR."

The NCHR held three saloons which discussed various issues related to HR, i.e. "HR in a Changing World", "Journalism and HR", "October War and HR".

First saloon : HR in a Changing World :

On 6 July 2005, this saloon was held. The saloon invited Mr.Ahmad Maher, the former Minister of Foreign Affairs, as a main speaker, in the presence of a large number of workers in the field of HR.

The meeting discussed the rapid changes in today's world, and the impact of such new changes on the concepts of HR and their development.

Second saloon: Journalism and HR

Held on 3 August 2005. Mr.Kamel Zuhairi (former President of the Press Syndicate) was invited to the meeting as a main speaker, in the presence of a large number of journalists and those concerned with HR issues.

The meeting discussed the issue of press freedom as being an essential issue from the perspective of HR, and the most significant hurdles confronting press freedom and how to overcome them.

Third saloon : October War and HR

Held on 11 October 2005. Major-General Ahmad Fakhr (Chairman of the Board of Trustees of the International Center for Future and Strategic Studies) was invited to the meeting as a main speaker, in the presence of a large audience of those concerned with HR.

Seventh: Cooperation with civil society organizations

In realization of the NCHR objective to create an atmosphere of cooperation with NGO's for promoting and protecting HR in Egypt; and in acknowledgement of the role of such organizations,

The NCHR held two forums for NGO's last year:

1- First Forum

On 4 January 2005 Dr.Boutros Ghali, NCHR Chairman, inaugurated the first forum of the NCHR with NGOs, in cooperation with the UNDP project for capacity-building in the field of HR, which aimed at exchanging opinions and expertise, as well as discussing cooperation between the NCHR and civil society organizations to promote and protect HR.

Eighty-six senior officials and representatives of 37 NGOs working in the field of HR participated in the forum. The NCHR adopted the intensification of work with NGOs and establishing a permanent relationship with them, and raised the idea of holding an annual conference for such organizations to act as a platform for HR where the concerned government bodies cooperate with the civil society to come out with recommendations promoting the protection of HR in Egypt.

Participants discussed a number of proposals during this meeting to promote cooperation between the NCHR and NGOs, as follows:

A- For NGO's

- 1- Promoting the confidence of the civil society in the NCHR to provide it with the opportunity to prove its activity.
- 2- Understanding the context in which the NCHR works
- 3- Coordination between the NCHR and the civil society organizations to cooperate in disseminating HR culture and awareness
- 4- Adopting an extensive view which includes economic, social and cultural rights, as well as civil and political rights.

B- For the NCHR

- 1- Supporting and protecting NGOs and facilitate their access to the official authorities in order to perform their role and provide the required support to them.
- 2- Laying down new mechanisms for promoting cooperation with NGOs, based on:
 - Preparing a number of training programs in the field of HR for employees of official institutions on the information and government organizations level.
 - Establishing a communication unit between the NCHR and NGOs to coordinate between them in collective works
 - Publishing the NCHR reports and activities on the national level
 - Cooperating with NGOs in receiving the complaints of citizens and investigating them through the exchange of information.

- Amending NGOs law to ensure the independence of organizations in managing their affairs.

2- Second Forum

On 27 June 2005, the NCHR held with NGOs the second forum for discussing the latest developments on the level of HR in Egypt, in addition to discussing the first annual report of the NCHR, which was attended by representatives of 72 NGOs.

The method activating cooperation between the NCHR and NGOs in order to achieve integration in working among them in order to defend HR in Egypt was discussed, within the framework of awareness of the privacy of the NCHR's role as being an advisory NCHR.

The vice chairman of the NCHR explained in his statement the establishment of the NCHR, its objectives and goals, as well as explaining that the objective of this meeting is to address three specific issues related to the mechanisms of cooperation between the NCHR and NGOs, as well as preparing its second annual report which will avoid the errors which existed in the previous report, and preparing the annual plan for the National NCHR for HR.

Representatives of NGOs focused on the following points:

- Issuing recommendations to guarantee the freedom of belief, in addition to proposing the formation of a committee of the NCHR members and NGOs members to amend the laws restricting freedom of belief.

- Proposing to forward the reports and data related to HR by NGOs to the NCHR, which will reply to them to explain the extent of its seriousness to consider the same.
- To express concern over HR violations in all the governorates equally, and discuss the idea of establishing branches for the NCHR in all the governorates.
- Finding working mechanisms between the NCHR and NGOs to detect mistakes and correct them.
- Activating the NCHR's role in order to be able to achieve the ambitions expected of it, and transfer the HR movement to higher levels in the government system.
- Determining the most significant hurdles facing HR workers in Egypt.
- Preparing full legislative material for the protection of HR.
- Establishing a committee for HR organizations within the NCHR.
- Establishing a fact-finding committee to handle the complaints received by the NCHR.
- Amending the NCHR acts of corporation so that its role is not advisory only.

Some of the matters raised by NGOs representatives during both meetings have actually started to be implemented, as a unit was established in the NCHR for NGOs to undertake coordination with them, and from which reports can be had for incorporation into the NCHR annual reports.

It is no secret that the NCHR supported the right of NGOs to monitor elections, whether in confirming this genuine right of theirs or issuing the monitoring badges and training, as well as receiving the complaints

of NGOs throughout the year, and communicating them to the concerned authorities soon after.

Further, implementation of the complaint office project and its offices in the governorates is underway. The NCHR will furnish all organizations with copies of its publications which include various reports and studies.

Preparations are underway as well for the third forum of the NCHR with NGOs which will address the hurdles to private work in Egypt, and assess the cooperation experience between the NCHR and NGOs during the presidential and parliamentary elections.

3- On 5 January 2006 the **NCHR chairmanship welcomed** the wish of the chairman of Shumoo Association to announce the association's report on the parliamentary elections at the NCHR HQ during the announcement of the NCHR's report on the same topic.

4- On 19 January 2006 **the NCHR hosted** a workshop organized by the National Association for the Defense of Rights and Freedoms, in participation with MAAT Center for Legal and Constitutional Studies on the "Status of the New Law for Professional syndicates."

The workshop was attended by 36 civil society activists, in addition to representatives of professional syndicates, lawyers and others concerned with the union movement. The workshop discussed the negative aspects of law No.100 of 1993, amended by law No.5 of 1995, concerned with professional syndicates.

The functions of the workshop started with a statement delivered by the secretary general of the National Association for Rights and Freedoms, on the negative aspects and hurdles to union work within the framework of law No.100 of 1993, amended by law No.5 of 1995.

Then, the secretary general of the NCHR addressed the role of professional syndicates and its significance in the civil society, as well as the necessity of amending their law, which the NCHR contributed by submitting a working paper to amend it, pursuant to the hearing session held at the NCHR in the presence of the secretary general of the NDP Professionals Committee, secretary general of the Egyptian Organization for HR and president of the bar association.

Director of MAAT Center for Constitutional and Legal Studies spoke and addressed the reasons and conditions for this law, known as "Democratic guarantees for union work", which is confronting the rise of the religious trends within professional syndicates, distracting the original work of unions, and causing a financial deficit, thus necessitating the enactment of a substitute law.

The workshop concluded with formulating the provisions of a substitute law for professional syndicates, consisting of 12 articles, aimed at activating the union work. Participants proposed to present the law bill to professional syndicates and a number of the PA members for consideration and approval.

5- Preparation for the third forum

Next May, the NCHR will organize the third forum for NGOs, for discussion of two core topics. The first addresses the hurdles to the private work in Egypt in light of law No.84 of 2002 which governs the establishment and work of private associations, while the second deals with evaluation of the presidential and parliamentary elections experiences under the umbrella of cooperation between the NCHR and NGOs for better joint work in the future.

6- In the field of rights of the disabled

Within the framework of the development and consolidation of HR in Egypt, the NCHR held an extensive seminar for the rights of the disabled on Monday 25 May 2005, which represented the cooperation initiative between the NCHR and NGOs working in the field of caring for the disabled.

Significant recommendations sprang from the seminar, including the preparation for a workshop on "The right of the disabled to health care and family formation", that will discuss a law bill for comprehensive rehabilitation of the disabled, submitted by Shemou Association.

7- Adult education

Within the framework of the NCHR's support for education, particularly adult education, the social committee of the NCHR held on 3 October 2005 a meeting with representatives of the PAAE, to discuss cooperation between them.

The NCHR confirmed its readiness to help the Authority to train its staff in the principles of HR, and expand the communication network between the Authority departments in the governorates and the complaints committee of the NCHR to overcome any problems.

The meeting ended with an agreement on preparing a draft MoU for cooperation between both sides, comprising

- Merging the component of HR in the academic content in the literacy curricula, as per the joint program between the NCHR and the Authority.
- Participation by the NCHR in preparing and training teachers in the field of HR to be qualified for orientation and raising awareness of the principles and values of HR.
- Benefiting from the premises of the departments of the PAAE, spread all over the country to achieve the foregoing, and act as a linkage between the NCHR and the citizens in all governorates.

Eighth : International Activity

The NCHR's role was manifested in international activity, and the associated remarkable development in its participation in numerous international conferences, seminars and workshops through the representation of its members and its technical secretariat, as well as receiving many delegations and ambassadors of foreign countries at its HQ to keep them informed about the NCHR and its activities and any available means for joint cooperation toward HR consolidation.

1- International conferences and seminars in which the NCHR participated

- **HR Committee of the International Commission in Geneva**

The NCHR Secretary-General, participated in the functions of HR Committee of the International Commission in Geneva, April 13-17 2005.

On the sidelines of the Committee functions, the NCHR rep. conducted several contacts to provide a proper environment for affirming Egyptian NCHR's nomination to the International Coordination Committee for National HR Institutions. Further, the required documents were furnished in support of such nomination.

The reply to the nomination papers is expected in the April 2006 session of the committee, as confirmed by Ms. Muhair Khan, representative of the European Commission. NCHR in the meantime could, according to Khan initiate its work within the regional groups, whether the African or Francophone Group.

- **Arab Bar Association Conference**

Counselor/ Fahmi Nashed, member of the NCHR, participated in the functions of this conference, held from August 27-30, 2005.

Several meetings were held on the sidelines of the conference with the Moroccan Advisory Council for HR (MACHR), which focused on the following :

- 1- Discussing the cooperation between the Egyptian NCHR and the MACHR.
- 2- Discussing the possibility of signing a MoU between both sides, provided discussion is completed between them on the sidelines of Doha Conference for Arab National Institutions for HR, scheduled from 4 - 6 March 2006.

- **Conference of the Francophone Organization for National Councils for HR, held under the slogan "Economic, Social and Cultural Rights."**

The NCHR secretary general, participated in this conference that took place in Montreal Canada from 29 September- 1 October 2005.

The conference was attended by chairmen of member national institutions, in addition to experts from all over the Francophone countries.

The conference emphasized the attempt to assess the impact of implementing economic, social and cultural measures to combat poverty, and reaffirm such rights as being on the same par as other civil and political rights.

All the conference discussions revolved around the extent of HR national councils' effort to promote the observance of HR, particularly economic, social and cultural rights which had, until recently, received less attention than other rights.

Furthermore, French translation of the 1st annual report of NCHR submitted to the conference, was applauded by all, in view of the diversity of its topics, depth of its presentation and honesty in handling positive and negative aspects of HR state of affaires in Egypt.

Participation of NCHR in this conference is considered the first official participation on part of the NCHR in an international gathering which comprised the chairmen and representatives of other national councils, as well as international experts concerned with HR.

Therefore, NCHR gained full membership in the Francophone Organization for HR National Councils, which represent a significant

international acknowledgement and appreciation of NCHR, despite its recent start.

On the sidelines of the conference, the general assembly of the Francophone Organization held on 1/10/2005 its first meeting in participation with the Egyptian NCHR, represented by its secretary general. This represented the first official participation on part of the NCHR as a full member in the Francophone Organization for the National Institutions for HR.

It is worth noting that the general assembly welcomed NCHR's membership of the Francophone Organization, and called for its membership on its board of directors.

At the end, the conference issued a declaration which emphasized the following:

- Affirming the internationality of civil, political, economic, social and cultural rights and their interconnection and indivisibility.
- The eventuality of national institutions' dealing equally with HR and not dividing up the same in any form.
- Pointing out that the main objective of national institutions is to diffuse culture on economic, social and cultural HR, and protect them side by side with civil and political rights.
- Members of the Francophone organization are urged to ratify the international convention for economic, social and cultural rights.

In particular, the declaration included the following recommendations:

- 1- The inclusion of economic, social and cultural rights in the activities of national institutions through the best possible means and methods.

- 2- Taking into consideration the economic, social and cultural rights upon laying down the national plan for HR and its executive programs.
- 3- Cooperating with the civil community institutions in diffusing and protecting economic, social and cultural HR.

- **5th Conference for African National HR Institutions:**

Dr.Salah Amer, NCHR's secretary of the international relations committee participated in this Conference that was held in the Nigerian capital, Abuja, 8-10 November 2005, under the sponsorship of the Nigerian National Commission on HR, with the office of the High Commissioner for HR in Geneva, as well as the UNESCO, and the coordination committee of African National HR Institutions.

The conference focused on the various aspects of economic, social and cultural rights, as stated under the international convention for economic, social and cultural rights.

It concluded with the "Abuja Declaration", which comprised an emphasis on the significance of these rights, and a concern over the lack of African countries' attention to such rights.

- **International Seminar on the "UN and HR Defenders"**

The HR Center in Norway organized this seminar in the Norwegian capital, Oslo, 25-27 May 2005, with an extensive participation from various countries and representations of national institutions of HR, as well as a big number of international and national NGO's.

The Seminar was attended by Dr. Salah Amer and Mr. Hafez Abu Sedah
of the NCHR.

The seminar focused on reaching a comprehensive evaluation of the role played by the UN and regional international organizations in the field of protecting HR defenders and preparing the public opinion, as well as mobilizing support for renewing the tenure of the UN special envoy, concerned with HR defenders, scheduled to expire in 2006.

The NCHR's participating delegation conducted several contacts on the sidelines of the seminar, which ended – in principle – with the following:

- a- Concluding a framework agreement between NCHR of Egypt and the Norwegian HR Center, in order to lay down foundations of cooperation, exchange experiences, and carry out joint projects between the two sides concerned with promoting and diffusing HR culture
- b- Holding an international seminar in Cairo under the topic of "Role of Universities and Scientific Research Centers in Supporting and Promoting HR Protection". Representatives from a number of Arab and European universities will participate in its functions.
- c- The Norwegian HR Center will present to NCHR a specialized library on HR topics, supplied with the latest technological means.

By end of December 2005, a MoU was signed between NCHR and the
Norwegian HR Center (Oslo University).

- **Amnesty International Seminar on "Diplomatic Representations for Prevention of Torture," held in Beirut from 18-19 Jan. 2006.**

Ms. Mona Zulfiqar, NCHR member, presented the NCHR's activities, and emphasized the law granting its clear specializations which conform to the Paris criteria and principles, whereby the NCHR can receive and investigate complaints and take the required actions to refer them to the concerned authorities.

Then, she presented the NCHR's efforts in connection with combating torture, and the proposal for legal amendments in this regard, including the identification of torture crime in the penal law, in addition to the efforts of the NCHR- through its committees- to conduct field visits in connection with the complaints on violations or torture crimes. The role played by NCHR was highly appreciated by the audience.

- International seminar held by the Education, Sciences and Culture Islamic Organization (ESCIO) in Tunis, under the title "Human Civilizations and Cultures: from dialogue to alliance" from 30 Jan – 1 Feb. 2006.
- Dr.Suliman Abdulmoneim, NCHR member, submitted a working paper under the title "HR: Possible Reference for the Dialogue of Cultures", in which he proposed to establish a permanent international alliance for converting the rhetoric of the dialogue of cultures from the level of intentions and generalities to the level of programs, initiatives and work mechanisms, particularly in light of the cultural tension the world is undergoing.
- He has also called for considering the HR as a reference point for the dialogue of cultures, whereby such rights are looked upon as being one indivisible package.

- So has he pointed out to the importance of activating the international agreement for the protection of cultural diversity ratified by UNESCO recently, and the significance of considering the provisions of the international human law as an indivisible part of the international system for HR.

2- International programs and workshops in which NCHR participated:

- Raoul and Neberg Center for HR and Human Law Institute in Lund City, south Sweden, in cooperation with the Swedish International Development Agency (SIDA), organized a training program on the "Woman's Equal Status and Rights in the Middle East and North Africa", in which Mrs. Mai Hamdi of the NCHR's technical secretariat participated from 14 November to 9 December 2005.

Participating were also 21 individuals from Arab countries (Egypt, Algeria, Iraq, Jordan, Morocco, Palestine, Qatar, Syrian, Tunisia), belonging to national councils, government authorities and civil society organizations.

The program included lectures on HR in general, such as the concept of HR, international and regional systems for HR, HR in Islam, HR and governance, in addition to lectures on women's rights such as aggression against women, non discrimination, women's rights in Islam, trafficking in women and children.

- In cooperation with Fahamu Corporation, and the office of the High Commissioner for HR, the UNSSC organized a workshop entitled "Prevention of Conflict" in the Nigerian capital, Abuja, 12-14 December 2005.

- NCHR was represented to this workshop by Mr.Haitham Gabr from NCHR technical secretariat. Several institutions from African states participated as well (Cameroon, Ghana, Kenya, Malawi, Nigeria, South Africa, Tanzania, Uganda, Zambia).
- The workshop is a completion of the training program titled "Prevention of Conflict", which started in September 2001. The first part of this program consisted of management of discussion and dialogue through the internet on the training topic of "prevention of conflict" and the role of national institutions for HR in the prevention of conflict.
- The Lebanese Institution for HR and Humanitarian Rights, in cooperation with Raoul and Nebrg Institute for HR in Sweden, and the Swedish International Development Association (SIDA) organized a workshop entitled "Democracy, HR and Governance in the Middle East and North African Countries", in which NCHR representative, Ms.Muneera Fareed from the technical secretariat, participated, January 18-27, 2006, Beirut. The workshop addressed the relationship between HR, democracy and governance, as well as the articles of corporation of the International Court of Justice and the UN.

3. Meetings:

- **Meetings with Foreign Delegations:**

- 1- Meeting with the European Union Delegation**

The NCHR Secretary-General received a delegation from the European Union on 9/3/2005.

Topic of Meeting: GoE priority list of projects which will be offered to the European Union, in order to obtain the required finance:

The delegation affirmed the necessity of obtaining this list as soon as convenient in order to enable them to initiate work. It explained the significance of the time factor and that any further delay may lead such projects to being abandoned by the European Union, in an indication to their commitment to a timetable which will expire in April 2005.

