



The National Council for Human Rights

Together to Promote Human Rights

***The Seventh Annual Report***  
***of***  
***The National Council for Human Rights***  
***2010-2011***

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## *Introduction*

The period covered by the Seventh Annual Report of the National Council for Human Rights (NCHR) is of particular importance for a number of reasons. The country witnessed significant milestones during the course of 2010 in terms of human rights and public freedoms, with both positive and negative repercussions on State and society, while posing serious challenges in other instances, necessitating the development of decisive policies in their regard.

At the forefront of these developments, are the obligations undertaken by the State in the context of the Universal Periodic Review in order to promote human rights and public freedoms. The obligations may not offer significant additions to the legal obligations incumbent upon the State, but they interpret and detail many of these obligations in ways that enhance the strength and methods of implementing previous commitments. Moreover, they reaffirm the State's commitments and leave no room for interpretations or release from previous commitments, while contributing when implemented in uprooting many negative phenomena plaguing society.

The developments this year have also culminated on a positive note with respect to certain human rights issues in the country that have been pending for many decades, namely the issue of women's political participation. Amendments to the Law on Exercising Political Rights were enacted, allocating a women's quota in the People's Assembly. The quota will be implemented for the first time since it was cancelled more than 20 years ago on the grounds of violating the principle of equality, thus overcoming this serious infringement of women's participation in parliament.

The Law on Combating Human Trafficking was enacted, promoting the State's efforts in the fight against this disgraceful phenomenon, and providing a legal umbrella for marginalized groups that are most likely to fall victims of this practice.

The third milestone is related to the challenges of strengthening the country's political life, an area that includes numerous issues on the national agenda, among which are:

- 1- Ending the state of emergency which the NCHR has strived to achieve since its inception and continues to do so, adopting society's demands for its termination.
- 2- Implementing the principle of citizenship, which has been guaranteed by recent constitutional amendments, and adopted by the National Council for Human Rights as a basis to exit not only from the tunnel of social tension with its diverse qualitative and objective manifestations, but also to strengthen the principle of equality which constitutes the umbrella for all human rights and public freedoms.
- 3- Addressing the causes of sectarian tension which extremist currents have forced upon society in recent years. The cowardly terrorist bombing of the Al-Qidissayne (Two Saints) Church in Alexandria underlines the nature and magnitude of the risks created by this tension with a potential to drag the country into sectarian strife with irreversible consequences.
- 4- Reconsidering the manner in which security tensions in Sinai, with their increasingly broad and complex ramifications in recent years, are being addressed, involving grave violations of the civil, political, economic and social rights of citizens in Sinai.
- 5- Development of the basic laws complementary to the Constitution, in the forefront of which is ensuring the freedoms of trade unions/syndicates, political parties and NGOs.

The NHCR's annual report this year aims to contribute ideas on ways to address these challenges along with the permanent chapters on monitoring the general situation of civil and political rights, as well as economic and social rights. It also offers officials and public opinion an integrated package of recommendations necessary to address the root causes and obstacles which hinder efforts to promote respect for and protection of human rights in the country.

*Chapter I*  
*Situation of Human Rights in Egypt*

## *Situation of Human Rights in Egypt*

The year 2010 saw a deepening of the Egyptian government's commitments in promoting respect for and protection of Human Rights through the review of Egypt's record by the United Nation's Universal Periodic Review Mechanism on human rights in February 2010, and the voluntary pledges the government has undertaken and recommendations it has accepted, in addition to the recommendations issued by the United Nation's Commission on the Elimination of All Forms of Discrimination against Women following the discussion of Egypt's sixth and seventh periodic reports in February 2010.

The country has also taken an important step towards promoting women's rights in political participation with the allocation of a quota of 64 additional seats in the People's Assembly for two consecutive terms (2010-2015 and 2015-2020). The country's efforts to combat human trafficking was strengthened through the enactment of a specialized law in this regard in mid-year and issuing its Executive Regulations before end of the year, as well as adopting an advanced national plan to combat the different forms of this phenomenon in the country.

Although the extension of the Emergency Law was limited to specific cases stipulated by law and has continued to withhold many legal safeguards, the amendments introduced to the decision to extend the law have resulted in the release of hundreds of detainees. The visit of the Minister of Interior to Sinai also represented an important initial step to address the security tensions in the area, especially after the release of some of the detainees.

The Supreme Constitutional Court resolved in early 2011 the legal debate between the professional syndicates and the authorities regarding the Law No. 100 of 1993, which had crippled syndicates for a period of 17 years, handing down a ruling that the law was unconstitutional. In addition, the administrative judiciary continued its important role in reviewing the decisions that affect the interests of citizens and their constitutional and legal rights. The most notable cases in this respect were those regarding the allocation of state-owned land, and the advisory opinion on the new health insurance draft bill.

A number of problems have continued throughout the year, adversely affecting the promotion of human rights in the country, namely the persistence of death due to suspected torture, and ill-treatment in custody and during arrest proceedings.

Sectarian, social and security tensions that the NCHR had warned of during the past years have escalated, and particularly the sectarian tension which has taken serious proportions during the year. It constitutes a dangerous foundation for sowing sectarian discord and tension, as witnessed by the terrorist crime that targeted Christian citizens at the Al-Qiddissin Church in Alexandria during the New Year's Mass celebration.

This chapter on the situation of human rights in Egypt will address the developments that occurred during the period between the beginning of February 2010 and mid-January 2011,

through four sections that will discuss: First: Fundamental Rights and, Second: Public Freedoms, and Third: Economic and Social rights, and Fourth: Key issues, a special section on the three core issues which characterized this period: 1- sectarian tension, 2- Universal Periodic Review, and 3- combating human trafficking.

### **First: Fundamental Rights**

Fundamental rights in the areas of the right to life, and the right to a fair trial and the minimum standard rules for treatment of prisoners and other detainees have witnessed multiple violations during the year, contravening legal obligations under the provisions of the International Covenant on Civil and Political Rights on the inviolability of these rights in all situations and conditions, including at times of wars, emergencies and natural disasters.

#### **1 - The Right to Life**

There has been a continued violation of the right to life resulting from suspected torture and ill-treatment in detention centers or from suspected abuse of power during arrest and seizure procedures as well as from the casualties of both dead and injured in terrorist attacks on houses of worship, or during clashes of a sectarian nature, in addition to the lack of transparency in the investigations connected with the killing and injury of African migrants in the Sinai.

The report documents the deaths of eight victims suspected of having died as a result of **torture and abuse of power**, namely:

**Tamer Mohamed El Baz Omara** (20 years) who had been imprisoned in Mansoura prison died on February 3, 2010 at a hospital in Mansoura University. His family reported that he had said that an officer and three policemen beat him on the head with an iron bar and subjected him to electrocution when he told them that he was sick and could not work, asking to be viewed by a doctor.

**Mohammad Reda** (23 years) from the El Zaatra village in Damietta governorate died on February 10, 2010 where his body was found in the Nile. His family accused the Al-Zarqa police of causing his death. The Legal Aid Association for Human Rights reported witness accounts that signs of torture were found on the young man's body and of tying both the feet and shoulders.

The NCHR also documented the death of the citizen **Fadl Abdellah Hassanein**, (44 years) from Ezbet el Tel, Deir Mawas district police station in Menya governorate while being held in custody on March 31, 2010. His relatives and witnesses accused police officer Mohamed Sobhy before the Public Prosecutor of beating him in the chest and abdomen following his arrest.

The NCHR received a further complaint regarding the death of the citizen **Ihab Fawzi Abu Zaid**, on May 9, 2010. He had been arrested on April 13, 2010 and was detained in the Port Fouad police station in Port Said governorate. The police said that he had been injured as a result of slipping and falling after trying to escape. He was transferred to Port Fouad Hospital then to University Hospital in Ismailia because of the seriousness of his injuries. He remained in a coma for 25 days before he died. The Council demanded an investigation into the incident.

A young man, **Khalid Saeed Qasim** (28 years) also died following his arrest by security personnel belonging to the Sidi Gaber police station in Alexandria on June 6, 2010. Witness accounts say he had been badly and severely beaten during his arrest. Investigations by the Public Prosecutor ended in closing the investigations following the forensic report that proved he had died as a result of asphyxiation from swallowing a roll of narcotic substances, triggering a huge controversy and protests condemning the incident and demanding accountability of the police.

The Attorney General ordered the reopening of investigations into the incident. The investigation of the Attorney General proved that he had been battered by the police during his arrest and while he was being led to the police station. A second forensic report prepared by a tripartite expert committee confirmed again that the death occurred as a result of asphyxiation from swallowing a roll of narcotic substances. However, the report documented as well the effects of the physical abuse that he had been subject to. The Attorney General referred the two police officers to be brought to trial on charges of assaulting the victim.

**Saber Abdel Samie'** (59 years) also died in mid-June, at Nasr City police station, Cairo. His family accused "officials in the police station of torturing and beating him to death after being held in custody for five days in violation of the Public Prosecutor's order to release him, so as to force him to apologize to the District Chief who had ordered the removal of his booth".

Security sources say his death resulted from his falling on the ground, adding that he suffered from diabetes. In the meantime, his family insisted that he had been tortured, and that his body had a deep wound in the head. The Public Prosecutor instructed that the body of the deceased be examined by the forensic medicine to verify the cause of death and whether it was from natural causes or due to torture.

**Mustafa Atiya** (39 years) from the Kabary area in Alexandria also died after being battered by two secret detectives on December 7, 2010 while trying to arrest him to enforce a prison verdict against him. His relatives submitted a report to the Public Prosecutor accusing the enforcement officer and the informants of causing his death.

In early 2011, citizen **Al-Sayed Bilal** (32 years) from Alexandria governorate died three days after his arrest together with many others belonging to the Salafi movement on suspicion of involvement in the terrorist bombing of the Al-Qidissayne (Two Saints) Church in Alexandria. His family accused the security forces of torturing him, and causing his death.

Security sources have denied these accusations and noted that they had released him one day before his death where his body was found in front of a hospital, having died as a result of circulatory failure. The Public Prosecutor has initiated investigations into the family's report, and heard the statements of its members and requested the forensic report on the incident.

The National Council for Human Rights notes that only one of the eight cases that have been monitored have been referred to the judiciary, while the remaining cases are still under investigation.

It is noteworthy that the results of forensic reports in some of these cases have raised controversy on technical grounds. For example, in the case of the death of Khaled Said, the report of the tripartite committee endorsed the contents of the preliminary report stating that the death resulted from asphyxiation after swallowing a roll of narcotic substance. The report however documented the injuries on his body as a result of being assaulted, and these had not been cited in the initial report.

Moreover, the preliminary forensic report on Fadl Abdellah Hassanein, failed to include any mention of his injuries resulting from the assault on him, in contradiction to several witness testimonies who submitted their statements to the Public Prosecutor. This led the Attorney General to order a re-investigation and the formation of a tripartite committee to re-examine the body.

The NCHR reiterates its demands to expedite bringing to trial the accused in such serious crimes in order to achieve general deterrence, and renews its demand to amend Article 126 of the Penal Code to be consistent with the provisions of the International Convention against Torture, ratified by Egypt, in order to fill the loopholes through which perpetrators escape.

The year witnessed continued deaths and injuries among **Africans migrants in the Sinai** during their attempts to cross the international border into Israel. Sources have estimated that 32 African migrants have been killed during the year 2010. Some of those incidents include: announcing the death of a Sudanese migrant while trying to cross the border in mid-May. It was also announced that 3 African migrants were killed after refusing to comply with the warnings to stop by security forces.

Also, the killing of 6 Eritrean migrants trying to cross the border in mid-August, where four of them were shot by smugglers during their attempt to escape after being detained by the smugglers, while the remaining two were shot by security forces during their attempt to cross the barbed wire border.

In response to the many criticisms made by the United Nations and national and international human rights organizations, the government stated that the border guards use force only when necessary, in self-defence, and they shoot at the migrants only after they ignore warnings, "and that 14 security officers in Sinai have fallen victims of these clashes ".

The majority of these victims come from Sudan, Eritrea and other African countries. Most of the migrants are seeking economic refuge in the Israel. In the meantime, Israel has initiated during the past year the construction of a detention camp for these migrants who are seen as illegal. It also began during the end of the year the construction of a security fence within its territory all along the borders with Egypt.

The NCHR has expressed its concern regarding the persistence of this unfortunate phenomenon and calls on the authorities to conduct transparent investigations into these serious incidents and making available the results. The Council has also renewed its appeal to the authorities to work towards containing illegal immigration across Sinai.

In the context of the continued build up and escalation of **sectarian tension** despite the measures taken to stem it, the city of Omranya in Giza witnessed unfortunate events on November 2010 when Christian demonstrators staging a sit-in in a church building under construction clashed with security forces that sought to remove the building which had been constructed without proper legal license.

The events led to the death of two people and the injury of 67 others, including soldiers, four police officers and the Deputy Security Chief of Giza. The Public Prosecutor ordered the imprisonment of 156 of those who were arrested, before being released at a later time.

## **2- The Right to Freedom and Personal Safety**

Despite the government's commitment to restrict the application of the Emergency Law to the measures stipulated in Sections 1 and 5 of Article 3 of the Emergency Law regarding crimes of terrorism and drug trafficking, and the release of 462 detainees by the Ministry of Interior until the month of October, the measures however that have been preserved in extending the law form the core reasons behind the erosion of legal safeguards guaranteed by the Constitution and international human rights covenants. These include limiting the freedoms of assembly, movement or residence, the power to arrest and detain suspects, and the power to search individuals and places without the need to follow the provisions of the Criminal Procedure Code. As a result, there has been a continued use of the Emergency Law as a tool for detaining dissident political activists.

During the year, the majority of those detained were political activists, mainly those affiliated with the Muslim Brotherhood – an unlicensed entity –while detentions intensified during the election campaigns of the People's Assembly and Shura Council. The arrest of Muslim Brotherhood members from different governorates continued on a regular basis during the period covered by the report. Muslim Brotherhood sources themselves stated that the security authorities had detained around six thousand of its activists in 22 governorates during the year, with 37 still being held in detention by the end of the year.

A number of leaders of the group were also arrested, where 15 of them were detained on February 8, 2010, including three members of the Guidance Bureau among which were Mahmoud Ezzat, Deputy Supreme Guide, Dr. Essam El-Erian and Mahmoud Abd al-Barr in addition to professionals, syndicate leaders, and others.

The arrests intensified before and during the People's Assembly and Shura Council election campaigns. It is estimated that around 1200 activists from the group were arrested before the People's Assembly elections, among which around 100 were arrested during clashes that occurred in the electoral districts in Alexandria governorate on November 19 during which 30 citizens were injured.

On November 21, 2010 the Attorney General pressed charges of terrorism and sabotage against more than 110 activists from the group, including 8 Brotherhood members who were running as independent candidates. The Attorney General decided also on November 26, 2010 to open investigations based on a report submitted by the National Democratic Party (NDP) against the group.

The file on Sinai detainees witnessed a breakthrough with the release of dozens of them during early July 2010 following a meeting between the Minister of Interior and tribal leaders in Sinai within the framework of the State's endeavours to stem the tension with the people of Sinai, in addition to dropping court rulings handed down in absentia against a number of them.

In this context, the Ministry of Interior released the blogger and activist **Mossad Abou Fajr** on July 13, 2010 and who had been detained since July 8, 2007 despite obtaining 14 court rulings for his release. The activist **Yehia Hussein Suleiman Abu Nasira** was also released on July 19, 2010 after being detained for over two years and a half. He had obtained numerous court rulings for his release. The Council had adopted their cases and called on the Ministry of Interior to release them.

The detentions extended to include political and rights activists such as the detention of 30 political activists in mid-January 2010 after their arrival by train to Nag Hammadi train station in Qena governorate in solidarity with the families of the victims of the attack on Christians during Christmas Eve. The police confiscated their identity cards and their mobile phones and they were taken to the city of Qena where they were brought before the Public Prosecutor on charges of illegal assembly, chanting slogans that incite sectarian discord and disturbing the public peace.

Mohamed Madani, a journalist with the Nahdet Misr news paper and Islam Refa'i and Suhaib Ragab, activists with the Al-Shehab Center for Human Rights, were detained on April 5, 2010 by an administrative order after being arrested while documenting a case of human rights violation in the city of Rachid. They were accused by the security services of attempting to spread false news. The Criminal Court of Damanhur ordered their release on

two consecutive occasions, but the security services issued new orders for their detention before being released at varying intervals after more than two months.

Security forces also arrested around one hundred political activists who were peacefully demonstrating in downtown Cairo on April 6, 2010 in connection with the demands for political and constitutional reforms, after which they were released.

Moreover, activists from the April 6 Movement were detained during their participation in demonstrations condemning the terrorist attack against the Al-Qidissayne Church in Alexandria in early 2011. Eight of them remained in detention until they were referred to trial on charges of illegal assembly and rioting.

Amr Salah, a researcher at the Cairo Center for Human Rights Studies, was arrested on the evening of September 9 and detained until the middle of the following day. He stated that he had been battered by security agents who had abducted him. This coincided with the arrest of Shady Tarek El-Ghazali Harb, a physician, at Cairo airport while he was completing travel arrangements to London. He was detained at an undisclosed location and interrogated regarding his activities before being released in a public highway without identifying the party that had detained him.

The police also arrested 11 activists on September 11, 2010 to prevent them from protesting against the inauguration by Israeli businessmen of a shop owned by these businessmen in Mohandessein, Giza. Among them was "Wesam Atta, Mostafa Magdi, Yasmin Tala'at, Abdel Rahman Hany, Sarah Abou Zeid, Noha El Gilani, Mahmoud Ahmed Sharkh, Michael Tomma (an American), Kamel Arafa, Sallam Zakaria, and Ahmed Hashem Abbas. They were taken to the Dokki police station where they were held for several hours before being released.

Yousef Shabaan, a journalist with El-Badil electronic newspaper was arrested on October 20, 2010 during his coverage of a protest by the residents of the "Abou Soliman area in Alexandria" whose homes suffered cracks and fissures as a result of construction activity. He was detained at the El Raml Police Station and was brought the following day before the Public Prosecutor on charges of possession of drugs and non-firearm weapons. He was ordered to be held in preventive custody under case No 37663 of the year 2010 El Raml criminal court and extending his detention for 15 additional days. His family has said that these were trumped up charges and that he had been previously subjected to harassment by security forces in connection with his political and journalistic activities.

On January 22, 2010 the Abou El-Nomross police station in Giza governorate arrested **Sabah Eid Khalil**, a member in the Community Development Association in the village of Tamu in Abou El-Nomross upon a report submitted by the villagers accusing her of committing libel and defamation following her appearance in the programme "One of the People (*Wahed Men Al-Nass*) on Dream TV where she revealed incidents of marriage of underage girls to wealthy men in violation of the law. She remained in custody without a legal warrant for four days in

violation of the Public Prosecutor's order to release her. The Public Prosecutor also ordered opening an investigation into the incidents mentioned in the programme.

In January 2011 sources had reported the arrest of a large number of members of the Salafi movement in Alexandria on suspicion of involvement in the terrorist bombing of Al-Qidissayne Church in Alexandria during New Year's Mass.

A lawsuit filed by five Guantanamo detainees in an American court on December 2010 renewed allegations of the involvement of the Egyptian government in the transport and delivery of terrorism suspects, and torturing them during interrogations in Egypt and Morocco. Among the five detainees are an Egyptian citizen and a Moroccan. They stated that the Jeppesen Data Plan Aviation, a subsidiary of the American Boeing company, transported them to Egypt and Morocco where they were tortured during interrogation.

The Italian judiciary convicted before the end of the year more than forty defendants, CIA agents, on charges of abducting Osama Mustafa Hassan alias Abou Omar Al-Masri and transporting him secretly to Egypt for questioning on possible links to international terrorist organizations. Following the verdict, Al-Masri pointed out his intention of suing the Ministry of Interior before the Italian courts and the European Court of Human Rights on charges of torture after being transported to Egypt in 2003.

The Australian Government noted during the month of October the arrest of one of its citizens in Egypt together with 10 other foreigners belonging to the Shiite denomination who had been arrested in Egypt on grounds of being associated with transgressions directed at Sunni Islam.

Authorities rearrested during August Mohamed Farouk who had been accused of belonging to a Shiite organization in Egypt known by the name of "Hassan Shehata Group" which was referred to trial before an exceptional court in 2009.

The authorities released at the end of September Mohamed Dababesh, the Security Chief of the Hamas Government in Gaza after a week of his arrest in Cairo International Airport.

Certain areas of Sinai witnessed continued incidents related to African migrants attempting to infiltrate into Israel, during which hundreds of these illegal migrants were arrested, and armed clashes between Egyptian security forces and the smugglers occurred resulting in death and injury among the security forces, the smugglers and the migrants.

This issue received international attention which was reflected in the statements made by the UN High Commission on Human Rights calling for an investigation into the incidents. On a related scale, the Foreign Minister denied in early December 2010 allegations by the UN Commission on Human Rights on November 2010 that Sinai tribes were detaining around 250 illegal Eritrean migrants who were attempting to cross the Sinai desert into Israel and were demanding a financial ransom for their release. He pointed out that security investigations had denied these allegations, mentioning that Egyptian security authorities had

prevented 82 Eritrean migrants from crossing the Suez Canal into Sinai during 2010.

### **3- Right to Fair and Just Trial**

The period covered by the report witnessed continued violations of the standards for a fair and just trial. Civilians have been continuously referred to military courts that do not constitute their natural judge while defendants under the emergency law are tried before exceptional courts whose rulings cannot be appealed.

Law No. 138 of 2010 was issued on June 30, 2010 amending the provisions of Law No. 235 of 1959 regarding "the rules of service of reserve officers in the Armed Forces" and "the Military Justice Code enacted by Law No.25 of 1966. Under this law certain crimes from the Penal Code were added "if committed by anyone employed in military industry production or against said employee regardless of where they were committed", as well as "crimes committed on Military Production land, machinery, equipment, supplies, tools, money or documents or anything pertaining to it" to be under the jurisdiction of military justice courts.

The President of the Republic also issued decree No. 204 of 2010 which extended the jurisdiction of military justice courts to offences committed in areas adjacent to the borders. The decree included numerous border areas.

At the level of **military trials of civilians**, the blogger **Ahmed Hassan Bassiouni** was referred to a military trial on February 20 on charges of disseminating information related to the armed forces on the internet social networking site Facebook. He had created a Facebook group to explain to its members the documents required for military recruitment and to answer their queries and announce recruitment dates. He was summoned by the Military Prosecutor and charged with broadcasting news related to the armed forces.

On August 21, 2010 the Military Prosecutor referred seven workers from the Military Plant 99 to be tried before a military court in the case No. 76 of 2010 Military Crimes West of Cairo. These were Ayman Taher Hassan, Ahmed Taher Hassan, Ahmed Mohamed Abdel Mohaymen, Mohamed Tarek Sayed, Wael Bayoumi Mohamed, Hesham Farouk Eid, and Ali Nabil Ezzat, on charges of damaging parts of Military Plant 99 and destroying some of the Plant's workshops and buildings and causing damages estimated at L.E.123 440 in addition to deliberately abstaining from performing their assigned work for 3 days, causing financial damages for the Plant.

The Military Court ruling on August 30, 2010 acquitted all of the workers on charges of assaulting the Chairman of the Board, strike action and disclosure of military secrets but convicted Ayman Taher and Ahmed Taher of damaging public property and sentenced them to a one year prison term and a fine of one thousand pounds with a suspended sentence of three years. The Court also convicted Ahmed Ahmed Abdel Mohaymen, Mohamed Tarek Kurani and Ali Nabil Ezzat of damaging public property and sentenced them with a six

months prison term and a fine of one thousand pounds and acquitted the remaining defendants of all charges.

At the level of **exceptional trials**, the State Security Emergency Court ruled on April 28 convicting all the defendants in the "Hizballah Cell in Egypt" numbering twenty six defendants, including 19 Egyptian citizens, five Palestinians, two Lebanese and one Sudanese. They were sentenced to terms ranging between life imprisonment and six months.

The Criminal Court and State Security Emergency Court in Qena resumed during the period covered by the report the trial of the three defendants charged with committing the Nag Hammadi crime in which six Christians and a police recruit were killed as they were leaving the church on Christmas Eve on January 7, 2010. The Court had begun the hearings on March 20 and handed down its verdict on January 15, 2011 to refer the papers of the defendant Mohamed Ahmed Mohamed, alias "Hamam El-Kamouni" to the Grand Mufti in preparation for the final verdict at the final hearing on January 26, 2011 which will also witness the sentencing of "Qureshi Abou Al-Haggag", the second defendant and "Hindawi Al-Sayed", the third defendant.

The trial of what is known as the "Zeitoun Cell" continued as well before the State Security Emergency Court, including 25 defendants, among which were two Palestinians, accused of embracing the thought of *takfir* or excommunication and armed *jihad* and targeting Christians, foreign tourists, the Suez Canal through their affiliation to a group called "*El Walaa Wal Baraa*" (Loyalty and Innocence). The State Security Prosecutor had interrogated the defendants in connection with committing an armed robbery of a jewellery shop in the Zeitoun district of Cairo and killing the shop owner and 4 employees.

On April 22 the Attorney General referred five members of the Muslim Brotherhood to stand before the State Security Emergency Court including Ashraf Abdel Ghaffar, the former Assistant Secretary General of the Medical Association, Wagdi Ghoneim, a religious preacher, Awad Mohamed Qurani (Saudi national), religious preacher, Usama Soliman, an official at a foreign exchange company, and Ibrahim Mostafa. The Public Prosecutor charged the five with money laundering and funding the Muslim Brotherhood, "an illegal organization". Investigations related to the case had started during July 2009.

The NCHR expressed concern regarding the context in which the trials of two lawyers, **Ehab El-Sa'ei** and **Mustafa Fatuh** have been conducted. Both had been charged with assaulting the Public Prosecution Director in Tanta leading to deep contention between the Bar Association and the Judge's Club. This led to repeated strikes organized by the Bar Association and a paralysis of the justice system for several weeks, reflecting the crisis in the relationship between the judiciary and the lawyers.

Despite the restoration of calm following Tanta's Court of Appeals ruling to reduce the sentence against the two lawyers to two years and three months instead of the five years

pronounced by the Court of First Instance in a trial that lasted for only a few days, the causes that led to this crises have not been addressed in order to prevent its recurrence.

The year witnessed an increased controversy regarding women's right to hold positions in the judiciary. Despite the positive steps adopted by the judiciary during the past years, the General Assembly of the Council of State voted by an overwhelming majority against appointing women as judges in the Council. This raised sharp criticism of the Council which in turn rejected this criticism and considered the decision an exclusive right of the General Assembly.

#### **4- Treatment of Prisoners and Other Detainees**

The State continued its efforts in developing prisons and penal institutions and working towards improving living conditions for prisoners and detainees. It also continued applying conditional release regulations in releasing prisoners.

The Attorney General briefed the NCHR on the Public Prosecutors inspection visits to prisons and detention centers in all parts of the country, covering 25 prisons in nine governorates, namely Cairo, Alexandria, Behera, Dakahlia, Sharkia, Port Said, Fayoum, Menya and Assiut.

Inspection visits also covered 269 detention centers in 22 governorates, namely Cairo, Giza, Gharbia, Alexandria, Marsa Matrouh, Fayoum, Beni Suif, Menya, Assiut, Sohag, Qena, Aswan, Sharkia, Dakahlia, Damietta, Port Said, Ismailia, Suez, North Sinai and South Sinai.

The Attorney General's letter to the Council included a number of observations in respect of which the Ministry of Interior was notified in order to take the necessary measures to address them.

Moreover, the Ministry of Interior responded to the many petitions that the prisoners filed with the Complaints Office at the Council (see Chapter Two of this Report: Complaints).

NCHR Council members visited four prisons during the year including the Qanater el-Khairia Prison, El Marg General Prison, Borg Al Arab Prison in Alexandria and Qena Prison. The NCHR researchers distributed a questionnaire among the prisoners to survey their opinions regarding a number of issues that may be a source of concern.

The results of the questionnaire indicated a noticeable improvement in the right to education, progress in providing health services and prevention of diseases and epidemics, a relative improvement in living conditions and utilities, an increased interest in sports and cultural and recreational activities, and an increased awareness among prisoners regarding their rights.

While expressing its appreciation for the efforts of the Attorney General and the Ministry of Interior for their positive interaction with the NCHR, it hopes that the results of Public Prosecutor's inspection of prisons and detention centers will be made available.

The NCHR also looks forward to the extension of the Public Prosecutor's efforts in inspecting detention centers to include those at State Security premises. This will prevent hypothetical presumptions regarding the conditions in detention areas in Egypt, and underline the adoption of transparency in clarifying facts.

Despite the State's efforts to develop and reform penal institutions, complaints have continued regarding shortages in health care and appropriate treatment, inadequate and inefficient facilities and shortages in beds and blankets, poor ventilation and failure to provide proper lighting in some prisons, in addition to the continued pattern of abuse, especially regarding those being held in provisional detention pending trial.

At the level of detention centers, especially police stations, numerous cases of torture during initial investigations before referring them to the Public Prosecutor have continued. The torture crimes are directly proportional to the phenomenon of arbitrary detention (see Chapter One: The Right to Life).

Related to crimes of torture and mistreatment in detention centers, the period covered by the report witnessed the referral for investigation of a number of police officers and bringing them to trial on charges of torturing citizens during their detention in police stations.

In connection to this is the Public Prosecutor's investigation in mid-January 2011 regarding a report by an accountant accusing an officer from the State Security Intelligence Bureau in Oseem, Giza governorate of torturing him during his detention without legal warrant, in addition to taking him to his home and destroying his computer and other property owned by him.

Also the conviction by the Misdemeanour Court in the Sixth of October city on May 3 of three officers from the Sixth of October police station, namely Samir Ahmed Metwally, Hazem Beltagy Ibrahim and Ahmed Samir Shaaban in the case No. 11933 of 2009 and sentencing them to one month imprisonment for cruelty and battery and unlawful detention of Shady Maged Saad Zaghoul.

## **Second: Public Freedoms**

Civil liberties witnessed violations of numerous forms and sources in a manner inconsistent with the country's pledge to promote freedoms, especially with respect to the pledge to strengthen political freedoms in the country. The resulting implication of this has been a weakened electoral process during 2010 which witnessed the People's Assembly and Shura Council elections.

### **1- Freedom of Thought and Belief**

A number of problems continued throughout the year with adverse implications on the exercise of freedom of thought and belief, in addition to the escalation in sectarian tension

(see the analytical introduction). The issue of the identification papers of Baha'is still persisted with continued harassment of followers of religious sects.