2- Meeting with Representatives of Raoul Fullnberg Institute

NCHR Secretary-General received Mrs. Erina Nisten, Director of International Programs, Raoul Fullnberg Institute and Mr. Rolf Ring, on 16/3/2005.

Topic of Meeting: Potential Fields of Cooperation with the Institute:

On its part, the Institute delegation presented an ample explanation of the Institute's role and activities in the field of HR, and its focus on updating skills of human resources, training and cultural programs in International Law in support of other activities in and outside Sweden.

Further, the delegation focused on the project for "Equality and Women's Rights in the Middle East and North Africa" out of its concern with the Middle East and for training staff and decision-makers on all levels.

3- Meeting with the Jewish American Committee Delegation

Chairman of the NCHR met with a delegation from the Jewish American Committee, in the presence of the Vice Chairman and Secretary-General of the NCHR on 19/3/2005.

Topic of Meeting: Nature of NCHR's work, its specializations and the most significant activities it carried out since its establishment:

On its part, the delegation also presented information on the Jewish American Committee.

4- Meeting with the African Diplomats Delegation

The NCHR Chairman met on 21 March 2005 with the delegation of the African diplomats participating in diplomatic session No.40 (Anglophone) held from 13-24 March, 2005, at the HQ of the Diplomatic Studies Institute in Cairo.

Topic of Meeting: Problems of the African Continent:

The Chairman summed up why Africa is being unable to attract the developed countries' attention for solving its problems that emerged in the aftermath of the cold war.

He pointed to the absence of visible progress in the African Continent and the Africans' immense demographic growth as possible reasons for donors' reluctance to help further.

Besides, Europeans have become more interested in extending aid to Eastern European countries, e.g. the allocation of US\$ 55 Billion for this purpose.

5- Meeting with a Delegation from Norway

The NCHR Vice-Chairman met with a Norwegian delegation, chaired by the Norwegian Ambassador to Cairo on 18 April 2005. Secretary of the NCHR's External Relations Committee and the NCHR's Secretary General, participated in the meeting.

Topic of Meeting: NCHR activities and cooperation with Norway:

The Norwegians expressed their appreciation for the information made available to them in connection with the NCHR's annual report, and considered it a positive indicator.

The NCHR Vice-Chairman explained Egypt's role in the HR movement, tracing it back to the times when Ambassador Mahmoud Azmi took part in drafting the International Declaration of HR.

He added that the NCHR's credibility derives from its effective acts of association, its active, high-caliber experienced members, and the rising demand for political reform. Recently started, have been a number of debates (on such issues as continuation of the Emergency Law). The emergence of an international environment conducive to reform, has also helped.

6- Meeting with a Delegation of the Canadian "Non-Governmental Christian Embassy" Chaired by Mr. David Kelgor, the Former Secretary of State and Member of the Canadian House of Commons:

The NCHR vice-chairman met on 26 April 2005 with this delegation. The NCHR's secretary for external relations committee (Dr. Salah Amer) and the secretary-general participated in this meeting.

Topic of Meeting: Discussion of NCHR first annual report:

Dr.Salah Amer said the report reflects the status of HR in Egypt, in accordance with the information made available to the NCHR. The report contains a number of criticisms, and meanwhile records facts without any comment, being a balanced report overall.

Further, the meeting discussed other topics, including the dialogue between religions against aggression and terrorism. Then, the discussion dealt with the Darfour crisis, in addition to reviewing the NCHR's activity in the field of removing mines, with reference to the conference held by the NCHR in this respect.

7- Meeting with the UN Population Agency Delegation

The NCHR secretary-general met with Dr.Mona Khalifa and Dr.Qais Ghabnim from the UN Population Agency on 26/4/2005.

Topic of Meeting: Fields of bilateral cooperation between the NCHR and the organization:

Both parties agreed on laying down a perception for the activities under the title "Promoting HR culture", which addressed the issue of HR and reproductive health through building the NCHR's capacities, conducting research and studies and preparing seminars and workshops.

8- Meeting with the French Economic and Social Council's Delegation

In the presence of NCHR's secretary of the international relations committee, the NCHR's secretary general met on 19/5/2005 with a delegation from the French Economic and Social Council: Mr.Jean Claude

Patsi, chairman of the delegation, Mrs.Chantal Lebatar, the vice chairman of the external relations unit and Mrs.Piatrice Britto from the external relations unit.

Topic of Meeting: The significance of supporting and developing Euro-Mediterranean partnership on the basis of Barcelona Declaration of 1995:

The delegation affirmed the role of civil society institutions in promoting Euro-Mediterranean partnership, side by side with the governments.

The meeting has also addressed reform issues in Egypt and the EU's intention to send a delegation to follow up the parliamentary elections of November-December 2005.

9- Meeting with the Delegation of the Euro-Mediterranean Network for HR

The NCHR secretary-general met on 9/6/2005 with a delegation of the Euro-Mediterranean Network for HR: Mr.Kamal Gandoubi, chairman of the network, Mr.Mark Chad Boslen, executive director and Mrs.Maritte Jorgensen, information officer of the Network.

Topic of Meeting: The exchange of information between both sides:

The delegation presented an introduction on the Network and scope of its specializations.

On his part, the NCHR secretary-general submitted a presentation on the NCHR's establishment and specializations, and its most significant activities since establishment.

Furthermore, both sides discussed means of cooperation between them in support of HR, whereupon the secretary-general invited the delegation to participate in the preparatory meeting for the second meeting of Arab National HR Institutions, scheduled to be held in Qatar next year, in order to coordinate between Arab-Arab and Arab-European cooperation.

10- Meeting with Mr.Hani Megali, Director of the Middle East and North Africa Division in the International Center for Transitional Justice

The NCHR chairman met on 18/6/2005 with Mr.Hani Megali, director of the Middle East and North Africa Division in the International Center for Transitional Justice.

Topic of Meeting: The nature of work of both institutions:

Mr.Hani Megali explained that the International Center for Transitional Justice, established four years ago, seeks to help countries striving to call to account those responsible for HR violations, documents and conducts strategic studies for institutions concerned with justice, fact-finding, NGOs and GOs and others.

11- Meeting with a Delegation of the UN Commission for Investigation into Israeli Practices

The NCHR chairman, met with this delegation, chaired by Ambassador/ Prasad Karia Wasam, Sri Lanka's permanent representative to the UN in New York, Ambassador / Mohad Radzi Abdulrahman, Malaysia's permanent representative to the UN in New York, and Ambassador/ Othman Kamara, Senegal's permanent representative to the UN in Geneva.

Topic of Meeting: Israeli assaults on the Palestinians:

Chairman of the NCHR explained that the Israeli Government should be aware that it is in its own interest to co-exist side by side with a Palestinian state that enjoys legitimacy and credibility.

On his side, Ambassador Prasad Karia Wasam explained his commission's role in investigating the Israeli practices in the Palestinian occupied territories, and the Israeli attempts to foil the investigation.

Commenting on this point, the NCHR chairman affirmed the civil society's condemnation of the Israeli practices against the Palestinian people, and the necessity of urging Israel to push the peace process forward.

The meeting also evaluated the possibility of effecting reform in the structure and system of the UN organization.

12- Meeting with the Secretary-General of the National Committee for Qatari HR

The NCHR secretary-general met on 25/6/2005 with Mr. Ali Bin Sameekh Al Mari, secretary-general of the National Committee for Qatari HR.

Topic of Meeting: “Diffusing HR Culture”: the second conference of the national operators in the field of HR in the Arab world hosted by Qatar.

The meeting addressed setting a date for this forthcoming conference in Doha. The NCHR secretary-general proposed next March prior to the Arab summit conference, in order to include the conference recommendations in its documents.

On his side, Mr. Ali Al Mari welcomed this idea. However, he proposed December, to coincide with the international day for HR, and the inauguration ceremony of the UN Regional Center for HR to be attended by the Higher Commissioner.

13- Meeting with the Delegation of the International Criminal Reform Organization

The NCHR chairman, met on 28/6/2005 with the delegation of the International Criminal Reform Organization.

Topic of Meeting: Possibilities of cooperation between the NCHR and the Organization in the field of legislative alternatives for penal codes.

In this respect, the delegation proposed the possibility of cooperating with the NCHR in preparing a precise and in-depth study of the laws regulating prisons in Egypt on the basis of which all concerned parties (e.g., MoI, MoJ, NCHR and the International Criminal Reform Organization) should be invited to meet and discuss joint objectives. The NCHR chairman approved the idea in principle.

14- Meeting with Regional Representative of the High Commission for HR

The NCHR secretary-general met on 29/6/2005 with Mr.Farg Vinich, the regional representative of the High Commission for HR.

Topic of Meeting: Establishing the UN Regional Center for HR in Qatar to cover Arab countries and South West Asia.

The objective of establishing this center is to cooperate with the High Commission for HR, on the regional level, as well as support building the capacities of NGOs and GOs, and the UN agencies, through training courses and workshops for promoting HR in the region.

15- Meeting with Representative of UNDP

The NCHR secretary-general met on 21/7/2005 with Mrs.Nagla'a Arafah, UNDP program analyst.

Topic of Meeting: Best mechanisms for cooperation between the NCHR and UNDP.

16- Meeting with the President of the Organization for Helping African and Middle Eastern Refugees

The NCHR chairman met on September 1st, 2005, with Ms.Barbara Harold, president of the Organization for Helping African and Middle

Eastern Refugees (Egypt Office-in preparation), and Mr.Issam Shiha, the Organization executive manager, and Mrs.Azzah Al Sherif.

Topic of Meeting: Why Opening an Egyptian Office:

Ms Harold explained the urgency of opening a branch for her organization in Egypt, in view of the seriousness of this problem in the country. Already, the required papers have been submitted to the MoSA, as per Law No.84 of 2002 on NGO's.

During the meeting, Ms.Harold expressed her interest in creating mechanisms of cooperation with the NCHR in the field of refugees.

17- Meeting with the European Commission Delegation

The NCHR's secretary-general met with a delegation from the European Commission on 12/9/2005, chaired by the European chargé d'affaires in the Arab Republic of Egypt.

Topic of Meeting: The delegation's task in Egypt in relation to the parliamentary elections fact-finding, as well as the NCHR's role in following up the same.

NCHR's secretary-general presented the NCHR's stance toward the international watch, and confirmed that the NCHR does not see any problem in international watch, provided that it is carried out by international or regional organizations in whose establishment Egypt has participated.

18- Meeting with the Resident Representative of UNDP

The NCHR's secretary-general met on 12 September 2005 with Mr. Antonio Vigilanti, UNDP resident representative in Cairo, Mrs. Elisar Saroh, deputy resident representative, and Mr. Ahmad Ghanim from the
UNDP in Cairo.

Topic of Meeting: Recent presidential elections experience in Egypt, and the NCHR's role in the same in addition to possibilities of joint work.

The meeting addressed aspects of cooperation between UNDP and the NCHR, mainly training staff in the concepts and issues of HR, as per the national plan prepared by the NCHR for promoting HR in Egypt.

19- Meeting with Delegation of HRW

The NCHR's secretary-general met on 8/11/2005 with Mr. Joe Stork, representative of HRW.

Topic of Meeting: Conditions of a number of detainees in Egypt, including Usama Nasr (Abu Omar), and Mohammed Al Zawahri, and Sami El Laithi.

The secretary-general explained that no information has been received by the NCHR with regard to Al Zawahri. As for "Abu Omar" who was arrested in Italy, the NCHR raised this case with MoI, MoFA, MoJ and will continue to do so until a satisfactory response is had.

As regards the case of Sami El Laithi, who was under detention and tortured inside Guantanamo Bay Detention Facility, the secretary-general explained that the NCHR had followed up this case and that El Laithi is now back home.

As for the NCHR's stand towards religious freedoms and the hurdles impeding the issuing of identity cards to minorities of religions other than the three monolithic religions, the secretary-general confirmed that after intensive discussions between NCHR and Mol, the latter agreed to set up a special office for issuing passports in lieu of ID, as a transitional measure.

20- Meeting with a Delegation from the UNESCO Office in Cairo

The NCHR secretary-general met on 8/11/2005 with Dr.Mohammed Abdul Razzak, director of the UNESCO regional office in Cairo, and Mrs.Alia'a Hashem, the office liaison assistant.

Topic of Meeting: Preparing for the "Democracy and HR in the Arab World" conference, which will be held by the NCHR, in cooperation with the UNESCO and the International Center for Humanities (Byblos) in Lebanon Dec. 19-20, 2005.

21- Meeting with Pope Shenoda's spokesman in the USA

In the presence of the vice chairman, secretary-general and a number of the NCHR members, the NCHR chairman met on 25/12/2005 with Mr.Maged Riyad, the spokesman of Pope Shenoda in the USA, and his accompanying delegation.

Topic of Meeting: National unity and major problems facing the Copts in Egypt, as well as means of reaching solutions to such problems.

The NCHR chairman expressed the NCHR's concern over this issue. A committee concerned with the national unity issue was set up within the NCHR as a result of this meeting.

22- Meeting with Delegation of the US Congress

The NCHR vice-chairman, in participation with the secretary-general and a number of the NCHR members met on 16 January 2006 with Mr. Frank Wolf, member of the US congress, and his accompanying delegation.

Topic of Meeting: Observations of the US public opinion and Congress in connection with detention of Dr.Ayman Nour, and the issue of religious freedoms of minorities in Egypt, as well as Egypt's stand towards the UN reform and its voting against the USA.

The vice-chairman explained that the NCHR had handled the case of Ayman Nour since its beginning, meeting with the Attorney-General and the IM, as well as meeting with Dr.Ayman Nour and his wife inside the detention center to learn more about the case from all parties.

However, the US administration should be aware that this is a domestic case and no outside interference is welcome as it may adversely reflect on the public opinion.

As regards the issue of religious freedoms, the NCHR vice chairman said this problem is very complicated and sensitive, and that piety should be closely watched as a social phenomena and all measures should be taken to prevent it being transformed into extremism that may threaten the stability of society and its unity.

He added that Egyptian society, throughout its long history, has enjoyed love, compassion and tolerance among all its members whatever their creed.

As for the issue of reforming the UN, the secretary-general confirmed that the Egyptian stand is based on coordination with the African Group, as well as Egypt's vision that the reference should be the General Assembly rather than the Security Council, in support of the original idea behind founding the UN organization.

The meeting also addressed the issue of Sudanese refugees and the way it was handled by GoE. The vice-chairman said this case had not been tackled properly since its inception.

He explained how the NCHR endeavoured to settle this issue with Mol, MoFA and others before and after the security forces' crackdown on the Sudanese refugees encamped in a Cairo busy area.

23- Meeting with a Delegation from the US Congress Assistants

The NCHR vice-chairman, in participation with the NCHR secretary-general and the secretary of the cultural committee of the NCHR, met with a delegation of the US Congress assistants.

Topic of Meeting: The NCHR's role especially as regards the presidential and parliamentary elections in addition to the NCHR's stand toward the state of emergency.

24- Meeting with the Regional Coordinator of the UNDP's Governance Program in Arab Countries

The NCHR secretary general met on 1/2/2006 with Dr. Adel Abdullatif, the regional coordinator of the UNDP's Governance Program in Arab Countries and Dr. Selim Nasr, governance program expert in the Arab countries.

Topic of Meeting: Organizing a regional workshop in Cairo from March 12-13 2006 titled, "Toward developing the performance and impartiality of Arab elections processes".

Dr. Adel Abdullatif of UNDP confirmed his welcome of the approval of the NCHR to sponsor in Cairo this workshop whose participants and speakers would be from countries that have undergone recent parliamentary elections, i.e. Egypt, Lebanon, Iraq and Palestine, along with representatives of Arab national HR institutions and international coordination committees.

25- Meeting with a Delegation from the Spanish Senate

The NCHR vice-chairman and its secretary-general met on 1st February 2006, with a delegation from the Spanish Senate.

Topic of Meeting: The general political environment in Egypt at present:

The NCHR vice-chairman briefed to the delegation on the socio-economic background of the political movement which the Egyptian society is currently undergoing. Then, he reviewed the NCHR's role within this context and the instruments it uses for promoting HR in Egypt.

On its part, the Spanish delegation reviewed the mission entrusted to it, i.e. discussing the relationship between Islam and the West. In response,

the vice-chairman said the Egyptian constitution stipulates the freedom of belief, freedom of practicing religious rituals, and moreover imposes penalties on those defaming any religion or faith.

26- Meeting with a Delegation of the UK Muslims

The NCHR vice-chairman and secretary-general met on 2 February 2006 with a delegation of UK Muslims which included : Mr.John Davis, the information manager and vice chairman of the external relations office in London, Mrs.Claire Habien, the information and political charge d'affairs in the British Embassy in Cairo, Mrs.Samiah Rahman from Email Magazine, Mr.Abdulrahman Halbawi from Doom Tour International and Mrs.Farina Alam, the editor in chief of Key-News Magazine.

Topic of Meeting: The Challenges met by immigrant Muslims:

As regards the challenges confronted by Muslims abroad, the NCHR vice-chairman explained that they are as follows:

First: the increasing state of piety among Muslims all over the world, with its possible focus on insignificant issues and loss of sight of proper prioritization.

Second: religious educational curricula require reconsideration so as to encourage logical reasoning, jurisprudential efforts and the objective critical stand toward disparate opinions.

Third: the problem of ignorance of the other, resulting from sudden globalization and elimination of all barriers and boundaries, causing the eruption of some disputes and conflicts.

A number of historical factors were behind the emergence of such problems:

- The continuous dispute among religious institutions representing all religions.
- The campaigns launched for converting nations into other religions.
- Colonization of many Afro-Asian countries.
- Establishment of the State of Israel, and the double standards applied by the West in dealing with this state, on one hand, and Arab and Islamic countries, on the other hand.

By end of the meeting, the Vice-Chairman proposed establishment of specialized research centers to discuss the problems to which Islam and Islamic communities are exposed to abroad, and attempt to reach the best solutions for them.

27- Meeting with Representatives of the National Institution for Democracy and Foreign Relations

The NCHR secretary-general met on 5/2/2006 with representatives of the National Institution for Democracy and Foreign Relations, Mr.Arinti Chiao, and Mr.Ahmad Nazif, program directors of the Institution.

Topic of Meeting: Mission of the Institution and its new Egyptian Office and possible cooperation with NCHR.

Mr.Arinti Chiao briefed participants on the goals of his institution which is now setting up an office in Egypt, after being registered with the MoFA.

He explained how the Institution started its work by May 2005, coinciding with the onset of the presidential elections.

The Institution was permitted to be present outside the premises of polling stations and to hold discussions with the voters, as well as train NGO's in monitoring.

Under this umbrella, it cooperated with a number of NGO's, including Ibn Khaldoun Center and the Organization for Supporting Democratic Development, all of which prepared a report on the parliamentary elections.

On his side, the secretary-general welcomed joint cooperation with the Institution, as per the NCHR's plans and projects. He pointed out the significance of young people's interest in political participation, particularly in light of the recent democratic development, possibly in cooperation with the Supreme Council for Youth and Sports, as well as the youth centers all over the governorates.

At the end of the meeting, Mr.Arinti presented on behalf of the National Institution for Democracy, his condolences for the victims of the Egyptian ship "Al Salam 98" which capsized in the Red Sea, and requested to organize another meeting between the Institution's overseer and the NCHR in order to discuss more channels of cooperation.

28- Meeting with the European Commission Delegation

The NCHR secretary general met on 19/2/2006 with a delegation from the European Commission, chaired by Mr.Christian Louflar, director of

the Middle East and South Mediterranean Department in the
Commission.

Topic of Meeting: NCHR first annual report on the status of HR in Egypt
for 2004-2005.

The secretary-general explained that the report presented the status of
HR in Egypt with extreme impartiality and objectivity.

He pointed out that the NCHR forwarded copies of the report to
President Mubarak, and the presidents of both the PA and Shoura
Council. The report was distributed as well to many GOs and NGOs in
addition to international organizations.

He explained that the NCHR received a reply from the government on
this report, which will be included in the second annual report being
prepared.

Further, the secretary-general pointed out that the concerned ministries
and authorities have become more cooperative with the NCHR, after the
NCHR's publication of its first report.

As regards the NCHR's relationship with the civil society organizations,
the secretary-general explained that the NCHR- at the beginning- was
regarded with suspicion of being a governmental authority or being
imposed from abroad.

Therefore, the NCHR intensified communications and held meetings with
civil society organizations, to illustrate the common interests.

The meeting also addressed the various activities of the NCHR over the
past year, especially the NCHR's role in following up the last presidential
and parliamentary elections as well its upcoming activities.

On its part, the delegation commended the NCHR's first report. It pointed out that its publication drew universal attention. Furthermore, the delegation expressed the EC's readiness to assist the NCHR in expediting the process of establishing a complaints office, as well as assist the NCHR in acquiring full membership of the International Coordination Committee of the UN.

29- Meeting with the UNDP

The NCHR secretary general participated on 26 February 2006 in a meeting held by the UNDP in Cairo.

Topic of Meeting: Review of UN framework for developmental aid and UN agencies programs for the next 5-year period (2007-2011)

The UN agencies' programs in Cairo for the next five-year period that were discussed included the UN Population Program, the UNDP, the UNICEF, and the World Food Program.

30- Meeting with Representative of the National Association for HR in the Kingdom of Saudi Arabia

The NCHR secretary general and Mr.Ahmad Elwi, the NCHR general supervisor, met on 18 February 2006 with Mrs.Suhaila Hamad, member of the Executive Board of the National Association for HR in the KSA.

Topic of Meeting: Cooperation between the National Association for HR in KSA and the NCHR.

The secretary-general welcomed joint cooperation according to the NCHR's plans and programs. In this respect, he affirmed the necessity of focusing on a specific case in the field of HR, such as disseminating the

culture of HR, or reviewing the academic curricula which represent one of the NCHR's ongoing functions.

On her side, Mrs. Hamad said her Association had prepared a manual on the freedom of expression and the project for teaching HR as a subject within the academic curricula and the workshop on family violence.

31- Meeting with a Delegation from the US Washington Times Newspaper

The NCHR secretary-general met on 5 May 2005 with the US Washington Times delegation: Mr. Francis Combs, the editor-in-chief; Mr. Willis Waiter, deputy editor-in-chief for foreign affairs page and Mrs. Deborah Simons, deputy editor-in-chief for the opinion page.

Topic of Meeting: Recommendations in the NCHR first annual report as evidence of its full independence:

The meeting addressed the recommendations included by the NCHR in its first annual report, which demonstrate its full independence. For example, it included recommendations in connection with torture cases and the state of emergency.

Further, a memorandum was submitted to President Mubarak for the articles required to be deleted or amended in the Emergency Law.

Not only did NCHR render recommendations, like other civil society institutions, but it also set forth logical solutions and specific alternatives.

Furthermore, the meeting dealt with the terrorist incidents witnessed by Egypt and the NCHR's role in following up the extensive detention cases which followed such incidents.

The newspaper delegation also discussed the NCHR's stand toward the recent international developments, particularly after the incidents of September 11, 2001, and the USA's policy in the Middle East region after the occupation of Iraq.

The secretary general said the NCHR's stand is that democracy is a domestic matter that cannot be imposed from outside. He pointed out that the state of affairs in Iraq and Palestine is a main reason for the tension witnessed by the region, and the rising hostility toward USA in the Arab public opinion.

32- Meeting with a Delegation of Iraqi Journalists

The chairman of the NCHR met with a delegation of Iraqi journalists on 11 December 2005.

Topic of Meeting: NCHR's role and its independence from the State:

Under this framework, a discussion was held on the NCHR's role in following up the last parliamentary elections and its impartiality while assisting NGO's, or performing a number of monitoring tasks.

33- Meeting with Spiegel Online Newspaper Correspondent

The NCHR secretary general met on 8/2/2006 with the correspondent of Spiegel Online Newspaper, Mr. Yas Mocharios.

Topic of Meeting: Danish Newspaper Cartoons and Egyptian public opinion reaction:

As for the cartoons wronging the person of Prophet Mohammed, the secretary-general explained the following points:

- There is a difference between freedom of expression and defaming religions. For example, freedom of expression in Egypt is evident in many newspapers, as any national symbols of authority can be criticized. In the meantime, our mass media refrain from defaming any religion or belief.
- Religion in our society does not represent only rituals and beliefs, but it is integrated in the heart and life of the citizen. Therefore, any negative allusion to religion or religious symbols represents an unacceptable violation.
- There are sensitivities which the West, particularly those working in the media, should appreciate. The Muslim man-in-the-street is daily exposed to heartrending news and photographs of other Arabs and Moslems in Iraq, Palestine and Afghanistan.
- The lack of foresight and political appreciation of the cartoons publication consequences, as the Danish PM refused in the first place to receive the eleven Muslim ambassadors in Oslo to discuss this issue.

This matter continued unchanged for several months, which inflamed public opinion in Arab and Islamic countries.

On another scale, the secretary-general briefed the present on the NCHR, its establishment and activities, with respect to the double-fold responsibility it shoulders, promoting HR and participating in the

political reform process, unlike counterpart institutions in the West, which are exclusively dedicated to the question of HR.

Furthermore, the secretary-general explained that in its attempt to spread HR culture, the NCHR is currently cooperating with the MoE to review the curricula taught at various academic levels in order to refine them in compliance with the principles of HR.

Also, the NCHR is working with the Ministry of Information to spread HR culture through media programs in an indirect manner in order to achieve the desired objective.

- **Meetings with Diplomatic Missions in Cairo**

- 34- Meeting with a Delegation from the Iranian Embassy in Cairo:**

Chairman of the NCHR met with an Iranian delegation, chaired by the Iranian ambassador to Cairo, Mr. Mohammed Rida Raouf Shibani, on 26 July 2005.

Topic of Meeting: HR conditions in Iran and its HR operators in comparison to Egypt's

Both sides discussed the conditions of HR in Iran and the organizations operating there in this field, in comparison with the conditions in Egypt. Also discussed were the last Iranian elections and their impact on political life in Iran.

Both sides further discussed HR issues from the Islamic perspective, especially in the aftermath of the defamation campaigns to which Islam has been exposed in the West, since September 11, 2001.

35- Meeting with a Chinese Embassy Delegation

The NCHR Chair, Dr. Boutros B. Ghali, met with a delegation chaired by the Chinese ambassador to Cairo, on 5 September 2005.

Topic of Meeting: Egypt's ongoing political developments

Dr. Ghali outlined the NCHR's establishment of a special operations chamber for monitoring the election process progress and receiving citizens' complaints about violations during the said process and verification of such violations.

He pointed to the agreement reached with 200 NGOs to cooperate with the NCHR in this respect, as well as the 250 lawyers tasked with investigation of the complaints received from electoral constituencies.

Dr. Ghali commended the Chinese establishment and promotion of HR principles, especially China's reports on HR status worldwide, particularly the report on USA.

36- Meeting with a delegation of EU ambassadors on 30 June 2005

Topic of Meeting: NCHR's role, goals and activities

Dr. Ghali reviewed how the NCHR was initiated, its role as perceived at the beginning, and how this perception changed following the publication of the first report.

Then discussion turned to the acts of terrorism in Taba, Al-Azhar, and Abdul M. Riyadh, leading to the expansion of the detention net.

Dr. Ghali pointed out that NCHR formed an ad-hoc committee to investigate the security forces excesses in this matter, whose findings are to be found in the NCHR Second Annual Report.

37- Meeting with members of the Swedish Embassy in Cairo on 30 Oct. 2005.

Topic of Meeting: The NCHR first annual report and its recommendations.

Dr. Ghali explained NCHR's task as focused on promoting HR culture and political reform and its experience during the presidential and parliamentary elections.

Further, Dr. Ghali presented a synopsis on the role played by the Complaints Committee, and the method of handling such complaints in cooperation with the concerned authorities. According to Dr Ghali, this committee will expand after receiving the determined European funding. Then, he pointed to the proposal for including a subject on HR within the academic curricula.

By end of meeting, the guests expressed their commendation of the NCHR's first annual report and its repercussions.

38- Meeting with a delegation of the US Embassy

Topic of meeting: Discussion of the Conference on Democracy and the annual report on HR published by the US embassy in Cairo

NCHR secretary-general met on 4 Dec. with Counselor Roger Kena and Ms. Merit El-Sayed from the US embassy - Economic / Political Office.

The meeting discussed the conference on democracy held from 19 - 20 Dec. in cooperation with the UNESCO, and comprised representatives from 22 Arab countries, in addition to foreign countries.

During the meeting, Mr. R. Kena presented a prepublication copy of the US Embassy's annual report of 2005 on HR in Egypt. The same had been presented to MoFA and a number of NGO's.

By end of meeting, the US representatives expressed their desire to cooperate with the NCHR and offer assistance e.g., subsidy, books, electronic equipment in order to set up an advanced library.

39- Meeting with a delegation of the US Embassy

Topic of meeting: NCHR's follow-up of parliamentary elections

NCHR chair met with a delegation chaired by the US ambassador, Mr. Francis Richard Downy on 8 December 2005, in the presence of NCHR secretary general

NCHR's follow-up of the parliamentary elections, its past and future activities were discussed. The meeting has also discussed the case of Dr. Ayman Nour and his trial.

40- Meeting with Mr. Francois La Rochelle, the Canadian Counselor and Deputy Ambassador to Cairo

Topic of meeting: the International Conference on Development and Removal of Mines from the North Western Coastal Area, Cairo, 27-29 December.

Dr. Salah Amer, Secretary of NCHR's international relations committee met on 1/2/2006 with Mr. Francois La Rochelle, the Canadian counselor and chargés d'affaires of the embassy of Canada in Cairo.

The meeting discussed the significance of clearing the north western coast area of the mines planted there since WWII, for the purpose of development, security and safety, as per the findings of the International Conference on Development and Demining the North Western Coastal Area, convened by NCHR.

Dr. Amer confirmed the significance of the international society cooperation with Egypt in demining and developing the north western coastline, representing approximately 22% of Egypt's area.

In this regard, Counselor Francois La Rochelle said many countries would not offer financial assistance to remove mines and implement development projects in the region unless Egypt signed the 1997 Ottawa Agreement. Dr. Salah Amer reaffirmed that this stand should be reconsidered because it can not lead to achievement of the required progress.

La Rochelle expressed his regret over the cartoons published in Norwegian and Danish newspapers, defaming Islam and Prophet Mohammed, adding that such countries are encountering difficulties in controlling the items published in the newspapers, as the press is free from government censorship.

Dr. Salah Amer recognized that governments can not force newspapers to adhere to specific policies. Nor can they prevent them from publishing particular materials. However they should promote respect for all

religions and express their condemnation and denouncement of any encroachment on this general principle.

41- Meeting with the ambassador of Argentina in Cairo

Topic of meeting: Discussion of cooperation between Egypt and Argentina

NCHR secretary-general met on 20/2/2006 with Mr.Osvaldo Pascol, the Argentinean ambassador to Cairo.

The meeting addressed means of cooperation with Argentina on all levels, especially in connection with the legislations governing detention under custody system and other issues related to HR.

NCHR secretary-general said NCHR held two significant conferences last December, the first on democracy and HR in the Arab world, and the second on the problem of mines in the north western coastline. Further, a workshop will be held next 12-13 March to discuss the various experiences of each of Iraq, Palestine, Lebanon and Egypt in the last elections held in these countries, in cooperation with UNDP. Several experts and concerned parties will be invited from different countries. During the same month, the 2nd Conference on Arab National HR Institutions will be held in Qatar under the slogan "Promoting HR Culture."

42- Meeting with the ambassador of Malta to Cairo

Topic of meeting: Discussion of the international conference on internet crimes, scheduled to be held in Malta

NCHR secretary-general met on 21/2/2006 with Dr.Richard Vela Loriniti, the ambassador of Malta to Cairo and Dr.Abdulrahman Awad, chairman of the Arab African Center.

The meeting discussed the above conference, held by the government of Malta and the Arab African Center, and the desire to invite NCHR chairman, and the secretary-general of the Arab League to the conference.

The ambassador of Malta said he looked forward to NCHR becoming the first NGO to sign the International Organization for Internet Crimes Law.

By end of meeting, the secretary-general confirmed the significance of cooperation with its counterparts in Malta. Since the beginning of its activity, NCHR has built cooperation relations with its counterparts in Arab countries.

**The Government's Response to the Annual Report
of the National Council for Human Rights
(NCHR) 2004/2005**

Introduction

Based on the increased attention to HR, and the lapse of one full year from the commencement of the operation of NCHR and its issuance of its first annual report covering the period from 14 February 2004 to the end of February 2005, and also based on the said report's analysis of HR practices in Egypt as well as its appeal to relevant governmental entities for reinforcing HR and freedoms of Egyptian citizens to an extent commensurate with Egypt's position on both regional and international levels. Moreover, out of the Egyptian Government's (GoE) keenness to benefit from the report's comments on HR practices in Egypt, GoE found it its duty to study the contents of the report and analyze its conclusions and recommendations as well as expound its own remarks on the report with a view to enhancing and protecting the HR and freedoms of Egyptian citizens, which is deemed its main goal.

In this context, the Council of Ministers decided at its session No. 20 held on 10 May 2005, that the Ministerial Group for Political and Legislative Affairs would undertake the study of the report's contents and observations and invite relevant ministers to attend the Group's meeting to give their feedback on the report as a preliminary step for the Government's submitted of its own remarks on NCHR's observations as stated in the report.

The Council of Ministers' decision that the GoE prepare a memorandum in reply to the observations and recommendations stated in NCHR's first annual report was made on basis of several factors, which can be summed up as follows:

First:

NCHR's invitation to the recipients of the first annual report 2004/2005 to provide it with feedback on the report so that it is better advised and can benefit from such remarks while continuing its role of following up on HR practices and freedoms throughout each year of operation.

Second:

In its first annual report NCHR contented itself with its reference to the fact that "there is noticeable progress in the State's attention to the status of HR, its enhancement, development, the founding of its principles, raising the level of awareness of HR and contributing to its sustained practice."

However, NCHR did not mention the positive steps taken by the State for enhancing HR in Egypt.

It is true that NCHR referred- in its first three chapters- to constitutional, legislative and judicial circumstances integrating the mechanisms of HR in Egypt and the means of delivering justice via the Egyptian legal system.

However, the report did neither display the efforts exerted by the GoE nor the practical measures carried out by governmental mechanisms and the achievements they realized in this field.

Third:

NCHR's exposition of negative aspects regarding HR practices and freedoms has attracted the attention of many ministries and governmental institutions. Such entities found it necessary to spell out their remarks on the report's contents. They believe it to be their right to clarify some issues before public opinion to avoid misunderstandings.

Accordingly, the Secretariat of the Council of Ministers received many remarks on NCHR's first annual report 2004/2005 from various ministries addressed to them by the relevant ministers, which included the following:

- The JM Counsellor Mahmoud Abou-Eleil Rashid via his correspondence dated 29 May 2005, ref. No. 1010.
- The Minister of Interior General Habib Ibrahim El-Adly.
- The Minister of Insurance and Social Affairs, Dr. Amina El-Guindy, via her correspondence dated 2 August 2005, ref. No. 1290.
- The Minister of Labour Force and Immigration Mr. Ahmed Ahmed El-Amawy.
- The Minister of Religious Endowments Mr. Mahmoud Hamdy Zakzouk, via his correspondence dated 8 June 2005, ref. No. 526.
- The Minister of Health and Housing Mr. Mohamed Awad Tag-El-Din.

- The Minister of Education Dr. Ahmed Gamal-El-Din Moussa, via his correspondence dated 30 May 2005, ref. No. 6069.
- The Minister of Higher Education Dr. Amr Ezzat Salama.
- The Minister of Administrative Development Dr. Ahmed Darwish, via his correspondence dated 4 June 2005, ref. No. 1312.

Therefore, in this Memorandum re NCHR's first annual report, the GoE reviews the achievements it realized in the field of HR since they were not mentioned in the report. It also provides its comments on the negative aspects mentioned in the report regarding HR practices in Egypt. The GoE reply is accompanied with an annex detailed replies of the ministries to the NCHR report's proposals, a recommendations or complaints. This, however, does not affect the Government's opinion and commendation of the sincere efforts exerted by NCHR in discussing the status of HR in Egypt.

First: The Government's Appreciation of NCHR

and its Efforts Exerted for the Preparation of its First Annual Report

At the outset, the GoE would like to express its gratitude to the officials in charge of the NCHR and to all those who participated in preparing its first annual report. In this context, the GoE would like to stress the following points:

- 1- GoE commends the role of NCHR in prompting competent governmental authorities to respect and enhance HR. In spite of its recent establishment, the Council succeeded in building bridges of

communication and cooperation between ministries and governmental authorities on one hand, and NGO's concerned with HR on the other hand, with a view to the efficiently protect the rights and freedoms of Egyptian citizens.

- 2- GoE appreciates the efforts exerted by NCHR in evaluating the status of HR and freedoms during 2004 despite the limited period between its establishment, its operation and its preparation of its first annual report. In a record time, NCHR held several hearings and assigned specialists to conduct research and studies on related subjects. It established a permanent committee and set up an internal mechanism for following up on the committee activities. This resulted in its preparation of a detailed description of the status of HR in Egypt during 2004/2005.
- 3- GoE appreciates the efforts of all those who contributed to the preparation of NCHR's first annual report, headed by the Chairman of the Council, the Deputy Chairman and the Secretary General as well as the trustees and members of the permanent committee and the experts who revised the material and contributed with their experience to composing the report in its final form.