The problem concerning the inability of Baha'i citizens to extract identification documents (national ID number cards – passports) that include their civil status such as marital status and birth registration has persisted despite the relative progress in their condition following the ruling handed down by the Supreme Administrative Court.

The NCHR seeks to draft a legislative amendment for Law No. 143 of 1994 on Civil Status and its Executive Regulations so as to include a clear and explicit text that obligates the Civil Status Authority to register any religion, faith or belief that citizens want to record in their identification documents or removing the religious affiliation slot altogether.

On the level of harassing those affiliated with religious sects, the security services detained in March Dr. Mohamed Hatem El Shafee and eight others in connection with their affiliation with the "Ahmadi Sect". They were interrogated by the State Security Prosecutor during May which ordered their release on June 2010 without pressing charges. However, the security forces detained El Shafee again on December 20 before releasing him three days later. He was questioned about his religious beliefs as a follower of the Ahmadi Sect.

The State Security Investigation arrested a number of Shiites of different nationalities during the end of November 2010. Five of them were brought before the State Security Prosecutor which charged them with contempt of religion. The defendants were brought before the Marg Court of Misdemeanours to renew their detention, but the Court ordered their release on October 26 with a bail of ten thousand pounds for each defendant.

Women wearing the *niqab* or full-face veil faced administrative decisions by universities banning them from entering university campuses or sitting for final exams. These decisions affected faculty members at Cairo University as well, in violation of the provisions of the rulings handed down by Administrative Court and Supreme Administrative Court's which had overturned these decisions.

Cairo University continued to refuse compliance with the Administrative Courts ruling obligating the President of the University to overturn his decision to ban faculty members who wear the *niqab* or full-veil from performing their duties or giving lectures inside the university while wearing the *niqab* or full-veil. "Safinaz Ibrahim", Assistant Professor at the Faculty of Pharmacy, had filed a lawsuit against the university president for not complying with the court ruling. The Maadi Court of Misdemeanour sentenced the university president in absentia to three months detention, and ordered him to step down from his position as head of the university and to pay a temporary compensation of L.E. 2001

## **6- Freedom of Opinion and Expression**

The State has taken a number of measures during the year that restrict freedom of opinion and expression. These began in September with restrictions placed on sending text messages

from mobile phones or through websites, especially those that include news and information that is sent out en masse. The authorities justified these measures based on economic grounds and required obtaining prior licenses from the Ministry of Information and the Supreme Council for the Press. These measures are currently being contested in Courts.

In September the authorities stopped transmitting the signals of 12 satellite channels on a temporary basis and issued warnings to 20 others. Authorities stated that these measures were undertaken in the context of efforts to control the performance of satellite channels broadcasting through the Egyptian satellite "Nilesat", especially channels accused of inciting religious extremism and sectarian strife or promoting quackery and charlatanism.

Media personnel and political parties linked these measures to the developments witnessed by the independent El-Dostour newspaper following the decision of the new owner company to sack its editor and founder Ibrahim Eissa, a decision criticized by the paper's journalists and by the Press Syndicate Council. Also connected with these measures was the removal off the air of the talk-show "Al-Qahira Al-Youm" (Cairo Today) which is broadcast by Al-Youm channel of the Orbit network from the Media Production City. The program had been subject to an intense campaign from journalists supporters of the ruling party. The government however stated that the broadcasting had been stopped because the channel failed to meet its financial obligations for broadcasting from Cairo.

However, the measure that had the most impact on the media was requiring "prior" permits be obtained for the use of mobile satellite units thereby not allowing audio-visual media to stay abreast of developments and news or expediently cover them.

Writers, journalists and editors of independent newspapers complained that these steps constitute a warning for independent and opposition media prior to holding the elections. They reduce the margin of freedom of opinion and expression that has characterized Egypt over the past years and undermine the success achieved by both official and independent media in attracting a broad audience in Egypt and the Arab world, a development that would ultimately be in favour of competing satellite channels.

In connection with the elections as well, the BBC announced that it had submitted a memo to the Minister of Information to officially protest the pressures that its correspondent was subjected to during the People's Assembly elections. The memo mentioned stopping the filming of one of the programs, putting pressure on the technical companies contracted with the network, as well as jamming the main news bulletins that were broadcast over the network on Election Day. The ruling National Democratic Party (NDP) had sent a protest note to the network before the elections, sharply criticizing their programmes covering the run up to elections.

The prosecution of journalists on cases related to expression of opinion and publishing continued during the year, where the trial of journalist Wael El-Ibrashi, editor of the Sawt Al-Umma newspaper continued before the Giza Criminal Court on charges of inciting

disobedience through his opposition to a new property tax law. The trial was based on a lawsuit filed by the Minister of Finance accusing El-Ibrahisi of being behind the poor tax proceeds during its first year where it did not exceed 20%. El-Ibrashi had protested the lawsuit based on statements made by the President of the Republic in which he said that a final decision on the law had not been taken yet.

The authorities did not respond to the calls for the release of journalist Magdi Ahmed Hussein, editor of Al Shaab newspaper and the Secretary General of the frozen Labour Party who is serving a two years prison sentence on charges of crossing the border into Gaza to express solidarity with the besieged population during the Israeli aggression on the Gaza Strip at the end of 2008 and early 2009. Hussein was convicted in a military trial. Journalists called for his release after serving three quarters of his prison term. Hussein was also convicted in a publishing crime pertaining to an incident that occurred 14 years ago on the basis of his responsibility as the editor of Al Shaab newspaper at the time. He was sentenced to a year in prison despite the Supreme Constitutional Court's ruling to lift the default responsibility of the editor on published content in the newspaper.

A ruling was issued by the Economic Court on March 11, 2010 sentencing the blogger Wael Abbas to a prison term of six months on charges of providing telecommunications services to the public without a license. The case had already been dismissed by the Public Prosecutor a month before the ruling. His lawyers argued that there was no decision by the Attorney General to justify referring the complaint to the Economic Court that handed down this ruling after the Public Prosecutor had previously dismissed the Ministry of Interior's complaint.

On the level of freedom of publishing, a number of lawyers filed a lawsuit to prevent the Ministry of Culture from reprinting and distributing "One Thousand and One Nights" on the grounds that it offended public decency.

On July 17, 2010 the Public Prosecutor summoned Mr. Nasser Amin, Manager of the Arab Center for the Independence of the Judiciary and the Legal Profession for questioning in connection with the complaint filed against him by the President of the State Council on grounds of his statements on the position of the General Assembly of the State Council regarding the eligibility of women to assume judicial positions in the State Council. The investigation was dismissed at a later date.

## **7- Freedom of Forming Political Parties, Syndicates and Civil Associations**

The **right to freedom to form syndicates and their activity** witnessed a positive development when the Supreme Constitutional Court issued its ruling in early 2011 on the unconstitutionality of Law 100 of 1993 and its amendments, which governs the democratic process of professional syndicates. The ruling was based on the fact that the Law had not been submitted for discussion to the Shura Council before it was enacted by the People's Assembly, given that this law is one of the fundamental laws complementary to the constitution, an important procedural point in accordance with article 195 of the constitution.

The ruling also consolidated the right to form syndicates and the principle of democratic syndicates and their "complete freedom" to choose members, draft regulations and programs, and organize how they manage their affairs and activities. The ruling also underlined the provisions in article three of the Universal Declaration on Human rights and article twenty two of the International Covenant on Civil and Political Rights. This constitutional basis formed the entry point to emphasize the importance of the Syndicate Law as a fundamental law complementary to the Constitution, and thus annulling it on grounds of unconstitutionality.

The said Law had been subject to fierce opposition by professional syndicates and human rights groups, especially as it had deprived the syndicates of their independence and undermined their ability to manage their elections, leaving them incapable of conducting their affairs and subjecting them to a myriad of judicial and administrative measures. Thus the Engineers Syndicate has remained under sequestration for 15 years while 11 professional syndicates have been incapable of conducting elections, including the Physicians, Pharmacists and Teachers Syndicates. Moreover, syndicates that succeeded in holding elections were unable to complete them at the level of sub-syndicates, including the Bar Association.

Regarding the **right to freedom of forming civil associations (NGOs) and their activity**, the Ministry of Social Solidarity in September denied legal registration to the One Homeland for Development and Freedoms Association after three months of submitting a request for registration without giving any reasons. The representatives of the association stated that security services were the ones who refused its registration.

**The Center for Trade Union and Workers Services (CTUW)** complained of being subjected to pressure and what they described as arbitrary government and administrative measures. They were surprised on April 20, 2010 by a committee from the Ministry of Social Solidarity assigned with examining and inspecting the institution's documents and work without prior notice and by an order of the Minister. The committee included administrative, legal and financial personnel. This action was based on a complaint filed by the President of the General Federation for Trade Unions claiming that CTUW was conducting union activities that were "prohibited" under the Law of Civil Associations. CTUW pointed out that the Federation filed the complaint because of a study the Center undertook on the degree to which the Trade Union Law was consistent with international labour conventions, which reflected negatively on the Federation.

The Ministry of Social Solidarity suspended the **CTUW** General Assembly meeting which was scheduled to be held on March 23, 2010 as well as the General Assembly that was to elect one third of the Board members on June 1, in violation of the association's right as provided by the Administrative Court ruling to overturn the decision by Cairo governor taken two years ago to dissolve the association.

In the context of prosecuting NGO activists with charges connected with the activities of their NGOs, the Aswan Criminal Court acquitted Hesham Mohamed Abdallah Khalil, Amal Hassan Yousef, Hadir Hesham Mohamed Abdallah and Hemeda Hamed Abdel Maged, the Board of Trustees of the Health and Environmental Development Foundation in El Redeesa, Edfu on charges of embezzling public money or taking possession of it or facilitating access to it. Aswan Governor had ordered during end of 2004 to depose the Board of Trustees and nominate a new one and freeze the foundations' accounts, in addition to the above mentioned charges.

Regarding the **right to freedom of establishing political parties and their activity**, complaints have persisted throughout the year concerning refusal to establish new parties as well as rejecting appeals filed against the decisions of the Political Parties Committee denying the establishment of parties. The crisis connected with refusing to grant Al Wasat Party official status for the fourteenth consecutive year underlined this problem which has impeded the right to organize and form political parties. The Political Parties Affairs Circuit has not yet handed down a decision regarding the appeal submitted by the under-founders of the Party. It is expected to pass a ruling in February 2011.

The report of the State Council Commissioners will likely lead to the rejection of the appeal as it supported the decision of the Political Parties Affairs Committee that the Party's amended programme was not any different from that of the 12 existing and officially recognized parties, a condition in the Political Parties Law that has impeded the establishment of new parties.

The founders of Al-Karama Party had taken a decision to refrain from submitting new applications to the Political Parties Committee or to continue appealing its decisions following attempts that lasted ten years. The founders of the Party decided to be active despite the existing legal restrictions.

During the People's Assembly elections, a number of political parties sharply criticized the legal restrictions imposed on their candidates to communicate with the public or to put up their campaign posters. These restrictions continued till the end of October, only three days before opening nominations to poll on November 3, 2010 for the elections that were held on November 29, 2010. Opposition parties stated that they were participating in the elections only to be able to communicate with the public during the elections campaigns, as security services do not allow them to communicate by any means possible with the public outside the context of electoral processes.

Criticism has also continued with respect to the National Democratic Party's (NDP) monopoly over offices that were the property of the former Socialist Union, in addition to numerous offices provided to the party by the NDP local government authorities, together with the State's use of the national press and official media outlets owned by the people to promote the ruling party's policies and the activities of its leadership.

## **8- The Right to Peaceful Assembly**

The country witnessed throughout the year hundreds of protest stands connected with social demands which were organized mainly in front of the People's Assembly and the Cabinet of Ministers premises, in addition to widespread popular protests connected with the killing of Khaled Saeed. Security services surrounded these gatherings but without using force to disperse them, thus allowing the protestors to meet and speak with members of parliament and officials.

However, regarding protest marches and demonstrations organized by political opposition forces, these were encircled by security forces and prevented from reaching the premises of government bodies on the grounds of not having obtained legal permits.

These measures intensified during the elections, especially towards the supporters of independent candidates affiliated with the Muslim Brotherhood before and during the People's Assembly and Shura Council elections.

Thus the authorities detained 33 youth activists from the April 6 movement who demonstrated on the anniversary of the April 6 events. The Attorney General ordered the release of all detainees after one day of their detention.

One of the movement's members was also detained on April 13, 2010 after limited clashes between the movement's activists and security forces that prevented them from marching and surrounding them at their meeting point.

Security services also cancelled the celebration of the "Misryoon Against Religious Discrimination" (MARED) that was scheduled to take place on October 29, 2010 at Al Azhar Park in cooperation with the MAWRED cultural foundation to underline the principle of citizenship through art and culture. Security services objected to organizing the event in Al Azhar Park.

The NCHR continued its efforts throughout the year to activate the right to peaceful assembly and lift legal restrictions. The NCHR Legislative Committee held a special meeting on July 28, 2010 Chaired by Justice Adel Qura to discuss a proposed alternative draft law to be prepared by Mr. Hafez Abou Se'da, a Committee member.

The proposed bill included merging Law No. 10 of 1914 on Public Assembly with Law No. 12 of 1923 on Meetings and Demonstrations in one law and removing the restrictions imposed by both laws and by the decree-law No. 28 of 1929. These laws are founded on prevention rather than sanctioning. The draft bill focused on the role of the State and administrative bodies in organizing rallies and marches and excluding certain locations such as hospitals and museums.

The draft law sought to differentiate between meetings and demonstrations based on Articles 47 and 54 of the Constitution and Article 20 of the Universal Declaration on Human Rights and Article 21 of the International Convention on Civil and Political Rights.

The draft law provides in Article 1 for cancelling the laws that conflict with the right to assembly and to freedom of opinion and expression, and the right of administrative bodies to receive requests to hold meetings and organize demonstrations while setting controls on the role of administrative bodies as well as on resorting to the judiciary. The draft law also provides for preventing the use of force except in cases of extreme necessity and in accordance with international standards, as well as organizing the use of slogans and banners during gatherings and demonstrations and prohibiting the use of firearms to disperse gatherings and the imposition of a fine as penalty for violating the provisions of the draft law.

## **9- The Right to Participate**

The period covered by the report witnessed a number of important developments with respect to the right to participate connected with the Shura Council midterm elections held in early June and the People's Assembly elections held during the end of November 2010 and early December 2010.

These elections were conducted amidst three changes compared to the preceding elections. First, they were held following the abolition of the constitutional provision for full judicial oversight of elections and the establishment of a High Elections Commission in its stead. Second, they were conducted in one stage only and not the three stages that were connected with the judiciary's capacity to provide full supervision of the elections. Third, they involved the first implementation of the women's quota allocating 64 seats in the People's Assembly distributed among 32 electoral districts.

### **❖ The NCHR Preparations for the Electoral Process**

In light of its previous experience in overseeing the elections, which began with the presidential and parliamentary elections in 2005, and the mid-term elections for the Shura Council as well as the local elections, the NCHR adopted numerous preparations that enabled it to function as the umbrella for the national monitoring of the elections. The NCHR established a number of partnerships with international donors and specialized technical programs, and especially the "INSAN" project in cooperation with the United Nations Development Programme (UNDP).

The responsibilities assigned to the NCHR increased in importance following the State's rejection of international calls to allow international monitoring of the electoral processes. Thus the NCHR gave special attention to promoting national monitoring efforts through its Elections Monitoring Unit, contributing towards building the capacity of NGOs working in

electoral monitoring. This was provided through the training the cadres of 44 NGOs involved in monitoring the midterm Shura Council elections during June through training sessions that were conducted in the majority of the governorates, as well as the training of the cadres of 33 NGOs involved in monitoring the People's Assembly elections during November 2010 and December 2010 through training sessions that were conducted in the majority of the governorates.

The NCHR coordinated with the High Elections Commission and held a series of meetings with the Commission to discuss matters related to the stages and monitoring of the electoral process, and guarantees for fairness of the vote. The NCHR also organized a consultative meeting with NGO representatives willing to observe the elections on May 2 to listen to their points of view. A similar meeting was held with the High Elections Commission in the presence of representatives from concerned civil society organizations on May 22, 2010 to put the final touches on the monitoring of the Shura Council elections. The High Commission's representative was keen during the meeting to listen to the concerns of civil society organizations.

The NCHR succeeded in cooperation with the High Elections Commission in facilitating the issuance of 1400 electoral monitoring permits for the Shura Council elections and 6130 permits for monitoring the People's Assembly elections.

The NCHR assigned a central operations room at its premises to monitor the elections and supplied it during the People's Assembly elections with 70 telephone and fax lines to receive complaints. The NCHR also introduced a system to receive complaints through an interactive GIS mapping system that received text messages from mobile phones regarding observations on the progress of the elections.

Moreover, the NCHR organized an extended workshop on October 23, 2010 on the Integrity of Elections in the Context of the Universal Periodic Review (UPR) which issued important recommendations to ensure the integrity of electoral processes.

The NCHR was also keen to discuss a number of concerns with the government before the People's Assembly elections. It held in this respect a consultative meeting with a number of concerned Ministries during August to discuss various aspects of the People's Assembly elections, especially in light of what the midterm Shura Council elections witnessed. A meeting was also held in which all NCHR Council members participated with the Minister of Legal Affairs and Legislative Councils on October 17, 2010 to discuss the main issues related to the electoral process and the role of State bodies.

#### **A) Shura Council Elections**

The midterm Shura Council elections were held in June to elect 88 members from among 490 candidates, among which 123 were affiliated with 13 political parties. The elections resulted

in the ruling party winning eight seats while four seats went to four opposition parties and four to independent candidates.

The first round on June 1, 2010 had resulted in the ruling party sweeping 74 seats, 14 of them by acclamation without any competition in the governorates of Alexandria, Behera, Sharkia, Gharbia, Menoufia, Menya, Assiut and Sohag. Four seats went to candidates from the El-Ghad (Tomorrow), Tagammu' (the Progressive National Unionist) Nasserist, and El-Gil (Democratic Generation) Parties. The second stage of the elections was held on June 8 as a run-off over 10 seats between the ruling party's candidates and independents. The ruling party (NDP) won six seats while the remaining four seats went to the independent candidates.

The High Elections Commission estimated the turnout at 30.8% or seven million and 829 thousand voters while civil society organizations and monitors estimated the turnout at between 5-7%.

Electoral monitoring reports observed cases of preventing observers, media personnel, and candidate agents and deputies, especially independent candidates affiliated with the Muslim Brotherhood, from entering polling stations to perform their duties.

Opposition parties and the Muslim Brotherhood as well as some independent candidates accused the State of rigging the elections in favour of the ruling party and of some independent candidates, and even in favour of some opposition candidates.

The elections had witnessed widespread criticism since the start of candidate registration, where a number of candidates were prevented from submitting their candidacy documents while others were excluded from the list of candidates, especially those affiliated with the Muslim Brotherhood. Moreover, acts of violence and ballot stuffing were reported by observers, independent media and the opposition in a number of governorates.

The NCHR compiled a detailed report on the electoral process comprising its comments and the complaints received. The report pointed out that around 700 judges participated in supervising the elections and that the Council referred the requests of 64 NGOs to the High Elections Commission to issue permits for 4821 observers, whereas the Commission issued 1422 permits for the observers of 47 NGOs without giving any reasons for why the remaining permits were not issued or why they were not issued for the observers of 17 NGOs. The Egyptian Organization for Human Rights (EOHR) had brought a case against the Commission appealing its passive decision to refrain from issuing permits to its observers.

The report also recorded the complaints received by the Central Operations Room at the NCHR. These numbered 58 complaints and included preventing observers and not recognizing their permits or requiring them to obtain the signature of a security officer on the observer badge to authorize it; preventing candidate deputies and some voters from entering polling stations with the pretext of not having a voting card although they carried with them their National ID Number Cards; and discriminating between voters based on the candidates

they supported where entry was facilitated for voters supporting the ruling party while those supporting other candidates were prevented or obstructed from entry.

Complaints also included the absence of electoral lists or of regulations for the general procedures of the electoral process and of voting; distribution of bribes as well as lack of curtains within polling stations to ensure secrecy of voting; ballot stuffing in favour of certain candidates and electoral campaigning within polling station during voting; rioting and violence inside and outside polling stations; and opening some polling stations after candidate deputies were forced to leave as a result of shutting down the polling stations and preventing them from entering them. One of the complaints indicated that moral pressure was exercised upon the heads of some of the electoral committees in order to perform certain illegal functions in favour of some candidates. The report included the following recommendations:

- Consider inviting the representatives of international organizations to which Egypt is a founding member such as the Arab League and the African Union to participate in monitoring the elections.
- The need to increase the number of judges supervising polling stations while facilitating communication with them as well as the mechanisms for filing complaints.
- The declared turnout of voters in the last election was low and does not indicate wide voter participation. It is noteworthy that some candidates won by a number of votes that exceeded the actual numbers, casting serious doubts on the credibility of participation rates. Thus it is necessary to exert concerted efforts to build credibility that encourages citizens to participate, and to stress the fact that effective participation is based on enabling voters to choose freely and fairly.
- Adopting measures to facilitate and assist voting for those with special needs. The NCHR reiterates its calls for allocating sub-committees in each general committee for people with special needs, to be located on the ground floor to enable them to easily cast their votes, especially that they constitute a large voting bloc.
- The need to seriously discuss the requirements for adopting a system of electronic voting using the national ID number card in order to avoid much of the criticism that has been directed at the electoral process and to facilitate casting votes by the electorate.
- The importance of training the staff assigned to the management of the electoral process. The NCHR, while being aware of the practical difficulty of achieving this in the near future, welcomes cooperation in this matter with whomever the High Elections Commission and the Ministry of Interior nominate as a first step towards building the capacity of the electoral process management staff, in addition to increasing and training the staff of the High Elections Commission on the expeditious issuance of observer permits.

- The NCHR calls on civil society organization to adopt clear and declared public rules and criteria including the number of observers needed, criteria for their selection, and the rules of conduct during monitoring. The NCHR will put forward an initiative to collaborate with NGOs in this respect during the coming period.
- The need for the High Elections Commission to transparently announce the rules for granting permits to NGOs and to set an agreed upon date to deliver them, whether through the NCHR or directly through the Commission. The Commission should also announce the reason why some NGOs did not receive the permits despite providing all the required documentation and submitting them on the specified dates. It also has to provide an explanation for refusing to deliver 3413 permits from a total of 4821. Among the permits that the NCHR did not receive were those it had requested for its members and the Technical Secretariat researchers. The Commission must address these shortcomings in order to contain the loss of confidence in the viability of national monitoring.
- The need for NGOs to complete the credentials of their observers well ahead of the elections in order to assist the NCHR in coordinating with the High Elections Commission. The permits should also be delivered to the NGOs ten days at least before staging the election to enable the NGOs to distribute them among the observers in the governorates.
- The need for the NCHR and the High Elections Commission to reach an agreement on specific and declared mechanisms and frameworks for cooperation in providing the NGOs with permits for their observers according to the required terms and conditions. This would help avoid putting the Council in an uncomfortable position with the NGOs.
- The need for the Commission to announce the results of its inquiry into the complaints received from the Council, the candidates, the NGOs and the observers.
- The importance of the role of different media outlets to inform the public during elections on what monitoring is, the rights and duties of observers and the terms and conditions of monitoring.
- The need to establish a hotline between the NCHR and the High Elections Commission and the Ministry of Interior to solve urgent problems that cannot be postponed or communicated in writing to ensure resolving problems before the ballot boxes are closed, while notifying the Ministry of Interior to respect the badges of the observers.

The NCHR concluded its report with a call for an urgent meeting with the High Elections Commission and the Ministries of Interior and Justice as well as Ministry of Legal Affairs and Legislative Councils to discuss means of cooperation during the coming period given the importance of the People's Assembly elections of 2010, and to address the mentioned shortcomings.

## **B) People's Assembly Elections**

The first round of elections for the People's Assembly were conducted in November 28, 2010 and the run-off on December 5, 2010. According to the High Elections Commission, 5033 candidates competed for 444 seats divided into 222 districts while 378 women candidates competed for 54 seats reserved for women distributed in 32 electoral districts.

The elections witnessed severe tension from the start of the candidate registration process where many candidates were prevented from submitting their candidacy papers, especially independent candidates affiliated with the Muslim Brotherhood. Moreover, the Commission, in light of its decisions in connection with the appeals against candidates or in relation to the implementation of the Administrative Court rulings or implementing the enforcement grievance against the rulings, has officially reduced the number of candidates from 5328 competing for the original Assembly seats at closing of nomination for poll to 5033, and similarly reduced the share of women candidates from 397 to 387.

During the electoral campaign hundreds of supporters of independent candidates, members in the Muslim Brotherhood, were arrested as they participated in electoral rallies and public gatherings which the security services prevented, arresting those who did not comply.

Security services also conducted operations to prevent some of these candidates from displaying posters and banners that carried religious symbols and slogans. They also arrested a number of their supporters while hanging banners and posters. These protested that ruling party candidates used religious Muslim and Christian figures during the electoral campaigns and Ministers as well.

Clashes erupted between security forces on the one hand and the supporters of those who were refused candidacy or candidates who were excluded based on procedural and judicial appeals and challenges against implementing "the Administrative Court Rulings" on the other hand. These had been filed before "Civil Courts" and accepted by the High Elections Commission in violation of the law.

Wide clashes also occurred between the supporters of the ruling party themselves both before and after the elections as a result of the party's nomination of more than one candidate for the same seat in around 100 electoral districts, a step considered unprecedented in Egypt's political and electoral history.

The first round of elections ended with the ruling party seizing 217 of the decided 225 seats. The Wafd party won two seats, while three seats were divided among the Tagammu, El-Ghad and Social Justice parties, while independent candidates' supporters of the ruling party won another three seats.

The voter turnout during this round, according to the High Elections Commission, was around 35%, while observer estimates put the figure at not more than 15%.

The course of the first round of elections was widely criticized by opposition parties and the Muslim Brotherhood candidates who pointed out to widespread fraud, and barring from polling stations of observers, media personnel, and the deputies of opposition candidates as well as those of some independent candidates.

Observers also reported numerous cases of violence in the governorates of Cairo, Damietta, Menoufia, Dakahlia, Sohag, Assiut, Gharbia, Qena, Ismailia, Beni Suef, Fayoum, Kafr El Sheikh and Alexandria.

There was wide verbal spat between the opposition and independent candidates on the one hand and the ruling party leadership and the government on the other hand, while criticism spread to the role and capabilities of the High Elections Commission in managing the electoral process and its response to complaints about the irregularities that marred the elections.

The Wafd Party, which had more than six candidates among the opposition parties, announced its withdrawal from the run-off while the Muslim Brotherhood, which had fielded the largest number of candidates among the competing political forces announced also that its independent candidates would be withdrawing from the second round. Moreover, internal crisis hit the Tagammu and Nasserist Parties regarding their decisions to participate in the elections or proceed with the run-off.

The second round was held on December 5, 2010 without compliance with the judicial rulings that had been handed down between both rounds annulling the first round results. The number of administrative court rulings annulling the elections before and after the first round numbered around 1300. Only fifteen court rulings connected with appeals contesting these rulings were complied with although they had been submitted to civil courts that lacked jurisdiction.

Various sources estimate that these court rulings affected 92 constituencies in a manner that undermined the validity of the parliamentary membership of many MPs. The rulings included the governorates of Alexandria (11 electoral districts), Menoufia (11 electoral district and women's quota), Sixth of October (7 electoral districts and women's quota) in addition to 5 districts in Cairo, two in Giza, 7 in Qalubia, 11 in Dakahlia, 9 in Sharkia, 3 in Fayoum, 3 in Beni Sweif, 3 in Assiut, 9 in Kafr El Sheikh and two in Behera, two in Sohag and one in Damietta, New Valley, Marsa Matrouh and Menya each.

Amid a very low voter turnout according to observer estimates, 566 candidates competed over 283 seats in the run-off, among which were 383 candidates from the National Democratic Party (NDP), 140 independent candidates, 27 Muslim Brotherhood candidates, 9 Wafd Party candidates, 6 Tagammu candidates and one from the Republican Peace Party.

The results of the second round were an extension of the first round with the absolute dominance of the ruling party and a number of independent candidates loyal to it. It won 214

seats, raising its share of the total 508 parliamentary seats to 420. The independent candidates, most of which were ruling party loyalists, won 69 seats while the remaining seats were divided among the Wafd (6 seats), Tagammu (5 seats) and one seat each for the Ghad, Social Justice, Republican Peace and El Gil parties. Four seats were left empty because of court rulings ordering the halt of elections in their constituencies.

It is noteworthy that the Wafd Party's candidates in the run-off did not abide by the Party's decision to boycott the second round. The Party's leadership said that these candidates would be subject to investigation as a prelude to their dismissal. However, the Party did not take a decision in this respect till the end of the year. An independent candidate also joined the Geel Party before the run-off elections.

The second round did not witness the same levels of violence and rioting as the first round, especially after the withdrawal and political boycotting on the one hand, and following warnings by the Ministry of Interior that it would not tolerate any breach of the law during the second round of elections.

Following the official announcement of the election results, the President of the Republic appointed seven Christian members among the ten members he appoints by decree according to the law.

The NCHR prepared a detailed report on the electoral process<sup>1</sup> which included its comments and complaints received. The complaints totalled 692 complaints and 88 SMS messages through the GIS system which proved successful in observing and monitoring operations and receiving complaints. It also comprised reports compiled by the NCHR members on their field visits to polling stations in a number of constituencies as well the reports by researchers on their field visits during the first and second electoral rounds, and the reports of the NCHR regional offices in Sohag and Beni Suef in addition to NGOs' initial data and reports.

The complaints included reports on numerous violations such as ballot stuffing, preventing voters from accessing polling stations by some candidates' supporters, bullying and violence by candidates' supporters in front of some polling stations necessitating the closure of these stations for a period of time, barring civil society observers from entering polling stations, not using the phosphoric ink, absence of curtains to ensure balloting secrecy, delays in opening some polling stations while closing others before the legally designated time, ballot boxes not conforming to legal specifications, preventing candidates' deputies from receiving their proxies, candidates attempting to influence voters with cash and in-kind bribes, and continued campaigning inside a number of polling stations by candidates' supporters.