Second: GoE's Achievements

Regarding the Enhancement and Protection of Human Rights

The GoE has been keen on realizing various achievements in the field of enhancing and protecting HR in Egypt. Key governmental achievements in this field can be summed up as follows:

1- The Establishment of the NCHR:

Out of GoE's awareness of the importance of maintaining and enhancing HR in its comprehensive meaning, it took the initiative of preparing a draft law for the establishment of the NCHR as an independent juridical entity with financial and administrative independence to serve as an efficient domestic mechanism for maintaining HR and crystallizing the national policy enhancing them in Egypt while setting up programmes and plans for sustaining the State's efforts in this regard.

Both the PA and the Shoura Council sustained this initiative. The PA approved the Draft Law for the establishment of NCHR on 15 June 2003, which is to be affiliated to the Shoura Council. This was followed by the approval of the Shoura Council on 19 January 2004 of the establishment of the Council to include a Chairman, a Deputy Chairman as well as fifteen other members who are all eminent public figures with acknowledged experience, interest in and contributions to HR.

2- The Abrogation of Law No. 105 of 1980 on State Security Courts:

With a view to enhancing public freedom and deepening the concept of free politics the initiative was taken to abrogate Law No. 105 of 1980 issued for the establishment of State Security Courts. The GoE presented a draft for nullifying this Law. Such annulment would entail the cancellation of State Security Courts and limit the extraordinary authorities of the PP Office and the Judicial Monitory Officials. This would also lead to canceling the competence of such Courts over issues such as crimes of bribery, sabotaging buildings, obstructing traffic,

political parties, supply affairs, coercive pricing, profit limiting and organizing and directing construction works.

On 16 June 2003, the PA approved the Draft Law submitted by the GoE for the abrogation of Law No. 105 of 1980 which entailed the cancellation of State Security Courts with the exception of those established under the Emergency Law, such courts being - according to their nature- temporary courts functioning in emergency cases. On the other hand, the competencies of the cancelled courts would be referred to the courts stated in the code of Procedures.

The Government's approach is undoubtedly deemed a big leap in the field of HR since it excluded a great number of felonies and crimes from being handled by State Security Courts and referred them to the competent circuits of Criminal Courts, especially cases of political nature such as the crimes outlined in the Law on Political Parties. The GoE also restricted the authorities granted to the PP Office by virtue of Law No. 105 to conducting investigations regarding dangerous crimes related to terrorism and State security.

3- The Cancellation of Hard Labour Penalty from the Egyptian Legislation

The penalty of hard labour is one of the physically cruelest and most painful punishments as stated in Article 14 of the Penal Code, since a prisoner would be obliged to carry out "the harshest tasks determined by the Government,". This entailed working under severe and cruel circumstances. Therefore, the GoE proposed the abrogation of this type of penalty by virtue of the Draft Law mentioned above, which also decreed the cancellation of State Security Courts and the amendment of

some clauses in the Penal Code. The Draft Law was approved by the PA at its session held on 16 June 2003.

This Law states the abrogation of lifetime and temporary hard labour to be replaced by lifetime and maximum security imprisonment since it is necessary that there be different levels of punishment. In addition to the above, the Law attempted to remedy the consequences of the application of the first paragraph of Article 395 of the Procedural Law regarding the re-conduction of proceedings in criminal cases where judgments were ruled in absentia. This was replaced by a clause which would prevent the re-conduction of proceedings of the same case. This would allow expediting the issuance of judgment in such cases at the earliest session after the arrest of the convicted party or after his attendance in Court. This clause also prevents the prescription of a judgment in absentia without the attendance of the sentenced party. It further prohibits the aggravation of the judgment in absentia.

4- The Cancellation of Most Military Orders Issued in accordance with the Emergency Law

Within the framework of GoE's instructions aiming at restricting the enforcement of the Emergency Law to cases relating to terrorism and drugs, which was reflected in the abrogation of Law No. 105 of 1980 establishing State Security Courts, the Egyptian President issued a Decree mollifying all military orders issued by the Military Governor during the period of enforcement of the Emergency Law, with the exception of those orders which continue to be necessary for maintaining public order and security. This step was taken in sustenance

of the confidence between the People and the State and in affirmation of the concepts of justice, equality and respect of HR.

On 9 January 2005, the President of ARE issued a decree mollifying a great number of military orders issued by prime ministers, in their capacity as representatives of the Military Governor since 1981 up to that date. The most important of such orders are:

- Order No. 1 of 1982 on prohibiting distributors and store operators from refraining to sell subsidized supply materials to consumers.
- Orders No. 3 & 4 of 1988 on prohibiting the receipt of investment funds.
- Order No. 4 of 1992 on construction works and deliberate sabotage and the collection of donations, with the exception of paragraph 6 of Article 1 and paragraph 1 of Article 2 thereof.
- Order No. 1 of 1996 on prohibiting surface scraping or causing barrenness of agricultural land and prohibiting the construction of buildings and establishments on agricultural land.
- Order No. 2 of 1996 on prohibiting the setting up of heavy industries or pollutant industries within the cordon of residential boundaries governorate's capitals.
- Order No. 7 of 1997 on construction and demolition works as well as height limits.

The Presidential Decree referred to above also excluded a number of crimes from being referred to State Security Emergency Courts by virtue of Order No. 1 of 1981 dated 22 October 1981. The excluded crimes being:

- Crimes stated in Articles 163 to 170 of the Penal Code on obstructing traffic.
- Crimes stated in Law No. 85 of 1949 on maintaining order in educational institutions.
- Crimes stated in Law No. 34 of 1972 on maintaining national unity.
- Crimes stated in Law No. 2 of 1977 on protecting State freedom and citizens' freedom.
- Crimes stated in Law No. 40 of 1977 on political parties and amendments thereto.
- Crimes stated in ordinance of Law No.95 of 1945 on supply affairs and Ordinance No. 163 of 1950 on compulsory pricing and the limitation of profits as well as its executive its executive decrees.

The above Presidential Decree instructed State Security Emergency Courts to refer the cases held before them regarding crimes stated under the cancelled Orders, in their current state, to ordinary competent courts according to the code of Procedure. This is undoubtedly deemed a most important step in enhancing the Egyptian judicial system. Moreover, judgments issued by Emergency Courts became subject to appeals in order to ensure the realization of the best interest of Egyptian citizens.

5- The Establishment of the Family Court and Family Insurance Fund:

In its belief in the key role of the family, and its being the nucleus of society and the main basis for the achievement of integrity, the GoE worked on drafting a law for the establishment of a Family Court to look into personal affairs. This Court would handle all matters and disputes

between the members of the same family at the same judicial building with a view to facilitating proceedings, alleviating burdens on families and taking into consideration the natures of the disputes, the disputing parties and witnesses, especially those of young age.

Accordingly, the PA approved the Draft Law submitted by the GoE for the establishment of the Family Court, which came into force as of October 1, 2000 by virtue of Law No. 10 of 2004. Also, Law No. 11 of 2004 was issued for setting up the Family Insurance Fund to ensure that Egyptian divorcees received their alimonies via the Fund, the financial resources of which are consistently made available so as to prevent the many hardships and instabilities faced by families.

6- Taking Measures for Realizing Justice for Citizens:

To realize consummate justice for citizens, the GoE worked on enhancing the role of reconciliation committees established by virtue of Law No. 7 of 2000. Those committees were created for the settlement of some disputes involving ministries and juridical persons affiliated to them. The purpose of their establishment was the setting up of a new mechanism that would assist in the settlement of disputes arising between administrative authorities and their personnel or persons dealing with these authorities.

This would lead to the realization of a higher level of justice in a shorter time and the alleviation of the burden on courts by reaching reconciliation for the largest possible number of disputes as well as the alleviation of the burden of court expenses on citizens.

Accordingly, 318 committees were established in various parts of Egypt. Statistics show that the number of requests submitted to these committees since their establishment up to June 2004 amounted to 1,024,077 requests and recommendations were issued resolving 1,012,050 of these requests, representing 98.8% of the total number of requests.

7- Increasing The Recruitment of Women in The Judicial System and The Appointment of The First Female Judge at The Supreme Constitutional Court:

Out of the Government's keenness on eliminating all kinds of discrimination against women, women have been provided with a greater number of opportunities in judicial posts and many women were appointed in the GoE's Legal Department and the Administrative Prosecution Office. Women appointed in the GoE's Legal Department reached 72 members in 2004 out of a total of 1912 while women appointed in the Administrative Prosecution Office reached 436 members out of a total of 1726, which is a ratio of 25%. Women have also presided over the Administrative Prosecution Office during two successive terms.

Moreover, women in the above posts participated in the judicial supervision over the elections of the legislative authority. They also became members in the reconciliation committees of disputes established by Egyptian legislators according to Law No. 7 of 2000. These achievements for women were crowned by the appointment of the first female judge at the Supreme Constitutional Court.

8- The Increase of the Activities of NGOs:

The GoE undertook the preparation of the Draft Law on NGO's which is deemed a major step in the legislative framework governing their activities. The PA approved Law No. 84 of 2002 on NGO's which came into force as of 6 June 2002. This Law set out the suitable atmosphere for NGO's to realize their goals and participate on a wider scale in contributing to social development. The Law also provided NGO's with many benefits, such as considering donations given to them as charges on the donor's income, which may not exceed 10% of such income. This allowed for providing the civil society with the necessary financial resources and is also deemed an encouragement to businessmen to participate in charity projects. The sum total of grants and donations reached LE 328 M granted to 155 organizations during the period from 1/1/2004 to 31/12/2004.

9- Raising the Level of Awareness on HR:

The GoE showed great interest in raising the level of awareness of HR. This is evident from the measures taken and decisions made with a view to spreading awareness on HR among citizens, which include the following:

- The resolution adopted by the Higher Universities Council to introduce material on HR as a basic subject on the curricula of all Egyptian universities as of the school year 2004/2005.
- Decree No. 22562 of 2001 adopted by the IM on the establishment of a Supreme Council on HR affiliated to the Ministry of Interior, which would represent many of the Ministry's sectors. Its role is to conduct research and studies for the application of efficient methods for

maintaining HR and disseminating rights culture among police officers, individuals and laborers. The Ministry also took up the initiative of upgrading the material on HR in educational and training syllabi at police academies as well as holding training courses in the field of HR for police officers.

- The Ministry of Justice prepared and published the first Egyptian encyclopedia on HR to include international and regional treaties on HR to which Egypt is a party. It also includes the laws and decrees governing HR in Egypt, and the rulings of significance of the Supreme Constitutional Court regarding constitutional provisions relating to HR and basic freedoms.
- This encyclopedia may be used as a national legal document identifying Egypt's legal stance with regard to HR subjects and shedding light on Egypt's leading role in this field.
- Furthermore, the Judicial Studies Center affiliated to the Ministry of Justice added the subject of HR to its training programmes for PP officers and other new members of judicial authorities. This programme includes introducing international treaties, the Egyptian legal system and HR in general to the trainees.

10- Equal Rights for Both Egyptian Fathers and Mothers to Pass Over the Egyptian Nationality to their Children:

The GoE participated in amending some of the provisions of Law No. 26 of 1975 on Egyptian citizenship, which states in Article 1 thereof that a child born of an Egyptian father or mother shall be given the Egyptian Nationality. This amendment has realized equality between a child of an Egyptian father and one of an Egyptian mother without any stipulations

or restrictions. This has been a step forward in the alleviation of all forms of discrimination against women, which is in conformity with the new direction of the laws concerning citizenship.

11- The Setting Up of Productive and Services Projects to Remedy Unemployment Problems:

The GoE has encouraged the setting up of productive and service projects in order to remedy unemployment problems. The project of productive families is one of the social projects of economic nature by means of which the Government- represented by the Ministry of Insurance and Social Affairs- was able to generate economic resources for families with limited income as well as for fresh graduates.

The number of families benefiting from the project's services as of the beginning of its operation till present is 1.6 million families while the number of those benefiting from the project and its training and marketing services up to the end of 2006 will be 2 million families.

Productive families activities are being initiated by providing vocational training. For this purpose, a plan has been laid out for renovating and developing centers training productive families throughout Egypt. Those centers amount to 3334 centers, out of which 311 were established by virtue of the investment scheme and 3023 by virtue of individual efforts.

The Ministry of Insurance and Social Affairs is working on providing families with innovative and developed designs as well as technical orientation to enhance their performance and improve the quality of their products. The project activities expanded to include a large number of agricultural, environmental and domestic industries as well as

handmade products after its activities were initially restricted to sowing projects.

Accordingly, a specialized center affiliated to the Ministry was established for various purposes such as designing models for vocational industries, the revival of heritage, the innovation of advanced models, training trainers on how to use new designs for enhancing products, displaying them at annual exhibitions and exporting them to foreign markets.

12- Updating and Enhancing Services Provided to Citizens:

The GoE has updated the regulations and procedures relating to the provision of basic services to citizens through the various state institutions. Analogously, the GoE upgraded quality and efficiency of services and by means of advanced technological methods. The aim of this trend is to facilitate the provision of such services most efficiently and cost effectively in an atmosphere of respect and confidence. This will encourage citizens to deal with such institutions. There have been various achievements in these fields, including the following:

- With regard to setting timeframes for the delivery of services to citizens by administrative authorities without delay or unjustified suspension, the governmental electronic programme - being currently implemented - has contributed efficiently in the delivery of such services to citizens wherever they are, in the appropriate way, means and time frame and with the required efficiency. This has taken place by allocating numerous outlets for the provision of services and by establishing new channels to facilitate rendering

required services without difficulty via various means including the following:

- The establishment of a customers service center to receive and reply to complaints via phone No. 19468. This center which then facilitate the handling of problems. The phone calls are received by specialists trained on how to deal with the public under the supervision of an entire team from the Ministry of Administrative Development.
- The introduction of voice services on phone No. 131 for inquiries on information for obtaining services from administrative entities using both mobile phones and land lines.
- The publication and circulation of updated application forms with all required information for obtaining services such as the necessary procedures, fees and timeframe of each service.
- The establishment of 495 centers for delivering public services in housing compounds in all governorates. Such centers represent citizens before administrative authorities in obtaining their services.
- Using post offices near residences throughout all governorates to facilitate obtaining services. Contracts have been already signed for converting around 70 post offices into service delivery centers.
- Providing citizens with services at home by accessing the governmental port and visiting the internet site of the Ministry of Administrative Development (www.egypt.gov.eg) which saves both time and energy and avoids having to go through many procedures for obtaining the concerned service.

- With regard to civil affairs, the procedures have been facilitated for those require birth or death certificates. More facilities have also been made available for citizens submitting documents for evidencing these cases. Moreover, some burdensome procedures have been canceled (such as witnesses, family registration, etc.). Divisions at the Civil affairs Sector are advised of all the procedures taken whereas in the past citizens, in some cases, had to go to the competent police station to complete such procedures.
- With regard to traffic services, many resolutions have been adopted for granting citizens more facilities. These decrees have allowed for immediate reconciliation in many traffic violation cases. Implementation started as of July 2003 when the Ministry of Justice issued collection forms which are deemed as fines. Furthermore, the grace period for renewing licenses of vehicles not passing inspection has been increased to 30 days instead of 7 days while persons with special needs are exempted from license fees.
- With regard to procedures for the issuance of passports, persons between the ages of 40 and 60 have been exempted from having to have their data certificate ratified by the civil register by which the card is issued if such card is computerized. Also the condition stipulating the presence of a the husband or a minor's guardian for obtaining a visa has been cancelled and replaced by a affidavit stating the approval of the concerned husband or guardian to the request for the visa.
- Regarding work permits, coordination has been made with security bodies for speeding up the conducting of security

investigations on applicants for obtaining work permits. Timeframes have now been fixed for receiving a reply. In case no reply is received within the specified timeframe, this is deemed an approval. Furthermore, as of the first of January 2004, applications for obtaining or renewing work permits could be submitted to any work permit office regardless of its geographic jurisdiction.

Third : The Government's perspective towards the observations or recommendations comprised by the NCHR' report

A- The Government's perspective of the observations mentioned in the report:

Following the Government's consideration of the observations mentioned in the first annual report on HR conditions in Egypt, raised in light of the Council's examination of the complaints it received from individuals and civil society organizations, it is revealed that the NCHR was right in some of the said observation. Meanwhile, it was incorrect in a number other observations. This is illustrated in the points stated below :

1- NCHR's observations which the Government deems necessary to consider them:

- The report issued by the NCHR (NCHR) revealed the decline in the number of responses received from the concerned authorities, compared with the number of correspondences forwarded by NCHR to these authorities in connection with violating or infringing upon the rights of individuals or groups. The number of such replies did not exceed (214) reply, while the number of correspondences related to the complaints of individuals and groups and addressed to the concerned authorities amounted to (1045) correspondences. Such replies represent (22%) of the overall correspondences addressed to the concerned authorities.

As Government observes that the reply of the concerned authorities to NCHR's correspondences to ensure achievement of the objectives for which it was incorporated, as well as guarantee equality to the complainants, therefore the Council of Ministers addressed concern during its session held on May 10, 2005 to alert the Ministers and concerned government senior officials – each in his field of jurisdiction- to expedite examination of the complaints and matters addressed to them by NCHR and reply, as well as explain them and take the required measures for elimination of their reasons.

As a result, numerous ministries initiated the examination of the complaints they received from NCHR, replied to them and sent the reply to NCHR. Further, such ministries entrusted a number of their senior officials to establish coordination between them and NCHR in this respect.

- The report revealed the existence of a sharp difference between the authorities concerned with respect to the period they take upon investigating the correspondences submitted to them from NCHR and replying to such correspondences. The time period taken for the reply exceeded (120) days in some instances, the matter which will undermine the rights of individuals for seeking justice from the complaints they submitted.

The Government excused a number of authorities for delaying the reply to NCHR's correspondences in such extraordinary cases in which the reply required to take a number of measures and procedures in order to decide upon the complaint subject matter, such as investigating all elements of the complaint and listening to

the point of view of its parties. Nevertheless, the Government asserts – generally- on the necessity of considering the internationally acknowledged time periods in giving justice to complainants. It is known that the period lapsed between submission of the complaint and giving justice to those who submitted it should not take more than (30) days at the most.

2- NCHR's observations which the Government deems to be investigated more carefully:

- While presenting the aspects of dealing with the complaints and the cooperation of the concerned authorities in giving justice to the complainants, the report pointed to the “modesty of the performance and lack of interaction on part of the Ministries of Interior and Justice, as well as the PP, towards NCHR's correspondences addressed to them in connection with the violations of civil and political rights of the complainants. This indicates the lack of intention on part of such authorities to cooperate closely with NCHR in order to promote impartial practice of HR.” However, the report – in many other locations- has recorded its appreciation of the response of such authorities, particularly towards NCHR's observations and recommendations, and presented numerous examples, including :
 - “The responsiveness of the Ministry of Justice and PP towards the observations expressed by NCHR in connection with PC and travel ban system. Committees were set up within the Ministry of Justice and the PP's office to review the law provisions relevant to these two procedures. Further, the PP issued his

instructions to the prosecution personnel to release the accused parties absent in crimes related to investment and hardship in fulfillment of the resultant obligations, whenever they return voluntarily and present themselves for renewal of the procedures taken against them.”

- "The Ministry of Interior responded to several directions of NCHR, as it has initiated on its part- cancellation of the lashing punishment in the prisons. It has also removed the barbed wire segregating prisoners from their visitors, as well as intensify the training programs of policemen and incorporated them a detailed definition of the concepts of HR. It has also doubled up its attention for enhancement of the living, health and educational conditions of the prisoners. Furthermore, the Ministry addressed concern to consideration of NCHR's viewpoint in connection with the torture and detention cases."

On its part, the Government observes that NCHR's description of the performance of the said authorities by modesty, lack of interaction and absence of intention to cooperate, as being imprecise and under great consideration. In this respect, the Government reiterates the concern of the said authorities to cooperate closely with NCHR in order to promote
* the impartial practice of HR

* It is worth noting that the Ministry of Justice, in cooperating with NCHR, followed several steps, including :

1. The Ministry of Justice decree No.3081 of 2002 for the incorporation of the General Administration for HR Affairs.
2. Introducing the post of assistant JM for HR affairs since 2003.
3. The Ministry's notification of NCHR of its action plan in the field of HR, which comprises consideration of the legislative amendments proposed by NCHR by the PP and the Legislation Department.
4. Setting up a committee, chaired by the minister's first assistant, to investigate the means of facilitating litigation formalities and follow up of the execution of the court verdicts, as well as the legislative efforts exerted by the Ministry within the framework of supporting HR.
5. Forming a five member committee to be held at the Council on periodical basis, comprising representatives from the Ministries of Justice, Interior, Foreign Affairs and the PP's Office, in

- CHR's report raised several allegations and complaints and has sanctioned their contents without discussion with the complainants to verify their seriousness. This has resulted in the report's inclusion of several odd inconsistencies and reservations that lacked an evidence to substantiate them. Among these, we mention for example and not limitation, the following instances:
 - NCHR's report in connection with the death of / Mohammed Moorsi Saleh, as a result of a policeman shooting at him on 13/4/2004. The allegation in connection with the death of the said person as mentioned in the complaint has not been verified, as he was offered medical assistance and discharged from the hospital after receiving the necessary treatment.
 - NCHR's report on the death of / Nafisa Zakariya Al Marakbi, as a result of torture, while the forensic medicine's report concluded that there is no criminal suspicion for the death.
 - NCHR's report has exceeded with three death cases in the incidence of the expatriation from Marsa Matrooh City to Cairo a as a result of negligence ^{*}, while it is revealed that the

order to establish links of communication with the authorities concerned with promoting the efficient respect of rights and freedoms, follow up the dialogue and study all cases related to HR in Egypt, as well as the means for promoting and protecting them. The committee continues its work regularly, through which several measures related to the complaints and responding to them, were taken.

6. The PP's decree No.1221 of 2005 for establishing a division concerned with investigating HR violations.
7. Completion of the draft bill regulating travel ban, which was referred to the Council of Ministers in preparation of preparing it in its final form prior to raising it for discussion during the forthcoming parliamentary session.

* The necessary disciplinary and legal actions were taken in this respect. Further, directions were issued from the Ministry of Interior leadership for taking the necessary actions to avoid non recurrence of the mentioned incident, headed by the direction that the capacity determined for the number of those deported in the deportation vehicles which have been updated and developed should not be exceeded and openings, fans, exhausts and ventilation should be provided.

deceased were two persons only. This indicates imprecision in verifying a matter which may not be claimed without being grounded on facts.

- The report's mention of a number of complaints for the violation of freedom of belief or violation of individual's rights to freedom, personal integrity, freedom to travel or the prisoners' rights, which were proven with conclusive evidence to be untrue. After following up the handling of such complaints by the concerned ministries or authorities, the Government appeals to NCHR to be precise and verify the correctness and seriousness of the complaints, prior to directing them to the concerned authorities and communicating with them in this respect. It was proved, through discussion with a number of such authorities, that they have summoned the complainants, and confronted them with copies of the complaints forwarded by them to NCHR. Nevertheless, they were surprised by these persons' denial of the complaints and absolutely denying having knowledge of submitting them. In addition, in many of the complaints, the concerned authorities uncovered other dimensions and aspects which the complainant neglected to mention, such as being involved in dud cheques cases or that a number of verdicts were delivered and must be executed against him. Therefore, the existence of court disputes or the passing of verdicts or decisions which may affect the method of presenting the complaints and examining them should be considered.

The Government would like to stress the necessity of preciseness which conforms with NCHR's explicit acknowledgement when it pointed to :

NCHR's need in the future, either to seek the assistance of field researchers to undertake the required procedures to verify the seriousness of the complaints, or promote cooperation between NCHR and HR organizations in connection with field investigation of the seriousness of the complaints prior to referring them to the concerned . * authorities"

B- The Government's perspective towards proposals and recommendations in the report:

Through consideration of the proposals and recommendations mentioned at the end of the report – which amounted to approximately (60) recommendations and proposals in (23) pages of the total 349 pages of the report- the Government finds it necessary to lay down the mechanisms which guarantee the implementation of such recommendation, taking into consideration that among the recommendations observed by NCHR were matters which were actually implemented by the Government or under implementation. This is in addition to its reservation on implementing a number of other recommendations.

If NCHR's report pointed out that the recommendations it observed require to take numerous procedures, a number of which fall under the jurisdiction of the legislative authority, while others fall under the jurisdiction of the executive authority through its ministries and different institutions, the Government finds itself obliged to follow up both matters together, pursuant to its role in preparing draft laws and submitting them to the concerned legislative authority. The following is

* See page No.235 of the NCHR' First Annual Report.

the Government's comment on the content of NCHR's recommendations, in the manner stated below:

1- NCHR's recommendations already implemented by the Government

- The report recommended the necessity of teaching HR subject at the schools and various types of education faculties. The Supreme Council of Universities passed a decree earlier for including a HR subject within the curriculum of the various theoretical and practical faculties at all Egyptian universities. In addition, the MoE has allocated a number of study hours weekly for informing the students of the basic principles of HR.
- NCHR recommended in its report organizing travel and immigration processes through conclusion of bilateral agreements with the countries receiving manpower. In fact, the Government has been concerned, since a long time, to conclude bilateral agreements with the countries receiving manpower to guarantee the rights of Egyptian workers and care for their interests as well as regulate their movement, to prevent their exposure to brokerage acts and those who trade with their desire to travel to work abroad, through the labor representation offices at our consulates abroad. The Ministry of Manpower and Immigration operate through its labor offices to implement the clauses of such agreements in order to achieve the necessary guarantees for the worker, whether with respect to regulating his travel, wage and right to transfer all his savings according to the legislations and systems followed in the country in which he works, and to secure all his rights implied from the contractual relation.

Ten bilateral agreements were concluded with : Greece, Jordan, Iraq, U.A.E, Kuwait, Lebanon, Libya, Qatar, Yemen and Sudan, in addition to nine cooperation agreements with : Morocco, Tunisia, Algeria, Syria, Yemen, Jordan, Palestine, Sudan and Bahrain.

The Ministry of Manpower and Immigration strives to conclude more agreements for safeguarding the rights of Egyptian manpower. For example, there is an agreement project with the Italian government, being prepare, for which several rounds of negotiations were carried, and it is hoped that it will be completed very soon.

- For enabling individuals to enjoy their social and economic rights, NCHR recommended the necessity of facilitating the procedures of payment of pension or assistance, to ensure dignity of eligible citizens. In this respect, the government would like to point out that it worked through the Ministry of Social Securities and Social Affairs to take numerous measures which will facilitate the routines of paying the pension or assistance. Such measures include the following :
 - Creating a site on the internet for the Ministry which includes all its bodies (Social Securities Fund – Nasser Bank – Social Affairs- National Center for Criminal and Social Researches). This location will provide all the necessary information required for drawing the insurance policy and provide all the necessary data to decision makers for the development of social security systems and performance of insurance and social services.
 - An electronic mail (email) account has been created for each of the social security funds on the internet, through which any

citizen or administrative authority may access the fund website and easily and conveniently obtain all the information required on the pensions systems, insurance services and how to obtain them, to ensure that the insured parties, pensioners and eligible parties obtain their insurance rights more expeditiously, with precision, ease and comfort.

- A new master computer of a very large capacity which allows completing the coverage of all the insurance offices by the internet and addition of new insurance systems has been put into operation.
- Expanding the policy of connecting the administrative units with the government authorities and other entities with the master computer for securities, through the creation of terminal units in these units to facilitate the exchange of data, which will lead to merging the prior service period of the insured parties, without the need to present an application.
- Locations for performing and spreading insurance services have been developed in order to be closely located to citizens. The number of insurance areas and offices amounted to 493 area and office, besides the multiple insurance units of these areas.
- Pension payment portals have been increased, whereby 169 new payment portal were established, hence the total number of payment portals amounted to (14) thousand portal by 30/6/2004. Further, home delivery of pensions was expanded to benefit (35) thousand elderly persons in 30/6/2004, with the spread of pension payment through the automatic teller machines (ATM) working on a 24 hour basis, all days of the week and during official holidays. The number of ATMs

amounted to 352, in cooperation with the Insurance Ministry and the banks.

- The Ministry increased guidance signage for the purpose of informing the citizens of their insurance rights, illustrating the procedures and documents required for the insured persons – including pensioners and eligible parties- to obtain their insurance rights with comfort and ease.
- The information network in the social security funds was linked with the computer system for serving the public in order to eliminate the difficulties faced by the citizens upon inquiring, replying to his complaint, saving time in corresponding between the concerned departments, reducing paper works among the insurance areas and offices to enable citizens to obtain an answer to his complaint from the nearest insurance office to him.
- The Ministry is paying pensions once due, through preparing an insurance file before the insured employee reaches retirement age, to enable review of his previous subscription period and completing the required documents, in the event there are several service periods at different places.
- The details the insured's family were fed to the computer through the insurance number of each one of them, in order to determine the beneficiaries among family members and show any changes which may affect their entitlement to the pension, for the purpose of reducing the documents and easing insurance service for the pensioner and his family.

- NCHR called for improving the treatment of citizens upon interacting with the State bodies. This is achieved by updating the regulations of the facilities related to the public and reviewing performance assessment systems of the various administrative authorities. The effort exerted by the government in the field of the State administrative body development to improve its interaction with the public is not out of sight. To do so, it has taken numerous procedures, among the most of prominent of which was segregating the organization system and management from the State Ministry for Administrative Development, as a result of the bigger burden of the employees in the State, and transferring the responsibility of the system to the Council of Ministers, to allow the State Minister for Administrative Affairs, to dedicate his time for this issue in particular. An integrated plan on this issue was presented to the Council of Ministers and is being implemented, while the implementation steps being followed up.
- The report recommended media awareness of the people of the procedures for accomplishing the services offered to them, their expenses, required documents and their alternatives. Further, it called for promoting the media role in making individuals aware of their rights to submit complaints and that they should announce the names of the authorities which may receive these complaints. Recently, the Government increased public awareness of the procedures which must be followed in order to accomplish their formalities, whether through the Ministry of Information which allocated more time within its program on TV and Radio, or through the Ministry of Administrative Development which created government websites on the internet to ease completion

of the people's formalities, and making them aware of the services presented to them. This is in addition to the role played by numerous ministries and institutions in enforcing the e-government's concept. For instance, we mention: the Ministry of Interior, Ministry of Communication and Information, MoE, Ministry of Higher Education and State for Scientific Research and Ministry of Insurances and Social Affairs.

- The report recommended providing an appropriate number of judges to confront the increasing number of cases piled at the courts, which should be escorted with qualifying judges technically in a manner suitable with the dignity of the job they are holding. The Ministry of Justice exerted sincere efforts in this respect, as it strived to amend the judicial authority law, by increasing the retirement age of judges to 64 years, then to 66 years, and finally to 68 years. This is to keep the rare experiences in the judicial field and confront the increasing numbers of cases, as well as the address the problem of slow litigation. Further, the Judicial Inspection Department and the National Center for Judicial Studies organize and hold numerous conferences, seminars and training courses for judges and their assistants, in coordination with the concerned international, regional or national authorities.
- In the field of promoting childhood rights, the report called for the necessity of developing policies and programs to care for the rights of disabled child and guarantee to him practicing his right to education and enjoying all the social services. The Government's serious efforts exerted to maintain the rights of disabled child are not unnoticed. This matter was revealed since its preparation of the Child Law No.12 of 1996 and executive regulation. Article (76)

of the Child Law and other articles were allocated for addressing the aspects of care guaranteed by the State to the disabled child, whether from the social, health, psychological aspects or work. Further, the law entrusted the Ministry of Social Affairs with the task of establishing rehabilitation institutions. In addition, the government worked to cooperate with the UN agencies and other international authorities donating aids to design training programs for those with special needs generally, and children among them in particular. Further, it strived to increase general awareness of the capabilities of the handicapped child in radio and television programs, printed media and educational materials at the schools.

2- NCHR's recommendations of which the government implemented a part, or on its way of completing their implementation

- The report recommended a number of recommendations which it deemed as promoting the rights of woman in the society. Among them is the necessity of laying down and implementing a national plan for positive intervention to support the political participation of woman, and amend a number of legislations which still contain discrimination against woman, in violation of the provisions of the constitution. This is in addition to permitting the employment of women in the judicial field in all common courts and administrative courts and family courts. This is besides calling for issuing a new and comprehensive legislation for objective personal status.

The fact is that the Government does not save any effort to develop the policies aimed at empowering women in numerous fields. President Mohammed Hosni Mubarak, in his speech

delivered at Al Masaai Al Mashkoora School in Munyfia Governorate on 28 July 2005, pointed out that the Government's plan in the forthcoming phase will include the preparation of a constitutional amendment, through which seats will be allocated for women in the parliament, which is consistent with her role which she must carry out in the Egyptian society. This will enable her to discuss her issues and grievances and contribute efficiently in the construction and development process as being half the society.

It is worth noting here that the government's efforts in the field of promoting woman's rights delivered the establishment of the NCW and the NCCM. Through these two councils, the State addressed concern to confront qualitative gaps and strived to empower woman socially, economically and politically, with the aim of boosting her participation in the development process. Further, discrimination with respect to the appointment of woman as a judge was demolished by the passing of the presidential decree for the appointment of the first woman judge in January 2003. Then, the Egyptian citizenship law was amended in such a manner which equaled between children born to an Egyptian father and those born to an Egyptian mother in connection with enjoyment of the Egyptian citizenship without condition or restriction. It also guarantees to the woman obtaining an alimony through a fund with stable and regular financial resources, which will prevent the loss and destitution of the family, according to the provisions of law No.11 of 2004 for the establishment of the family insurance system fund.

- NCHR recommended in its report the necessity of working to establish a fund for the welfare of Egyptians abroad. It is noted that since 1994, the Government is striving to hold meetings in order to lay down the organizational framework of the National Council for the Welfare of Egyptians Abroad. A meeting was held at the Ministry of Foreign Affairs to discuss the funding sources of this fund. The meeting was attended by representatives from the following ministries : Foreign Affairs, Manpower and Immigration, Social Affairs, Health, Finance, Justice, Housing, Awqaf and Interior. An initial working paper was presented in connection with the proposal for the establishment of a national fund for the welfare of Egyptians abroad. The objective of this fund is to : prepare and transfer the corpse of the deceased back home, providing legal care when needed for cases which are directly related to matters concerned with residence in the foreign country, confronting the basic requirements resulting from accidents or unforeseen crises to which some estranged Egyptians are exposed to such as civil war or wide scale political disorders, providing temporary accommodation to Egyptians deported from the countries in which they are living). It was agreed that this fund will be financed from multiple sources as follows: (contributions of the ministries concerned with manpower – imposing a limited fee in the form of stamps and on a number of formalities and consular attestations for Egyptians, opening donations for the Egyptians who are capable of contributing- one dollar increase on each travel ticket issued to Egyptian citizens). The HQ of the fund will be located in the Ministry of Foreign Affairs and shall have an independent budget. It was agreed that this issue will be

presented to the Peoples' Assembly and the Council of Ministers for approval.

It is worth noting that there is a fund for the welfare of Egyptians working in Saudi Arabia. There is also a fund for social solidarity in the United Arab Emirates and Kuwait. Furthermore, there is an insurance system on the Egyptians working in the Hashimite Kingdom of Jordan which applies on Egyptians residing in Jordan and those in transit within the Jordanian borders.

- The report recommended the development of the punitive system in Egypt, by reconsidering the treatment system of prisons and calling for the establishing of a system to supervise the implementation of freedom deprivation penalties in the prisons. This is in addition to guaranteeing the full compliance to open jails without exception to visits on part of the prisoners' families. In this context, the Government exerts its efforts to develop the Egyptian prisons in conformity with the reinforcement of HR. Numerous measures and procedures have been taken in this regard, including for example the presidential decree No.152 of 2001 passed for cancelled the lashing penalty, stipulated under article (43) of the decree law No.96 of 1956 on the regulation of the prisons. Further, the IM's decree No.668 of 2002 was passed for implementing the above decree.
- For enabling individuals to enjoy their social and economic rights, NCHR recommended the reconsideration of the minimum pension limit, to equal the minimum wages, in addition to reconsidering the subscription systems in the pensions and, therefore, the maximum limit for the pension, in light of the governorate changes on the financial balance of the social security fund. The

government points that it has worked to increase the minimum and maximum limits of the pensions, and the subscription wage, which led to increasing the incomes of pensioners and their eligible recipients, to meet the increase in living costs. Add to this the fact that the government is on its way to prepare new draft laws to induce radical reform in the securities and pensions systems, to address the problems of actual implementation of the current systems to conform with the constitution. This is in addition to addressing the problem of insurance evasion and unifying insurance treatment for all the insured parties, as well as simplifying formalities. President Mohammed Hosni Mubarak was very concerned to facilitate the means for the insured and pensioners, and then His Excellency invited the government to take immediate actions in this respect.