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<sup>1</sup> Docs.pdf\_٢٠٢٠١٠%ديسمبر٢٠%نوفمبر٢٠%مجلس٢٠%انتخابات٢٠%تقرير/http://nchregypt.org/ar/images/files

The report also included a summary of the report compiled by the NCHR Complaints Office based on follow-up activities and complaints received by the Office highlighting a number of negative phenomena including ballot stuffing, numerous inaccuracies in voters' rolls, acts of violence and rioting, widespread electoral bribes in front of polling stations, barring a number of candidates' deputies and observers from entering polling stations, the presence of unauthorized employees inside the stations, and preventing voters from casting their votes in some polling stations. The High Elections Commission accepted only fifteen court rulings from among a large number of other rulings.

The NCHR was keen to include in its report the efforts exerted by civil society organizations and reviewed their main comments and details on the electoral process.

**The report included a number of recommendations that covered three main focal points:**

**1) Revamping the electoral system:**

Creating a mix between the individual candidacy and slate systems which, while allowing individuals to run, will also promote the participation of political parties, and encourage political participation. This system will also provide for voting based on programs and ideas rather than on individuals alone, which is a suitable approach for the characteristics of the country and the mentality of its citizens as well as the political, economic and social conditions.

**2) Reconfiguring the role of the High Elections Commission**

The High Elections Commission was strengthened by preserving its judicial make-up while including two NCHR Council members in its composition. It should be given more power to rule on appeals regarding voters' rolls, and to play a role in setting up the electoral lists, as well as the right to determine the documents required for registration of candidates and to receive registration requests. It should also have the authority to rule on complaints, prepare candidates' lists, organize waiver procedures and officially announce them, as well as the right not to accept appeals filed against definitive court rulings.

Moreover, it is necessary to support the Commission's capabilities through the establishment of a secretariat to be entrusted with managing a technical body capable of accomplishing the Commission's tasks. A sufficient number of high level employees should be assigned and trained to enable them to fulfil the monitoring and supervisory obligations during the election campaigns, in addition to training the personnel assigned with the management of electoral committees. Moreover, the responsibilities of the Commission should be enhanced during balloting, run-off, vote counting and announcement of final results

### **3) Rule of Law and Implementing Judicial Rulings**

The report dealt with the judicial rulings passed by the Administrative Judicial Courts annulling the exclusion of a number of candidates or amending their character or halting elections. These totalled around 1300 rulings and the High Elections Commissions refused to implement these rulings except in the case of fifteen rulings. The report also pointed out the risks of non-implementation in connection with appeals contesting the ruling which were filed before civil courts that lack jurisdiction and are hence in violation of the Supreme Constitutional Court ruling.

It also discussed the risks arising from an erroneous interpretation of the constitutional text which gives the People's Assembly the power to adjudicate the validity of membership in parliament (Article 93 of the Constitution). This conflicts with Article 173 of the Constitution on the power of the Administrative Judiciary to determine the validity of the elections, thus necessitating that the People's Assembly take its decision based on the availability of an Administrative Court ruling or not, and in consistency with the provisions of Article 166 of the Constitution.

The report concluded by calling for the granting of sufficient time before polling day to resolve judicial appeals contesting the administrative decisions regarding the validity of candidacy or the procedures of the electoral process, and to enforce judicial rulings.

### **Third: Economic and Social Rights**

There are continued concerns regarding the slow pace in meeting economic and social rights, especially in light of the repercussions of the global economic crisis on the national economic performance for the second year running. Social protests have persisted for the fourth year running demanding respect for labour rights, increased wage rates, and curbing the rise in prices in order to improve standards of living.

#### **6- The Right to Decent Living**

Despite the government's ability to relatively contain the effects of the global economic crisis and maintain reasonable economic growth rates, this however has not reflected on standards of living where citizens have constantly complained of the frequent rise in commodity prices, especially those of basic food commodities and services.

Government efforts have succeeded in raising economic growth rates to almost 5.8% before the end of 2010 after they had dropped from an average of almost 7.2% in 2008 to almost 4.7% in 2009.

However, this growth was not associated with policies that provide a social safety net for the majority of citizens. Thus government efforts continued in the direction of promoting the

transition towards a market economy, while taking only few limited measures to reduce the negative social implications.

Thus on the one hand, market control has remained weak, and whereas most world countries experienced a considerable drop in commodity prices following the global economic recession and the fears of an extended global crisis, price indications in Egypt have risen, underlining the existence of monopolistic tendencies in the market.

On the other hand, inflation rates have continued to rise during the year, jumping from 10.7% in 2009 to 11.4% before the end of 2010. The Central Agency for Public Mobilization and Statistics (CAPMAS) indicated in June 2010 that there was a monthly rise in the inflation rate by 0.5%. The Agency had indicated earlier in early March 2010 the rise in the prices of basic food commodities during January 2010 by 22.5%.

In the meantime, demands for raising the minimum wage level to L.E.1200 a month continued, especially following the Administrative Judiciary Court's ruling that obligated the State to set a minimum wage level. However, the government argued against the applicability such a requirement, expressing fears about its consequences on increased inflation rates and price levels, whereas the Head of CAPMAS repeatedly emphasized that raising the minimum wage level would not cause a rise in price levels.

Economic experts and academics called on the government to work towards modifying the wage structure without raising its absolute size in the State Budget. The amount of benefits and allowances for high level government and public sector officials and consultants should be cut in favour of low-income groups, while energy subsidies that favour big businessmen should be removed and the funds allocated to raising the minimum wage level and the State's other social responsibilities.

The National Council for Wages reached a decision in November to raise the minimum wage levels from LE37 per month according to 1985 levels, to LE 400 per month, calling on the government to implement this increase. This step renewed criticisms claiming that this level does not cover basic living needs and constitutes only one third of the appropriate minimum wage level called for by experts. Moreover, the jurisdiction of the National Council for Wages is limited to the private sector and does not include government bodies or the public sector and thus this increase will not affect their employees.

Despite the increase in the State Budget to LE450 billion during Fiscal year 2010-2011, both the domestic debt service and the foreign debt service have reached 35% of the State Budget, with serious implications for public social spending.

The level of criticism directed at the State has increased during the year especially after hundreds of pensioners established the so-called Pension Union represented by Mr. Badri Farghali, former MP and leader of the opposition Tagammu Party, which works towards "recovering the special social insurance funds from the hands of the State".

The Supreme Administrative Court upheld the referral of the case being heard before it to revoke the government's decision to take over the insurance funds, to be heard before the Supreme Constitutional Court to decide on its constitutionality. Legal scholars anticipate a decision in favour of the pensioners.

Criticisms have also continued regarding the State's support of exporters where it has continued to allocate a subsidy of four billion Egyptian pounds for them in the State Budget in order to promote exports and maintain employment rates in the export-oriented private sector. This came despite the Ministry of Finance's call in March 2010 to review the controls on the disbursement of this subsidy to exporters to ensure that it is achieving its objectives.

Criticism has not abated despite the rise in the value of non-petroleum exports from 92 billion to 103 billion pounds by the end of the year, especially in light of the rise in the value of imports by 11% over the same period and the drop in the value of the Egyptian pound against foreign currencies.

The Minister of Finance announced in July that the State Budget deficit would reach 8.3% of GDP and indicated in other comments on TV talk shows that the government's vision to promote investment does not agree with the calls for adopting progressive taxation. These calls however saw in this form of taxation a key factor in easing the burdens on the poor and low-income groups through increasing the resources of the State treasury to fulfil the State's obligations towards vulnerable groups.

An additional controversy erupted regarding the government's economic policy following its decision by the end of the year to allocate L.E. 20 billion to stimulate the economy through the provision of soft loans to State and public sector employees in order to enhance their purchasing power, thus stimulating the markets and overcoming the recession faced by the country since the global financial crisis. This was seen by some as favouring businessmen and putting additional pressure on the working class.

Further contention broke out in mid-year following the imposition of a 5% tax on cement sales and an 8% tax on steel rebar sales in addition to imposing new taxes on tobacco sales. The government justified this increase with the need to achieve its goals in bolstering the health budget. However, human rights groups saw this increase harmful to consumers who would be the ones bearing the brunt of the additional taxation, whereas these should have been imposed on the manufacturing companies instead.

Although the Central Bank had stopped responding to the demands of investors to cut the interest rates since the spring of 2009, thus relatively limiting the rise in the inflation rate while supporting investment rates and activity in the financial markets, the Central Bank did not respond to demands by small depositors to restore the interest rates back to their end of 2008 levels. A large segment of these depositors had been affected by the reduction in interest rates.

In a related development, criticism continued of bank lending policies that tend to favour big investors by 68% on the grounds that such a policy does not provide for supporting SMEs which contribute to increased economic activity and broadening the base of beneficiaries.

The stock market witnessed losses amounting to around 80 billion pounds at the end of the first half of 2010 despite higher economic performance indicators compared to 2009. This loss represents 18% of the total market capital which amounts to 410 billion pounds constituting a major loss for the national economy as the market capital constitutes 39% of GDP. These losses are compounded by the fact that they mostly affect small investors who form the largest segment of the stock market.

Prices of basic services such as electricity, gas and drinking water remained at the same levels they had risen to during the past two years, amid growing concerns of intentions to raise them further according to press sources. The Minister of Health's decree for the relative liberalization of drug prices remained in force, while activating real estate tax has continued despite widespread opposition to it.

In the face of the repeated rise in the prices of many basic food commodities, the Government initiated some measures to curb price rises. A number of food commodities at moderate prices were provided at public sector outlets and the Holding Company for Food Industries took a decision by the end of the year to supply sugar directly to retailers to ensure a sale price of five pounds per kilogram instead of seven pounds to which it had suddenly jumped to compared to a price of between four and five pounds in October.

According to the Human Development Report for Egypt 2010 published in cooperation with UNDP and the Ministry of Economic Development, poverty rates rose from 21% in 2008 to 21.6% in 2009 among which 23.5% are youth. This means that there are 17 million people living below the poverty line and among them are 4 million youth. The report also indicates that extreme poverty rates stand at 6.1% meaning that five million citizens are living below the extreme poverty line.

These estimates vary with World Bank statistics which put the percentage figure at 25%, while the estimates of the Arab Human Development Report 2009 put it at 40%.

The International Human Development Report published by the UNDP in November 2010, revealed that Egypt ranked 101 out of 135 countries on the human development index, and ranked 11 out of 16 Arab countries included in the Report.

The Arab Report on the Millennium Development Goals published by both the Arab League and the UNDP in December 2010 indicates that Egypt achieved limited progress in achieving the MDGs during the period 2000-2009. The report foresees that Egypt will be among 10 Arab countries that will be witnessing a decline over the period 2010-2014.

Concerning combating corruption, Egypt's rank on the Transparency International Index for 2010 improved from 111 in 2009 to 98 in 2010 out of 178 countries, where it scored 3.1

compared to 2.8 in 2009 on a scale of 1 to 10 on the Corruption Perception Index (CPI). Egypt maintained its tenth rank on the Arab level.

The third report of the Transparency and Integrity Committee at the Ministry of Administrative Development published in March 2010 underlined that the State's Administrative Apparatus produces over 70 thousand cases of corruption each year, where 40 thousand are dismissed while the judiciary will adjudicate less than two thousand cases. The report called for closing back doors to recruitment, especially for those whose employment terminated with resignation or dismissal or other reasons for terminating employment. It also underlined the need to expedite the issuance of a law organizing disclosure and freedom of information to allow full to access accurate data and information.

A Government survey conducted by the Social Contract Center of the Egyptian Cabinet's Information and Decision Support Center (IDSC) indicated that 85% of the respondents confirmed rampant corruption and poor services and that 55% see corruption as part of daily life.

Press sources in mid-January dealt with a report on the Key Development Challenges Facing Egypt prepared by 80 Egyptian and foreign experts co-sponsored by the Egyptian Government and the UNDP. The sources pointed out that the report placed poverty and corruption at the top of the list of major challenges, stressing that the State had not succeeded in reducing poverty rates which have remained at 20% over the past ten years. The report also indicated the paradox of petroleum products subsidies which alone amounted to 62 billion pounds compared to 55 billion only of the total expenditure on both health and education. The report also points out that around 10% of the population have Hepatitis C, and that 1.5 million children suffer from "severe food deprivation", while political participation rates remain below 20% of eligible voters during elections held in recent years. The report observed the increasing incidence of sexual harassment and called for enforcing the law to combat it.

## **7- The Right to Health**

Concerns regarding the government's intention to pass a new Health Insurance Law have continued, especially that the draft bill was not made accessible for public debate, and its goal was limited to addressing the imbalances in the financial structure. As a prelude to this law, the Prime Minister issued a decree to transform the General Authority for Health Insurance into a holding company. This led to an outburst of popular opposition, taking the case before the Administrative Judicial Courts, which overturned the Prime Minister's decree.

Despite the repeated amendments made to the bill that preceded the draft law, the Department of Fatwas and Legislation of the State Council objected to it on the grounds of entailing considerable injustice and prejudice towards lower income groups, its conflict with the principle of social justice, and its infringement of equal opportunities and equality, as well as its contradiction with personal freedom, rendering it unconstitutional.

This coincided with a heated parliamentary debate during the discussion of the State Budget at the beginning of 2010 regarding the government's reduction of its allocations for the treatment of citizens at State expense. The Minister of Health was accused by the MPs of abusing this service and the debate went to the extent of demanding an investigation by the Attorney General in connection with a number of MPs profiting from cross-selling decrees for treatment at State expense which they obtained for those not in need.

The Prime Minister submitted his Chief Advisor to be investigated in September for issuing decrees for treatment at State expense valued at L.E 47 million.

This came at a time witnessing increased complaints of poor health insurance services and the decline in the level of services offered, in particular the shortage in many kinds of major medicines, with growing concerns that this shortage would be covered with alternative medicines not certified according to international standards.

Members of parliament leaders in the ruling party also directed sharp criticism towards the Minister of Health during parliamentary debates that took place at the end of the year on the conditions in government-run public hospitals which provide free treatment. The MPs warned of the imposition of fees on poor citizens who have nowhere else to go but these hospitals, calling for the need to have this issue reviewed by the People's Assembly before taking any decision in its regard. The Health Committee had sharply criticized the performance of the Ministry of Health at the annual conference of the ruling party during their meeting with the Minister of Health to discuss the Party's internal reports.

Complaints continued throughout the year of the high and persistent rise in medicine prices, especially after the Minister of Health's decree in September 2009 to cancel the administered pricing system of medicines and freeing prices up to a maximum of 10% to 30% below market prices in 30 other countries, most of which are rich nations. This sparked a broad wave of criticism, especially as statistics indicate that patients bear approximately 68% of the cost of medication, while the cost of medicine constitutes about 37% of the total overall cost of treatment. Moreover, the latter has witnessed a continued rise during the past four years in the context of the growth in the size of private sector investments in the health sector and the State's policy of transforming government hospitals into therapeutic enterprises.

For this reason the Ministry of Health has taken decisions to reduce the prices of some medicines used in the treatment of major diseases prevalent among the population. Thus during May 2010 the Ministry of Health reduced the prices of forty drugs and on December 29, 2010 announced the reduction of a further fifty drug items. These medicines whose prices were reduced are linked with the treatment of chronic diseases including diseases of the liver, cancer and kidney failure.

However, this did not prevent the Pharmacists' Syndicate from appealing the Minister of Health's decree to increase drug prices, announcing this on December 9, 2010. The Chief of the Syndicate stressed that the Syndicate did not object to raising the prices of domestically

produced drugs, especially those produced by the public sector which are very low and need to be increased to cover the losses of these companies and support the national industry. However, he expressed the Syndicates objection regarding the "unjustified" increase in the excessively high prices of foreign drugs.

The Administrative Court had handed down a ruling annulling the Minister of Health's decree to free drug pricing. This ruling was contested by the Ministry before the Supreme Administrative Court which referred the case to the State Commissioners Authority which finalized its report on December 7, 2010 in which it upheld the first instance ruling and obligating the Minister of Health to administer drug prices. The Supreme Administrative Court is expected to issue its final ruling on February 7, 2011.

The State Commissioners Authority's report stressed that the Minister of Health's decree violates the price administration law, the Republican Decree to establish a government authority for drugs, and four decrees by former Ministers of Health on the pricing and profit level of domestically produced medicines and pharmaceutical products.

With regard to combating epidemic diseases, the number of victims of the H1N1 virus, also known as swine flu, exceeded two hundred in less than two years following the death of 6 citizens with the advent of the 2010 winter season from among 153 infected cases reported by the Ministry of Health during the months of October and November 2010.

The victims of the H5N1, virus also known as avian flu, also rose to 27 cases since it became endemic in the country in 2006.

Regarding efforts to combat HIV AIDs disease, the official spokesperson of the Ministry of Health announced during early 2010 that the number of those infected with the disease in Egypt since the first case appeared in 1986 and until the end of October 2010, was 4221, among which were 962 foreigners and 3259 Egyptians. Of these, 1206 died while those living with the illness numbered 2053, of which 470 are receiving treatment for the virus. This statement came in the context of reports about the presence of at least 10 thousand infected cases in Egypt.

With respect to environment rights, the Qanater El Khairia Misdemeanour Court acquitted in March 2010 all the Local Administration, Ministry of Housing and Arab Contractor's defendants from the charge of gross negligence leading to death and injury as a result of mixing drinking water with sewage water in a number of villages in Qalioubia Governorate.

The ruling referred to the insufficient evidence regarding the responsibility of the defendants for the events leading to the injuries, basing this on the fact that the population relied on groundwater, and installed pumps to provide drinking water, using an old and worn out government drinking water network. This was done in conjunction with establishing a simple sewage network by their own means, dug at shallow levels in the subsoil.

The sinking of a river barge carrying a quantity of approximately 244 tons of diesel fuel in the Nile waters in Aswan governorate in September, and reaching Qena governorate during the subsequent days, revealed the poor safety measures in river transportation and Nile water protection.

Al-Ahram newspaper also revealed at the end of the year the leakage of seven thousand meters of sewage into the Gulf of Suez waters at Jebel Ataka. Different technical reports had attributed responsibility to one of the private sector companies that constructed the new sewage plant costing fifty million pounds, leading to serious leakage that have destroyed fish life in this vital region.

Regarding the issue of contaminated blood bags known in the media as the "Haiydelina" case, the Court on July 17, 2010 acquitted all defendants in the case, including the owner of the company, his sister and two officials from the Ministry of Health from all charges made against them, overruling a Criminal Court verdict that had indicted and sentenced them to three years in prison and three company employees to a six months prison term.

The Supreme Disciplinary Court is expected on February 2, 2011 to hand down a ruling on the charges made against 40 Ministry of Health employees who are defendants in the same case. A verdict on these charges had been postponed till ruling on the criminal case.

## **8- The Right to Housing**

The State continued its efforts to resolve the housing crisis through the resumption of the "Build Your Home" project as well as providing substantial support to private sector projects that aim to provide housing for low-income groups. The State is also working towards achieving its goals for coverage of safe drinking water by 100% by the end of 2010, and coverage of sewage networks by 40% by the end of 2012.

However, complaints have persisted during the year regarding the unjustified and repeated rise in real estate prices as well as the prices of construction material following the parliamentary elections. As a consequence, rental values have also risen in spite of the recession caused by the global financial crisis. This is also compounded by the State's lack of response to calls for resuming efforts in providing housing for low income groups and the poor, while the private sector has continued to invest mainly in luxury housing projects, and the State has tended to confiscate land and demolish homes in certain areas in favour of investment projects rather than for the public benefit.

A number of issues erupted during the year connected with the allocation of State owned land to the private sector with facilities, especially after the State Council rulings on the Madinaty project.

In September 2010 the Supreme Administrative Court had upheld the ruling of a Court of First Instance invalidating the apportionment of public lands for the benefit of the Arab Company for Projects and Real Estate Development of the Talaat Mostafa Group, on the

grounds that the contract was in breach of the law because the land had been allocated by a direct order.

Despite the State's desire to put into effect the definitive court ruling, litigation continued to ensure enforcement of the ruling. Thus the Administrative Judicial Court on November 22 ruled for the implementation of the Supreme Administrative Court's ruling and the cancelling of the contract with the concerned company. This came after the State resold the land to the same company under a new contract on the grounds of protecting public interest and safeguarding the interests of the contracting parties as well to avoid its impact on attracting investment.

This case led the State to intensify its efforts to mitigate its impact on tens of other investment projects, especially in light of allegations of misconduct in dealing with State owned land and despite the Public Prosecutors decision to dismiss investigations with the former Minister of housing, Mohamed Ibrahim Soliman, with respect to the "Madinaty" project contract. Complaints have continued regarding the State's persistence on allocating large areas of land to investors and the private sector while refusing requests by citizens to apportion small pieces of land for them to build their homes on.

While the government is inclined, with support from the National Democratic Party (NDP), to amend the provisions of the law to ensure that the Supreme Administrative Court's ruling will not affect other projects, the President of the Republic nevertheless has called for the need to preserve and safeguard the assets and resources of the State, foremost of which is land, and requested the Land Use Agency to activate its role in confronting dealings in or infringements on State land.

The "Madinaty" case fuelled criticism regarding the State's conduct in the allocation of land, especially after the President's intervention to revoke the procedures for the sale of a State owned tourist island in the Nile river in Aswan governorate to a private sector company of Egyptian and French investors. Lawsuits were also filed to revoke the contract with the same company involving the purchase of an important plot of land in Tahrir square at reduced prices.

Before the end of the year, bulldozers removed 38 houses behind the television building in Maspero. The victims and witnesses complained that the bulldozers entered the area abruptly and immediately began demolishing homes without regard to the safety of the inhabitants. This caused severe panic among the inhabitants, mostly the children, especially as the demolitions began suddenly at ten o'clock in the morning without prior notice while household heads were at work.

The authorities stated that demolition orders had been issued two years ago for these houses, while the Governor of Cairo explained that the Governorate was responsible for undertaking the demolition operation within its plan to remove 137 houses that constituted a threat to their residents but that it was not concerned with other aspects that are the responsibility of other

government bodies. Residents protested however that the State had developed an investment plan for each residential block between Tahrir Square and Bulaq Abul-Ela in cooperation with Arab and foreign investors, and that it was intending to expropriate their houses for the benefit of investment projects and not for the public good. They argued that the State was compensating the owners with L.E.150 per square meter whereas the average market price was LE 20 000. Moreover the State was not offering the residents alternative homes inside the area after completing the investment projects but was asking them to reallocate to Al-Nahda housing located in a desert area outside Cairo, where health and educational services as well as adequate security were not available.

Concerning the "Build Your House" project, complaints by the applicants continued regarding the lack of sufficient plots of land compared to the huge numbers of applicants. The lots are allocated by means of a lottery. There were also complaints from youth beneficiaries of the absence of protection from looting and having to pay tributes imposed on them by some members of Bedouin tribes living in the areas allocated to them. Moreover, there are delays in the funding provided to support their efforts in building their homes within the prescribed time schedule, thus threatening them with losing their plots of land. This is compounded by the State's delay in the provision of infrastructure, especially water, which is necessary for them to complete the construction work.

The State has continued its efforts in the context of the National Housing Project to encourage private sector involvement in housing projects for low-income groups, and has offered private sector investors many incentives to encourage them to build small housing units of an average size of 63 square meters with payment facilities of up to 15 years.

Although the State grants investors property to build on at nominal prices with payment facilities and offers a direct subsidy to the cost of infrastructure in the form of extending utilities to the project, the prices of these housing units still remain high and have increased during 2010 to between L.E.140 000 and L.E.190 000. This has limited demand for them among lower-income groups because of the difficulties in meeting payments and instalment obligations that exceed L.E.1200 per month.

With respect to informal settlements, despite the State's interest in addressing this phenomenon with its serious repercussions for society, the issue of providing the necessary resources to activate the government's plan and the Informal Settlements, Development Fund of the Cabinet of Ministers remains a major obstacle in achieving progress in addressing this issue.

The number of these informal areas in mid-year was 1200, among which 20 areas cannot be developed and 1130 can be developed. They are distributed among 71 areas not included in the State's development plan situated in the Suez Canal governorates and Sinai, and 340 locations in which development work is underway in the governorates of Gharbia, Kafr El Sheikh, Damietta, Qena, Aswan, Sohag, Assiut, and Beni Suef, and 600 areas where

development will begin within the coming two years in the governorates of Assiut, Cairo, Alexandria, Qaliub, Giza, Qena, Aswan, Sohag, Minya, Fayoum and Beni Sweif.

The Cabinet of Ministers had adopted in 2008 the classification of informal settlements into four classifications based on their level of safety following a study prepared by the Ministry of Local Development, the Ministry of Housing and the Ministry of Social Solidarity. This classification included the first level: "areas that threaten life", the second level: "areas of unsuitable shelter conditions", the third level: "areas of health risks" and the fourth level: "areas of instability".

The Cabinet decided to urgently work towards providing more than 10 thousand housing units to expedite the transfer of the residents of 404 informal areas classified as "threatening to life" the majority of which are located in Alexandria governorate while the remaining areas are in Cairo governorate.

The inhabitants of these areas number around 14 million people living in huts, cemeteries, mosques and unplanned areas on the outskirts of cities and in their midst. Cairo alone has 41% at least of these areas.

The incident of the rock fall in Duwaiqa in Cairo on September 2008 sparked wide interest in informal areas. Investigations led to pressing charges against Cairo local government officials. A court ruling on May 26 indicted the Deputy Governor of Cairo sentencing him to 5 years in prison and 7 other employees from the Manshiet Nasser District Authority and from the Housing and Property Management Department to a term of 3 years.

The Attorney General had referred the accused to a criminal court on charges of involuntary manslaughter and injury after the Public Prosecutor's investigations revealed that there had been repeated dereliction of duties by officials in the Manshiet Nasser District who had been aware of technical reports that had recommended the removal of all the residents living on the borders of the plateau and the need to construct a wall at a distance from the border where sewage water had accumulated causing the rock fall.

With respect to the provision of basic services and facilities, official figures have indicated that the coverage ratio for sanitation services in urban areas has increased to 96% in mid-2010 and is expected to reach 100% by the end of the years, while the ratio for rural areas will reach 40% by mid-2012 where nearly 1100 villages are still deprived of sanitation services. The coverage of sewage networks is still limited to 35% of the population.

At the level of the provision of safe drinking water, official figures underscored that the coverage ratio has increased to 100% in villages that had been deprived of these services until 2009. Complaints however have continued regarding the lack of resources for the maintenance of plants and water systems leading the inhabitants in certain areas to rely on their own unplanned efforts with serious repercussions on environmental health.

## **9- The Right to Education**

Debate continued throughout the year on the feasibility of adopting the comprehensive evaluation system by the Ministries of Education and Higher Education. Both Ministries had announced the start of the application of this system in the middle of academic year 2008/2009 being one of the outcomes of the National Education Development Conference held under the auspices of the President of the Republic in mid-2008.

At the level of **higher education** and in light of the Ministry of Higher Education's intention to introduce the comprehensive evaluation system in university enrolment, concerns have grown regarding the intention of using a system of electronic tests of student capabilities as a substitute for the Admission Office of Egyptian Universities. This would constitute an increased burden on families and students over and above the hardships they face in the *thanaweya amma* or General Secondary examinations. Moreover, it could be a means by which the government may achieve its aim of limiting the numbers of those enrolling in higher education, the rates of which are seen by education experts as below development rates. Members of the People's Assembly and Shura Council have indicated that the adoption of such a system would introduce the risks of corruption and favouritism.

Controversy persisted over the continued presence of university guards from the Ministry of Interior in universities, especially following the Supreme Administrative Court's ruling in September upholding the verdict of a first instance court banning the presence of the Ministry of Interior within universities. This was in connection with a lawsuit filed by a number of faculty members and which the government appealed. However, the Minister of Higher Education and Scientific Research has confirmed that the university guards will continue their duties in universities.

Protests by some faculty members have continued regarding the government's not consenting to their demands for better wages and allowances, ensuring academic freedoms and increasing the scientific research budgets. A spokesperson for one of the faculty groups underlined the persistence of the protest movement until their demands are met and pointed out that the higher education budget had fallen by 40% over the past ten years.

Some faculty members have also complained of pressures from the Supreme Council of Universities to accept the enrolment of additional numbers of students in universities in excess of their capacity, at a time when the Ministry of Finance has been taking measures to reduce allocations for university education, calling on universities to find alternative sources to finance their budgets.

Universities surprised irregular students with a tenfold increase in tuition fees (from L.E.500 to L.E.5000). A number of those affected by this decision filed a lawsuit before the Administrative Court to revoke this decision on the grounds of being detrimental to the State's commitment to ensure continued education.

The NCHR invited the Minister of Higher Education to meet with the members of the NCHR Council, to discuss a number of urgent issues. The meeting was held on January 18, 2011 in

the presence of the President of the Council Dr. Boutros Boutros Ghali, the Vice- President Counsellor Moqbel Shaker, Mr. Mohamed Fayek, Ambassador Ahmed Haggag, Dr. Fouad Riad, Dr. Ramzi El Shaaer and Mr. Mounir Fakhri Abdel Nour, members of the Council. The meeting discussed reports regarding the cancellation of leniency grades, and preventing students of foreign schools operating under the IGSCCE system from enrolling in universities unless they have spent 12 years of schooling similar to the rest of the students.

The Minister of Higher Education indicated that he had not issued a decree to cancel the leniency grading system and that the law granted examiners this right in order to avoid disparities in grading. He pointed out the existence of a report by the Council of State Commissioners Authority confirming the invalidity of a leniency grading system and explained that the Administrative Court ruling revoking the University of Helwan President's decision to cancel leniency was based on the grounds of equal opportunities, as other universities continue to work with this system, and not on the grounds of it being a legal right.

He also pointed out that the problem of IGCSE students was connected with the abolition and then reinstating of the sixth grade primary school year. He added that the law grants the Minister of Higher Education the right to set admissions terms and that all foreign schools in Egypt had been advised to abide by a 12 year primary and secondary school education as a prerequisite for admission to universities in the coming years.

The **Ministry of Education** is also striving to implement the comprehensive evaluation system in primary and secondary education in order to raise the applied skills of students and develop creativity and innovation. This system is seen as a means to improve the educational process and ensure its quality as well as developing active positive learning and measuring student potential.

The focus of the debate on this issue centred primarily on the additional burden the application of this system would pose on students and their families, conflicting with what the President of the Republic called for at the opening of the National Conference for the Development of Education. The adoption of this system would entail further obligations for students and consequently their families and there are concerns that it would be used to reduce the number of students entering higher education, a step consistent with the government's economic orientation.

Despite the fact that the opponents of the adoption of a comprehensive evaluation system agree to the need of promoting school activities, they consider the application of such a system before developing school curricula to lessen their burden, and before curbing students' need for private lessons either to compensate for lack of academic achievement or to ensure that teachers will include grades for activities, will only increase the burden on families.

Experts have also called for providing the necessary incentives to encourage students, families, teachers and schools to implement this system in an appropriate manner. They also

pointed out the need to study the experiences of other countries which abandoned this system only a few years after its adoption.

Attempts to partially apply this system over the past two years in some of the basic education levels have been widely criticized by families and teachers who pointed out that it has contributed to a further need for private lessons by the students and weakened the academic achievements of students in favour of unplanned activities that do not rely on information technology which is lacking in public schools and in many private schools.

Criticism was also directed at the poor supervision and monitoring of private schools by the Ministry of Education, especially of foreign schools, calling for a greater focus on the education of national values.

The rise in school violence among students was also a target of criticism especially following both the government and independent media's attention of an incident where a student at a preparatory school in eastern Cairo was assaulted during the end of October 2010.

The Egyptian Foundation for the Advancement of Childhood Conditions reported a significant rise in the rate of school violence. According to a survey conducted by the Foundation, the rate of violence has reached 67.18%.

The Prime Minister stressed before the end of the year 2010 that education has been at the top of the government's list of priorities in recent years. He pointed to the government's aim to adopt a decentralized approach during the coming years, paving the way for transferring powers from the Ministry of Education to the Education Directorates at the governorate level, thereby allowing the adoption of suitable policies that meet local needs.

Sources have indicated that the government has allocated L.E.47 billion for education and higher education for the year 2010/2011 constituting 9.6% of the total State budget and divided into L.E.31.2 billion for education and L.E.15.8 billion for higher education.

Officials at the Ministry of Education have complained that this budget is very weak and does not meet the Ministry's request to increase it by five billion pounds to enable the implementation of education development plans.

The distribution of the pre-university education budget included LE29.6 pounds for wages and salaries comprising 94.8% of the budget thus limiting the ability to implement ambitious education development plans or adopting new systems such as the comprehensive evaluation system. Limited funds were allocated to the Centre for Educational Research (L.E.13.8 million), the Education Development Fund (L.E. 340 million), the National Centre for Examinations (L.E.13.5 million) and the General Authority for Literacy and Adult Education (L.E.156 million).

The Education Committee at the People's Assembly underlined in March that the State had failed in its literacy efforts. The plan adopted by the General Authority for Literacy and Adult

Education (GALAE) to eradicate the illiteracy of 2.5 million illiterate persons between the ages of 15 to 45 years of age over a period of four years, and whose number nine million people, had not been achieved and the number of illiterates currently stands at 16.8 million.

The People's Assembly introduced an amendment to the Literacy and Adult Education Law authorizing Governors to lay down a local plan and obliging Education Directorates to implement these plans with respect to children below the age of 15 years. The law abolished the General Authority for Literacy and Adult Education branches in the governorates and brought them under the jurisdiction of the governorates' main offices.

The National Council for Education under the Specialized National Councils was also critical of the pre-university education budget largely due to the fact that wages and salaries comprise the bulk of the budget. The Council complained as well that school buildings were not constructed for education purposes, warning that there are 1572 rented schools, while the number of schools amounts to 43,423 schools with 400 thousand classrooms serving 16.1 million students distributed into 2.1 million students in secondary schools, 4 million in preparatory schools and 9.2 million in primary schools.

According to officials in the Ministry of Education, classroom density in basic education is 80 pupils per class in government schools compared to 40 pupils per class in private schools. This figure is relatively less in language schools.

The National Council for Education indicated that the latest government five-year plan resulted in the construction of only 9 industrial technical schools and 5 agricultural technical schools. This is a very limited number and will affect the government's goals in supporting vocational training and rehabilitation. The Council pointed out as well, that in general, the number of new schools in the government's five year plans has been in decline since 1997.

The Council also complained of the fact that 2579 schools have had to continue to operate for a second evening shift, while 1178 schools operate on the basis of two shifts per day.

There was also increased criticism regarding the weak budgets allocated for scientific research which have remained at the level of 0.8%, with calls to increase this to at least 5% in order to attain a scientific renaissance that is a necessary prerequisite for achieving human development.

Regarding human rights education, the Ministry of Education has pursued its cooperation with the National Council for Human Rights (NCHR) in the context of action programmes that target promoting a human rights culture in basic and secondary education. Universities are also continuing to mainstream human rights principles in university education.

## **10- The Right to Work**

The Central Agency for Public Mobilization and Statistics (CAPMAS) has indicated in its report on the third quarter of 2010 that the size of the work force in the country had reached

26.153 million people in September with an increase of 950 thousand persons compared to the same period of the previous year or 33.3% of the total population.

However, the report indicated a drop in the rate of employment during the third quarter of the year as compared to the second quarter, where 47 thousand people or 0.2% lost their jobs.

The report also pointed out that the unemployment rate registered a decline during 2010 where it reached 8.94% compared to 9.36% the year before. The male unemployment rate dropped from 5.26% to 4.72% while the unemployment rate for females rose from 22.8% to 23.36%.

The labour force participation rate compared to the total population increased to 49.5% compared to 48.3%. The male labour force participation rate was 75.3% whereas it had been 72.8% during the third quarter of the previous year. Labour participation rates for females were 23% compared to 22.8% for the same quarter in the preceding year, indicating a drop in women's participation in the labour force.

The report indicated that unemployment rates in urban areas reached 13.7% compared to 11.3% during the same quarter of the preceding year, while in rural areas the rate was 6.1% compared to 6.4% during the same quarter of the previous year.

Unemployment rates for males dropped in urban areas to 6.8% compared to 8.2% for the same quarter of the preceding year, while it rose in rural areas to 3.3% compared to 3.1% for the same quarter of the previous year.

Unemployment rates for females in urban areas also dropped to 30% compared to 32% and rose to 17.9% in rural areas compared to 15.9% compared to the same quarter in the preceding year.

The report recorded an extremely high unemployment rate among youth, reaching 87.1% for the age group 15 to 29 years of age, 49% for those between 19 to 24 years of age and 26.4% for those in the 24 to 29 age bracket.

However, experts have argued that these figures do not reflect the reality of unemployment in Egypt. The Economic Unit at the Al-Ahram Center for Political and Strategic Studies has pointed out that these rates could well double if they are based on the detailed figures provided by the government to the World Bank.

The head of the Central Agency for Public Mobilization and Statistics had indicated in November 2010 that unemployment in Egypt is not limited to Egypt alone, but that it was an international crisis that had deepened as a result of the global financial crisis. He added that the privatization of public sector companies has been the main reason for the rise in unemployment rates.

There was a renewed call during the year to channel investments, exemptions and benefits to labour intensive projects as a means of reducing unemployment, together with introducing

necessary changes in the credit policies of national banks so that they benefit small and medium enterprises (SMEs) which receive only 23% of bank credit.

The World Bank had emphasized that the Egyptian market needed to provide 600 thousand job opportunities each year to eradicate unemployment and absorb new entrants into the labour market.

For the fourth consecutive year, labour protests continued against the backdrop of economic and social demands. The Prime Minister had stated that these protests were a healthy and positive phenomenon, but pointed out in another statement that they were restricted to a very limited number of public and private economic enterprises.

The government has consented in numerous cases to the workers' demands while in other instances it responded with promises to meet their demands in the near future. However, much of these responses and promises were not implemented in a manner satisfactory to the workers, prompting them to repeatedly resume their protests.

According to the Observatory of Labour and Trade Unions, protests and the numbers of those participating in them has increased during the year, reaching 300 labour protests during the first half of 2010.

However, an international report issued by the International Centre for Labour Solidarity in October 2010 pointed out that Egypt witnessed 1900 labour strikes during the last four years and that 1.7 million workers participated in these protests. The report was based on field studies conducted in Egypt during 2008 and 2009 as well as reports by concerned worker rights organizations.

Most of these protests usually focus on social demands related to overdue payments or equal payment of wages and allowances, or failure to guarantee worker rights when selling public sector companies to investors and the private sector, or merging them with other government owned companies, or the possibility of displacing worker families from company housing upon contract termination or retirement or death.

The Minister of Labour and Migration had informed the President of the National Council for Human Rights (NCHR) of the Ministry's response to labour protests. She initially drew attention to the legal framework concerning the right to strike and that the law did not recognize "sit-ins" as a form of legal protest. She attached an analytical account of the Ministry's engagement with four public sector workers' protests and fourteen in private sector companies and the role of the Ministry in containing and addressing its repercussions, pointing out that 98% of these protests had been settled.

The phenomenon of informal migration from Egypt to southern Mediterranean countries has continued throughout the year despite the drowning incidents that have resulted from these attempts as well the persistent policy of southern European countries to detain the migrants that arrive at its shores as a preliminary step to deporting them to their countries of origin.

Kuwaiti authorizes deported 17 Egyptian workers in early April for their participation in a meeting to support the demands of the National Association for Change led by Mohamed El Baradei. Criticisms were directed at the Egyptian government for inciting Kuwaiti authorities to evict workers or for not intervening to prevent these evictions.

#### **Fourth: Key Issues**

##### **1- Sectarian Tension**

Sectarian tension has escalated in Egypt during the year. The vicious terrorist bombing of the Al-Qidissayne Church in Alexandria minutes before the start of 2011 has put this phenomenon on the top of the list of national priorities.

During the year, this serious phenomenon took critical proportions, beginning with the start of 2010 which witnessed the attack on the Nag Hammadi Church on Christmas Eve. The Council had warned in its previous report that this incident reflected a critical turning point being the first incident where Christians were targeted as a group. The Council reiterated its calls for urgent national action to curb this phenomenon and address its root causes and the need to work towards promoting a system of positive values in the relationship between citizens and ensuring stability and social peace.

The country witnessed throughout the year a number of events that deepened tensions, especially the repercussions of the Supreme Administrative Court's ruling connected with divorce in the Christian faith, followed by the crisis that involved serious altercations between a number of priests on the one hand and Muslim writers and thinkers on the other hand regarding the validity of religious beliefs, as well as the serious events witnessed in the Umranya district in Giza between police forces and citizens who opposed the demolition of unlicensed new Church buildings.

On the other hand, the national solidarity in the face of threats by Al Qaeda against Christians in Egypt and Iraq once again demonstrated the strength and depth of the national and fraternal spirit that binds the citizens of this country, and it is this which will form the basis for resolving the causes behind this tension.

However, this solidarity, as in the preceding six years, was not translated into tangible efforts and serious measures to curb the phenomenon or prevent its exploitation, as was evidenced in the "selective" targeting of the Al-Qidissayne Church in Alexandria following New Years Mass celebrations. This same church had been the target of a previous knife attack against its worshipers in 2006 followed by hassles of a sectarian nature in some Alexandria districts. Security services arrested the offender and it was reported that he was mentally ill.

The New Years vicious attack killed 23 citizens and wounded 95 others and transformed the New Year's celebrations into a broad national and popular mourning, in which Christian

citizens manifested their deep anger amid feelings of legal and political injustice and lack of security, and exacerbating fears of renewed sectarian tension with indefinite repercussions.

The NCHR has sought to monitor these serious developments throughout the year, sending several fact-finding missions to the sites of the incidents, including two missions to the site of the Al-Qidissayne Church terrorist attack and in respect of which the NCHR had issued a statement in the early hours following the attack. The NCHR also initiated a call to hold the "Third Citizenship Conference" during January 24 and 25, 2011 to discuss "citizenship through equal opportunities and prevention of discrimination" and to listen to the views and proposals of concerned civil society organizations and develop practical proposals to address this phenomenon and its ramifications.

While the NCHR agrees with the views of experts and NGOs regarding the serious impact of economic factors and their social implications in igniting numerous forms of social tension, including sectarian unrest, it reaffirms the need to work towards addressing the root causes that aggravate this unfortunate phenomenon, including a wide scale confrontation with growing religious intolerance which has reached unprecedented proportions. Moreover, legislative restrictions that have given social tension a sectarian aspect must be removed. These measures should contribute to preventing the exploitation of this phenomenon in creating civil divisions.

The NCHR regrets the slow pace in taking action regarding a number of pressing issues, among which are completing the unified personal status law for Christians, and the trial of the perpetrators of the assault on the Nag Hammadi Church which has lasted an entire year despite the seriousness of the crime's repercussions. This is more so compared to the limited time in which authorities have dealt with other less sensitive cases within only a few days.

It also expresses its concern regarding the delay in responding to its calls for launching a comprehensive national dialogue based on openness and frankness and which it has persistently stressed the need for since issuing its first annual report in early 2005. Moreover, the NCHR has called for implementing the principle of citizenship provided for by the constitutional amendments in 2007. These constituted an important political and legal achievement and will require serious efforts to implement them in actual practice. In addition, the NCHR's conferences in 2007 and 2009 issued recommendations to give effect to citizenship rights.

The NCHR also expresses its disquiet with respect to the continued delay in responding to its demands to promulgate the Unified Law for Places of Worship which it had submitted to parliament three years ago, as well as its proposal to establish a National Commission for the Prevention of Discrimination to be entrusted with combating all forms of discrimination in the country. These proposals have met wide national support and are contained in Egypt's voluntary pledges in the context of the United Nation's Human Right's Universal Periodic Review (UPR) Mechanism.

## 2- Universal Periodic Review Mechanism

The Universal Periodic Review Mechanism (UPR) process offers an important opportunity to review the human rights record in the country. The government has sought to interact positively with its obligations under this new mechanism and has been keen to undertake consultations with the National Council for Human Rights and a number of concerned civil society organizations on the issues included in the national report. It also formed a broad delegation headed by the Minister of Legal Affairs and Parliamentary Councils.

In the context of its legal mandate, the National Council for Human Rights (NCHR) has submitted its report to the Review Mechanism in the category of stakeholder reports which received national and international praise. A number of national workshops were held in Cairo as well as in the north and south of the country to which the Council invited civil society organizations. An important seminar was also organized to discuss the Review issues in preparation for the discussion sessions at the UN.

The NCHR participated in the proceedings of the two review sessions in which the national report was discussed before the UN Universal Periodic Review (UPR) Mechanism in February 2010, as well as in the session in which the report was adopted by the UN Human Rights Council in June 2010. National civil society organizations were very keen on being involved in the review process where a number of these organizations –forming a variety of coalitions – submitted stakeholder reports to the UPR as well as participated in the interactive dialogue session and the session for adopting the report.

The Review process opened a national dialogue on human rights issues in the country as a result of the media attention given to the review topics, and the government's concern in inviting a number of civil society organizations for consultations on the results of the interactive dialogue.

Ninety seven member States participated in the interactive dialogue on Egypt, including 53 countries that had the opportunity to make statements and recommendations, and 44 countries which participated with written statements. Egypt had also received 10 written questions beforehand. It received 169 recommendations, 119 of which were immediately supported while response to 25 recommendations was deferred and 14 were not supported. The recommendations focused in general on various human rights aspects which mostly reflected national concerns.

The **recommendations supported by Egypt** dealt in general with promoting civil and political rights by means of updating national legislation to conform with international standards, ending the state of emergency, ensuring respect for human rights while countering terrorism, ensuring standards for fair trials, curbing the use of the death penalty or abolishing it altogether, accountability for violations committed and ensuring that perpetrators do not go unpunished particularly in the fight against torture which received considerable attention in the recommendations, combating different forms of human trafficking, protection of refugees

and migrants, promoting women's rights and combating forms of discrimination against women, combating violence against women and its diverse of sources, promoting the protection and activation of child rights and ensuring the rights of disabled persons.

These recommendations also referred to the development of mechanisms for complaints and accountability and allowing visits by UN human rights special procedures and strengthening the efforts of national institutions working in the human rights field.

They also dealt with ensuring freedom of thought and belief, promoting understanding and tolerance, reinforcing freedom of opinion and expression and the freedom to establish NGOs and of their activities, especially those engaged in human rights, allowing the monitoring of elections and ensuring their integrity, completing the reform process and promoting human rights outreach efforts particularly for law enforcement officers.

In terms of economic, social and cultural rights, recommendations included the adoption of appropriate policies to tackle the challenges in meeting these rights, adopting social policies to guarantee the right to food, combating poverty and supporting the poor, an adequate distribution of wealth, ensuring the right to health and housing, developing education and literacy efforts, promoting human rights education, addressing unemployment and focusing efforts on development and low-income groups.

The **recommendations not supported by Egypt**, based on the fact that "they were inaccurate and/or factually incorrect", included abolishing the state of emergency or its extension, the release of bloggers and activists detained under the Emergency Law, abolishing restrictions on religious conversion, supporting the protection of minorities and ensuring that perpetrators of crimes against minorities do not go unpunished, conducting investigations pertaining to instances of persecution of lawyers, judges and journalists, lifting restrictions on the licensing of NGOs and their activities, and hosting a regional office for the High Commissioner for Human Rights.

During the discussions for the adoption of the outcome document of the UPR Working Group on June 11, 2010 Egypt **agreed to 21 recommendations** of the 25 recommendations that had been deferred for reply in due time. These included issues regarding discrimination against religious minorities, acceding to the Optional Protocol to the Convention Against Torture, reviewing the definition of torture in the Penal Code and ensuring its consistency with the International Convention Against Torture, the immediate release of bloggers, allowing the receipt of complaints in accordance with UN systems, ratifying the Rome Statute of the International Criminal Court and the Optional Protocols to some of the conventions, issuing an open and standing invitation to all or some human rights special procedures, establishing a fully independent electoral commission, amending Articles 11, 17 and 42 of the Civil Associations Law, withdrawing reservations to Articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women, and expediting the provision of identify documents to members of the Baha'i community. The government's response

included the partial acceptance of some of the recommendations or "on the basis of accepting their intention".

Egypt refused the four recommendations on acceding to the Optional Protocol to the Convention Against Torture and refused as well the recommendation to ratify individual complaint mechanisms of United Nations treaty bodies.

During the review and adoption of the report, The National Council for Human Rights (NCHR) expressed its regret regarding the extension of the Emergency Law for an additional two years and renewed its call for the immediate end to the state of emergency and ensuring the release of all administrative detainees. It also called for expediting the implementation of the principle of citizenship and taking the necessary measures to lift restrictions on the freedom of opinion, expression and scientific research. The NCHR also stressed the importance of extending an open and standing invitation to the human rights special procedures.

A number of national and international civil society organizations participating in the review session presented a number of criticisms regarding the continuation of the Emergency Law, the continued and repeated administrative detentions, particularly of activists, journalists and bloggers, violations that marred the Shura Council elections, and the spread of torture, in addition to calling for an end to the Israeli siege on the Gaza strip.

### **3- Combating Human Trafficking**

The State has intensified its efforts during the year to promote ways of combating trafficking in human beings. It received in April the UN Special Rapporteur on Trafficking in Persons, and has taken legislative steps through enacting Law No. 64 of 2010 in May. The Coordination Committee to Combat Trafficking in Persons intensified its efforts for the fourth consecutive year and a broad international forum on combating trafficking in human beings was held under the auspices of the President's wife in Luxor during December.

The law provides a comprehensive definition of crimes of trafficking in persons and how to combat them in a manner consistent with international standards. It stipulates penalties applicable to perpetrators and instigators of the crime in its various forms, and exempted victims of trafficking of any responsibility or penalty. The law also guaranteed the provision of protective measures for the victims by the State, whether they are citizens of the State or foreign nationals, and stipulated the duty of the State to return victims to their countries of origin if they are foreign nationals. The law also established a fund to assist victims of trafficking, to be financed through the proceeds of fines and properties forfeited for the crimes stipulated in the law, as well as through contributions, grants, and donations from national and foreign entities.

In implementation of the law, the Prime Minister issued the Executive Regulations of the law in early December 2010, while the Ministry of Family and Population opened in November

2010 the first shelter for women victims of trafficking. The Ministry of Interior also held a symposium and four workshops which dealt with the different forms of trafficking and the gravity of the practice, the legislative and security measures to confront it, promoting cooperation between the Ministry of Interior and government agencies, and the role of civil society in providing assistance and care for the victims.

The final statement of the International Forum to End Human Trafficking, also known as the "Luxor Protocol" was issued on December 13, 2010. The participants in the Forum included both official and non-official national, regional and international institutions involved in combating human trafficking, concerned UN organizations, the private sector and a number of international artists. The statement included a road map to the implementation of the "Athens Ethical Principles against Human Trafficking" and was signed by 25 institutions at the closing session of the Forum.

Despite these efforts and positive developments, the law faced some criticisms focusing mainly on its failing to criminalize the marriage of underage girls to foreigners and Arab older men in spite of the serious results indicated by studies conducted by the Ministry of Family and Population during the year which revealed the prevalence of the marriage of underage girls to Arab older men and its concentration in key areas, especially in the cities of Hawamdia and Badrasheen south of Giza. The Minister of Family and Population considered these results shocking. Moreover, preliminary results of studies conducted by the Unit for Combating Human Trafficking at the Ministry on the marriage of young Egyptian men to older foreign women revealed the prevalence of this phenomenon in the governorates of Upper Egypt and in tourist areas.

Among the serious forms of trafficking in the country are forms of sexual exploitation and forced labour, especially among street children who are estimated according to international sources at one million homeless children who are being forced into prostitution and begging.

The report of the El-Shehab Centre for Human Rights issued on July 25, 2010 pointed out the role of poverty as a key factor in the growth in the exploitation of women and documented the testimonies of 16 women who were forced into prostitution because of poverty.

The Al-Masry El-Youm independent newspaper also revealed on August 10 the sale of infant babies in Qaloubia governorate by uncovering a huge number of lawsuits of attestation of contracts being heard before courts involving the sale of children under the guise of adoption and appended with waivers. The contracts were notarized by a network of lawyers and brokers. The newspaper reported that according to an eyewitness account around 500 children had been sold this way during one year and that the buyers were mostly Egyptian expatriates living in European countries.

The United Nations Special Rapporteur on Human Trafficking had called on the government at the end of her visit in April 2010 to intensify its efforts to combat this phenomenon. She underscored that the marriage of underage girls, temporary marriages and child labour

constituted forms of human trafficking. She pointed out that Egypt was a "source, transit point and destination" for this phenomenon and that forms of trafficking at the national level seemed more serious than trafficking with neighbouring countries.

The United Nations Committee on the Elimination of all Forms of Discrimination against Women had included in its concluding observations on Egypt's two periodic reports its concerns regarding the Egyptian government's failure in combating some forms of discrimination, particularly with respect to sexual and reproductive rights. It stressed that "the government is still unable to protect the victims of sexual violence", and expressed its deep concern regarding the "increase in the incidence of violence against women "and "the spread of tourist marriages".

The Committee called on the government to adopt a comprehensive law criminalizing all forms of violence against women, including "domestic violence, rape, sexual violence, sexual harassment, institutional violence and crimes committed in the name of honour, and to develop a national action plan to combat violence. It also criticized the persistence and high prevalence of female genital mutilation (FGM) despite its criminalization by law and called for the effective implementation of the law".

*Chapter II*  
*“Complaints Office”*  
*Activity and Level of Effort*

## ***“Complaints Office” Activity and Level of Effort***

The Complaints Office “Ombudsman Office” addresses human rights violations as the premium activity of the NCHR in support of protecting citizens' rights and basic freedoms as well as ensuring justice for the victims. It has continued its interaction with various complaints related to human rights, be they individual or collective, and of their different civil and political or economic and social types.

Incoming complaints received by the Complaints Office are but a marathon list of breaches of human rights that is closely relevant to that of civil, political, economic and social rights and public freedoms guaranteed in accordance with the Egyptian Constitution and international human rights standards. These complaints were mostly lodged by individuals, some of which by groups. Besides working on their documentation and rating, the Complaints Office has been analyzing their content to track typical phenomena.

The Complaints Office is in progress with its policy of extending its services to the masses for their access via its four branch offices in the governorates of Sohag, Beni Seweif, Port-Said and Al Wadi al Gadid (the New Valley), in addition to various field visits to governorates through mobile offices. It has further developed interest in interfering with violations of which it took cognizance.

The NCHR approached the government as represented in more than 95 ministries, governorates, government agencies and public companies.

### **First: Classification of complaints**

#### **4- Thematic Classification**

Complaints well received by the NCHR have numbered (10520) since early in the year and up till 31 December 2010. Apart from complaints falling beyond the competence of the NCHR and its mandate which amounted to (1485), it can be admitted that the number of complaints involving the NCHR during that period has reached (9035) complaints, (1533) of which were received by the mobile offices.

Complaints related to economic and social rights ranked first with their number estimated at (6426), accounting for 71.1% of aggregate complaints lodged. According to thematic classification of these complaints, it transpires that the latter were focused on labor rights (unemployment, financial receivables, arbitrary transfers, acts of persecution and mal treatment, breach of equal opportunities and others). Coming next were complaints regarding rights to housing, education and access to health care and social security (as represented in requests for pensions, special assistance and pensions), others still were relevant to requests

in connection with public utilities and services and the right to clean pollution-free environment.

Complaints dwelt on civil and political rights ranked second with their number put at (2350) to represent 26% of total complaints received by the Office, and were inclusive of their applicants' claims of violations relating either to basic rights like those of life, freedom, personal safety, protection against forced disappearance, fair trial, treatment of prisoners and other detainees and physical safety or to public freedom violations pertinent to freedom of opinion and expression, peaceful assemblage and formation of associations.

Complaints relating to economic, social and cultural rights or to civil and political rights constitute 97.1% of total complaints redressed by the Office.

Finally 164 complaints on Egyptian expatriates' rights accounted for 1.6%, whereas (95) complaints relating to public issues or 0.9% and other complaints contributed to the remaining percentage.

### **5- Geographic Classification**

Complaints received by the NCHR from Cairo Governorate have topped the list of complaints for the year, amounting to (1355) in number, an equivalent of 12.8% of the total complaints the Office was in receipt of. The Qalyoubia Governorate came second with (617) complaints, that is by 5.9%, followed by Giza Governorate ranking third with (603) complaints, or 5.7%, then Sharqia Governorate the fourth (599), or 5.7%, Behaira the fifth (547) by 5.2%, Menya the sixth (508) by 4.8% and subsequently governorates of Dakhahlia, Kafr el Sheikh, Sohag, and Beni Sweif respectively as seventh to tenth.

The survey showed receding complaints from Alexandria Governorate to number (315) by a 3% reduction compared to the previous year. This may be attributed to the extension of geographic activity of the NCHR through its branches and mobile offices in governorates. Governorates of Damietta, Port Said, Suez, Al Wadi al Gadid (The New Valley) and Luxor followed in rear ranks with the number of complaints ranging between 30 and 89, i.e. by less than 1% while rates in the rest of governorates almost converged.

**The table below shows the geographic distribution of complaints**

| <b>Governorate</b> | <b>Number of Complaints</b> | <b>Percentage %</b> |
|--------------------|-----------------------------|---------------------|
| <b>Cairo</b>       | <b>1355</b>                 | <b>12.8 %</b>       |
| <b>Qalyubia</b>    | <b>617</b>                  | <b>5.9 %</b>        |
| <b>Giza</b>        | <b>603</b>                  | <b>5.7 %</b>        |

|                         |            |              |
|-------------------------|------------|--------------|
| <b>Sharqia</b>          | <b>599</b> | <b>5.7 %</b> |
| <b>Behaira</b>          | <b>547</b> | <b>5.2 %</b> |
| <b>Menya</b>            | <b>508</b> | <b>4.8 %</b> |
| <b>Dakahlia</b>         | <b>501</b> | <b>4.8 %</b> |
| <b>Kafr el Sheikh</b>   | <b>482</b> | <b>4.6 %</b> |
| <b>Sohag</b>            | <b>475</b> | <b>4.5 %</b> |
| <b>Beni Sweif</b>       | <b>429</b> | <b>4.1 %</b> |
| <b>Al Gharbia</b>       | <b>423</b> | <b>4 %</b>   |
| <b>Monoufia</b>         | <b>367</b> | <b>3.5 %</b> |
| <b>Aswan</b>            | <b>358</b> | <b>3.4 %</b> |
| <b>Alexandria</b>       | <b>315</b> | <b>3 %</b>   |
| <b>Assiut</b>           | <b>311</b> | <b>2.9 %</b> |
| <b>Helwan</b>           | <b>311</b> | <b>2.9 %</b> |
| <b>Red Sea</b>          | <b>267</b> | <b>2.5 %</b> |
| <b>Qena</b>             | <b>250</b> | <b>2.4 %</b> |
| <b>North Sinai</b>      | <b>213</b> | <b>2 %</b>   |
| <b>Sixth of October</b> | <b>177</b> | <b>1.7 %</b> |
| <b>South Sinai</b>      | <b>153</b> | <b>1.5 %</b> |
| <b>Ismailia</b>         | <b>142</b> | <b>1.3 %</b> |
| <b>Mersa Matrouh</b>    | <b>140</b> | <b>1.3 %</b> |
| <b>Fayoum</b>           | <b>112</b> | <b>1.1 %</b> |
| <b>Damiatta</b>         | <b>89</b>  | <b>0.8 %</b> |
| <b>Port –Said</b>       | <b>87</b>  | <b>0.8 %</b> |
| <b>Suez</b>             | <b>32</b>  | <b>0.3 %</b> |
| <b>New Valley</b>       | <b>32</b>  | <b>0.3 %</b> |
| <b>Luxor</b>            | <b>30</b>  | <b>0.3 %</b> |

|              |              |              |
|--------------|--------------|--------------|
| <b>Total</b> | <b>10520</b> | <b>100 %</b> |
|--------------|--------------|--------------|

## **6- Classification of complaints according to their method of arrival**

Frequenting the Complaints Office headquarters was proved to be the best means of complaint delivery. The number of complaints received through personal interviews during the period from 1/1/2010 till the end of the year was brought to (2547) that is by 24.2% of the total number of complaints lodged at the Office for the given period.

Receiving (2289) complaints by fax came next by 21.7%, followed by mailed complaints ranking third and numbering (2185) by 20.5%, followed as fourth-ranked by (1533) complaints referred through mobile offices that is by 14.5% and fifth was the receipt of complaints by telegraph amounting to (311) in number or by 2.9%.

Complaints referred to the NCHR from other national councils (National Council of Women, National Council for Childhood and Motherhood) came sixth, numbering 119 and representing 1.1% of the total complaints, followed as seventh by emailed (48) complaints with a 0.8% and as eighth, (10) complaints from the NCHR's Media Unit to account for 0.1% of total number of submitted complaints, respectively.