3- NCHR's recommendations under implementation

- The report recommended the necessity of approving the husband's right to encash his wife's pension. The Supreme Constitutional Court delivered a verdict ruling for the eligibility of the husband to encash his share of his wife's pension, to establish the principle of equality, and based on the fact that depriving the husband from his right to his wife's pension distorts the economic balance of the family's living standard, and denies the woman from supporting her husband and family following her death, through the premiums she paid throughout her employment life. Therefore, the Government works to amend the social securities law to conform with the said court verdict. The Ministry of Insurance and Social Affairs issued the executive regulations of the

Constitutional Court verdict on the eligibility of the husband to his wife's pension. A general circular was issued at the Ministry of Insurance under No.4 of year 2004, illustrating the method of settling insurance rights for the eligibility prior to the passing of the circular and reimbursement of the frozen amounts resulting from the implementation of the verdict retrospectively.

- The report recommended placement of a clause in the annual efficiency report of the public employee to evaluate the employee's performance, his speed in fulfilling the demands of citizens and solving their problems. It is worth noting here that the special dimension for the public employee and his role in proper treatment of the public as well as complying in performing his job to achieve the convenience of citizens is under special concern through the amendment proposed on the provisions of the law on civil state employees No.47 of 1978 for effecting the principles of reward and punishment through adjustment of the performance efficiency reports to achieve the objectives of developing the level of services offered to the citizens and motivating the same, as well as introducing a new mechanism for laying down a convention of honor to outline the employee's duties and obligations towards the public.
- The report recommended a number of recommendations for establishing a complete justice, which include the establishment of a judicial police to specialize in the execution of verdicts, as well as finding alternative means for resolving disputes.

As regards finding alternative means to resolve disputes, the Government observes that through a legislative amendment, the specialization of dispute settlement committees may be expanded

to include the disputes between individuals and private authorities through a strict enforceable system, capable to solving an adequate number of disputes without referring them to the courts. Further, the Government adds that in each of the State Council law No.47 of 1972 and the State Cases Authority law N there are provisions – the reinforcement and expansion of their implementation – may lead to presenting a remarkable contribution in providing complete justice. This is currently being aimed at to activate the role of the State Commissioners Panel in the State Council for offering the settlement of administrative disputes to their parties, in conformity with the principles established by the Supreme Administrative Court, and the manner permitted by article (28) of the State Council Law. On the other hand, the State Cases Authority may contribute with an abundant part in terminating disputes between the State and the citizens through the recommendation of the administrative authority to terminate the dispute with it amicably, as it deems fair from the dispute elements and to propose reconciliation in the same, then directing the administrative authorities for approval of the preference of the State Cases Authority with respect to non feasibility of filing cases or for challenging the verdicts passed therein.

- NCHR called in its report for the necessity of coordinating between the legislations for the welfare of the poor. Through the Ministry of Insurances & Social Affairs, the Government is reconsidering the overall security system (law No.112 of year 1980), as categories and the eligible categories under the social assurance law, in order to integrate between the laws and avoid

duality or repetition of the same provisions of both laws for the same care provided by them.

- The report called for bracing labor representation offices abroad to ensure performance of their role and confrontation of violations of Egyptian laborer's rights in such countries. In view of the fact that the most significant tasks and responsibilities of the labor offices is resolving labor disputes between Egyptian laborers and employers, and assisting laborers to obtain their dues, whether during their presence abroad or after their return to their home country, either through amicable means or through legal channels such as the labor offices existing in the countries receiving manpower or the ministries of labor in such countries or their ministries of foreign affairs, there is a constant follow up on part of the Ministry of Manpower and Immigration of their labor representation offices in: Jeddah, Riyadh, Libya, Qatar, Abu Dhabi, Lebanon, Jordan, Kuwait and Greece. This is carried out through review of quarterly and annual reports received by the Ministry from all its offices, which include : (the number of complaints solved by them- total dues recovered for their owners- compensation rights obtained in favor of the heirs of deceased workers- the amount employment opportunities which the offices contributed to provide to Egyptian manpower.) In this respect, the total complaints settled through labor offices from the beginning of 2004 till March 2005 amounted to 10 664 complaints. Further, the total dues, compensations, occupational injuries and deaths recovered by labor offices for those eligible to them amounted – during the same period – to 36 681 903 Egyptian pounds. Meanwhile, the employment opportunities in

which labor representative offices contributed to provide to Egyptian manpower during the same period amounted to 69 322 employment opportunities.

- In the field of promoting childhood rights, the report recommended several recommendations as follows to consider raising the minimum age for the criminal responsibility of the child to 15 years, to criminalize employment of children in hazardous jobs, including child labor in the quarries and dry-cleaners, to lay down a legislation which explicitly indicts female genital mutilation (FGM) and to consider raising a girl's marriage age from 16 to 18 years in order to protect girls' reproductive health and educational progress. All the proposals expressed by the NCHR in connection with a number of legislative amendments on the existing provisions in this respect are being considered, following discussion with those concerned of their various health, psychological, economical and social dimensions.

4- NCHR's recommendations for which the Government would like to stress some matters in this connection :

- The report called in the field of promoting the right to life and personal integrity to ending the emergency state. The Government – on its part- would like to reiterate a number of facts related to this recommendation, as stated below;
 - The Emergency Law – in its current condition – no longer bears the concepts or governments the same subjects which fell within its jurisdiction in the past periods. Following the cancellation of law No.105 of year 1980 for the establishment

of supreme state security and penal courts. The decree passed by President / Mohammed Hosni Mubarak for canceling all the military orders passed by the military governor during the enforcement of the emergency law, exempt those necessary for maintaining security and public order, particularly terrorism and drugs crimes, to promote confidence between the citizen and state, and reaffirm on the concepts of justice, equality and respect for HR.

- The emergency law applied in Egypt, with respect to its rules and authorities, is similar to the anti terrorism laws applied in many world countries, including the European Union countries and the USA, aims at permitting domestic securities authorities to protect public security and stability through confronting extremism and terrorism. President / Hosni Mubarak has confirmed in his historical speech delivered on Thursday , 28 July 2005 at Al Masaai Al Mashkoora School in Munifiya Governorate, that the Government's program for the forthcoming phase will include drafting a new anti-terrorism law, to replace the emergency law, in a step aimed primarily to put extraordinary laws in their narrowest scope.
- The NCHR, while presenting its recommendations, did not disregard pointing that Egypt and the entire world is confronting a very critical phase with respect to security, in light of the spread of aggression and terrorism phenomena. The best example for this are the terrorist attacks which occurred previously in New York , Madrid and Ankara Cities, as well those which occurred recently in the British capital, London, and Taba and Sharm El Sheikh cities.

On this basis, the Egyptian Ministry of Interior confirms, while aiming primarily at the protection of public security and stability of the nation, that despite the fact that the emergency law is a temporary law by its nature, nevertheless it adheres to several of the authorities stated in this law – in the event of enacting substitute legislations- as being the minimum rules which permit the security systems to achieve public security, as well as the authorities permitted by this law to the security authorities to achieve remarkable achievements in aborting the plans and preparatory works of extremist and terrorist organizations.

- The Council recommended a number of recommendations at preventing torture, including for example the amendment of article (40) of the criminal procedures law, as well as article (126) of the penalties law, to conform with the International Convention for Anti-Torture, in addition to embracing preventative measures to reduce the potential of torture inside detention centers and promote cooperation between the NCHR and the Ministry of Interior towards the complaints of HR organizations in Egypt.

As it is noticed that the torture issue acquired the concern of the NCHR, in light of the complaints received in this respect, the Government – on its part- would like to reiterate the following facts :

- A number of HR organizations have groundlessly publicized locally and abroad the existence of torture crimes inside the Egyptian detention centers, without being based on conclusive

evidences to substantiate such claims. This contradicts with the policies applied in punitive institutions, centers and police stations, which are placed under the supervision of members of the PP, who are concerned with periodical and unscheduled inspection of all the detention centers across the Republic.

- The Government stresses on the compliance of MoI with the constitutional and legal system to guarantee the rights of victims in torture crimes, namely : incriminating the act of torturing a suspect to compel him into confession or mistreating him, non prescription of the criminal or civil case arising from such acts and to disregard any statement or evidence proved to be resulting from torture as well as the State's guarantee of compensation arising from such crimes. The law has incriminated the act of torturing a suspect to compel him to confess and has stipulated a strict punishment for such act (strong imprisonment or imprisonment from three to ten years), and to rule for the punishment of manslaughter in case of the death of the victim. It has also incriminated the act of using severity depending on the job, whether this breaches the suspect's honor or causes physical pains to him. The law stipulated imprisonment and fine as a punishment for such act.
- The GoE is currently reviewing the NCHR's proposed amendments regarding Article 40 of the Criminal Procedures Law and Article 126 of the Penal Code. It is also studying the extent of their compatibility with international anti-torture agreements and declarations (UN Declaration of 1975, Anti-Torture Agreement of 1984) in light of Egypt's commitments by

virtue of the international agreements and conventions to which it is a party.

- The GoE has advised the NCHR that it shall relentlessly take action against civil servants working for competent authorities who commit any infringements. It shall also take all necessary actions stipulated by the law in case torture or cruelty is used in any detention center in Egypt. Furthermore, all those who are proven to have committed any violations or infringements or acts of negligence shall be tried before disciplinary or criminal courts.

Textbooks upon which was based the Paper on Features & Terms of HR Rhetoric in Compulsory Stage Curricula

The study made use of a number of textbooks prescribed by the MoE
and made available to the NCHR:

1- Religious Education Books

Islamic Religious Education,	1 st Preparatory Grade,	1 st semester	2003-2004 edition
Islamic Religious Education,	1 st Preparatory Grade,	2 nd semester	2003-2004 edition
Islamic Religious Education,	2 nd Preparatory Grade,	1 st semester	2004-2005 edition
Islamic Religious Education,	2 nd Preparatory Grade,	2 nd semester	2004-2005 edition
Islamic Religious Education,	3 rd Preparatory Grade,	1 st semester	2004-2005 edition
Islamic Religious Education,	3 rd Preparatory Grade,	2 nd semester	2003-2004 edition
Christian Religious Education,	1 st Preparatory Grade,	1 st semester	2005-2006 edition
Christian Religious Education,	1 st Preparatory Grade,	2 nd semester	2005-2006 edition
Christian Religious Education,	2 nd Preparatory Grade,	1 st semester	2003-2004 edition
Christian Religious Education,	2 nd Preparatory Grade,	2 nd semester	2003-2004 edition
Christian Religious Education,	3 rd Preparatory Grade,	1 st semester	2004-2005 edition
Christian Religious Education,	3 rd Preparatory Grade,	2 nd semester	2003-2004 edition

2- General Religion Books

- Asma'a Bint Abi Baker: That El Netakeen, 1st Primary Grade, 2003-2004 Edition.
- Usama Bin Zaid: Youngest Leader in Islam, 2nd Primary Grade, 2003-2004 Edition
- Islamic Insights in Environmental and Population Awareness, 3rd Primary Grade, 2003-2004 Edition.

3- Arabic language books :

- Arabic Language 2: Write and Read, 1st Primary Grade, 2nd Semester, 2005-2006 Edition
- Our Beautiful Language: Reading and Texts, 1st Preparatory Grade, 2nd Semester, 2003-2004 Edition.
- Our Beautiful Language: Reading and Texts, 2nd Preparatory Grade, 1st Semester, 2004-2005 Edition
- Our Beautiful Language: Reading and Texts, 3rd Preparatory Grade, 2nd Semester, 2004-2005 Edition

4- Social Studies Books

- Social Studies (My Governorate, a Part of Egypt), 4th Primary Grade, 2nd Semester, 2004-2005 Edition
- Social Studies (Egyptian Settings and Personalities), 5th Primary Grade, 1st Semester, 2005-2006 Edition.

5- Mathematics Books

- Mathematics (Think and Work), 3rd Primary Grade, 1st Semester, 2005-2006 Edition.
- Mathematics (Think and Work), 3rd Primary Grade, 1st Semester, 2004-2005 Edition
- Mathematics (Think and Work), Exercises and Activity Booklet, 3rd Primary Grade, 1st Semester, 2004-2005 Edition
- Mathematics (Work and Produce), 4th Primary Grade, 2nd Semester, 2005-2006 Edition.
- Mathematics (Work and Produce), 4th Primary Grade, 2nd Semester, 2004-2005 Edition
- Mathematics (Work and Produce), Exercises and Activity Booklet, 4th Primary Grade, 2nd Semester, 2003-2004 Edition

Birth Registration Certificate

Seal: Arab Republic of Egypt
Ministry of Interior Ministry of Interior
Civil Status Authority

National No.: 3031228014244

Newborn Details

Farida

Nationality : Egyptian

Gender : female

Place of birth :

Cairo / El Basateen

Date of birth: Twenty eighth of December, two thousand and three

Father Details

Shadi Sameer Sobhi

Nationality : Egyptian

Mother Details

Mary Jane Fairly

Nationality : American

Health Center Gezirat Dar El Salam Registration No. 002089

Civil Register El Basateen Registration date 29/11/2004

Issuing Register Cairo Information Center Date of issue 14/3/2005

Serial No.: 0143355632

Signature: Ayman Omarah, Police Officer

Draft Law for Canceling the Imprisonment Penalty for Opinion and Press Crimes

The NCHR received from the Press Syndicate a draft law for canceling the imprisonment penalty for opinion and press crimes, as promised by PoR during his inauguration of the Journalists 4th General Conference in February 2004.

Draft law (canceling imprisonment penalty for opinion and press crimes):

By amending a number of provisions of the Penal Code passed by Law No.58 of 1937, Law No.20 of 1936 on the press, and Law No.96 of 1996 regulating journalism.

Article One :

Articles 80 (D), 86 bis 3rd paragraph, 98 (A) 4th paragraph, 98 (B) bis, 98 (F), 102, 102 bis, 124 (A) 3rd paragraph, 172, 174, 176, 177, 178, 178 bis, 178 bis 3rd, 179, 181, 184, 185, 186, 187, 188, 189, 199, 200 of Penal Code No.58 of 1937 are hereby deleted.

Article Two:

Freedom-deprivation penalties in press and opinion crimes are hereby cancelled, and a fine penalty will be sufficient, provided the minimum and maximum limits of the fine stipulated under the Penal Code or any other laws for such crimes are doubled, whereby the maximum limit of the fine shall be LE 10,000.

Article Three:

Freedom-deprivation penalties stated under Articles 27,26, 31,30, 29 of Law No.20 of 1936 on the press are hereby cancelled, and the fine penalty determined under these articles shall suffice.

Article Four:

Article 171 of Penal Code No.58 of 1937 is hereby amended as follows:

"Anyone who instigates one or more persons to commit a crime or misdemeanor, by words or sounds, whether pronounced publicly or through an act or gesture made by him in public, or in writings, drawings, pictures, photographs, symbols, any other representative

methods or any other publicity means, shall be considered an accomplice in such act, and shall be punished by the fine determined under Article Two of this Law. This is in case this incitement implies the occurrence of such a crime or misdemeanor.

However, if the incitement leads to a mere attempt of a crime, then there shall be no penalty.

Words or sounds are considered public if said or uttered through any mechanical means in any much-frequented place, or if said or uttered whereby it can be heard by all those in such frequented place, or if transmitted wirelessly or through any other means.

The act or gesture shall be considered as public if it occurs in a much-frequented place, or if it occurs whereby it can be seen by those in such place.

Drawings, pictures, photographs, symbols and other representative methods are considered public if distributed without discrimination to a number of people or if they are displayed whereby they can be seen by those in any much-frequented place or if sold or displayed for sale in any location.

Article Five:

Article 44 of Law No.96 of 1996 in connection with the press is hereby amended as follows:

Whoever challenges the validity of a news item or incident published in a newspaper or any of the mass media means stated under Article 171 of the Penal Code shall confirm the falsity of the news or incident and the

journalist's consent of the same. In all cases, a crime shall not be deemed to have been committed publication was well-intentioned, after taking due care and precaution, as per the established professional principles.

Article Six

Articles 302 and 303 of Chapter Seven of Penal Code No.58 of 1937 are hereby amended as follows:

Article 302:

A slanderer is anyone who ascribes to another person, through any of the means indicated under Article 171 of this Law, matters which, if true, would make the latter punishable by the penalties legally prescribed, or would entail his contempt among his fellow-countrymen, unless this is done in good faith.

Article 303:

Libel shall be punishable by a fine of LE 2,000 - LE 5,000. If it is against a civil servant or a public deputy and is directed toward his performance of the job or deputation, the penalty then rises to LE 5,000 – LE 10,000.

Article Seven

Article No.44 bis shall be added under Law No.96 of 1996 in connection
with regulating the press, as follows:

Article 44 bis

The Cassation Court shall establish a 3-member tribunal in the court to be annually elected by its general assembly, which will be chaired by the most senior of them. The tribunal shall have a technical secretariat formed of an adequate number of judges of courts of First Instance, who will be seconded according to a decree passed by the Higher Judicial Council. This tribunal shall be solely responsible, pursuant to the request of the PP or concerned authorities, for investigating crimes committed
by newspapers.

Article Eight

Article No.44 bis (A) shall be added to Law No.96 of 1996 regulating the
press, as follows:

Article 44 bis (A)

Except for provisions of the Criminal Procedures Law and Military Rulings Law No.25 of 1966, Courts of First Instance (Appellate Misdemeanors Circuit) shall have jurisdiction over the misdemeanors committed by the
press.

The rulings of such courts may be appealed before competent Criminal,
that have jurisdiction over the Courts of First Instance.

Article Nine

This law shall be published in the Official Gazette, and shall be effective as of the day following the publication date.

New Law for Professional syndicates

The National Society for the Defense of Rights and Freedoms and Maat HR & Constitutional Studies Center held a workshop entitled, "Toward a New Law for Professional syndicates" at its HQ, and under the sponsorship of the NCHR on 19 January 2006.

The NCHR submitted a paper on amending Law No.100 of 1993, amended by Law No.5 of 1995, prepared by the NCHR's Legislative Committee following the hearing session held by NCHR with Dr.Mufeed Shehab (Secretary General of the Professionals Committee). It was attended by Mr.Hafez Abou Saadah (Secretary of the Egyptian Organization for HR) and Mr.Sameh Ashour (President of the Bar Association).

Mr.Ayman Okail, President of the Director of Maat Center, confirmed that the main motive for passing Law No.100 of 1993 is to confront the rising tide of religious militancy (MB) within professional syndicates. He pointed out that Egypt has 23 professional syndicates, comprising approximately 6 million members of the middle class, and that the influential role of professional syndicates in public life and political activity has even overshadowed the role of political parties.