**The following Table shows classification of complaints according to their method of arrival**

| <b>Complaints' Method of Arrival</b> | <b>Number of Complaints</b> | <b>Percentage %</b> |
|--------------------------------------|-----------------------------|---------------------|
| <b>Attendance</b>                    | <b>2547</b>                 | <b>24.2 %</b>       |
| <b>Fax</b>                           | <b>2289</b>                 | <b>21.7 %</b>       |
| <b>Mail</b>                          | <b>2158</b>                 | <b>20.5 %</b>       |
| <b>Mobile Offices</b>                | <b>1533</b>                 | <b>14.5 %</b>       |
| <b>Telegraph</b>                     | <b>311</b>                  | <b>2.9 %</b>        |
| <b>Referred by other councils</b>    | <b>119</b>                  | <b>1.1 %</b>        |
| <b>Email</b>                         | <b>92</b>                   | <b>0.9 %</b>        |
| <b>NCHR Media Unit</b>               | <b>10</b>                   | <b>0.1 %</b>        |
| <b>Total</b>                         | <b>10520</b>                | <b>100</b>          |

## **Second: Analysis of the Complaint Content**

### **3- Complaints Relating to Civil and Political Rights**

#### **A- Civil Rights**

##### **1) Right to Life**

The complaints received by the Complaints Office during 2010 cited **claims of violations of the right to life** to which citizens were subjected by the public authority or during their arrest. The Human Rights Status Report in Chapter I included examples of these claims. The following presentation contains the cases in the handling of which the Council has interacted with competent authorities.

##### **• Death of citizen "Mohamed Reda", Al Zarqaa Police Station - Damietta**

The Complaints Office received a complaint to the effect that on 10/2/2010, citizen "Mohamed Reda" (23 years old) from Al Zatraa Village was found dead nearby Al Zarqaa Police Station – Damietta Governorate. His body bore signs of torture and being fettered with shackles on his feet and shoulders. A crowd of the village dwellers gathered in front of the Zarqaa police station in Damietta and held the latter responsible for the death of the victim where he was detained before finding his body.

The NCHR has intervened with the Prosecutor-General Office and the Ministry of Interior for investigation into this claim and detection of the cause of death of the victim but the response was in the negative.

##### **• Death of Citizen "Fadl Abdallah Mohamed" Police Station Deir Mouwas (Complaint no 4733/2010)**

The Complaints Office received on 8/4/2010 a complaint from the kins of citizen "Fadl Abdallah Mohamed" containing their submittal of communication to the Prosecutor-General in which they accused the assistant investigator at Deir Mouwase Police Station in the Menya Governorate of beating to death "Fadl Abdallah Mohamed" on 31/3/2010 while being kept in the Investigation Unit Room after he was arrested outside his house.

The complaint noted that the incident was witnessed by a number of eye witnesses who were detained with the victim and testified in investigations conducted by the the Public Prosecution. It urged the latter to take the necessary legal action, expedite the autopsy report, protect the course of investigation against coercion and pressures to which witnesses are exposed and bring the accused before a court of justice.

The Complaints Office adopted this case and addressed the Prosecutor-General in support of the victim's family demands, having offered its members the necessary legal advice. It received the response of the Public Prosecution inclusive of the autopsy report and proceedings pursued to this end. Upon the issuance of the autopsy report delayed for more

than two months after the victim's death, it has been concluded that the cause of death of the victim was normal which was not to the entire satisfaction of the victim's family who questioned the findings of the forensic report and renewed their complaint to the Office.

The Complaints Office approached the Prosecutor-General Office anew, seeking to reinforce the demands of the victim's family by requesting redisplay of the corpse to a tripartite committee of forensic experts and speedy calling to account of the accused police officer and his standing an urgent and fair trial, however no action was taken to this effect until the date of preparation of the report.

**• Death of citizen "Ihab Fawzi Abu Zeid" Port-Fouad Police Station, Port-Said (Complaint no 6603/2010)**

The Complaints Office received a complaint regarding the death of citizen "Ihab Fawzi Abu Zeid" on 13/4/2010 who was detained in Port-Fouad Police Station I in Port-Said Governorate after his arrest on probing grounds. The complaint stated that the victim was well-known to the station officers and detectives and investigation about him was unnecessary, and that his family was surprised to be informed of his being sustained in Port-Fouad Hospital for treatment of injuries after which he was transferred to the university hospital in Ismailia on account of his critical condition of getting into a 25-day coma that prompted his death on 9/5/2010.

Family of the deceased questioned the security account pointing to his injury as a result of sliding his foot and falling on the ground upon his attempt to escape guards for fleeing purposes. His family also complained about the delay in issuing the forensic report on the incident.

The Complaints Office addressed the Public Prosecution and requested its accelerated presentation of the forensic report but received no response from the subject authority.

**• Death of citizen "Saber Abdel Samee'a" Nasr City Police Station I, Complaint no (2069/2010)**

The Complaints Office received a complaint concerning the death of citizen "**Saber Abdel Samee'a**" 59 years old in mid June at Cairo-based Nasr City Police Station I. His family accused officials at the Police Station of torturing and beating him to death after he was detained for five days notwithstanding a Public Prosecution order for his release.

According to the complaint, he was detained as a compliment to the chief of the district by forcing him to apologize to the latter who ordered removal of his kiosk. Upon reporting his death as a result of his falling on the ground, his family questioned the official account in reference to the cause of death, having noticed a "deep wound in the head" and turned down allegation by a security official that he died as he felt diabetes-induced faint that caused him to fall on the ground.

The Complaints Office addressed the Prosecutor-General Office to again inquire into incidents stated in the complaint, to assign forensic experts to detect the cause of death of the victim and also to investigate into his detention in violation of the Law. The Public Prosecution has decided to have the victim forensic- examined to conclude whether the cause of death was normal or because of torture.

**• Death of citizen "Khaled Mohamed Saied" Sidi Gaber Police Station – Alexandria (Complaint no 6620/2010)**

According to media reports, the death of citizen "Khaled Mohamed Saied" was linked with suspected torture and assault by two detectives operating in Sidi Gaber Police Station in Alexandria Governorate. They beat the victim to death amid population of his residential area and where he was left unattended to without first-aid in the courtyard of a house. This act has invoked a far-reaching impact locally and internationally with nationwide reactions condemning atrocity of the offence and cruelty of its perpetrators.

The Complaints Office therefore has dispatched a fact-finding mission to Alexandria Governorate on 30/6/2010 which prepared a detailed report on the incident, including relevant opinion and recommendations of the Office. The National Council for Human Rights issued a "solemn statement" in which it spelled out its position regarding repeated excesses and violations by some policemen and called for opening investigation into the incident and bringing to justice those proved to be implicated in it.

**• Death of citizen "Mostafa Attia El Sayed" Mena el Bassal Police State - Alexandria**

The Complaints Office received a complaint regarding the death of citizen Mostafa Attia el Sayed (39 years old) in Qabary region, Mena el Bassal Police Station in Alexandria Governorate, having been beaten by two detectives on 7/12/2010 during his arrest to implement an imprisonment ruling. The victim's family accused an officer and two detectives of being responsible for his death. The Police invalidated the accusation by alleging that the deceased suffered a heart attack and requested to be allowed to have some rest and that police elements tried to help him, adding that had previously undergone an open heart surgery before being arrested.

The Complaints Office addressed the Prosecutor-General Office and the Ministry of Interior concerning incidents cited in the complaint, requesting the Public Prosecution to open an investigation and to assign forensic experts for detection of the cause of death. It also requested the Ministry of Interior to open an in-house inquiry into the incident. The Public Prosecution is still looking into the case that was entered under number 8821/2010 administrative Mena el Bassal.

**• Death of a group (7 persons) of African refugees (Complaint no 8682/2010)**

The Complaints Office received a complaint from the "Egyptian Organization of Human Rights" with regard to the killing of 7 African infiltrators on 13/8/2010 in their attempt to cross Egypt's international borders of Sinai (where human trafficking gangs are active). The

killings were said to be due to differences between the victims and the gangsters over trafficking activity cost which led to traffickers' shooting some of them to death and injuring others. Meanwhile authorities in charge of protecting borders have opened fire on a number of those infiltrators while trying to cross to the other side of the frontiers.

The Complaints Office addressed the Ministry of Interior for information about the circumstances of the given incident. The Ministry replied that the probe it conducted has shown no signs of murdering any of the Africans by those sheltering them. It added that the death of two of them probably could have happened during the exchange of fire with forces along the international frontier line for reasons that have to do with their presence in a prohibited military zone and their attempted border-crossing bid.

## **2) Right to freedom and personal safety**

Violations of the right to freedom and personal safety have constituted a large part of the range of complaints lodged with the NCHR. These can be accounted for as the mostly common pattern of human right violations which are also conducive to different types of infringement upon, inter alia, the right to physical integrity and others with particular emphasis on cruelty of treatment in terms of dignity.

The NCHR observed that this violation may involve prejudice to the right to fair trial and abridgment of the freedom of engagement in public affairs and of organization. It actually received a large number of complaints relating to violations of freedom and personal safety.

- The Complaints Office received a complaint on 3/7/2010 from citizen "Dawood Abdel Atty Mohamed Hassan" arguing for his claim of being badly affected by his detention without legal justification in Banha Police Station albeit an order for his release by Banha Prosecution.
- The Ministry of Interior reported the inaccuracy of the complaint based on the fact that differences between the complainant's family and another family (known as Al Refaaya) have resulted in arresting some members of the two families including the subject complainant, and a proces-verbal no 8299/2009 Banha was drafted for the incident as a corollary. Having been displayed before the Prosecution, it was decided to have those detained released with the exception of the complainant for limitation of the threat he poses to public security.
- The Complaints Office received the complaint of citizen "Ashraf Abdallah El Meselhy" on 31 January 2010 in which he explained how much he was badly affected when two officers (R.N.–H.D.) and two detectives (Y.A.–S.A.) in Quisna Police Station in Monofia Governorate unfairly pressed against him a fabricated narcotics-related charge because he abstained from working as a police informer for the investigation section.
- The Complaints Office addressed the Ministry of Interior. Its response reported that the complainant is a registered criminal (on public theft charges) and was previously convicted

on 9 different charges. When arrested, a quantity of drugs was found in his possession for purposes of trafficking and a proces-verbal was drafted to this effect. On being presented to the Prosecution, provisional detention pending investigation has been decided for him to serve.

- The Complaints Office received a complaint from citizen "Mohamed Hossam Eddin Shawkat" on 9 March 2010 in which he argued for his claim against the investigation chief of Shebeen Al Qanater Police Station who unduly broke into his brother's house several times at dawn although nobody was there, ruining one of the rooms and arresting some of the complainant's relatives to collect information about his brother.

- The Complaints Office addressed the Public Prosecution which reported that it opened investigation into the incident, previewed the house and noticed there was damage inflicted. Asking the investigation inspector in Shebeen El Qanater Police Station about the validity of these facts, he confirmed their invalidity, and similarly asking the chief investigator, he denied it categorically and the complaint was saved.

- The Office received a grievance from citizen "Mohamed Wagdi Abdel Aziz" from Al Marg, Cairo Governorate in which he complained of storming his house by Al Marg Police Station Investigation officers on 10/6/2010, who broke the door of the apartment and ruined its contents, arrested and led him blindfolded to the police station where he was subject to offence.

- Addressing the Ministry of Interior on 27/9/2010, it reported that on 12/10/2010, "investigations have failed to find out the whereabouts of the complainant's domicile and that never before was he a target of any of the missions of Al Marg Police Station Investigation Unit at a timing contemporary to the complaint in question.

- A complaint was lodged by citizen "Al Sayed Abu Youssef Mostafa" regarding his son "Ezz el Sayed" Shatta Damietta Police Station in Damietta Governorate in which he admitted that a police force led by officer (L.B.) on 9/2/2010 has arbitrarily arrested, beaten and offended his son in front of passersby in " Damietta Bab el Harass Parking Lot", and while presenting him to the Prosecution, he was again slapped on the face in the court premises.

- The Ministry of Interior was addressed on this complaint on 11/8/2010. It reported on 8/9/2010 that what the complainant has attributed to the respondent officers was groundless since all procedures were legally and legitimately applicable.

- A complaint was lodged by a US citizen called "John Pierre" on behalf of citizen "Bahaa Saber" in which he stated that the latter was adversely affected by his being arrested while taking part in a protest demonstration in front of the Prosecutor-General Office and detained in Boulak Police Station where he was beaten, offended and raped by forcing him to take off his clothes and by being subjected to harassment. A medical report on his status was prepared at the Cairo University Hospital after the Prosecution turned down request to have him transferred to forensic examination.

On addressing the Ministry of Interior on 9/5/2010, it ruled out the validity of the content of the complaint, noting that the subject complainant was previously convicted in several cases no (2297/1993 Azbakya misdemeanours, 12316/2006 Karmouz felonies, and 8568/ 2008 Azbakya misdemeanours). It added that he was arrested for repeatedly declining to follow advice and guidance to steer clear of his sinful deeds. He has not only fallen short of complying but also went so far as to assault, insult and verbally abuse policemen and cause traffic disruption. Based on the above mentioned, a proces-verbal no 6285/ 2010 Azbakya misdemeanours was drafted. Upon his medical examination, it has been concluded that the injuries he sustained were caused as a result of throwing himself on the street as a vehicle was passing by, confirming that all procedures applicable to the complainant were pursued within the context of the Law.

Addressing the Prosecutor-General, it has been reported on 7/6/2010 that the case is still under investigation to call to account lieutenant-colonel "Mohamed El Alfy", Chief Investigator of Azbakya Police Station, Major Amr Talaat", Chief Investigator of Abu el Alaa Police Station and Lieutenant-General "Hisham el Iraqi", Inspector of Abdeen Investigation Contingent. The findings of the Criminal Investigation Department on the incident were also attached.

### **3) Exposure to assault-associated arbitrary arrest**

- The Complaints Office was in receipt of a complaint from citizen "Omar Abdel Rahim Mohamed" in Nagaa Hamadi City - Qena Governorate in which he remarked that he was adversely affected by his arbitrary arrest and mal treatment in Nagaa Hamadi Police Station by police officer "M.A." who stripped the complainant of his clothes and beat him upon his arrest, and also drafted a proces verbal on his possession of drug substances with entry no 3140/2010 which was baseless, but he was released after his presentation to the Public Prosecution.
- The Ministry of Interior was addressed to this effect on 12/8/2010. Its response has refuted the claim contained in the complaint. Its argument was that the complainant's intention was to intimidate the respondent officer for the purpose of warding off his arrest in the future on any further charges.
- The Complaints Office received on 22/2/2010 the complaint of citizen "Ashraf Mostafa Taha Saoudi on behalf of his brother "Khaled Mostafa Taha" in which he pointed to the adverse effect of a police officer assaulting without legal justification his brother and family members at the complainant's dwelling place.
- The Complaints Office addressed the Public Prosecution regarding excesses articulated in the complaint lodged. The Prosecution reported that the given complaint was entered with no 216/ 2010 administrative Qalyub Police Station against its Investigation elements upon a cable to Qalyub Prosecution. It added that complainants were summoned to hear their statements but none of them attended and accordingly the complaint was saved.

- On 10/1/2010 the Office received a complaint lodged by citizen "Mohamed Ibrahim el Sayed" in which he sounded the adverse effect he sustained when a group of policemen operating in Berkat el Sabaa Police Station in Monofia Governorate unlawfully arrested and inspected him without proving their identity and infringed upon him by word and deed. The Office addressed the Ministry of Interior for a briefing on this incident but received no response to date.
- A complaint was lodged by citizen "Enayat Mohamed Mahmoud" who sustained distress of arbitrary arrest of her son "Ramy Mohamed Hussein", el Sahel Police Station – Cairo Governorate by police officer "Mohamed Assr" who also pressed against him a fabricated drug possession charge on 19/4/2010 in addition to his being tortured in the police station.
- The Ministry of Interior responded on 5/10/2010 by reporting non-authenticity of the complaint, arguing that the complainant intended to keep respondent officers from pursuing the activity of her son and that relevant legal proceedings were duly applicable as far as he was concerned.
- Citizen "Yousry Aly Abdallah Zeidan" lodged a complaint regarding his son "Shady Yousry" (15 years old) Mansoura Police Station - Dakhalya Governorate in which he argued for his claim of arbitrary arrest of his son and his detention in the police station for a couple of days, not to mention his assault on 27/5/2010.

The Ministry of Interior was addressed on 26/9/2010. It responded by reporting that investigation has evidenced inaccuracy of the content of the complaint and the complainant was summoned but failed to attend. The complainant's son was also presented to the Public Prosecution that decided depositing him in one of the social care institutions. On 1/6/2010, it has been decided to have him released and handed over to his parent. The relevant legal prosecution order was executed within the framework of legality and the Law in pursuance of all necessary procedures and without any excesses.

#### **4) Treatment of Prisoners and Detainees**

The Complaints Office received (650) complaints in this concern, some were relating to mal treatment and others to requests of transfer from one prison to another to facilitate visits by families living in remote areas. The Office also was in receipt of complaints dealing with the application of police release rules for serving three quarters of the freedom-restricting sentences, or requests for amnesty for serving half the sentenced period and other petitions for release on health grounds, follow up and obtaining of scientific grades and provision of care to prisoners' families.

- Other complaints were related to the provision of health care to prisoners. The Office received a grievance of the kind on 24/3/2010 from his brother inmate "Osama Zeinhom Imam Ibrahim" in Liman Tora Prison in which he complained of lack of health care for his sick brother in jail. On addressing the Ministry of Interior, it reported that upon medical examination on the subject patient by the prison doctor, the diagnosis was pulmonary

tuberculosis and accordingly he was hospitalized for treatment until his general health condition became stable.

- The Complaints Office received the complaint of citizen "Y.C" who argued for her claim of exposure of her mother "M.M." inmate in Qanater Women Prison to arbitrary arrest on 23/4/2010. She was also subjected to torture (beatings with fists and feet, belts and electric wires) and suspension in contorted positions. The complainant added that her mother was jailed in a dark room full of insects during the 10-day investigations conducted by lieutenant-colonels "A.Q" Chief Investigator of Sheikh Zayed Police Station and "A. " in October 6<sup>th</sup> State Security Investigation Apparatus. The Ministry of Interior was addressed on 15/9/2010 but no response to this complaint was reported.
- The Office received a complaint from two brothers "Omar Rady Saleh" and "Abu Bakr Rady" who were inmates of the new Qatta Prison in which they stated they were exposed to torture and insult. Addressing the Ministry of Interior on 30/5/2010, it responded on 17/6/2010 that the two inmates were sentenced to a 15-year stringent imprisonment and were previously twice punished for being on the rampage and attempting to usher in drug substances for in-house trafficking. They were thus transferred to Al-Fayoum Prison on 8/5/2010 for disciplinary reasons on account of their misconduct. On examining them medically by the prison doctor, their health condition was found to be good with no casualties.
- On 28/7/2010, the Complaints Office received a complaint from relatives of citizen "Antar Ahmed Hassanein", inmate of the new Qatta Prison requesting his transfer to the public Assiut Prison for his family to be able to visit him for this prison's proximity to their residence.
- On 13/7/2010, the Office received a complaint from students studying in Cairo, Ein Shams, Helwan and Al Azhar Universities who are Liman Tora inmates in which they requested providing the suitable atmosphere for them to study for their exams by designating separate rooms for their accommodation during this period.
- The Office received a complaint from citizen "H.A" on 2/5/2010 in which she noted that her brother "Hassan Abbas Abdel Shafy" inmate of Wadi Al Gadid Prison was beaten by the prison officer. Responding to the complaint, the Ministry of Interior reported that the subject prisoner was sentenced to 10-year imprisonment and deposited in public Qena Prison. Going on the rampage and attempting to hurt himself, he was brought under control by force. Proces-verbal no "6 prisoners" was drafted and he was penalized by 7-day solitary confinement. Moreover, the Ministry added, he was previously punished four times, twice while deposited in Assiut Prison and twice in Qena and Al Wadi al Gadid Prisons, being an element who tries to tighten his grip and impose his domination on his fellow prisoners and use unauthentic complaints as a means to put pressure to bear on the prison administration to derail enforcement of prison regulations.
- The Complaints Office received the complaint of "Reem Mohamed Soliman" on 14/4/2010 requesting release of her detained husband "Ihab Rashad Mahmoud Hamdan" similar to like cases already released. The Ministry of Interior was addressed regarding this complaint but no response was received.

## **5) Right to fair trial**

The NCHR received (385) complaints in connection with the right to fair trial or access to justice including requests for accelerated examination of some contestations considered before the Court of Cassation, others for reopening of investigation into some cases that were saved and the implementation of judicial verdicts with some of which relating to harm inflicted by slowdown of litigation procedures, in addition to requests for legal assistance. The NCHR excluded complaints regarding judicial rulings for not falling within its competence or mandate.

A case in point with regard to complaints relating to belated litigation procedures is the one the Office has received on 16/7/2010 from "Ashraf Gaber Abdel Moula Soliman" in which he requested accelerated decision on his appeal in cassation under no 3021 for 79 judicial.

An example of default on implementation of judicial rulings is the complaint the Office has received from citizen "Abdel Aziz Mohamed Abass on 27/7/2010 on behalf of parents of students holders of the General Secondary Certificate from Saudi Arabia numbering (94) who were badly affected by staying of execution of ruling no (17082/ 63 judicial) from the Administrative Law Court that was issued to revoke Education Minister's decision mandating the passing of capacity tests. The Minister of Higher Education was addressed to this effect and reported that "The Ministry has before advised immediate implementation of the ruling, and since this entails re-coordination of all enrolled students, it is to be informed that the coordination process is about to finalize and if so all entitled litigants shall be notified of the faculties in which they were re-coordinated.

The Complaints Office further received the complaint of citizen "Ibrahim Khalil Ibrahim" on 18/5/2010 in which he argued for his claim of staying of execution of the judgment issued in favour of his appeal no 21335/124 Judicial against the Interior Minister in his capacity, obligating him to disburse an amount of money worth 100,000 Egyptian pounds in compensation for material and moral injury inflicted as a result of failure to announce he was winner of midterm Consultative (Shoura) Council elections on 22/3/2001.

The Ministry of Interior responded by stating that the appeal in cassation regarding the subject contestation was substantiated and entered with no 9253/78 judicial in addition to institution of lawsuit no 1466/64 judicial requesting non-abidance by the appeal ruling based on the fact that the role of the Ministry is confined to safeguarding the electoral process rather declaring election results.

The Complaints Office as well received the complaint of "Enam Abdel Nabi Ahmed" on 2/6/2010 regarding her daughter "Rahma Fathallah Mahmoud" appealing for implementation of ruling issued in her favour and against her ex-husband who is resident in the Kingdom of Saudi Arabia. Addressing the Ministry of Interior, it reported that "implementation of judgments by diplomatic means is carried out through the International Cooperation Office."

## **B- Public Freedoms**

### **1) Freedom of thought and belief**

The NCHR is particularly concerned over complaints relating to freedom of exercising rituals as well as freedom of thought and belief and those with regard to supportive civil status papers of Baha'is.

- Bishop Agathon of the Coptic Orthodox Church of Maghaga and Adwa has lodged a complaint to the on 17/1/2010 arguing for his claim of disapproval to issue a building licence for the old Maghaga Coptic Orthodox Church on a nearby land plot in view of the deterioration of the current building and that of the Deacons Society affiliated with the church. The Complaints Office addressed the Ministry of Interior, the Ministry of Social Security and the Menya Governor to this end.

- The Ministry of Interior reported that license to rebuild the afore-mentioned church and the metropolitan building is left in the purview of the competent governor upon the approval of government agencies concerned pursuant to Article 1 of Republican Decree no 391/2005 authorizing governors to issue licences to Christian denominations to demolish or rebuild churches or construct buildings or undertake modifications or expansions in an existing church. Deciding on the license application shall be contingent upon taking the opinion of authorities concerned in thirty (30) days from the date of its submission supported by necessary documents. It shall be admissible to withhold approval only by giving reasons for rejection.

- Citizen "Fawzeya Mohamed Soliman" has lodged a complaint on 7/7/2010 arguing for her claim of being forced to renegade on Islam after her conversion to it, having been given by the State a land plot in her village, and that she was facing difficulty of being pushed by some persons to reverse her faith and thus to leave the land on which she lives.

- The response of the Interior Ministry invalidated the complaint on account of differences between the complainant and respondent parties as the former has erected a fence on an area that exceeded her land property by 48 meters thus encroaching on public road, an action that exasperated her neighbours and therefore proces verbal no 6092 for 2010 Badr misdemeanour was drafted on the incident.

### **❖ Complaints of Baha'i Citizens**

The Complaints Office follows up on the file of Baha'i adherents and legal developments in the wake of verdicts issued for them to obtain identity cards. Relevant applications and complaints varied but were mostly related to requests for proof of marital status in the identity card (National Number Card). The Office presented these applications to competent authorities in the Civil Status Service and the Interior Ministry, and others to the Committee of Five encompassing representatives of ministries and competent judicial bodies (Ministries of the Interior and Justice, Foreign Ministry, Ministry of State for Legal Affairs and the

Prosecutor-General) plus the National Council for Human Rights (NCHR), which meet regularly at the NCHR Headquarters to discuss most crucial outstanding complaint files.

Most of these complaints relate to the problematic proof of official marriage of Baha'is. A legal redress of the marital status proof of Baha'is has been concluded through the development of a proposed legislative amendment for certification of their marriage contracts in Egypt by adding the term "adherent" to the provision of Article (5) of the Civil Status Law no 143/1995 awaiting consideration by the People's Assembly which, if approved, will provide a radical solution of the Baha'is' problem.

In line with the above mentioned, a group representing the Baha'i denomination in mid December 2010 requested an audience with the NCHR Vice-President to brief them on the latest developments of the situation with a view to solve their problem of proving their respective marital status. They took note during their meeting with the Vice-President on 15 December 2010 of the above mentioned legislative amendment and measures the (NCHR intends to put forward to the People's Assembly in the hope of reaching a radical solution to the problem. Among the complaints lodged with the Council in connection with this file are the following:

- A complaint by citizen "Kawthar Ahmed El Fawy Ahmed" who belongs to one of the five Baha'i families that were forced to quit the Shoranya Village, Maghaga in Sohag Governorate in the wake of assaults on Baha'i villagers during the period from 28 to 31 March 2009.
- The Complaints Office addressed the Ministry of Interior for further information about the agreement reached by sheikhs and senior Muslim families in the village to evacuate the Baha'i population. The Ministry responded on 30/6/2009 by refuting these allegations, claiming that these families had fled the village voluntarily against the backdrop of events while the other families still live there.
- Briefing these Baha'i evacuees on the response of the Interior Ministry, they were quoted as saying that their departure from the village was not optional or voluntary but for fear of the wrath of families and villagers, and that they demanded more than once to be returned to their homes and land but their demand was to their surprise opposed by the State Security Investigation in the Sohag Governorate who requested postponement without setting a definite date for meeting their demand. Therefore they came back to the NCHR and the Complaints Office to interfere with the Ministry for reconsideration of their repatriation.
- Addressing the Ministry of Interior on 24 May 2010, it reported on 8/7/2010 that after checking, it transpired that the complainant and others have decided to join the Baha'i denomination which enraged the population of the Showarnya Village and prompted them to set 6 houses ablaze, but the fire was extinguished by the civil protection forces causing damage of these houses and thus their dwellers were obliged to leave the village. Proces verbal no 1192 for 2009 administrative Maghaga Police Station was drafted to this effect and the incident is still on hand and under investigation of the Public Prosecution.

- Another complaint was lodged by citizen "Tahra Naseef Bebawi" follower of the Baha'i denomination (retired senior agricultural education teacher) Cairo Governorate. The complainant argued that having reached the age of retirement, she was entitled to financial receivables at the Waily Educational Department; and as per the policy of the Ministry of Education, it was only feasible to cash her financial dues by filing a lawsuit, but at the Abassya documentation office to assign a lawyer with a power of attorney, she was unable to proceed because she had no (national number) card and given irrelevance of her passport.

- Addressing the Ministry of Justice to enable the complainant to authorize a lawyer by extracting proxy at the documentation office concerned for action to be brought to help her cash pension financial receivables pending the problem of Baha'is is resolved and national number cards are issued for them. The power of attorney was in fact extracted and she paid tribute to the role of the NCHR in this respect.

- A complaint by "Dr. Nabil Mohamed Mostafa" from Cairo Governorate was received on 5/10/2010 in which he argued for his claim of the difficulty involved in issuing national number card after he had extracted his digital birth certificate with proven sign (-) next to religion blank as an indication of his adherence to Baha'i denomination. Accordingly his marriage contract already notarized by the Egyptian Ministries of Justice and Foreign Affairs on 3/5/1957 was not recognized. Therefore for him to be able to issue the national number card, his marriage contract will have to be authenticated. The subject complaint was put forward to the Committee of Five Meeting held in the NCHR in October 2010 with a view to work out a solution to the problem of recognizing the complainant's certified marriage contract and issuing his national number card.

- A petition submitted by Eng. "Atef Mahmoud Ahmed El Ekhnawi" from 6<sup>th</sup> of October Governorate contained a request for renewal of his passport expiring on 31/3/2009 by using his e-birth certificate bearing national number (25611062100412) and proven sign (-) next to religion blank. He confirmed his summoning by the legal affairs department of Passports and Migration Service where he was informed that pursuant to the Interior Minister's decision on Baha'is' obtaining of supportive documents, exceptions were no longer allowable with regard to passport-issuing. He thus requested renewal of his passport by using the national number found in his new birth certificate pending the problem of marital status proof is solved and the national number card is obtained. Addressing the Ministry of Interior on this complaint, it reported that decision no 520/2009 on the possibility of Baha'is accessing national number cards was issued and that he may submit his application to the Passports Service in accordance with rules and conditions set forth in the law.

- Another complaint was lodged by "Alaya Hassan Aly Saad Eddin" on 11/11/2010 in which she noted that he had submitted an application to the Civil Status Service in December 2009 to issue the national number card but based on the fact that failing to prove her marital status, she could not issue this card but only her digital birth certificate with the proven sign (-) next the religion blank, thus adversely impacting on her financial, commercial and legal transactions and similarly falling short of accessing payment of pension.

- On 21/10/2010, a complaint was lodged by Dr. "Mohamed Abdel Wahab Abdel Fatah", Professor at the Academy of Arts and on scientific mission in Boston, the US in which he

stated that he had submitted an application to the Egyptian Consulate in Boston to issue a replacement passport. The response of the Passports Service in Egypt to the Consulate in Boston was permission to issue only a "travel document". The complainant confirmed this will adversely affect him due to his need of a new passport for his engagement in other missions abroad that will be difficult to fulfill with a travel document. His complaint was presented to the Committee of Five Meeting in November 2010.

## **2) Freedom of Opinion and Expression**

- The Complaints Office has reacted to the complaint lodged by the Egyptian Organization for Human Rights on 2/8/2010 regarding electronic website of "Al Youm Al Sabae" upon the newspaper declaring its intention to publish the novel of writer Anees el Deghady "Trial of Prophet Mohamed" and that piracy was but a warning to the newspaper to steer clear of the publication. The Ministry of Communication was addressed on 27/9/2010 but the Office received no response to date.