The problem of unemployment in 1991, following the invasion of Kuwait and the return of many Egyptians therefrom. All this led to setting for the "Democratic Guarantees for Association Work". However, nothing was farther from democracy than this law.

This law led to the freezing of many associations and the paralyzing of union work, which, in turn, affected the performance of unions and

forced a number of associations to request the government to support the pensions fund to confront their financial deficit.

Okail confirmed that this law contains many drawbacks. He appealed to unionists to lay aside personal disagreements and cooperatively lay down a law in substitution of Law No.100 of 1993.

The first session chaired by Mr.Hafez Abou Saadah, (Secretary General of the Egyptian Organization for HR, revolved around the review of the flaws of Law No.100 of 1993 as amended by Law No.5 of 1995.

Among the most significant of such drawbacks are:

- If the quorum is incomplete, the elections will be repeated and elections will be deemed valid if votes are cast by one third of the members.
- This Law has granted the judicial commission supervising the syndicates' elections an authority to determine the dates and procedure of the elections.
- This law was challenged as unconstitutional due to the contradiction of the provision of its Fifth Article with the Constitution, which stipulates that the meeting of the general assembly for electoral purposes shall be during week days other than Fridays and official holidays, and that applying this provision would lead to limiting the demand for participating in the election process, in addition to the high quorum required for the validity of holding the general assembly.
- Some criticized Law No.100 of 1993 for its enforcement on all the professional syndicates, despite differences among them. For example, there is a central syndicate for journalists, and there are diffused syndicates, i.e. they have branches all over the country.

Further, there is a difference in the membership numbers in the syndicates to a considerable extent, which necessitates different election rules for the their respective boards.

In the verdict passed by the SCC (No. 15 of JY 14) "A" "The intention of the Constitution in the provision of Article 56 thereof that the establishment of syndicates is on a democratic basis is a right guaranteed by the law, and an assurance of the right of the syndicate members to formulate its systems, programs, organize its management, aspects of its activities and selection of its representatives in complete freedom".

The second session was revolved around the proposals presented by the participants and was chaired by Mr.Abdulla Khalil (cassation lawyer and expert in the international law for HR). There was a near consensus on the necessity of canceling Law No.100 of 1993, and a return to a separate law for each syndicate.

Recommendations

At the end of the workshop, the following recommendations and proposals were made:

First:

Reviewing provisions of the law alternative to law 100 of 1993.

Article One:

The provisions of the law shall apply to professional syndicates.

Article Two:

For validity of electing the chief and members of the general or secondary association council, at least 25% of the total of members in the general assembly whose names are listed in the association lists and eligible to vote should vote.

According to the provisions of the law of each association, each association may propose the necessary legal amendments for specifying the number and form of its general assembly.

If this quorum does not exist till the end of the election process, members of the general assembly shall be invited to a second meeting

within two weeks. Election this time shall be valid with the voting of at least 10% of the members eligible to vote.

Article Three:

If the chief and members of the assembly are not elected according to the provisions stated under the previous article, the chief and association assembly shall continue discharging their duties for a one-year period as a temporary assembly. Members of the general assembly shall be invited to meet within this period for the elections of the chairman and board of the association, according to the same method, and election shall be valid with the completion of the quorum stated under the previous article.

Article Four:

If the chairman's post becomes vacant prior to the termination of his tenure in the association, he shall be succeeded by the most senior representative or deputy, according to the case. The general assembly shall be invited to elect the chairman within three months from the date of his position becoming vacant. The provisions stated under articles 2 and 3 of this law shall apply to the general assembly meeting in this case and the tenure of the elected chairman shall be considered as completing the tenure of his predecessor.

Article Five:

Meeting of the general assembly members for the election objectives shall be held during the days deemed by the committee supervising the elections, as stated under article seven, and its date shall be announced in two widely circulated daily newspapers published in Arabic languages.

Article Six:

Elections for all association levels shall be carried out according to the method stated under the law of each association. The Judicial Council shall be informed in order to second a number of judges to supervise the election, sorting and announcement of the results. The MoJ shall bear all the expenses.

Article Seven:

A committee of non-candidates shall be formed in every professional syndicate, with the task of :

- 1- Deciding on all the applications and grievances on listing the names in the election lists or omitting their listing illegitimately or correcting the details concerned with the listing, not later than seven days from the date of announcing the lists, and shall notify its decisions to the concerned parties within three days of the date of publishing.
- 2- Deciding on all the applications and grievances submitted to it since announcement of the beginning of the elections till the end of the election process to ensure their conduct according to the law.

Article Eight:

A member of the professional syndicate shall be entitled to cast his vote in the elections on all levels whenever he has settled his outstanding subscriptions two months prior to the date scheduled for the elections.

Article Nine:

The general or secondary councils of the associations and all the professional syndicate organizations may raise funds, accept donations or grants for the objectives upon which the association is established. Every member of the association may request the administrative justice court to discontinue any act or procedure passed in violation of the provision of this article. The rules and procedures stated under the State Council Law shall apply, and no judicial or administrative receivership may be imposed on professional syndicates. Nor can their funds be confiscated for any reason.

Article Ten:

Every association is entitled to implement its own law with respect to the semi-annual renewal, if any, according to the case or according to the legal amendments carried out on the general assembly in terms of form and number.

Article Eleven:

Every provision violating the provisions of this law shall be cancelled and the professional syndicates laws may not be amended unless after surveying the opinion of their general assembly.

Article Twelve:

This law shall be published in the official gazette, effective from the next day after its publishing date. This law shall be sealed with the State Seal, and implemented as one of the State laws.

Second:

The attendance proposed to form a general union for professional syndicates.

Third:

This new bill shall be presented to all professional syndicates for their opinion.

At the end of the workshop, the Judges Club expressed its wish to implement recommendations of the general assembly for canceling any role by the judicial committee for supervising or intervening in the affairs of professional syndicates and to cancel law 100 of 1993, amended by law 5 of 1995, and to re-activate the role of the general assembly of professional syndicates and amend its laws and regulations.



Arab Republic of Egypt

National Council for Human Rights

Press Release

Under the chairmanship of Dr. Boutros Ghali, NCHR discussed for 2½ hours in its monthly meeting a number of organizational issues related to performance of the NCHR and its committees and considered that its upcoming anniversary would be an opportune occasion for evaluating the performance of the NCHR and its committees, as well as its overall impact on the HR conditions in Egypt.

The members submitted several proposals concerning such organizational aspects, including expediting the establishment of the NCHR's website, publishing a periodical bulletin on the NCHR activities.

NCHR Chairman reviewed the contacts he made in and outside Egypt, which included his visit to a considerable number of HR organizations in Europe, as well as a number of foreign ministers' visit to Egypt.

Further, the deputy chairman of the NCHR reviewed the communications and meetings he held abroad including a seminar in New York, upon the invitation of the UN secretary-general, on the phenomenon of fear from Islam (or Islamophobia). He also held a number of press conferences and closed-door meetings with research centers closely related to political decision-making in the USA.

The chairman of the NCHR confirmed that the NCHR, in its operation, is fully independent and would never accept any guardianship or intervention from any foreign authority.

The Secretary-General made reference to the monthly meeting of the high-ranking committee on which MoJ, MoI, MoFA and PP are all represented. Further, it was decided to resume the NCHR's visits to prisons in order to make sure that the humanitarian treatment stipulated by the law and international conventions ratified by Egypt is indeed afforded.



National Council for Human Rights

Press Release

NCHR held a seminar entitled “Towards a Media Strategy for Diffusing HR Culture”, which continued for two days between 21-22 of this month.

The seminar delivered a number of recommendations:

- 1- Coordinate between the NCHR and the NCW, the Press Supreme Council and the Union of Radio and Television for diffusing HR culture.
- 2- Organize training courses and workshops for workers in the media and HR advocacy domains.
- 3- Optimum use of direct and public communication skills for conveying HR culture.
- 4- Direct more attention to the local radio stations and TV channels in diffusing HR culture to the public, with particular emphasis on legal and social rights and rights of women and children.
- 5- Renew the religious speech on radio and television to achieve the goals of the Islamic laws and the principles of HR, taking into consideration modern changes.
- 6- appeal to producers of artistic works consider HR in their productions.
- 7- Organize discussion sessions between the NCHR and the media to deliberate the positive and negative aspects of the works presented through radio or television

- 8- Encourage and organize introductory presentations on HR to be delivered at schools, universities, professional and labor associations, sports clubs, registered private organizations, parties, Nile centers, culture palaces, and branches of the NCW.
- 9- Organize an annual HR-related competition for young people, with the aid of the Ministry of Youth and Sports.
- 10- Organize an annual festival during which the best HR personality of the year will be honored. So will the best HR press, radio, direct communication campaign or artistic literary work of the year.
- 11- Call upon producers to include in their works of art historical and contemporary models to help diffuse HR culture among all sectors of society.



National Council for Human Rights

Press Release

NCHR held yesterday, 29 June, a meeting during which it reviewed the recommendations issued by the meetings in which the NCHR took part throughout this month, especially the report on the media role in diffusing HR culture and the report of the regional parliamentary seminar on the UN Anti-Corruption Agreement.

The NCHR agreed to refer the declarations and recommendations on the reform of the PC system to the concerned authority, as well as review the activity on the international sphere.

It agreed to start the evenings of the HR saloons, the first of which will be held on Wednesday 6 of this month, with a presentation at Al Tahrir club by ex-Foreign Minister/ Ahmad Maher on "HR in a changing world".



National Council for Human Rights

Vice Chairman of the Council

Press Release

Under the chairmanship of Dr. Boutros Ghali, NCHR had a meeting, today morning, 8 of this month, that released the following:

The NCHR followed up the progress of the presidential election process from the start to the finish through the operations room established specifically for this purpose, and through the media reports, as well as the news posted on the internet.

Moreover, it received complaints and remarks that it investigated, then followed up with the concerned authorities.

The NCHR field committees noted two significant points which merit recording, **the first** is the citizens' turnout at the presidential elections, although no precise statistics exist so far on this.

The other point is that according to the reports of the NCHR committees and its operations room, the election process progressed normally free from intervention from security forces.

However there arose only a few exceptions to the rule:

Voters had difficulty in regard to finding the premises of their polling stations or their names in the election lists due to the inaccuracy of such lists, or to the merger of a number of certain polling stations.

The multiplicity of these cases led to the overcrowding of some polling stations so that many had to leave without casting their votes. Many polling stations did not receive the Higher Commission's decision permitting civil society organizations to check the election process for any rigging.



National Council for Human Rights

Vice Chairman of the Council

Press Release

NCHR held a significant and extensive meeting with civil society participants in monitoring the parliamentary elections, today morning Wednesday, 26/10/2005, at the NCHR HQ.

Dr.Ahmed Kamal Abul-Magd, the vice chairman of the NCHR, reviewed the communications with counselor / Mahmoud Abul Leil, chairman of the Elections Higher Committee, in which the NCHR confirmed the independent right of NGO's to monitor the election process, in compliance with impartiality principles.

This was met with approval from the Counselor/ Abul Leil, and incorporated in the statement released by him later.

A number of civil society organizations had some requests to activate their monitoring role and meanwhile maintain a quiet and orderly atmosphere throughout the elections in order to achieve the desired effectiveness. The vice chairman and members of the NCHR promised to follow up these requests in detail with the Elections Higher Committee and the Mol.



National Council for Human Rights

Press Release

On Wednesday, 12 October 2005, NCHR held a meeting with the preparatory committee for the international seminar on development and demining the north western coast area, under the chairmanship of Dr.Salah Amer, secretary of the international relations committee, in the presence of a number of representatives of the member ministries in the National Committee for Supervising the Removal of Mines from the West Northern Coast Area and its hinterland.

An agreement was reached to hold the abovementioned seminar by end of next December, to which a number of significant international figures will be invited, in addition to several distinguished Egyptians, professors and foreign experts from friendly foreign countries.

Issued on : 12/10/2005



National Council for Human Rights

Press Release

Immediately after the Sudanese squatters were evacuated from a square near the premises of the UNHCR, the NCHR keenly followed up their situation, realizing how this may affect the well established fraternal relations between Egypt and Sudan, a relationship every Egyptian respects and desires to protect and enhance.

The Social Committee under the NCHR took the initiative of holding an expanded hearing session attended by high-ranking representatives of the concerned governments. The NCHR also delegated a committee composed of its members and secretariat to visit the Sudanese refugee women detained at El-Kanater Prison, who had taken part in the stay-in strike, to check on their humanitarian conditions.

During its meeting of today, Wednesday, 25 January, the NCHR studied all the circumstances regarding the incident and its dangerous repercussions and made the following recommendations:

- 1- It is important that the UNHCR in Cairo promptly settle the predicament of the Sudanese refugees.
- 2- The fate of the missing members of the refugee families in the aftermath of their stay-in strike dispersion should be investigated.
- 3- Detained Sudanese should be released.

- 4- Investigations of the General Prosecutor regarding the stay-in strike dispersion should be followed up and families of the dead and injured compensated.
- 5- It is essential to follow up on the visits made to Abu Zaabal and Shebeen El-Kom Prisons for Men where Sudanese are detained.
- 6- It is vital that the bodies of the deceased be buried as soon as possible in coordination with the Sudanese Embassy in Cairo and the relatives thereof.

In this regard, the NCHR wishes to confirm the sincere and warm feelings of Egyptians towards the people of Sudan and their willingness to offer assistance thereto, whether on a personal level or through NGOs. The NCHR believes that these initiatives and noble feelings assert the strength and depth of the relationship between the two countries, and hopes that this may help in healing the wounds caused by the unfortunate incident.

On another plane, the NCHR discussed the bill prepared by the Legislative Committee which includes the amendment of a considerable number of provisions under the Criminal Procedures Law. The amendments aim at protecting the rights of the accused in all cases and guaranteeing a fair and just trial therefore as stipulated in the Constitution and in the international agreements and conventions to which Egypt is a party. The NCHR shall dispatch this bill along with a separate explanatory memorandum to the PA in the near future.

The NCHR also referred a bill to the Legislative Committee prepared by some of the NCHR's members regarding the issuance of a standard legislation that sets forth unambiguous regulations concerning the establishment of various places of worship.

It was decided during the meeting to request that the committee, which the NCHR had established to study the issue of "citizenship", to call for expanded hearing sessions followed by a study that bolsters and protects the principle of citizenship. Thereafter, recommendations should be made to the NCHR.

**Cairo Declaration Issued by the Regional Seminar on
National HR Institutes in the Arab World
(6-8 March 2005)**

This seminar was convened in Cairo upon the invitation of NCHR and the High Commission of HR and UNDP, in cooperation with the Arab League. Its convention was in light of the Arab rising interest in HR and in compliance with the UN charter and the Universal Declaration of HR.

The seminar was held in the presence of delegations from 17 Arab countries, representing national HR institutions, parliamentary committees concerned with HR and MoJ.

Also present were representatives of NGO's active in this field (observer status) and delegations from regional organizations from Africa, Asia and Europe, as well as the UN specialized agencies.

Participants confirmed the significance of HR and ensured its reinforcement and protection, as well as the special importance of the role entrusted to HR national institutions in the Arab world.

In this respect, participants called upon Arab countries which had not yet established similar national institutions to do so as soon as convenient in order to complete the Arab framework in this field.

Further, participants called upon Arab governments to expedite the completion of the ratification procedures of the Arab HR Charter and establish a mechanism for its implementation, in addition to ratifying HR international agreements.

They affirmed the importance of maintaining the independence of national HR institutions and empowering them to perform the tasks entrusted to them. So did they affirm the significance of having these institutions lay down comprehensive action plans to address all the various HR aspects, benefit from the other regional experiences, cooperate with private organizations, as well as coordinate with the UN HR mechanisms, the HR Commission and the Higher Commissioner in Geneva.

Considering the nature of this seminar and significance of its topics, as well as its activation of new mechanisms for HR promotion, participants resolved to submit this declaration and recommendations to the Arab Summit in Algeria.

They also requested to distribute this declaration, the final report and the recommendations as widely as possible.

The hosting country was likewise requested to submit such documentation as official documents to the HR Commission in its forthcoming 61st session.

Cairo 8 March 2005

Doha Declaration

Issued by the Regional Conference on

National HR Institutions in the Arab World

(4-6 March 2006)

This conference was convened upon the invitation of the National Committee on HR of Qatar and the Higher Commission of HR, in cooperation with UNDP, NCHR of Egypt and the Arab League, under the motto "HR Culture",

Affirming its conformity with UN Charter and the Universal Declaration of HR,

Pursuing the promotion, respect and protection of HR on both Arab and international spheres, in governmental and nongovernmental terms,

Recognizing the inaugural statements of H.E. Ahmed Bin Abdulla Al Mahmoud, the Minister of State for Foreign Affairs and member of the Council of Ministers of the State of Qatar, Mrs.Louise Arbor, the UN higher commissioner for HR, Dr.Boutros Boutros Ghali, chairman of NCHR of Egypt and former UN secretary general, Dr.Khaled Al Attiya, chairman of the National Committee for HR in Qatar, H. E. Abdulrahman Bin Hamad Al Atiya, secretary-general of the Gulf Cooperation Council Countries, and Mrs.Nanci Bakeer, assistant-secretary general of the Arab League.

Considering the centralism of HR in the development, peace and social progress and the significance of its promotion and protection and

development of a culture based on human values as per the International Declaration for HR.

Stressing the special significance of the role to be played by national HR institutions in Arab countries, to promote and spread a culture based on the international HR principles,

Reiterating the positive role of Arab and international NGO's operating in the HR domain and the significance of building partnerships between national institutions, official organs and NGO's to spread and promote HR and reinforce the first stage of the world program on HR education 2005-2007, released by the UN General Assembly,

Affirming the close relationship between the media and HR and the fundamental role the media may undertake in promoting HR and developing its culture,

Recognizing the advanced methods whereby a number of Arab mass media are currently addressing HR issues,

Welcoming the UN general assembly resolution No.153/60 regarding the establishment of the UN training and documentation center on HR for South East Asia and the Arab region in the State of Qatar,

Expressing its willingness to support the center and contribute in completing the tasks entrusted to it, and looking forward to expediting the completion of this promising project.

Expressing the belief that the culture of tolerance, respect for others, equality, non-discrimination and elimination of fundamentalism and hatred, represent a common heritage among humans,

Commending the declaration released by the Civilizations Alliance Conference, held in Doha on 26 February 2006,

Reiterating the significance of observing freedom of expression and opinion as per the principles agreed upon worldwide, to promote understanding among all nations and communities, without wronging the other's religious beliefs, thus leading up to cooperation and understanding among them and avoiding collision, conflict, fundamentalism and hatred and the risks attached thereto,

Welcoming endeavors by Arab national HR institutions, in cooperation with NGO's and national institutions all over the world for the purpose of advancing rational dialogue among cultures via the emphasis on freedom of opinion, expression, respect of religious freedom, and the call for eliminating attempts aimed at inflaming the feelings of fundamentalism and hatred among nations.