- The Office received a complaint from some human rights organizations on 26/2/2010 in relation to the referral to military court of blogger "Ahmed Mostafa" a Faculty of Engineering student in Kafr El Sheikh Governorate. The incident has taken place after his publishing of a blog entry entitled "Military College Scandal" in which he recounted how the Military College Administration had exercised pressure on a parent of one of the enrolled students to sign the resignation of his son allegedly for his inability to cope with military lifestyle, threatening him to do harm to his son if this was made public. He made it clear that the reason for putting pressure on his son to quit the College was to give up his place to another student.

- A complaint of Dr. "Taha Abdel Tawab" on 10/3/2010 cited his claim of being tortured by a State Security Investigation officer in Fayoum for his support of the nomination campaign of Dr. Mohamed El Baradi where he was summoned to the State Security Investigation premises and was assaulted for expression of his opinion after which he was taken in critical condition to Sonoures General Hospital in Fayoum.

## **3) Freedom to formation of and accession to associations**

- A complaint from "Nazeeh William Mouawad" deputizing founders of the "Coptic Association of Loving Charity for Development" in Al Rowad Village in Sharqya Governorate revealed that he has completed all necessary procedures for the establishment of the given assembly and obtained the approval of social affairs officials in the governorate but security bodies declined to grant necessary approvals without giving reasons.

- The Ministry of Social Security was addressed regarding this complaint on 5/10/2010 and reported that the request is under consideration and the Complaints Office will be informed of the response upon its receipt.

- Another complaint from "Waleed Abdel Qader Saied Moussa" Secretary of Care and Local Development Association Fund indicates that he was adversely affected by the decision of the administrative body concerned on dissolution of the subject association without giving

reasons, bearing in mind that all its members and those of its general assembly were approved on notarization in 2003.

- The Ministry of Social Security was addressed regarding this complaint on 27/9/2010 and reported that the request is under consideration and the Complaints Office will be informed of the response upon its receipt.
- The Complaints Office received the complaint of "Soliman Abu el Hassan Mohamed" Board Chairman of the "Future People Society" claiming a decision was issued by the Social Security Directorate in Suez on the suspension of dealings with the Society. An investigation was conducted into the incident by the legal affairs department in the governorate, concluding that the Society is officially registered and authorized to deal in terms of administrative, financial and technical transactions, however the Directorate has not complied with the findings of inquiry.
- The Ministry of Social Security was addressed regarding this complaint on 28/9/2010 but no response was received to date.

#### **4) Freedom of peaceful assembly**

A number of human rights organizations lodged (complaint no 5427/2010) on 10/5/2010 arguing for arrest of and assault on a group of demonstrators since 6<sup>th</sup> of April 2010. The Complaints Office referred this complaint to the Ministry of Interior and called for the immediate release of detainees.

The Ministry of Interior reported on 3/4/2010 that the Cairo Security Directorate had received a warning notice delivered by a bailiff demanding the organization of a protest march on Tuesday 6<sup>th</sup> of April to start from Tahrir Square passing by Al Kasr al Einy in front of the People's Assembly to report to officials their protest against and rejection of the enforcement of Emergency Law and to request amendment of the Constitution. The Ministry added that the Cairo Security Directorate responded also by a warning notice delivered by a bailiff that denotes disapproval of the organization of the march for reasons of maintenance of security and public order and traffic disruption, and which may involve rioting and acts of sabotage, based on the discretionary power of the Ministry of Interior when it comes to threats posed to security and public order.

It noted that a group of persons gathered in Al Kasr al Einy Street in front of the People's Assembly premises shouting slogans against State officials trying to incite the masses to join and participate. They even marched down the main road, causing disruption of traffic and public transport. Security servicemen attempted to advise them to reverse their attitude and to abide by legal means and ways of claiming their demands but they failed to comply.

While security servicemen endeavoured to deal peacefully with the protesters, the former became subject of assault, verbal abuse, and stone-hurling. As a consequence, a central

security officer (lieutenant-colonel rank) and more than (14) personnel and recruits were injured, not to mention partial damage inflicted on police equipment and vehicles. Moreover, it has been proved according to medical reports that (5) of them were seriously wounded in the crowding.

Thirty three persons who were proved implicated in the organization of the above mentioned march were arrested and proces verbal no 3288/2010 misdemeanour Kasr el Nil Police Station was drafted on the incident. They were brought before Central Cairo Prosecution which pressed charges against them involving (thronging, resistance of authorities, transmission of strident propaganda, branding of security and public peace and defamation of state symbols), and decided to release them on residence warrant basis in pursuance of necessary legal procedures.

- The Complaints Office received a complaint from the Alexandria-based "Human Rights Supporters Society" on 18/5/2010 concerning the arrest of university student "Khaled Mahmoud Hosni Radwan" while on his way to the Martyrs Square (Midan Al Shohada'a) in Alexandria to take part in the April 6 March. According to the complaint, he was taken to an unknown destination, his personal belongings seized and the Society could not get to know his whereabouts.

#### **4- Complaints Relating to Economic and Social Rights**

Complaints relevant to economic and social rights accounted for the largest share of grievances received by the Complaints Office 6426 complaints, amounting to 71%, and dwelt mainly on job applications, provision of housing, pension payments or increases and health care.

##### **1) Right to Work**

Complaints concerning labour rights are listed in the front of complaints received by the NCHR including those related to inequality of opportunities to access official jobs or inability to obtain job opportunities, adverse consequences of arbitrary dismissal or transfer without legal justification or lack of access to insurance receivables.

An example of complaints related to **inequality of opportunities** in taking up public posts is the collective complaint that the Complaints Office has received on 2/1/2010 from a group of first-ranking graduates of the four Fayoum University Faculties of "Antiquities", "Social Service", "Kindergarten", "Tourism and Hotels" of 2008/2009 batch in which they referred to the adverse effect resulting from sidestepping them as the potential candidates as "lecturers" in the four faculties albeit their designation conditions are adequately met by virtue of their highest scores.

An example of complaints relevant to financial receivables by employers is the complaint of staff operating at the General Authority for Educational Buildings, that the Complaints Office received on 21 June 2010, in which they claimed they were badly affected by the Education

Minister's preclusion of payment of their dues on yearly basis as well as their at-the-end of the year remunerations. The Ministry of Education was addressed to this effect. It reported that referring to the General Authority for Educational Buildings; it has been informed that the decision on stipends falls within the competence of the authority concerned or the entity authorized to do that. It added that the previous method of payment of remuneration used to be determined on different occasions and that appropriations earmarked for this item and other surpluses in the budget are reimbursed at the discretion of the competent authority at the end of the fiscal year. It noted as well that the workers' objection reflects their point of view of considering the annual stipend as a regular payment from the budget surplus that was applicable since the establishment of the Authority similar to other institutions and administrative units.

An example of **arbitrary dismissal** complaints is the one received by the Complaints Office on 9/8/2010 from citizen "Hamd Allah Aly Hamd Allah Abdel Maguid" in which he pointed to the adverse effect he sustains as a consequence of his dismissal from work. He mentioned that a verdict was issued in his favor in case no. 20056/20 judicial, administrative law, staying of execution of the decision terminating his service, however it was not given effect to date. Addressing the Ministry of Interior, it reported that referring to the Central Administration of Personnel Affairs for implementation of ruling, it, in turn, addressed the Assiut Security Directorate to inform the complainant to submit to the State Cases Authority the original of the declared executive order for presentation to the Personnel Affairs Committee to take the necessary action.

Another complaint was lodged by "Shaima'a Sha'aban Al Sayed" on 31/8/2010 in which she spoke of her being adversely affected by her rescinding of contract without prior notice by the Head of the Central Administration of Therapeutic Medicine despite renewal of work contracts of less-than one year newcomers. Addressing the Ministry of Health, it reported that the restructuring of the therapeutic sector had resulted in the cancellation of some departments with a view to ensure smooth conduct of work alongside the dwindling need for additional administrative functions and the fact that these contracts are temporary and renewable on annual basis and in accordance with sectoral requirements and efficiency of subject party to contract.

A collective complaint of the Cairo Pharmaceuticals Company promotion publicity pharmacists on 25/3/2010 disclosed adverse effect as a result of staying of execution of decision on their appointment as permanent staff that was issued upon the approval of the Sector Head and the Director of the Scientific Office although they have been working for the given company for three years and performed well to the fulfilment of targets under the supervision of their seniors and bosses.

The Holding Pharmaceuticals Company was addressed. It reported that upon examination, their request was proved illegal since contracts processed for sales and publicity representatives are of special nature that is more or less related to sales and marketing

deliverables and their promotion with the aim of stimulating them and increasing their income and meanwhile preventing their dereliction. Therefore, the financial regulation applicable to them is substantially different from those of the other working staff. The representative is paid almost L.E. 2271 if the target is fulfilled in compliance with effective rules.

A resignation-withdrawal request was the substance of the complaint of citizen "Hazem Mohamed Gad Al Kareem Ismail" that he lodged on 17/7/2010 requesting withdrawal of his causal resignation which he had submitted under pressure. The Ministry of Higher Education was addressed and reported that upon investigation, the General Department for Personnel Affairs received the Legal Affairs letter with the memorandum attached thereto indicating the Minister's approval on 18/7/2010 of withdrawal of resignation taking into consideration the complainant's social conditions.

Respecting one of the complaints relevant to inability of accessing job opportunities, the Complaints Office received on 24/5/2010 the complaint of citizen "Sayed Fares Mohamed" holder of Technical Industrial Diploma batch 1994 in which he clarified that he was looking for a job for income earning for himself and his family.

Another complaint of citizen "Ahmed Abdel Raheem Ahmed Mahmoud dated 27/6/2010, holder of Agricultural Diploma, explains his need to be provided a job opportunity, being the sole provider of an 8-member family.

## **2) Right to Housing**

Obtaining an affordable housing unit has become one of the main concerns of the Egyptian citizen. In the light of increased demand on these units and their soaring prices, and against a backdrop of multiple cost-effective housing projects and government programs, relevant complaints virtually reflected limited availability of these projects and programs to sufficiently contribute to the settlement of the housing crisis of middle and low-income categories in the society.

The Complaints Office received (737) complaints containing applications and petitions for housing purposes. The complaints lodged cover the period from 1/1/2010 till 31/7/2010 alone.

- The Mobile Complaints Unit has paid a visit to the Doweqa region that had previously been the scene of rock fall from Al Moqatam Plateau. The visit falls within the framework of monitoring the Governorate's efforts to revamp "unsafe slums" and move their settlers to other regions. The Unit has received a collective complaint from more than 100 families denoting that through the aiding devices of "Monsha'at Nasser" district, they were evicted from their houses located on the edge of the Doweqa Plateau in the rock edge-refining area on 29/4/2010. Administrative bodies concerned had drafted eviction-based proces-verbal, having given promises to provide alternative housing units. According to their complaint, they confirmed that ever since their movement, they have survived in the open without shelter which badly affecting

them, their children and elderly people psychologically and health wise so that they were unable to lead their life normally.

- The Complaints Office addressed Cairo Governorate to immediately provide alternative housing, taking into account emergencies detected during the forced eviction process.
- The Complaints Office also received a complaint from "Zeinab Gaber Ibrahim" a Cairo Governorate resident who claimed she had not been moved to an alternative housing unit upon the issuance of administrative eviction and demolition order in 1996 and notwithstanding non-execution of the demolition order to date of lodging the complaint. She complained of her difficult economic conditions and inability to buy or rent a new house.
- The Complaints Office addressed Cairo Governorate in this respect, which reported that the above mentioned real estate is located in the housing area in Misr al Qadeema district and that it is still there and was not yet demolished as per directive of General Housing Department in Cairo Governorate and that lodging is contingent upon execution of demolition order.
- A complaint was also lodged by "Sabah Abdel A'al Farag" residing in Al Kabsh housing area in Cairo Governorate. She observed in her complaint that, badly affected by not being moved to an alternative house after her apartment was completely destroyed because of fire outbreak in one of Zeinhom housing units, she was taken and her family to live in Al Nahda region pending their return to their newly-built Zeinhom units since her name was registered as a party entitled to a new flat but the delivery was not finalized due to action brought before court involving her ex-husband.
- Addressing Cairo Governorate, the complainant was proved, according to effective rules in the governorate, to be non-beneficiary mindful of the above mentioned differences, and also of the fact that a case is being examined before court in relevance to housing.
- The Complaints Office received a complaint from "Mohamed Hassan Mohamed Ibrahim" a Doweqa resident in Cairo Governorate who was seeking an alternative housing unit after houses were pulled down in this region. Addressing Cairo Governorate, it reported that the complainant's name was not included in the enumeration list.
- Another complaint was received from "Al Sayed Abdel Wahab Hassan Gameel" requesting the provision of a housing unit because rental value is high and consumes a large portion of his salary.
- A complaint by "Mohamed al Shabrawy Tantawy Mohamed" indicates that he was badly affected by his home being destroyed as a result of floods in the Seel region in Al Areesh City in North Sinai Governorate, adding that he and his family were left without shelter.
- Another complaint was lodged by "Ibrahim Abdel Aziz Ahmed Abu Zeid" in which he hinted that he was blind and to be provided a housing unit is very demanding for him and his family.

- The NCHR made efforts in approaching different ministries and governorates to help provide housing units in critical and necessary situations or for those who lost their homes in the wake of natural disasters like floods or others. In response to the continuous and pressing demand by the NCHR on these units particularly in Cairo Governorate, the latter has asked the NCHR to stop short of requesting provision of any further houses because there is lack in their supply.

### **3) Right to Education:**

Complaints filed with the NCHR showed families' and students' concern with the educational service issue. Having been in receipt of 34 complaints on right to education during the year, the NCHR has found out that these petitions were mostly relevant to applications for building schools in some regions lacking basic education (primary and preparatory) and secondary schools, or to requests for transfer from one school to another or for exemption from or payment in instalments of tuition fees, or access to scholarships or to requests still for the NCHR's assistance to make transfers from one university to another.

Limited number of schools in villages: the Complaints Office received several complaints especially at the village level pointing to the adverse effect the complainants had sustained due to lack of schools in different stages of education (basic and secondary). The point is that students feel fatigue for having to go a long way to schools that are too far from their dwelling places. Some parents also refrained from enrolling their children and preferred to keep girls at home rather than have them educated for fear of their walking to remote areas where these schools are located.

- Complaint of people of Gezeiret Abu Saleh, Nasser Precinct in Beni Sweif Governorate on 12/4/2010 expressing their inability to build a primary school though they were designated an area of land (a half acre) nearby the youth center for this purpose, since there is only one school in this region that operates on two shifts and falls short of absorbing the village students.

- The Ministry of Education reported that the site proposed for the construction of the primary school was controversial by the Health Ministry for being 200 meters away from cemeteries, adding that once a suitable piece of land that meet requirements is made available, the school will be built.

- Complaints regarding educational buildings and teachers' rehabilitation; A number of complaints regarding educational buildings and soundness of their condition to absorb students, were received including a complaint from Abu Sowair villagers in Ismailia Governorate about the deterioration of buildings of the village school. The NCHR has addressed the Ministry of Education to examine the complaint.

- A complaint was also received from people of "Shalshalamon Village" Menya el Qamh Precinct, Sharqya Governorate on 25/4 2010 against the Education Ministry's closure of two

schools in the village for their deplorable condition, its default on building new schools instead, and its transfer of pupils to schools in nearby villages which negatively reflected on their academic absorption level because of fatigue. They demanded rebuilding the two schools.

- Complaints about joining the university, prevention of doing the exams or completing study courses. The Complaints Office received the complaint of graduates of the two-year commercial institutes on 4/12/2010 arguing for their claim of denial of enrolment in the university to complete their study in contravention with the ministerial decision and the tender distributed to them prior to their admission into these institutes, requesting help to join the university for completion of their study.

- The Complaints Office addressed the Ministry of Higher Education to enable them to be enrolled in university education as per their scientific degrees.

- Complaint of students of the Faculty of Commerce, Cairo University on 1/5/2010 who were adversely affected by being punished by the Faculty Administration by depriving them of doing May-term exams based on a decision issued on 23/1/2010 but they were only informed of it on 17/4/2010 that is shortly before final exams. The reason for this punishment was their participation in paintings fair without the prior permission of the Faculty.

- The Complaints Office addressed the Ministry of Higher Education and demanded that students be enabled to do their final exams and the Ministry responded by commuting the punishment to become a 10-day dismissal which already had expired and they managed to do their exams.

- Complaint by blind "Rady Mahmoud el Taba'ay" who requested waiver of spelling mistakes and linguistic errors that were made beyond his control in his answers in the "Theology" exam in Al Azhar University due to the indolence of the Faculty-appointed "shadow assistant".

- The Complaints Office addressed Al Azhar University. It reported student's default, though well-informed, on abidance by conditions for bringing the accompanying assistant with him, and that a copyist with good handwriting and reading skills was assigned to do the job for him. Referring to the student's exam papers, it transpired that all subject matters were revised and evaluated in grades. The student had passed in most of them but failed in two only. This means that the script was clear and readable. Moreover his being blind has been adequately taken into consideration while correcting his answers.

- A complaint was lodged by "Ahmed Mohamed Waheed". The complainant petitioned transfer of his son from the Faculty of Law, Tanta University to the Faculty of Social Service,

Helwan University, having obtained an authorization to this effect from Tanta University approving his enrolment in Helwan University (with 66% score) thus permitting the transfer.

- The Ministry reported that the transfer was prospective upon the student's issuance of a case statement from the Faculty in which he is enrolled to be submitted to the one subject of transfer and effective procedures shall be applicable accordingly.
- A complaint by "Hussein Mohamed Reef Allah" on 3/1/2010 observed that certain health conditions prevent his son Mohamed from completing his studies. Therefore, the complainant petitions taking account of these conditions by allowing his son to be accommodated in the university dormitory for performance of exams.

#### **4) Right to Health**

Complaints received by the NCHR concerning the right to health demonstrated patterns of patients' troubles and their dealings with the health sector, involving demands for examination at the "Medical Commission" or treatment at the expense of the State. Complaining also persisted in respect of lack of "beds in medical insurance hospitals" which caused patients to seek other hospitals or treatment at their own expense which is not affordable for them to bear its high costs. Complaints also highlighted the necessity of regulating dispensation of medicines from medical insurance units.

Complaints as well covered requests by the handicapped for accessing equipped vehicles or prosthetic devices, others for establishment of hospitals in places lacking this service or for taking necessary measures against cases of violation and negligence in hospitals. Complaints also demanded uninterrupted attendance of doctors in villages' hospitals, conduct of urgent surgeon interferences and provision of subsidized infant milk.

The Complaints Office reacts to urgently lodged applications and complaints relating to health care, given their nature of response that demands speed in action. The role of the Office was not limited to correspondences to the competent authority but rather intervenes to make conversation calls and assign attorneys in the Complaints Office to move to the field subject of complaint to try as far as possible to work on for redress. Examples of these complaints as received by the Office are stated as follows:

- Complaint by "Fathi Mohamed Ibrahim" who suffers renal failure and is in need of continuous renal dialysis. He argues for his claim of medical negligence before at the new medical insurance hospital in Beni Swaif Governorate and the delay in bringing blood bags due for him not to mention the absence of doctors to check on his case. Immediately on its receipt of the above mentioned complaint, the Complaints Office has addressed it to the Ministry of Health and it is being considered.

- Another complaint of the sort was filed by "Ne'amat Ragab Nagy" from Giza Governorate. She has indicated in her complaint the adverse effect of grave medical negligence in the Specialized Al Fayrouz Hospital in Suez Governorate which had resulted in the loss of life of her brother "Salah Ragab Nagi". He was suffering cirrhosis as a result of virus C infection when the doctor in charge permitted his exit from hospital despite his critical health condition. When he was readmitted to the renal dialysis unit, he had gone through severe bleeding that led to his death by removal of catheter from his neck. She went on to say that hospital staff were believed to have hid his blood-stained clothes and refused to deliver them allegedly for being infectious virus-borne. Immediately on its receipt of the above mentioned complaint, the Office has addressed it to the Ministry of Health and its follow-up is underway.
- The Complaint of "Hanan Ghareib Mohamed" from Kafr el Sheikh Governorate relating to the refusal of Nasser Institute to conduct radio-therapy sessions on the brain for her daughter "Hanein Sa'ad Mohamed" on malignant tumor grounds and was transferred from Cairo Oncology Institute to Nasser Institute allegedly for non-availability of the device. Immediately on its receipt of the above mentioned complaint, the Office has addressed it to the Ministry of Health and its follow-up is underway.
- A complaint was received from "Fardos Mahmoud Hassan" on 6/6/2010 in which she underlined her exposure to medical negligence during an anal-diversion surgery in Kasr el Einy Hospital that further worsened her health condition and she was denied a medical case report. The Ministry of Health reported upon medical examination of the subject patient that she was in good condition and suffered no rectal prolapsed for the time being but she rather sustains spinal canal stenosis. She was advised to see a psychiatrist to diagnose her psychological state and also be examined by an urologist and a neurologist.
- The Complaint of "Mosa'ad Mostafa Essa" on 5/5/2010 sought treatment in France at the expense of the State for his son "Mohamed Mostafa" after doctors in charge in Nasser Institute had reported that his health condition is not remediable in Egypt and necessitates his travel abroad. In its response, the Ministry of Health has made it clear that the issue was put forward to the Oncology Committee in the Specialized Medical Councils that decided, based on the medical report of Nasser Institute, that the subject patient needed bone marrow transplantation from a volunteer who is be one of his siblings, which is not affordable, therefore the approval of a specialized center abroad is needed for acceptance of the patient's treatment so that the relevant decision can be addressed thereto.
- Another complaint was lodged by "Mohamed Azmy Mohamed" on 18/7/2010 in which he noted that he had lost his sight following a cataract surgery in his left eye and petitioned his examination by a specialist to restore vision to the damaged eye. The Ministry of Health was informed of the case and reported its referral to the specialized medical councils that requested submission of a government hospital-supported medical report by a tripartite committee specifying diagnosis and treatment plan plus a copy of the national number card (identity card) and medical insurance position in order to take necessary action for his treatment at the expense of the State.

## **5) Right to Clean Environment**

The Complaints Office was in receipt of 53 complaints whose applicants were adversely affected by violations of the right to clean environment. Applications and complaints diversified ranging from lack of clean water suitable for drinking, the presence of chemicals plants within housing blocks, operation of workshops inside residential premises emitting pollution and noise, to impairment caused by cellular network stations installed nearby populated regions, problems of tailing dumps in some vital regions in cities where livestock pens are put in place and poor public facilities.

Among these complaints, the Office has received one from residents of Baraka and neighbouring streets in Western Ein Shams region in Cairo Governorate who argued for their claim of installing a close mobile network station for fear of illnesses likely to ensue due its proximity to the residential block.

Residents of El Refa'ay region in Anshas el Raml, Belbees- Sharqaya Governorate were complaining of the presence of a carpentry and furniture paint factory within the residential block, causing environmental and acoustic pollution.

Also residents of Sharmoukh Village, Malawy Precinct in Menya Governorate were complaining of piles of garbage in the village and failure of authorities concerned to attend to their removal which is likely to cause illnesses and infection outbreaks.

## **6) Egyptians' Rights Abroad**

Conditions of Egyptians abroad forge as among the main concerns of the National Council of Human Rights, mindful of the gross size of Egyptians living abroad and with respect to protection of labour rights of migrants and their families and rules of International Law. This is bound to make the NCHR resourceful as a human rights instrument.

The Committee of Five that includes among its members a Foreign Ministry Representative has largely contributed to partially redressing grievances and complaints of Egyptians abroad.

The Complaints Office has received (164) complaints from Egyptian migrants that were mostly focused on labour rights, default on payment of financial receivables and requests for judicial and legal assistance via Egyptian embassies and consulates abroad regarding problems encountered with employers.

- Complaints relating to Due Payments for example the complaint lodged by Dr. "Mohsen Abdel Hameed Mohamed el Asran" on 3/3/2010 who used to work as radiologist in Yobi State in Nigeria, in which he argued for his claim of adverse effect resulting from termination of his contract and not getting his due payments. The Ministry of Foreign Affairs, in its response to the Office, has reported that the consular sector in the Ministry is following up on the complaint with the Egyptian Embassy in Nigeria.

- The complaint of "Ahmed Galal Ahmed Wahman" on 3/5/2010 who worked as driver in Jordan and sustained a skull injury as a result of an accident while at work in Salt el Kobra municipality, however he was not compensated for it and was subject to attempted pressure to sign a proces-verbal recording a different injury so as to miss the chance of receiving due compensation. The Complaints Office is following up on the complaint through the Egyptian Embassy in Jordan in the bid to find a way of ensuring adequate compensation for the complainant.
- The Complaints Office continued to receive a considerable number of complaints from owners of "yellow remittances" who used work in Iraq and their due payments were transferred through these remittances or those who were obliged to quit during the second Gulf war. The Ministry of Manpower reported that citizens concerned will be addressed immediately on the receipt of their financial receivables by Al Rafedeen Bank Cairo Branch where money is to be transferred for distribution to its eligible beneficiaries.
- Overseas Arrest and Detention, the Complaints Office receives many complaints whose applicants are adversely affected by their or any of their family members' exposure to arrest or detention or inability to access legal assistance. Egyptian embassies and consulates abroad could only meet demands for provision of legal assistance on a very limited scale given high costs the process involves. An example of this kind of complaints is that of "Gamal Mohamed Abbas el Sayed" who on 15/7/2010 was arrested upon a row with a civil register employee in Sabry-Benghazi in the Libyan Jamahiriya over the misnomer of his newborn daughter. The Foreign Ministry responded through its Consulate in Benghazi which in turn addressed the Libyan Foreign Ministry requesting urgent and adequate inquiry into the incident and that the Security Directorate ensure necessary protection for the complainant and his family in addition to the assignment of a lawyer to pursue the case and the payment of 250 Libyan dinars as advance attorney fees.
- The Consulate received the response of the Libyan Foreign Ministry in the fact that legal action has been taken against the two respondent staff, referring them to the Prosecution on the merit of case no 1008/2009 on charges of bribery and abuse of office. They were put in jail and were to stand trial on 24/10/2010.
- A Complaint from an Egyptian citizen on 10/3/2010 states that she was not enabled to have access to proof of her divorce from her Omani husband since it took place in an Omani Court with the latter ordering her out of the country on the very same day of the pronouncement of judgment and thus she could not get her divorce document. The Foreign Ministry responded on 19/5/2010 to the NCHR by attaching a true copy of the verdict issued by the given court regarding the complainant's divorce. On 26/9/2010, the Foreign Ministry has dispatched to the Complaints Office the official copy of the divorce ruling as authenticated by the Omani Foreign Ministry and the Egyptian Embassy in the Sultanate of Oman.
- The Complaint of "Abdel Mohsen Helmi Ahmed Khamees" on 29/6/2010 pointed to his being stabbed several times by a Saudi citizen which resulted in splenectomy and removal of a portion of the lung without paying due compensation for health and moral injury inflicted upon the complainant.

## **7) Complaints by foreign residents in Egypt**

- Complaint lodged by "Akram Bassam Ahmed Othman" on 28/7/2010 stating his petition to obtain the Egyptian nationality, his mother being an Egyptian and his father a Jordanian – Palestinian. He demanded equal treatment of obtaining the Egyptian nationality accorded to sons of the Egyptian mother married to a foreigner of a different nationality.
- The Ministry of Interior reported in its response to the complaint on 26/8/2010 that the father is Palestinian by nationality and accordingly the request was reserved in pursuance of the Arab League decision no 1547 on 9/3/1959 that forbids granting the nationality of member states to Palestinians in preservation of the Palestinian entity.
- In his complaint dated 16/3/2010, "Atef Na'eem Habib" argues for his claim concerning refusal to grant his son a non-tourist visa to have him enrolled in an Egyptian school, bearing in mind that the complainant is resident of the Arab Republic of Egypt and an applicant of PhD in Economics in Cairo University. The response of the Ministry of Interior was that security authorities had declined to endorse the request.

A complaint by "Tayseer Abdou Darweesh Nofal" on 22/8/2010 denotes adverse effect of deeming non-renewable the visas of her three children born of a Palestinian father after turning down her visa –extension request by security authorities. Addressing the Ministry of Interior, it reported that the visa of her son "Abdallah Khaled Abdel Raheem" was already renewed for five years, while security probe is underway as regards visa requests for "Mohamed" and "Riham".

### **❖ Classification of responses received from authorities concerned to complaints referred thereto:**

The Complaints Office has shelved (5343) incoming complaints, of which (1485) were indefinitely saved and (974) temporarily saved for completion of data or documents, (867) were provided legal advice and (865) were duplicate complaints.

The Complaints Office referred (5077) complaints to authorities concerned during the period covered in the report, of which (2390) were directed to around (35) affiliated ministries and bodies, (2372) addressed to (29) governorates, (231) to (31) government agencies and companies. These entities were requested to brief the NCHR on conclusions reached after examination and inquiry into issues subject of these complaints as well as remedies for redress.

Responses received by the NCHR from different State authorities amounted to (2560) that is equal to 50.42% of aggregate number of complaints which signals relative progress in the rate of responses the NCHR was in receipt of compared to last year's which was estimated at 40%. This signifies an indicator reflecting the NCHR's more positive interaction with ministries and government agencies, however need is left for deepening this interoperability further.

In another development, a number of governorates applied the one-response system in redressing like complaints of concern to multiple complainants.

Responses received by the Complaints Office can be classified into two patterns: first is procedural in the real sense of the term, meaning that the authority to which the complaints are referred undertakes either to examine subject petitions or act to have demands met; and second is substantive in nature or in other words the authority to which the complaints are referred adopts entitlement of the complainant regarding content of complaint, or invalidation of his account or illegality of redress of his petition.

- Responses to complainants looking for job opportunities have reported inclusion of subject applications among others submitted to this effect for consideration if necessity calls for this or that specialization, or pending their timeliness, or that applicants will have to wait for advertisement of job vacancies or contests to apply as job-seekers.
- Responses to complainants' requests also involved provision of housing units by advising petitioners to submit their applications with supportive documents attached to housing departments in their districts for determination of whether or not they are entitled to access a housing unit or for indication of the non-availability of units as reported by governorates (including crucial cases).
- Responses to complaints relating to lack of educational facilities or requests for construction of schools implied that the target of building schools in regions subject of complaint is listed in the plan of the General Authority for Educational Buildings.
- Regarding health care cases, in respect of requests for treatment, responses included provision of treatment required for complainants at the expense of the State or conduct of surgeries requested. Concerning transfer of health units in villages into hospitals or establishment of health units or hospitals in villages, responses referred to the central hospital already established 3 or 5 km away from the village where complainants reside and that there is no need for the time being for another hospital.
- Responses received with regard to requests for accessing public utilities have pointed out that tabling requisite facility on the list of activities of the governorate or the ministry concerned for the year so and so is underway.
- Responses received from the Ministry of Social Solidarity to requests for exceptional pension or financial assistance have unfolded in conducting social research on the complainant's condition, and based on the findings of this research, he will be recipient of financial assistance or exceptional pension as duly as lawfully permissible. The Ministry was in cooperation with the Office regarding some of the cases referred thereto.
- Concerning prisoners' petitions for police release, response is normally expressed either as the subject petitions will be considered at the earliest convenience or by making it a point that the petitioner entertains no entitlement according to prison regulations.

- Taking note of requests for transfer from one prison to another, the Ministry of Interior responded to petitions filed by some prisoners to this end. In some other cases, it reported either by ruling out the possibility of transfer for the present for reasons of non-availability of places of accommodation or for serving a stringent prison sentence, adding that the transfer request will be considered some time later.
- Responses to prisoners' health care-related requests involved either medical examination of the subject prisoner by the prison doctor or in prison hospital, follow up on his case and supply of necessary treatment and medicine or invalidation of his petition and that the complainant is in good health condition based on the prison doctor's report.
- Responses to requests for release of criminal detainees were made either by meeting the request and releasing the petitioner or otherwise by indicating that the latter is a threat to public security and confirming that all relevant procedures were pursued against him within the framework of legality and the law and therefore remedy for redress is not applicable.
- The majority of responses to complaints claiming torture or mal treatment in prisons were mostly in denial, stating that facts contained in the complaint are incorrect and stressing the non-authenticity of intention of the subject prisoner so that police officers would not tighten their grip over him, and sometimes, the complainant may withdraw his petition or reverse its content.
- Concerning cases complaining about mal treatment and power abuse inside police stations, responses were delivered in two forms: first: citation on the part of the Ministry of Interior acknowledging erroneous action by the responsible officer in the police station and corroborating his accountability; and the second: denial of the soundness of the complaint, highlighting the purport as stopping police officers from pursuit of complainants or their families being day-to-day offenders or owners of criminal records or used to filing petitions.
- With regard to cases of Egyptians abroad, responses of the Foreign Ministry normally report contact and follow up on the issue subject of petition with diplomatic missions abroad, having informed the NCHR several times of remedies for redress of some complaints which was highly appreciated by complainants while some other complaints were not responded to.

### **Third: Fact-finding Missions**

Fact-finding missions represent a crucial mechanism for field action to collect information and find out truth about major incidents and violations which had been and still are brought to the fore of the NCHR's concerns. This mechanism was proved effective in keeping the NCHR well-informed of the magnitude of ensuing problems. The NCHR had dispatched several fact-finding missions during the period covered in the report to governorates of Mersa Matrouh, Alexandria and Qalyubya which got on board concerning three on-the-ground consequential issues: first: sectarian tension in the two governorates of Mersa Matrouh and Alexandria, second: death of a citizen on suspicion of torture, and third: claims of a citizen being subjected to torture.

### **1- Fact-finding Mission on Sectarian Tension in Mersa Matrouh on 16 – 17 /3/2001**

The incident started when a group of Christians running the service building of a church in the "Refeya" region in Mersa Matrouh Governorate embarked on erecting a fence blocking the passage between the building and two areas of land owned to two Coptic and Muslim citizens alongside the fact that residents use this passage to cross to main roads. The blocking operation was completed by a fence on one side and an iron gate on the other side. This took place on Friday 12/3/2010.

As a result, an array of Muslims thronged to prevent setting up the fence and the installation of an iron gate to close the passage and annex it to the service building. On the other hand, Christians mobbed and clashes flared between the two sides, leaving 24 persons slightly injured and taken to Matrouh General Hospital for treatment and two seriously wounded who were taken to Alexandria Governorate, in addition to other losses like setting fire to a number of houses, shops and vehicles belonging to priests and Christian residents in the region.

The fact-finding mission dispatched by the NCHR to the site of the incident had monitored and documented the domestic nature of the location and interviewed different parties to the event and eyewitnesses and listened to their accounts as well as representatives of authorities entrusted with legal and security remedies for redress. The mission has happened to attend a "popular reconciliation session" that was held in the presence of representatives of the parties and the afflicted and also official and popular authorities.

The session was also attended by businessmen who gave out donations to indemnify those harmed. The mission submitted a report on its conclusions and recommendations and made procedural proposals to the NCHR for consideration.

### **2- Fact-finding Mission on the death incident of "Khaled Saied" on suspicion of torture in Alexandria on 12/6/2010**

The fact-finding mission moved to track the scene of the incident and held interviews with eyewitnesses, the victim's relatives and family lawyer as well as Chief of Sidi Gaber police station to which the two detectives are affiliated.

The death incident of young man "Khaled Saied" took place when two security men dressed in civilian attire pursued the victim on his entering a café in the street where he lives on Sunday 6/6/2010 arrested and inspected him but he strongly resisted their arrest and inspection. The fight raged between the victim and the assailants, people gathered and the two security elements identified themselves as detectives from the Sidi Gaber Police Station and called on the mob not to interfere so as not to be called to account as a corollary.

Based on the documented records of the fact-finding mission, one of the two detectives tied him up and the other inspected him which was strongly resisted by the victim. They dragged him to the entrance of a nearby house and assaulted him and on holding onto the metal door

of the house, they continued fettering and beating him, hitting his head several times to the staircase.

The victim kept saying "I am dying" until it ended by his fainting and falling on the ground with blood spilled all over his face, he was then dragged and pushed into a police vehicle that left the place. They were back ten minutes later and threw him in the courtyard of the house. A report on the conclusions of interviews and assessment of the legal situation was prepared.

The NCHR issued a statement on the incident in which it expressed that he will keep following it up the matter and paid condolences to the family of the dead. It also underpinned its deep concern with the issue and the necessity of completing and finalizing investigation procedures so that impunity will not be tolerated and culprits will not go unpunished for their crime. The NCHR demanded in its statement the implementation of a package of legislative amendments for the eradication of all forms of torture crime which the NCHR had recorded in previous reports.

### **3- Fact-finding Mission on claim of torture of citizen "Saied el Sayed Metwaly" in Qaliubya on 17/7/2010**

The Complaints Office monitored the incident published in Al Dostour (The Constitution) Newspaper on 15/7/2010 when police officer "Ahmed Abdel Aleem" from Banha Police Station on 4/7/2010 severely assaulted citizen "Saied el Sayed Metwaly" (60 years old fisherman) at his daughter's in Meet Assem Village when he objected to the officer's and his police force aides' beating of his daughter. He was subjected to arrest and detention in the police station without legal justification and also to beating anew, though the Public Prosecution had issued his release order. He was also left unattended to for a long time when he was in need of help and health care.

The fact-finding mission has moved from the Complaints Office to Meet Assem Village in Qaliubya Governorate, examined the scene and interviewed the victim and documented his complaint as well as eye witnesses and listened to individual accounts. The Mission also held interviews with doctors in the hospital that received him and perused the entry register of patients. It met the Head of Banha Police Station to which the officer against whom the charge is pressed is affiliated. A report on a brief of facts and their legal evidences, necessary recommendations and proposed intervention has been compiled.

### **4- Fact-finding Mission on Incidents of the Two Saints (Al Qadeessyne) Church in Alexandria**

The Complaints Office has delegated a fact-finding mission of researchers to find out the truth about the unprecedented appalling terrorist assault that left 27 dead and 120 injured a considerably large number of victims in all terrorist attacks. It targeted Coptic citizens present in Al Qadeessyne Church on the eve of the New Year. The Mission arrived at the Church located in Khalil Hamada Street in Sidi Beshr in Alexandria, conducted a preliminary survey

of the site of events and gave audience to Church leaderships and security officials, witnesses and a number of wounded people and listened to their different accounts.

The Mission held several interviews with a number of Egyptian citizens, injured people and their families as well as witnesses, security officers, clergymen and doctors numbering over 15 persons to get better acquainted with repercussions of the offence to the issue of citizenship and social peace. Included among those encountered were: George Youssef, Moussa Khalil Soliman, Church official Father Makari Fawzi, Samy Saraya Moon, Managing Director of Mar Morcos Hospital, Boulos Labib Marzouk, former police officer, Dr. Ihab Adeeb Moa'awad, Mohamed Abdallah, Ayoub Gad el Rab, Malak Aziz, Meelad Hana, Maher Tawfik, Wegdan Hussein, Marwa Hassan, and Rania el Bana.

The places which the Mission has visited were: Al Qadessyne Church scene of explosion (the mission surveyed damage inflicted on it), Al Sheikh Sha'aban Mosque parallel to the church in Khalil Hamada Street where the latter is located, Mar Morcos, Gihan, the German, el Miri, and Victoria Hospitals, Alexandria Ambulance Facility, main morgue in Kom el Dekka and Sidi Beshr region.

The Mission held an interview with Brigadier Aly el Soubky, Deputy Head of Security of Alexandria and followed up on delivery of some dead bodies to their families after DNA-analysis identification.

The Mission visited Kom el Dekka region where the Alexandria Ambulance Facility is headquartered and noticed a Muslim-Christian demonstration in support of victims of the criminal act with active contribution to a blood-donation campaign that collated 1100 blood bags in this region alone for Mar Morcos Hospital which received all the injured immediately after the incident and where ten wounded people were being treated before taking the rest to other hospitals beside other four cases transported to Cairo.

The Mission has concluded that there was maelstrom among citizens in view of the gravity of the crime and its atrocity as well as the destructive bombing that left behind massive human remains and vast numbers of victims who were either dead or injured.

The consequences of this incident were drastically impressive, having triggered vehement wrath in the milieu of Coptic citizens arising from their feelings of discrimination especially coupled with the emergence of the phenomenon of fanaticism and religious extremism among Muslims and Christians alike particularly youth.

Considerable conflict in witnesses' statements regarding how the bombing was carried out and division of Christians over diagnosing the causes could be easily detected, especially one year after the killing of Copts in Nag'a Hamadi and other incidental events particularly in Omraneya in Giza Governorate.

Therefore, citizenship-consecrated issues should be adopted and special attention paid to the cause of building houses of worship and to other Coptic file nomenclature alongside the

necessity of diffusing sectarian tension and curbing the phenomenon of widespread rumours fanning sectarian fire further. The negative implications of this incident are expected to take much longer time to be stamped out and which require a large-scale community-based action that is not exclusively limited to the role of the State and its institutions.

The National Council of Human Rights had issued on January 1<sup>st</sup> in the morning, on the day of the event, a statement denouncing the abhorrent terrorist act in front of the Qadeessyne Church in Alexandria. The statement asserted that the wicked hand that performed this criminal act could not be but a hand hostile to homeland and to citizenship that is only after dissension and sedition among sons of the nation, Muslims and Copts who had over ages led their life as loving brothers and sisters. Likewise, this heinous act that took away the lives of both Copts and Muslims is only the produce of an ignorant extremist or a mercenary agent who works for a foreign entity that nurtures evil, rancour and hatred for our beloved Egypt.

The NCHR appealed to the sons of Egypt, Muslims and Copts, to discard these criminal acts as a recipe to discord. A treacherous ignorant idle minority that is capable of criminality certainly will be uncovered by security authorities and expeditiously brought to justice. In its statement, the NCHR called for collective action, hand in hand, to depress the virulent effect this treacherous minority is set to create. To this end, it urgently pressed for abidance by self-restraint and persistence in leveraging principles of citizenship, equality and fraternity among the sons of the nation alongside enforcement of deterrent and decisive rule of law vis-à-vis whoever was implicated in or supportive of this treacherous act.

#### **5- Fact-finding Mission on the death incident of citizen "Al Sayed Mohamed el Sayed Belal due to suspicion of torture**

The Complaints Office was in response to articles published by different mass media on the death incident in Alexandria of "Al Sayed Mohamed al Sayed Belal", who belonged to the Salafi trend, on suspicion of torture after his arrest against the backdrop of the bombing Al Qadessyne Church. The initial data provided via mass media indicated that the victim was arrested in a series of detentions of the members of the Salafi movement in Alexandria at dawn on 5/1/2011 from his home in Daharyia district in Qoubry el Namous, al Raml-Alexandria Governorate and in less than 48 hours of his arrest, his death has been reported to his family.

The Mission moved to Zeqelah Medical Center in Abu el Darda'a Street in Manshaya region, where citizen ""Al Sayed Mohamed al Sayed Belal" was last seen and there met the Center Director doctor "Ahmed Aly el Sayed" who was quoted as saying that at around 11 p.m. on Thursday 7/1/2011, the victim arrived in the company of two people who were not identified and who left him in a state of severe fatigue. His health condition was diagnosed as sharp drop in blood circulation and attempts to save his life failed and he died at 3 a.m.

The doctor added that the patient woke up for a short time to inform of his address and his home's telephone number. He also reported there were no visible injuries other than bruises in the forearm and a 1cm long incised wound in the face. The death was immediately reported to the police and the public prosecution. The doctor continued to say, and that the deceased's brother-in-law was first to come, saw the dead body and prevented taking any photos of it. He

further threw doubts about the cause of death and filed a complaint in which he accused security authorities of torturing the victim to death and stressed there was criminal suspicion regarding the death.

The Mission headed for Al Labban Police Station and met with the Chief Investigator who reported that he had received a notification from Zeqelah Medical Center on a death incident. By inquiring about if there was suspicion on the death being caused by torturing, he denied any information on his part in this respect and that the incident is on hand and under investigation of the public prosecution, adding that the victim's brother-in-law had filed a complaint against the State Security Investigation branch.

The Mission members later went to the deceased's home and contacted his family's lawyer, who was his brother-in-law "Khaled el Sherif" and who asked that they contact him later but on trying to call him again, his mobile phone was closed. They also clearly noticed that to reach the dwelling place of the victim's family was the main stumbling block they had to face where many citizens denied knowing anything about the incident or address of the deceased due to the state of fear that gripped them to talk to any entity.

#### **Fourth: Field Visits to Prisons**

The NCHR stepped up its visits to prisons as part of its efforts to monitor prisons and places of detention to verify their conformity with national and international human rights standards, and to accurately get to know better about physical conditions of detention, including opinions of those whose freedom is restricted as well as the vision of Prison Service Sector and officials in charge of prison management with the aim of developing a comprehensive analysis of prison conditions.

The NCHR delegation was led by Counsellor Moqbel Shaker, its Vice-President who, by virtue of his high-level technical and professional expertise, had served as President of Egyptian Court of Cassation. The delegation comprised NCHR Secretary-General Ambassador Dr. Mahmoud Karem, Council members who are professors of law and technical experts and Complaints Office researchers.

The NCHR developed the visit program and tabulated missions with list of prisons visited in coordination with the Ministry of Interior, taking into account the duration of the visit as well as elements and diversity of the visiting team. Moreover, the team was equipped with "authentication forms" for interviews held with prison inmates and officials including number of indicators of prison positioning in accordance with international standards and Law and the Regulation of Egyptian Prisons. The delegation was accompanied by some media personnel.

The delegation paid field visits to four prisons, namely: Al Qanater in Qaliubya, Bourj el Arab in Alexandria, Al Marj in Qaliubya and Qena.

### ❖ **Visit Program:**

The visit program included meetings with officials of respective prisons in which the members of the delegation have introduced themselves and communicated a statement of the visit itinerary, and to essentially have collective and individual encounters and discussions with detainees and officials in charge of prison management and get familiar with the latter's perceptions vis-a-vis detention conditions.

During the visit, a tour of different prison installations and facilities was conducted for elaborate identification, covering (wards allocated to inmates – nurseries in prisons designated for women – hospitals and clinics and their equipment – prison-affiliated workshops – farms – kitchens - reception locations and categorization of newly-sentenced prisoners – places for provisional detainees – places for reception of families during visits – libraries – houses of worship for Muslims as well as Christians – places for students whose freedom is restricted – literacy classes).

Visits included personal interviews with prisoners of different brackets and with different sentences. The delegates also held collective dialogues with inmates to get better acquainted with the nature of prison in-house situations (involving detention conditions- accommodation- food- clothes- covers- furniture- ventilation- visit dates- time for exercise- enjoyment of conditional release after serving three quarters of the sentence period or amnesty after serving half the sentence – care provided to families of detained breadwinner and social security assistance – aftercare for prisoners).

Interviews held with inmates and prison employees were documented in application forms prepared for this purpose in consultation with experts and professionals in monitoring places of detention and based on relevant complaints received by the NCHR.

#### **1- Visit to Qanater Prison in Qaliubya Governorate**

The visit to Al Qanater Prison was paid on Monday 24/5/2010. During the visit, the NCHR delegation surveyed the prison facilities and wards as well as the nursery established by the National Council of Motherhood and Childhood in the past two years to be the first ever at the level of Egyptian prisons.

NCHR Vice-President Counsellor Moqbel Shaker and Secretary-General Ambassador Dr. Mahmoud Karem have given audience to female inmates and their children in the nursery during which they could notice that the situation was to their satisfaction concerning themselves and their children. The NCHR's visit was pleasing to them and they were happy for the interest shown towards them.

The delegation later moved to survey the place designated for the visit paid by families to female inmates which happened to be taking place at the time of passing by. The visit also

covered the handmade carpet workshop in which high-quality carpets are manufactured and partly exported.

The visit included the ward of pregnant women and nursing mothers to which the prison department devotes special attention in terms of greater comfort and suitable food to inmates and their children for pregnancy and breast-feeding considerations. When talked to, inmates confirmed that they and their children were provided greater comfort and care.

Concerning pregnant inmates, when spoken to, one of them paid tribute to health care accorded her in particular confirming she was operated in prison (by undergoing uterus-linking surgery), with her pregnancy permanently subject to follow-up and all medical check-ups required for her case. A second inmate added there was another nursery for newborns in the upper floor.

The visit also included the clothing and knitting factory, the prison's library and handicraft display with exhibited furniture, placemats, watches and other crafts.

The visit covered the other prison facilities; the kitchen in which meals are prepared for inmates and for those in charge of the prison in which female inmates operate as well as the "canteen" with markedly diversified foodstuffs and its dealing with its frequenters in a suitable and organized way.

The delegation afterwards headed for the mosque and the hospital affiliated with the prison which encompasses basic specializations and most advanced medical and diagnostic equipment. It has 31 beds and 20 medical consultants.

The delegation visited literacy classes and spoke to some female prisoners; one of them was holder of Bachelor of Commerce, sentenced to life imprisonment and has long been teaching in prison literacy classes. Some of the prisoners also have joined university education.

Based on discussions with officials of the Prison Sector and the Prison Administration, it transpired that some phenomena were widespread in a number of Egyptian prisons including congestion in the light of limited number of wards, considered to be a general problem at the level of prisons in Egypt, with the total number of prisoners and detainees amounting to almost 83,000 plus prison sentences issued for nearly 60,000 where there are not enough prisons to accommodate them. Another phenomenon is the high cost involved in the money spent on prisons and their inmates in terms of accommodation, food, health care and utilities.

Discussions also have shown the importance of looking into the issue of exchanging freedom-restricting penalties for civil and other social sanctions, especially with regard to less than 3-year sentence verdicts, misdemeanour cases and the need for development of social integration policies for the released.

During the visit, the Office researchers have developed interest in interviewing a number of female prisoners and prison management officers by way of a "questionnaire" on some living and health conditions and aspects of prisoners and prison officials concerned within the context of studies undertaken by the Complaints Office on the situation of prisoners in Egyptian prisons.

## **2- Visit to Al Marj Prison in Qaliubya Governorate**

The National Council of Human Rights delegation has toured Al Marj Prison on 27/5/2010 for better acquaintance with the status of inmates and the condition of prison utilities. The visit included a meeting with prison officials and an overview of the prison and its facilities.

The visit also covered wards and their accessories as designated for inmates. The Mission inspected the living conditions of the latter and how much adequately made secure and found toilets and bathrooms inside the wards, as well as how proportionally consistent with the number of inmates, more specifically; the area allocated for each inmate to keep his personal effects, the availability of sources of ventilation and kind of devices inmates are allowed to use.

The NCHR delegation has toured and inspected the prison hospital and the polyclinics including dental, radiology and chest clinics and other specializations. Delegates, speaking to inmates who happened to be present then, have inquired about how far they were contended with health services and care provided to them.

The delegation further visited the animal production farm or the main source of meat in prison with the surplus sold out of prison. The Mission later moved to inspect the bakery and other activities as represented in (courtyard for exercise, music and sports).

The researchers of the Technical Secretariat of the NCHR followed up on collection of questionnaire forms distributed to a number of prisoners (25 forms) and some prison officers in charge (22 forms).

## **3- Visit to Bourj el Arab Prison in Alexandria**

Members of delegation visited Bourj el Arab Prison in Alexandria on 22/6/2010 and toured wards of inmates. They also visited the prison hospital and inquired about services rendered. The Hospital Manager elaborated in detail on the hospital situation and level of treatment provided. They long perused the Prison Service experience of establishing several centers for treatment of addicts as well as detection and treatment of AIDS patients, starting with five centers in five prisons by virtue of the Protocol signed between the UN Development Program (UNDP), Cairo University and the Ministry of Health pending simulation of the given experience as regards all the other prisons.

Activities implemented by prisoners were also inspected, for example the carpet workshops and high-level furniture factory made operational inside the prison, in addition to the kitchen for preparing food, the library and literacy classes, as well as other facilities such as the mosque and the church. They watched part of the football match between the prison team and the Alexandria Itihad Club.

A strike staged by 180 prisoners in Bourj el Arab Prison corresponded with the delegation's visit. Inquiring about the event, the Prison Sector Assistant Interior Minister has made it clear that any one, who notices that there is any complaint in the prison, is entitled to address the public prosecution whose office is open to petitioning. He pointed out that procedures related to strikes are in place by reporting to the public prosecution and after its attendance, medical examination on the subject prisoner is conducted and he is advised to reverse his decision.

When asked about the number of detainees in Bourj el Arab Prison, the Assistant Interior Minister said he could not definitely tell because cases are released rapidly and successively. He emphasized that a committee is held to help decide on detainees' status especially after latest amendments to the Emergency Law. He affirmed that there are competent committees entrusted with conditional release pursuant to which release is granted to prisoners who served three quarters of the sentence period in addition to releases determined upon presidential amnesty. He made it a point that the Prison Service is usually more pleased with the release of the inmate than the prisoner himself.

### **Fifth: Mobile Offices**

The Complaints Office continued its efforts to promote of its working mechanisms throughout 2010 via its mobile units intended to visit governorates, have access to citizens and draw closer to and familiarize with their problems. It paid six visits to different governorates during the period from 1/1/2010 to 31/7/2010.

The Office plan highlighted visits to border governorates in north and south Sinai, the Red Sea and Shalateen region to the far South Eastern border of the country, Mersa Matrouh and governorates housing poorest villages in Delta and Upper Egypt. The performance of the mobile offices was reflected in holding workshops and sessions with representatives of civil society organizations and executive officials, disseminating the culture of human rights and receiving citizens' complaints.

#### **1- Sohag Governorate (15/6 – 18/6/2010)**

The mobile unit moved to Sohag Governorate during the period from 15/6 to 18/6/2011 with a European Union (EU) delegation attending. Sohag Governorate is considered to be among the poorest. Complaints relating to economic and social rights account for the majority of those received by the mobile office alongside job and assistance applications.

## **2- South Sinai Governorate (2/7 – 6/7/2010)**

Given the tribal nature and social composition of the Sinai community in South Sinai, the mobile unit was not able to receive many complaints due to traditions preventing freedom of initiative or action without referring to the chieftain. The Unit sought to gain the trust of the local community and extended bridges with chieftains. It explained to them the nature of the NCHR and its objects as well as the mission of the mobile Complaints office thus contributing to the facilitation of the Unit's mission. Accordingly, numerous complaints relating to the right of health were received by the Unit dwelt, inter alia, on insufficiency of doctors and lack of requisite medicines in the governorate's hospitals.

The complaints also gave prominence to the issue of lack of ownership of land property in South Sinai which constitutes an abridgment of property rights and carrying out of different activities on these lands, to say the least of impacting stability and construction in local communities. Complaints lodged by government sector employees on labour rights were also multiple and focused on disproportionate cash allowance of those working in remote areas.

Complaints regarding the right to education have pointed to non-availability of schools in valleys and some villages, thus defaulting on the reduction of prevalence rates of illiteracy among its residents alongside remoteness of schools from populated areas. An example of these complaints; the Garagra villagers in Ras sidr City complained about the location of the primary school on the other side of the international road passing through the middle of the village which endangers the life of the pupils while crossing. There is also the housing issue in the aftermath of the flood disaster that resulted in the ruining of several houses.

The complaints also referred to disproportionate financial compensations for the losses incurred on the population and disproportionate areas of land allocated to them as an alternative to areas of houses swept by the floods, not to mention complaints about public utilities in terms of drinking water, electricity and sanitary drainage.

## **3- North Sinai Governorate (24/7 – 28/7/ 2010)**

The mobile unit moved on to North Sinai Governorate and received several complaints regarding economic and social rights, most significantly low-level health services, lack of necessary medical supplies and specialists and meagreness of job opportunities available especially to youth.

Many complaints dealt with the right to education as far as accessibility and quality were concerned. They disclosed limited number of schools in villages and their remoteness, thus leading to families' refrain from enrolling their children as well as poorly qualified teachers working in these schools. There are also collective complaints as regards lack of access to clean drinking water in the light of dependence on underground water and problems and scarcity of civil societies.

#### **4- Mersa Matrouh Governorate (17/7 – 19/7/2010)**

Unemployment dominated complaints received by the Unit in addition to situations engendered from non-codification of adverse possession and lack of ownership of land property, deprivation of women in the Beduin community from the right to inheritance. Some complaints also underlined that sons of the governorate were denied applying to military colleges and judicial functions.

#### **5- Red Sea Governorate (10/7 – 13/7/2010)**

The Mobile Unit of the Complaints Office focused during its visit to the Red Sea on working with representatives of civil society organizations and executive authorities who attended the workshop in the Governorate headquarters in order to be better informed of the nature of main complaints in the Governorate given the latter's demographic nature and the vast area it covers.

The Unit as well noticed during its visit to Shalateen City to the far South Eastern border of Egypt with the Sudan that complaints were primarily centred on some residents finding difficulty to obtain identification cards (birth certificates, identity cards) and its effect on the fulfilment of vital interests of citizens.

Besides the above mentioned, complaints touched upon non-availability and scarcity of clean drinking water and high cost of accessing it through vehicles designated for this purpose.

#### **6- Sharqaya Governorate (10/7 – 13/7/ 2010)**

Complaints relating to economic and social rights scored highest by 56.5% of total complaints received by the Mobile Unit of the Complaints Office as exemplified in problems related to unemployment, public utilities, loaf of bread and labor or ranging from requests for status settlement, job applications, and financial receivables for those afflicted by the Iraqi war.

#### **7- Monofia Governorate (6/9 – 10/9/2010)**

The Mobile Unit of the Complaints Office continued its tour in Monofia Governorate and visited precincts of Quisna, Tella, Shebeen el Kom and el Bagour. Complaints regarding economic and social rights the Unit received at the level of the Governorate constituted 97% of the aggregate incoming complaints including job applications, applications for social security pensions, as well as requests for limited-income housing units and access to public utilities such as clean drinking water, sanitary drainage and transport and roads services.

Further complaints were related to the right to health and poor health services rendered by health units in villages as well as other complaints relevant to some labour rights such as requests for transfer to work premises closer to residence and others for temporary employees

to become permanent staff. The tour clearly came across vulnerable human rights culture and lack of understanding of the nature of the NCHR and its role to the extent that some mayors intercepted the mobile units under the pretext that there were no official approvals or notices certifying the presence of the Complaints Office.

#### **8- Al Wadi el Gadid (The New Valley) Governorate (18/9 – 21/9/2010)**

The desert-like and demographic nature of Al Wadi el Gadid Governorate which is made up of a group of oases scattered over a vast desert area and its remoteness from valleys and urban cities has markedly been the master quality of complaints received. Complaints relating to economic and social rights topped the majority of those received by the mobile unit and believed to be chiefly pinned on unemployment especially among recent university graduates with job applications accounting for 30% of total complaints. Meanwhile, petitions on access to housing units with affordable cost have considerably contributed to complaints in general due to shortage of manpower in this field and soaring prices of building materials. Relevant to right to health, complaints commented on missing some medical specializations.

There were other complaints about insufficiency of drinking water due to dependence mainly on underground water which is close to depletion alongside disruption of some wells, lack of sanitary drainage networks, irregularity of electric power and its disconnection for long time, as well as lack and malfunctioning of public transport.

A sector of people complained of lack of ownership of property of land on which they live or cultivate, therefore continued disputes between individuals over tenure and property due to adverse possession have persisted. In the area of education, complaints focused on poor quality of basic education and lack of some faculties in Al Wadi el Gadid University.

#### **Sixth: Role of Regional Offices**

The NCHR proceeded through its efforts with the enhancement of its networking with citizens in different parts of the country by promoting its geographic outreach, having added a new branch office in Ismailia Governorate to become the fifth regional office besides those in Sohag, Beni Sweif, Al Wadi el Gadid and Port Saied.

The NCHR was interested in assigning a regional role to these offices to work on meeting the needs of neighbouring governorates side by side with furthering action towards the opening of new branch offices in those governorates.

These regional offices have performed a crucial role in strengthening the NCHR's communication and synergy efforts with civil society institutions, having taken on an underlying dimension in terms of office activity over the year in connection with leveraging capacities of these institutions to monitor elections, as exemplified in the organization of training courses and facilitation of submitting applications to extract control permits for their observers, as well as stepping up the NCHR's efforts in the area of sensitization and

encouraging participation in electoral processes, not to mention their contribution to the NCHR's efforts to disseminate human rights culture.

Regional offices have a critical role to play in receiving complaints from citizens alongside the mobile units of the Complaints Office in the NCHR. Against this backdrop, the NCHR is currently training and preparing its technical cadres who operate in its regional offices of Port Said and El Wadi el Gadid opened in late 2009 and early 2010 plus the Ismailia Office opened at the end of 2010.

The activity of Sohag and Beni Sweif Offices continued in the area of receipt of complaints. The two regional Offices have scaled up efforts to stay in contact with citizens to receive their grievances either through personal attendance, fax or telephone or follow-up on complaints or facts published in the newspapers and mass media.