Expressing its deep concern over the growing duplicity of the criteria adopted by a number of countries, the last manifestation of which is the attempt to punish the Palestinian people for their choice of government through free and impartial elections,

The conference participants have therefore agreed to:

- 1- Call upon all Arab countries to ratify international HR conventions and remove whatever reservations on them, including the convention to eliminate all forms of discrimination against women and also to expedite ratification of the Arab Charter of HR.
- 2- Call upon all Arab countries, to set up independent and credible national HR institutions in conformity with the principles inherent in UN General Assembly Resolution 134/48, known as the Paris 1993 Principles.
- 3- Call upon all Arab countries, which already have national HR institutions, to maintain the latter's independence and credibility,

supply them with all material and human potentials and enlarge their authorities according to the General Assembly Resolution 134/48.

- 4- Urge national HR institutions as well as GO's and NGO's to lay down national plans for the implementation of the international program for HR education, issued by the General Assembly under no.113/59 of 2004.
- 5- Urge Arab countries to lay down national plans for HR which outline national priorities and the measures to be taken, as well as their implementation mechanisms and the period required to complete them, by involving national institutions and NGO's operating in HR domain.
- 6- Appeal to Arab countries to adopt legislative and practical measures that may create an environment conducive to free expression of opinions, spread the culture of democracy and remove the restrictions on the freedom of forming parties, societies and associations, guaranteeing the freedom of assembly, the press, and media, with a view to reforming the judicial system, canceling aberrant laws and ad-hoc courts of law.
- 7- Appeal to Arab countries to consider the remarkable experience of Morocco in the field of transitional justice.
- 8- Revise educational programs toward enhancing principles of Islam, tolerance, dialogue, respect for the other and discarding fanaticism, hatred and racism, including training teachers and law-enforcement officers.
- 9- Revive and support the culture of rationality which develops critical and creative thinking through the activities of educational and cultural institutions in the Arab region.

- 10- Encourage and strengthen HR culture via partnerships among the media institutions, national institutions and NGO's.
- 11- Urge National HR institutions and governments to pay ample attention to achievement of equality between genders, combating violence against women, including domestic violence, practices and habits detrimental to the health of women, and incorporating this in relevant awareness programs in the next two years.
- 12- Appeal to the High Commission of HR to provide more support to Arab national institutions and NGO's.
- 13- Call upon the Arab League to help national institutions and NGO's acquire membership of the permanent Arab Commission of HR (observer status).
- 14- Call upon NGO's to adopt democratic methods in their systems, administrative structures, relationships and programs.

Finally,

Participants affirmed the positive role of such meetings and the necessity of organizing such meetings annually. They agreed on the formation of a follow-up committee, consisting of the NCHR of Qatar, the NCHR of Egypt, the Advisory Council for HR of Morocco, the Higher Commission for HR, entrusted with following up and implementing the recommendations of the 1st and 2nd regional conferences. They welcomed the invitation of the Advisory Council for HR in Morocco to host the 3rd regional conference on national institutions for HR, and agreed that its topic will be "HR and the independence of justice." They called upon the higher commission for HR to support this initiative.

Further, they decided to submit the aforementioned recommendations to the forthcoming Arab Summit, hoping that it will be according the attention and care of Arab leaders. They have also requested the hosting country to publish them as part of the official documents of the UN HR committee in its forthcoming session scheduled to be held on 13 March 2006.

Doha 6 March 2006

Recommendations of the Conference on Democracy and HR in the Arab World

(Cairo 19-20 December 2005)

The Arab national institutions for HR are called upon to:

- 1- Observe the requirements of effective participation of the civil society and NGO's under the umbrella of the HR Council under incorporation, as reflecting the pulse of nations and representing direct democracy and public participation. Further, conferees called for positive action and remarkable procedures in the interest of the civil society institutions in developing countries which do not have the financial resources and technical expertise to participate in international HR mechanisms.
- 2- Based on the same linkage between the national and international levels for democracy, the Arab national institutions for HR call for ratification of an intermediate formula for supervising the elections in Arab countries.

A formula based on supervision by Arab civil society institutions via national supervision committees under the umbrella of which Arab NGO's and Arab national HR institutions would cooperate to monitor
the election processes in their countries.

In the meantime, there will be participation of regional and
international organizations.

This formula combines both the national ownership of political reform and the acknowledgement that observance of HR is no longer
a mere domestic affair.

3- Democracy, HR and political reform have one common denominator, which is fundamentally education. Therefore, participants in this conference are calling for cooperation with the UNESCO in order to introduce an ambitious Arab regional cooperation program to teach and diffuse the culture of HR from the onset of compulsory education through higher studies phases.

Such ambitious program requires in itself a preparatory meeting in which Arab education experts and HR experts get together to lay down the features of this program in terms of its objectives and content.

It is recommended that this program is placed under discussion during the 2nd conference for Arab national institutions on HR, scheduled to be held in Doha, 3-5 March 2006.

4- Further, it is recommendable that the aforesaid Doha meeting should discuss the organization of a seminar on the relationship between democracy and globalization from the perspective of the right to development, on the 20th anniversary of the Declaration of the Right to Development in 2006.

The celebration of this anniversary should coincide with the first year of the operations of the HR council, the incorporation of which is being negotiated in Geneva.

5- The relation between globalization and democracy is currently confused. The role of the State is diminishing due to globalization, while its obligations toward HR are increasing. Therefore, Arab national institutions on HR must play a role in attempting to influence international negotiations which result in international agreements and criteria with which government comply.

Undertaking this role is currently impossible in view of the fact that, as per the Paris accords and the resolutions of the HR Committee, Arab HR national institutions' role is limited to following up internal affairs only.

This has become a flagrant drawback which overlooks globalization facts and its negative political impacts on public participation and democracy.

6- It is recommended that NCHR worldwide be better equipped financially and technically. Such NCHR being the national frameworks most effective and efficient in bolstering democracy in such a way as to respect cultural privacies and acquire political and ethical legitimacy, as well as understand national environment features.

Appeal to Arab Governments:

7- To expedite completion of the procedures for ratifying the Arab Charter on HR so that it enters into effect and hence, prompt the initiation of the Arab HR committee activities. This will be a pioneering regional committee on HR, which is comprehensive and inclusive of all the HR: civil, political, economic, social, and cultural.

8- To ratify the articles of association of the international criminal court due to its extreme significance in the protection of HR and combating evasion from punishment.

9- Positive interaction with the ongoing negotiations under the umbrella of the HR committee in Geneva, aimed at concluding an additional protocol to the HR Universal Charter.

Such additional protocol should comprise all provisions of the Universal Charter on economic, social and cultural rights, as well as all the obligations of developing countries and advanced countries equally.

Appeal to all Arab Countries:

- 10- That have NIHR to strive continuously to make such institutions conform to the Paris Accords through adopting the required amendment and development. Also to make such NIHR turn their attention to women's rights upon which rest childhood rights and stability of the family.
- 11- That do not as yet have NIHR to do so in compliance with the Paris Accords in terms of their specializations and legal status.
- 12- To seek to establish an Arab pool for the mechanisms of individual complaints against HR violations. Such mechanisms will not only support the victims but will also be very significant political and social security indicators to determine weaknesses, avoid hazardous areas and extinguish mutinies at an early stage, and therefore prevent foil any pretext for foreign intervention in the domestic affairs of Arab countries.
- 13- To reinforce structural ties, rather than incidental ties, between Arab democratic GO's and NGO's, including political parties and NIHR, via periodical meetings in all Arab countries as per a constructive action program.

14- To place discussion of this declaration and such recommendations on the agenda of the forthcoming Arab summit, and to assign a role in implementing them to the Arab League.

15- To ratify all major international HR agreements and transform their content into national enforceable legislations so that it may be litigated before national courts of law.

Appealing to the Western community and countries,

16- To avoid double standards which have always contributed in undermining international HR institutions, thus leading to the loss of their credibility and impact – particularly as per the resolution of the Millennium Follow-Up Summit in New York, September 2005.

17- To observe democratic principles in terms of forming the proposed HR council in such a manner as to encompass all cultures and geographical blocs, as well as in terms of its decision-making mechanism.

18- The jurisdiction of the NCHR- the incorporation of which is currently under negotiation- should ensure comprehensive competencies translating the principle of the internationality of HR, its cohesiveness and indivisibility. Therefore, such council should discontinue the imperfections in the HR committee in its mechanisms as regards civil, political, economic and social rights and the right to development.

Cairo Declaration

International Conference on Development and Removal of Mines From North-Western Coast Area

Cairo 27-29 December 2005

Considering all aspects of the problem of mines planted in the north-western coast area, and conducting extensive negotiations on the best means which may lead to demining this significant area and securing the Egyptian people's right to visit this extensive expanse of the country or populate it, without fear or reluctance:

Participants in this Conference hereby declare:

These extensive surfaces of the western desert were planted with mines during World War II. The major combating forces contributed in planting them, and hence the harvest was painful and the result fatal, representing thousands of Egyptian victims who lost their lives or sustained serious injuries, physical disabilities and deformities.

Now, after these long years the mines of the north western coast continue to destroy new generations of Egyptians on the desert sands.

The international legal frameworks governing the production and use of mines were under extensive discussion. The traditional international law

stand and the modern humanitarian international law towards all types of landmines were reviewed, including the Hague accords of 1907, the Mine Prevention agreement (Ottawa Agreement) of 1997, the Geneva agreements of 1949, the two protocols added thereto in 1977, and the 2nd and 5th protocols annexed to the Prevention and Restriction of a Number of Conventional Arms (Geneva 1980) and the relevant international agreements and resolutions.

The conference has also deliberated the issue of the international responsibility of the countries which planted mines in the Egyptian territory, particularly in the north-western coastal area, as well as the stand of the Arab Republic of Egypt towards the Ottawa Agreement of 1997. Extensive discussions in this respect revealed that regardless of the opinion on the international responsibility of the countries which planted the mines, and whatever the stand of the Egyptian government may be towards the Ottawa Agreement of 1997, defusing the millions of mines which are still lurking under the north-western coast sands should be the noble goal of all.

We declare herein, in loud and clear terms that now is the time for the international community to support the Egyptian people in their efforts to clear this extensive area of his territory from the millions of mines which are still lurking there. Not only is this responsibility to be borne by countries which planted the mines in the first place but also by the entire world community under the umbrella of a concerted development plan and a well-defined time schedule.

MoU

Between the NCHR - Egypt

And the Norwegian Center for HR – Oslo University

Both the NCHR and the Norwegian Center for HR – Oslo Univ.,
concerting joint efforts in terms of consolidating the and diffusing HR
principles,

Have agreed as follows:

Article One

To facilitate joint projects to promote observance of HR in both countries.
Such projects shall be carried out by the two parties and/or the assistance
of NGO's and civil society organizations in both countries, subject to their
agreement.

Article Two

Both parties shall exchange ideas on specific cooperation projects, taking
into consideration the necessity of finalizing the agreed plans and budgets
according to the set timetable.

Article Three

Priority shall be afforded to promoting HR education, HR culture and
internal capacity building in the initial phase of the cooperation. Potential

adjustments on the priorities of work shall be discussed both parties on an annual basis.

Article Four

Planning and implementation of the projects shall be carried out in accordance with the decrees and work priorities of the NCHR- Egypt and the Norwegian Center for HR- Norway, as per the administrative and financial constraints of both parties.

Article Five

Such projects shall be organized in accordance with the framework agreed upon, with the necessity that they do not contradict with the MoU. Funding each project shall be considered according to the conditions of both institutions and the support offered to them to implement such projects.

Article Six

Both parties shall strive to meet annually for the objective of evaluating the agreement.

Article Seven

Each party shall appoint a point of contact with the other party, in order to facilitate cooperation and follow-up of joint cooperation projects.

- The NCHR- Egypt appointed ;

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- The Norwegian Center for HR- Norway appointed :

Dr. Niel Butenschon

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Fax : 4722842002

Each party shall inform the other party of any changes, whether administrative or otherwise which may take place upon implementing the agreement

Article Eight

This MoU shall enter into effect after being signed by both parties, for a period of three years. According to this agreement, it is necessary to complete the projects on their specified times, in addition to the necessity of negotiating the extension of individual agreements or projects three months prior to the termination of this agreement.

Venue:

Date:

**National Council for Human
Rights
Boutros Boutros Ghali
Chairman of the Council**

**Norwegian Center for Human
Rights
Gerr Alphstin
Center Director**

Closing Statement

**Towards Development of Performance and Integrity of the Arab
Election Processes**

**Recent Parliamentary Elections in Lebanon, Egypt, Iraq and
Palestine**

(2005-2006)

The UNDP's Program on Governance in the Arab Countries organized in cooperation with the NCHR, a workshop entitled "Towards Development of Performance and Integrity of the Arab Election Processes" in Cairo, Egypt, 12-13 March 2006.

The goal of this workshop was to review and assess the recent parliamentary elections in Lebanon (June 2005), Egypt (November 2005), Iraq (December 2005) and Palestine (January 2006). The workshop was attended by approx. 120 participants representing the main concerned authorities in the four countries, i.e. the national institutions supervising the elections, the divisions concerned with the elections at the Ministries of Interior and Justice, in addition to the judicial body and election observers from the civil society organizations and election researchers and experts.

Further, representatives of the Arab councils for HR, senior officials and election experts from Yemen, Morocco, Algeria, Jordan, Sudan and Mauritania participated in the workshop. This is in addition to the participation of representatives of international institutions concerned with the observation, reform and development of the election processes worldwide.

The workshop constituted the first Arab meeting on a senior level, with intensive participation of the concerned authorities for exchanging expertise and development of know-how as well as conducting a joint review of the recent Arab elections experiences.

The workshop functions were distributed among six sessions which addressed the following topics respectively:

- 1- public authorities supervising the elections- institutional roles and experiences
- 2- election process- challenges, revisions and objections
- 3- election observation- national observation and the civil society's role
- 4- election observation – international observation: role of the UN, European Union and other authorities.
- 5- Assessment of the election process and learned lessons: role of reports and researches
- 6- Towards an Arab network for performance development and integrity of the election processes.

Participants in this workshop agreed on the significance of the activities, discussions and proposals comprised by this workshop, particularly in terms of:

- 1- Timing: it expresses and reflects a critical phase the Arab region is undergoing in the process of political and democratic reforms
- 2- Participation: it has rested on the experiences which took place in a political environment that varies from one country to another. Palestine strives to achieve its independence and establish its state. Iraq seeks to achieve stability and evacuation of foreign forces.

Lebanon has faced shockingly destabilizing incidents. Egypt is witnessing an unprecedented political activity.

- 3- In terms of objective, it is directed towards activating cooperation and exchange of experiences, especially since we, Arabs, have one common culture, integrated and similar interests at once, as well as the pursuit to open our doors to the world and its useful experiences.

Conferees agreed on the following principles:

- 1- Elections, which reflect one of the cornerstones of democracy, as democracy is also the freedom of expression, the independence of the judiciary, and is concerned with participation and equality.
- 2- There is a close connection between democracy and development, as there is no development without democracy
- 3- The international system and increasing difficulty in segregating between what is internal and what is external, and the growing globalization phenomenon and its impact on many domains, may lead to the loss of the national freedom of choice. Hence the importance of international democracy as a hedge against the loss of national democracies.

Accordingly, the participants, sensing the significance of this issue and the necessity of building upon the matters raised, have agreed on the necessity of:

- Considering this study as the basis for launching an integrated series for discussing and evaluating everything related the election process, and proposing to organize two discussion sessions during this year:

First: Independent committee for supervision of the elections to act as the model we strive to have pursuant to the comparative experiences and studies in this respect on the Arab and international sphere.

Second: Healthy election environment and the associated comparative studies and researches in all legislative and procedural domains ...etc

The NCHR expressed its willingness to cooperate with the Arab authorities and institutions for HR and the UNDP to organize and hold the above two seminars.

- The participants have also agreed that starting now an Arab network shall be established to exchange experiences and information on the election process from all aspects to represent a database for all countries of our region and to be open and available to everyone, in which all the Arab countries, through their official authorities, HR institutions and the civil society will participate.
- The HQ of this network may be in its initial stages at the premises of the UNDP in Beirut.
- Conferees were informed of the proposals submitted and the note on free and integral election behaviors which they regard as the beginning of research and study, and shall be one of the elements of the data base in this respect in the network proposed to be established in the UNDP premises in Beirut.
- Conferees note the significance of the topics proposed which will be discussed in the future, and appreciate the significance of submitting this declaration for the perusal of Arab leaders during their forthcoming meeting this month in Khartoum.

List of the NCHR, Egypt Publications

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|--|-----------------------------|
| 1. 1 st Annual Report (Arabic) | March 2005 |
| 2. 1 st Annual Report (English – French) | July 2005 |
| 3. Presidential Elections Report | September 2005 |
| 4. National HR Institutions in the Arab World
Report (Study) | November 2005 |
| 5. Means and Authorities of HR Committees in
dealing with complaints on the international and
Arab scale (Study) | December 2005 |
| 6. Parliamentary Elections Report | November –
December 2005 |

Publications under printing:

1. workshops and seminars report for 2005
2. international conferences report for 2005

List of Acronyms

CAMS	Central Agency for Mobilization & Statistics
CPL	Criminal Procedure Law
DPs	Disabled Persons
EC	European Commission
EOHR	Egyptian Organization for Human Rights
EU	European Union
GoE	Government of Egypt
GOs	Government Organizations
HR	Human Rights
HRW	Human Rights Watch
ICCPR	International Convention for Civil and Political Rights
IM	Minister of Interior
JM	Minister of Justice
KSA	Kingdom of Saudi Arabia
LCHR	Land Center for Human Rights
MACHR	Moroccan Advisory Council for Human Rights
MB	Moslem Brothers
MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoSA	Ministry of Social Affairs
MoSS	Ministry of Social Solidarity
MoU	Memorandum of Understanding
MPs	Members of Parliament

NCCM	National Council for Childhood and Motherhood
NCHR	National Council for Human Rights
NCW	National Council for Women
NDP	National Party
NGOs	Non government Organizations
NHRC	Norwegian Human Rights Center
NIHR	National Institutions for Human Rights
PA	People's Assembly
PAAE	Public Authority for Adult Education
PC	Protective Custody
PM	Prime Minister
PoR	President of Republic
PP	Public Prosecutor
PS	Professional Syndicate
SSIS	State Security Investigation Service
UN	United Nations
UNDP	United Nations Development Program