The Sohag Office has received during the period covered in the report 209 complaints, 177 regarding economic and social rights, 27 on civil and political rights and 5 relating to Egyptians working abroad.

Beni Sweif Office has received 234 complaints distributed as 134 regarding economic and social rights, 98 civil and political rights and two from Egyptians working abroad.

The Office has contributed to fact-finding missions regarding complaints on sectarian tensions in some villages in Beni Sweif Governorate including missions dispatched respectively to Ezbet Bashra and Ezbet George in Al Fashn Precinct, as well as a further one to inspect a citizen who went on hunger strike.

### **Seventh: Role of the Committee of Five**

The National Council of Human Rights, early during its third mandate, had taken the initiative to resume activation of the role of the Committee of Five comprised of representatives of Ministries of Foreign Affairs, Justice and Interior, the Ministry of State for Legal Affairs and the Public Prosecutor to which outstanding issues of importance are referred.

The NCHR was keen in ensuring high-level representation of ministries concerned. Attending the meetings were Counsellor Moqbel Shaker, NCHR Vice-President and Mr. Mohamed Fayege, Head of the Complaints Office to present issues demanding intervention of ministries concerned and the Public Prosecutor. The NCHR gave impetus to intra-coordination especially as regards proposal of legislative solutions to some general issues, if necessary. The Committee held 10 meetings in 2010.

The agenda of the meetings of the Committee of Five has focused on a number of issues which are subject of concern at the level of the NCHR and the Complaints Office, notably:

## **1- Treatment of Prisoners and Detainees, Complaints against Mal Treatment in Police Stations and during Arbitrary Arrest**

The Ministry of Interior noted that great efforts are underway to provide health care to prison inmates and detainees, and that the Ministry is in the process of establishing new prisons to help overcome the problem of congestion, adding that it is granting subsidies to prisoners' families. The Ministry also submitted a report on its efforts at the level of prison sector and welcomed the Council's request to visit prisons.

Concerning mal treatment in police stations and in the course of arbitrary arrest, the Ministry of Interior stated that it typically investigates into mal treatment and torture incidents which are referred to it. If error was detected and proved, the one responsible for it either is brought to justice or becomes accountable to disciplinary NCHRs. Several rulings were issued against whoever was proved guilty, not to mention public prosecution's control over police stations. Meanwhile, non-authenticity of complaints or others based on groundless facts or deemed false could also be traced.

The response to some complaints referred to the Ministry of Interior was presented by its representative, for example, the complaint of "Amgad Ezzat Mohamed Aly" and "Haitham Ezzat Mohamed Aly". The feedback of research and investigation was that they were elements of extremist activity; complaint of "Mohamed Alyan Salaam", he was found to be detained on charges of drug and arms trafficking and "Shehatta Kamal Hemeida" detained on charges of smuggling migrants and facilitating illegal migration but was released.

Regarding complaint of "Sherif Baher Abdel Aziz" and his denial of the transitional period permission, the response of the Ministry of Interior was that the complainant was a former officer and convicted to a 12-year prison sentence in case no 70/2002 Kosovo – murder and theft –and that he had earlier applied, after his presentation to the Higher Security Committee, for the transitional period permit on 28/9/2010. There was also the complaint of "Gaber Othman" who was sentenced to 10 years in prison and a fine worth L.E. 50,000. He was supposed to be presented to the Committee concerned in January 2010 but he had defaulted on payment of the adjudged fine.

Complaint of "Mohamed Aly Hassan el Assiuty" whose presence was not evidenced according to data records of the prison sector. Moreover there was the complaint of people of Shalateen City in Red Sea Governorate regarding access to their identity cards (birth certificates and national number cards). The response was that as per coordination, a civil status service vehicle was sent to them to extract the necessary documents.

The Ministry of Interior representative pointed out that the Ministry had released 462 detainees after the amendment of the Emergency Law and that its enforcement shall be

limited to drugs and terrorism, noting that the NCHR will be informed of the number of persons still under detention.

Regarding complaint of "Hossam Mohamed Nabil Amin" requesting his transfer from Abu Za'abal to Zaqazeeq Prison, it has been reported that he was released on 23/11/2010. Probing the complaint of "Samy Abdel Maguid Nasr Salem", it has been found out that the complainant and others were arrested on 12/7/2009 on charges of possessing firearms and ammunition as drafted in proces- verbal no 4810 administrative Banha Police Station for 2009. On their presentation to the public prosecution, it ordered the complainant put in prison for 4 days pending investigation and his imprisonment was renewed for 15 days. His detention was on 6/9/2009 and his release on 22/2/2010.

Complaint of "Dr. Mohamed Abdel Wahab Abdel Fatah" in the US on a scientific mission who wanted to issue a replacement passport from the Egyptian Consulate, but the Passport Service reported that the complainant has had to proceed to the Egyptian Consulate in Boston to issue the passport where officials there had been notified of necessary action to be taken in this respect.

Regarding the complaint of Eritrean "Eleeyat Sium" who was detained and not allowed to be given an audience, she was delivered to the High Commission for Refugees. It was recommended that the Foreign Ministry be speedily informed to arrange her departure to a third country. As regards complaints for not granting a transitional period leave of absence to some prisoners, it has been decided that responses of the Ministry of Interior addressed to the NCHR's incoming complaints lodged by prisoners for adverse effect of having been denied a transitional period leave of absence albeit conditions cited in the Prison Statute are adequately met.

## **2- Complaint relevant to the building of Virgin Mary Church in Asafra – Alexandria Governorate**

The Foreign Ministry representative outlined that the Virgin Mary Church's priests claim they were adversely affected by refusal of Al Montaza District and the Ministry of Housing to hand in the church demolition order and building license on the total area of the church and the two annexes and that the dispute is examined before court and does not fall within the competence of the Ministry of Interior.

## **3- Identity Card File of Baha'is**

In this file, the Ministry of Interior has indicated that it is competent to issue identity cards for Baha'i citizens in compliance with regulations amended on 19/3/2009 needless of a ruling to be issued in the same manner like those who obtained verdicts to this effect. The Representative of the Ministry of State for Legal Affairs and Representative Councils has reported to the Ministry that the problem with Baha'is rest with enforcement since they are

entitled to obtain identity cards on a par with persons in favour of whom rulings were issued by the State Council.

In his comment on the proposed drafting of the marriage contract of Baha'is, the representative of the Ministry of Justice hinted at legal problems relating to public order and the final judgment of the Supreme Administrative Court to the effect of not considering the Baha'i community a legal personality similar to recognized divine religions in Egypt namely Islam, Christianity and Judaism. He noted that provisions cited in the two Articles of (52 and 53) of the Civil Law stipulate that the sanction of proof of legal personality for religious communities and bodies is by recognition of the State as essentially required for the issuance of special license or permit for the legal person of every community or body to be in place.

Further, Civil Status Law no 143 for 1994 renders it the competence of Clerks Department in the Civil Status Courts to enter and notarize marriage and divorce contracts if the two parties to the relationship are citizens who are united in religion and denomination; whereas real estate offices are competent to register marriage and divorce entries if one of the two parties to the relationship is a foreigner or if the two parties are Egyptians but differ in religion or denomination. Therefore the person's religion is mandatory for authentication with a view to formalize marriage and divorce documents.

#### **4- Detention of followers of Ahmadi Community**

Concerning detainees belonging to Al Ahmadi community, the Representative of the Ministry of Interior commented that the Law does not incriminate freedom of belief but does incriminate the call to this belief or thought. He added that upon arrest of Ahmadis, they were presented to the public prosecution that released them. Their case is under examination before court on charges of defamation of religions.

#### **5- Slowdown of Litigation Procedures**

With reference to slowdown of litigation procedures and non-execution of judgments, the representative of the Ministry of Interior has stated that the Ministry undertakes real time implementation of judicial decisions and this is one of the reasons for prison congestion. The representative of the Justice Ministry-based Human Rights Office also has made it a point that non-implementation of rulings is more obvious in civil cases.

Concerning delay in disposition of appeals examined before the Court of Cassation, its Technical Office has elaborated that the given Court proceeds with its mission to monitor how far courts are in observance of law enforcement with regard to challenges filed with its circuits and in which it abides by uniformity of legal principles it entrenches either by pursuing the former or determining the forthcoming or putting the matter forward to its general body to subjectively reverse rulings in conformity with judgments the legislator had enacted as the main driver to justice. Therefore this by necessity demands that Court of Cassation circuits remain confined to the minimum level to prevent conflict of principles

issued by them. Moreover, multiplicity of appeals makes it difficult to compromise between the right of adversaries to speedy judgments for their legal positions to substantiate and the requisite thorough research to decide on the legal rule duly applicable to the subject dispute examined, which prompted the legislator to interfere in the bid to scale down the magnitude of criminal and civil contestations in their different kinds, taking the following legislative steps:

Concerning Criminal Appeals : laws no 74 and 153 for 2007 on the amendment of some provisions cited in the Code of Criminal Procedure and Code of Procedures and Cases of Appeal before the Court of Cassation, had been issued. These laws have entrusted Appellate Courts, sitting in a chamber of advice, to rule on appeals against Misdemeanor Court judgments subject of appeal and issued regarding misdemeanors before one or more Court of Felonies at Cairo Court of Appeal.

Regarding Civil Appeals: Law no 76 for 2007 on the amendment of some provisions in Civil and Commercial Procedure Law including the minimum threshold value to appeal in cassation, has been issued. Article 248 stipulated that adversaries may appeal before the Court of Cassation regarding judgments issued by Appellate Courts if the value of the lawsuit was more than L.E. 100,000 or if its value was not assessed, provided this amendment becomes effective as of 1/10/2007. This would serve to reduce the number of civil appeals examined by Court circuits, to say the least of increased number of civil circuits reaching 25 covering all specializations which was reflected in accelerated appeal redress. The Court counsellors' quota of appeals assigned to them was also scaled up to contribute actively to speedy rulings.

## **6- Delay in examining judicial cases put to experts**

The Ministry of Justice representative was quoted as indicating the experts sector had reported that the nature of their business demands a host of judicial case processing procedures and summoning parties to the lawsuit to appear before the experts for discussion. Experts also move to conduct on-the-ground surveys and have regard to documents relevant to the subject action with government or non-governmental agencies as well as papers parties to litigation are requested to provide which extraction for and submission to experts may take longer periods of time that may reach several months.

Furthermore, some individuals and authorities may show intransigence in presenting documents necessarily requested by experts, let alone the difficulties the latter have to face in conducting these surveys either by prevention on the part of an adversary which may amount to level of assault on the expert concerned. On finalizing research and probe with parties to litigation involved, the expert prepares a detailed report on the findings of his mission including response to all elements of the preliminary ruling on the task subject of performance. A review of the report with its supplements whether minutes or documents submitted to the expert or articulated in the case file shall be undertaken based on supervisory functions. These performances in some instances are likely to take months according to the nature of mission to be fulfilled.

## **7- Provision of legal assistance to Egyptians abroad through embassies and consulates**

Regarding extension of legal assistance to Egyptians living abroad, the representative of the Foreign Minister, pointing to its high cost, has alerted to the fact that the Ministry is not financially capable of defraying the expenses, fees and payments of attorneys through Egyptian embassies and consulates abroad. However, it is developing unfailing interest in rendering assistance to Egyptian citizens abroad by guiding them to the assignment of specialized lawyers in addition to its contribution through unions and organizations representing the Egyptian community abroad.

The representative of the Ministry has signified recommendations made by the Ministry of Manpower and Migration on the extension of legal assistance to Egyptians abroad through the establishment of Egyptian funds in Egyptian clubs to be resourced from Egyptians' subscriptions in these clubs abroad. Recommendations also dealt with implementation of rulings and proposal of a mechanism for bilateral coordination guaranteeing judicial decisions issued in favor of nationals of other countries especially in the event of obstruction of the sentenced who is in this case replaced by the State that is in a way more eligible to retrieve its right rather than the vulnerable worker can do.

The NCHR has decided on a communication to be addressed to the Minister of Manpower and Migration to devise mechanisms and ensure means and ways of giving effect to recommendations and proposals made by the Ministry with special emphasis on the setting up of Egyptian funds to help with bearing the exorbitant aggregate cost of legal assistance.

## **8- Inability of Egyptians Working in some Gulf States to recover their financial payments**

The Foreign Ministry representative has referred to the unflinching interest developed through embassies and consulates in running the affairs of Egyptian workers abroad. He reviewed the paper presented by the Ministry on failure of Egyptians operating in Gulf States to have back their financial payments. He has made it clear that their number is approximately put at 4 million covering all specializations, as the Egyptian community ranks third after Asian communities.

Reasons cited in complaints of Egyptian workers abroad could be attributed to their signing of working contracts inclusive of manifold commitments that are hard to meet. It is the role of the Ministry to give advice to increase awareness of expatriates and to enlighten them as regards the social and cultural environment of countries in which they operate. Further difficulties are in place with respect to default by Egyptian citizens to register their data with Egypt's missions abroad and their delay in reporting problems they face alongside arbitrariness of sponsors in Gulf countries in dealing with workers there and attempts to force them to change their contracts or refrain from disbursing their due payments.

## **Eighth: Researches and Studies**

Based on complaints it received and human rights violations it monitored and documented, the Complaints Office was bent on preparing researches and studies on some adverse phenomena in the community with the aim of putting these issues forward to decision makers and parties concerned, by conducting two studies, the first on repercussions of the global financial crisis and the second on the new real estate tax law "the law and its executive regulation" or the reality of the law and its problematic execution.

### **1- Global Financial Crisis**

Financial crisis repercussions, their tracking, analysis and social impact and the transmission of its consequences to Egypt as well as its obvious effect on increased unemployment rates, downturn and noticeable reduction in economic growth rates, all were made topical in the crisis-defining study. The study also covered government estimates regarding the capacity of the Egyptian economy to overstep the crisis and absorb its implications, alongside efforts to spare exposure of the Egyptian banking sector to massive losses of precautionary procedures against foreseeable economic risks, in addition to the government's policy in the face of the crisis based on injection of gross financial resources in public spending, promotion of local and world investments and enhancement of social care programs.

According to the above mentioned study, resources will be allocated, quality of spending improved, ownership opportunities stepped up, energy prices pegged, education, rehabilitation and labour sectors supported, viable and feasible projects and subsidy-driven high labour-intensive small and medium enterprises identified and specified, and local industries fostered. The study also projected indicators of the prospective end of the financial crisis.

### **2- Problematic of Real Estate Law no 196 for 2008.**

The Law on Real Estate Taxes no 196 for 2008 was issued recently for the financially able to bear the tax burden in favour of the unable with a view to ensure tax justice, remedy pitfalls and distortions in the previous law issued in 1954 which is no longer consistent with economic and social developments during this period and to find solution to the housing crisis, given the presence of a large number of apartments which are left unused.

Law enforcement has raised wide social controversy. Pursuant to the Law, real estates are subject to taxation by 10% of the rental value of the subject real estate after deducting 30% for housing units and 32% for non-housing units in return for maintenance cost. A study conducted to this effect has reviewed tax payer brackets, modality of tax calculation, tax-exempt buildings and specialists' views regarding the real tax law and its applications.

The study presented an array of visions and proposals and portended the urgent reconsideration of the given law including exemption from the new tax of household – occupied housing units, increased exemptions for the middle class, real estate re-survey and estimation up to 10%, and exemption of benefits related to the subject real estate or housing unit such as the private pen, private garage or private garden since they are designated for private use and not for commercial purposes.

### **Ninth: Training Courses**

Based on support of capacities and exchange of expertise of researchers in the Complaints Office, the latter was interested in dispatching some of its researchers to attend overseas training courses to help promote their skills and get better acquainted with fellow participants' visions such as the “Monzer Anbetawy 2010” Training Course organized by the Arab Institute of Human Rights in Tunisia.

One of the researchers had participated in the “International Forum for Local Election Monitors” in Brussels, organized by the “Electoral Network for Democracy Promotion and Support” (NEEDS) affiliated to the European Commission Election Monitoring Unit.

### **Tenth: Workshops and Roundtables**

The Complaints Office organized during the period from 1/1/ to 31/7/2010 a number of workshops in some governorates with the attendance of executive officials in each governorate as well as civil society organizations. These workshops aimed to raise awareness and improve sensitization regarding human rights and to identify the nature of work of the Office and the services it extends to citizens.

The Complaints Office held a synthesizing workshop in Sohag Governorate that was attended by a number of executives, representatives of civil society organizations, media personnel and an EU delegation. On the sidelines of this workshop, three meetings were held with civil society organizations, executive officials and citizens.

A number of workshops were also held in border governorates in cooperation with the Legislative Research and Development Unit in the National Council of Human Rights on identification of laws demanding legislative amendments with the attendance of executives and non-governmental organizations.

***Chapter III***  
***Dissemination of Human Rights Culture***

## *Dissemination of Human Rights Culture*

Contribution to the dissemination of human rights culture is considered one of the main tasks assigned to the NCHR which it attempts to perform within three frameworks: First: via mass media, second through its training programs and third by organizing forums, symposiums and workshops to promote citizens' awareness regarding human rights issues. This goes parallel with the submission of NCHR recommendations to competent authorities on central issues of human rights and public freedoms.

### **First: Mass Media**

The NCHR has kept up its efforts to disseminate human rights culture, and promote citizenship rights via mass media and in cooperation with the Ministry of Information and the Radio and TV Union through its Human Rights Committee. It has also strengthened its institutional relations with the Ministry of Information by virtue of a protocol of cooperation with the State Information Service.

In perspective of this cooperation, the NCHR continued its initiative of transmitting the youth-oriented radio program entitled "You have the right" sponsored by the NCHR. Taking part in this Program was Vice-President Counsellor Moqbel Shaker, Head of Legislation Unit of the Council Dr. Zeinab Radwan, Head of Dissemination of Human Rights Culture Unit Dr. Ahmed Refaat, Council Member Dr. Anwar Raslan, athletic celebrities including Captain Ahmed Hassan leader of Egyptian National Football Team as well as experts such as Mr. Moatez BeAllah Othman, Head of the Legal Department at the Arab Organization for Human Rights.

This Program, besides putting forward human rights issues from a social and political perspective, runs media contests awarding two monthly prizes.

The Egyptian TV public channels were keen, upon NCHR request, to broadcast contact information about NCHR and its Complaints Office including website and phone numbers on their screen short news bar.

The NCHR, in cooperation with the Media Personnel Training Institute and the Arab Organization for Human Rights, has moved forward with its training programs for media professionals whether programs' presenters or editors at the Radio and Television Union. Training covered themes dealing with human rights sources, deepening awareness of media personnel vis-à-vis assessment of such sources and identifying means of making them reachable as well as national and international human rights mechanisms.

Over the year, the Citizenship and Human Rights Committee at the Radio and Television Union, chaired by Ambassador Dr. Mahmoud Karem, NCHR Secretary-General has pursued

efforts in the course of its third session towards promoting human rights culture through information and other communication mediums (education – culture). It has also hammered out an integrated action plan for 2010 – 2011.

The Committee adopted the slogan of “No human rights without media, and no media without human rights.” Its plan of action was focused on values such as acceptance of the other, steering clear of hatred and violence, clinging to belongingness, social responsibility, equality, national unity, plurality, tolerance, shared living, social peace, adoption of dialogue, promotion of participation, freedom and democracy, interest in freedom of opinion and expression alongside observance of the rights of the other and attention to issues of loyalty and devotion to work and fighting against corruption.

The Plan provides for detailed activities relevant to the development of a media code of conduct and an indicative guide for media professionals as well as specialized and specific training courses and workshops on citizenship and human rights. These activities were further directed to the production of related drama and documentaries, oversight of advertising material, initiatives for artistic activities including operettas and a marionette theater for children side by side with the preparation of questionnaires, studies, evaluation procedures and syntheses.

The Committee based its work on strengthening values contained in Article 40 of the Constitution and developing interest in cooperation with entities concerned, especially Ministries of Education and Higher Education. This approach falls within the context of targeting youth, children and student categories as well as women and Islamic scholars (Ul’amas) with a view to renew the religious discourse. The Committee likewise recommended expeditious adoption of a unified draft law on Christians Personal Status and the unified Law on Places of Worship.

The NCHR Cultural Rights Committee headed by Dr. Mohamed Hassanein Abdel Al has followed up on its role in debating proposals with regard to the promotion of human rights as far as media was concerned. The Committee has met for the evaluation of its media-related activities for 2005 -2008 to serve purposes of taking stock of efforts and laying down a new plan of action.

The Committee also held a meeting with Dr. Nesma El Batreeq, Professor of Mass Communication, Cairo University to discuss her proposed working paper on “Media and Human Rights: Between the Culture of the Society and the Implications of Globalization”. The meeting falls within the framework of conclusive preparations for the development of the working strategy of the NCHR in the area of media so as to cover aspects of education, information, culture and religious discourse.

## Second: Training

The NCHR carried on with its training programs for the dissemination of human rights culture and entrenching its values and principles. The types and topics of these programs and their patterns of implementation as well as the nature of beneficiaries and NCHR partners were substantially diversified. The NCHR has developed utmost interest in organizing these programs all over the country, especially in remote governorates to help expand outcome benefit.

The two constitutional events the country had witnessed in respect of midterm elections of the Shura Council in June 2010 and the People's Assembly elections in November 2010 had been a crucial occasion to enhance awareness as regards the right to participation as part of the NCHR efforts to train election observers in performing election monitoring tasks.

Within the context of training observers for midterm elections of the Shura Council, the NCHR had received 26 requests from CSOs to train their members. The target goal was to train more than 1000 members of these organizations in election monitoring. Within its capabilities, the NCHR had established cooperation with some associations which are either based in Cairo or in other governorates, and had neither been recipients of any financial aid nor had any contacts with the NCHR, as well as those monitoring elections for the first time. A number of 343 trainees from 11 associations had benefitted from the training that lasted for a period of 24 days. The NCHR has applied a fair policy in distributing training programs to all governorates.

The training was intended to support technical capacities of the association members who were to undertake monitoring functions in order to ensure objective monitoring based on scientific mechanisms. A two-day training course was designated to and implemented for each association covering theoretical and practical aspects of the electoral process. It focused on initial concepts of election, international standards of free and fair elections, laws regulating elections in Egypt, rights and obligations of observers, modality of report preparation, balloting, sorting, and result announcement.

The following table shows the training courses, their beneficiaries and number of trainees.

|   | <b>Name of Association</b>                                     | <b>Governorate</b> | <b>Date of the Course</b> | <b>Number of Trainees</b> |
|---|--|--------------------|---------------------------|---------------------------|
| 1 | <i>Al Adalah</i> Foundation for Human Development and Training | Sohag              | 12-13 May 2010            | 30                        |
| 2 | <i>Shabab el Kheir</i> Association                             | Beni Sweif         | 14-15 May 2010            | 34                        |
| 3 | <i>Senna</i> Network   | Beni Sweif         | 14-15 May 2010            | 36                        |

|    |  |            |                |    |
|----|--|------------|----------------|----|
| 4  | <i>Karama</i> Foundation                                       | Cairo      | 16-17 May 2010 | 18 |
| 5  | National Center for Human Rights                               | Cairo      | 16-17 May 2010 | 25 |
| 6  | Egyptian Constitutional and Legal Association for Human Rights | Alexandria | 18-19 May 2010 | 64 |
| 7  | Human Rights Supporters  | Alexandria | 18-19 May 2010 | 28 |
| 8  | Egyptian Jurists Association                                   | Dakahlia   | 20-21 May 2010 | 32 |
| 9  | Human Rights Protection and Care Association                   | Dakahlia   | 20-21 May 2010 | 20 |
| 10 | <i>Alam Wahed</i> Association                                  | Cairo      | 22-23 May 2010 | 26 |
| 11 | <i>Adalah</i> Foundation                                       | Cairo      | 22-23 May 2010 | 30 |

In the process of preparing for People's Assembly elections, the NCHR had pursued its training programs in support of national monitoring of elections for the period from 29/8/2010 to 14/11/2010 during which 1438 trainees from 32 CSOs were targeted for training.

The following table shows names of associations' subject of NCHR training, number of trainees as well as place and dates of training courses:

|   | <b>Name of Association</b>                           | <b>Number of trainees</b> | <b>No. of training courses</b> | <b>Governorate</b> | <b>Location of training</b>                          | <b>Date of training</b> |
|---|--|---------------------------|--------------------------------|--------------------|--|-------------------------|
| 1 | Regional Union of Civil Society Organizations (CSOs) | 60                        | 2                              | Alexandria         | Regional Union of Civil Society Organizations (CSOs) | 29-30/8/2010            |
| 2 | Human Rights Freedom Center                          | 50                        | 2                              | Qalyubia           | Human Rights Freedom Center                          | 17-18/10/2010           |
| 3 | <i>Al Geel</i> Association                           | 61                        | 2                              | Cairo              | NCHR   | 18-21/10/2010           |
| 4 | Sadat Association for Development and Social         | 142                       | 3                              | Monofia            | NCHR   | 22-24/10/2010           |

|    |   |    |   |                   |   |                  |
|----|---|----|---|-------------------|---|------------------|
|    | Care  |    |   |                   |   |                  |
| 5  | Fersis Charity Association  | 84 | 3 | Gharbeya          | Fersis Charity Association                        | 22-24/10/2010    |
| 6  | Goal and Human Rights for Development Association   | 25 | 1 | Gharbeya          | Goal and Human Rights for Development Association | 24-25/10/2010    |
| 7  | Justice for Training and Development Institution  | 40 | 1 | Qena              | Hathour Hotel                                     | 24-25/10/2010    |
| 8  | Miscellaneous Associations:<br>- <i>Saeed</i> at Barageel<br>- <i>El Khadamat El Adabya</i><br>- <i>El Sout El Watani</i><br>- <i>Oushak Misr</i> | 21 | 1 | Cairo             | NCHR  | 26-27/10/2010    |
| 9  | Justice for Training and Development Association  | 80 | 2 | Sohag             | Justice for Training and Development Association  | 26-27/10/2010    |
| 10 | Egyptian Association for Human Rights Support   | 26 | 1 | Sharqeya          | Egyptian Association for Human Rights Support     | 28-29/10/2010    |
| 11 | Middle East Media Association   | 22 | 1 | Cairo             | NCHR  | 28-29/10/2010    |
| 12 | <i>Al Nawah</i> Foundation for Awareness and Training   | 26 | 1 | Cairo             | NCHR  | 30-31/10/2010    |
| 13 | Human rights Development Association  | 70 | 2 | El Wadi el Gadeed | Cultural Palace                                   | 31/10 -1/11/2010 |
| 14 | Middle East for Peace Association   | 14 | 1 | Cairo             | NCHR  | 1-2 /11/2010     |
| 15 | <i>Al Tomouh</i> Association  | 24 | 1 | Cairo             | NCHR  | 1-2 /11/2010     |

|    |  |     |   |             |   |                |
|----|--|-----|---|-------------|---|----------------|
| 16 | <i>Laqaa el Aheba Fe el Kheir</i> Association                          | 20  | 1 | Cairo       | NCHR  | 3-4 /11/2010   |
| 17 | <i>Ousra bela Ahzan</i> Association                                    | 30  | 1 | Cairo       | NCHR  | 3-4 /11/2010   |
| 18 | <i>Safeer el Kheir</i> Association                                     | 36  | 1 | Cairo       | NCHR  | 5-6 /11/2010   |
| 19 | Adalah Foundation for Democracy Studies                                | 62  | 2 | Cairo       | NCHR  | 5-6 /11/2010   |
| 20 | Fight against International Terrorism Association                      | 29  | 1 | Cairo       | NCHR  | 5-6 /11/2010   |
| 21 | <i>Al Nas el Tayeba</i> Association                                    | 50  | 1 | Cairo       | NCHR  | 7-8 /11/2010   |
| ٢٢ | Egyptian Association for Creativity and Culture                        | 26  | 1 | Giza        | NCHR  | 7-8 /11/2010   |
| 23 | Social justice Association   | 56  | 2 | Menia       | Social Justice Association                      | 7-8 /11/2010   |
| 24 | Human Rights Association   | 102 | 2 | Assiut      | Assiut University                               | 9-10 /11/2010  |
| 25 | <i>Menf</i> Association for Development                                | 14  | 1 | Giza        | NCHR  | 9-10 /11/2010  |
| 26 | Arab Women League  | 25  | 1 | South Sinai | Association for Tor Local Community Development | 10-11 /11/2010 |
| 27 | Inter-Egyptian Association for Human Rights                            | 46  | 1 | Giza        | NCHR  | 11-12 /11/2010 |
| 28 | <i>Sama el Kheir</i> Association                                       | 11  | 1 | Cairo       | NCHR  | 11-12 /11/2010 |
| 29 | <i>Al Karama</i> Foundation for Development, Training and Human Rights | 24  | 1 | Qalyubia    | NCHR  | 11-12 /11/2010 |

|    |   |    |   |            |                         |             |
|----|---|----|---|------------|-------------------------|-------------|
| 30 | <i>Al Tomouh Association</i>  | 52 | 1 | Beni Sweif | Conferences Center Hall | 11 /11/2010 |
| 31 | <i>Masjid el Rahman Association</i>                                   | 53 | 1 | Beni Sweif | Al Wasty Youth Center   | 12 /11/2010 |
| 32 | <i>Al Wadi Association for Development and Environmental Services</i> | 23 | 1 | Beni Sweif | Al Wasta Youth Center   | 13 /11/2010 |

A group of NCHR Council members, media professionals and civil society activists in addition to the NCHR training team were charged to undertake the said training. The Course, in content, detailed the following: initial concepts of the electoral process, international standards of free and fair elections, laws regulating elections, rights and obligations of observers, tracing and documentation of ballot and sorting, result announcement and preparation of application forms and reports. The NCHR was concerned with taking geographic diversity into account, therefore it has adequately extended training courses to governorates of Qalubya (two), Sharqia (one), Gharbya (four), Al Wadi el Gadeed (the New Valley) (two), Menya (two), Assiut (two), Sohag (one), South Sinai (one), Beni Sweif (three), and Qena (one).

The NCHR, in cooperation with the International Rehabilitation Council for Torture Victims (IRCT) in Denmark and the Dutch Embassy in Cairo, has resumed efforts begun in October 2009 towards the promotion of anti-torture culture. A workshop was organized to this effect on 28 February – 1 March 2010. On its first day, the strategic plan governing the work of the Anti-Torture Unit headed by Dr. Mohamed Saied el Daqaq, member of the Council has been discussed with the participation of official bodies concerned with anti-torture issues. On its second day, the debate of the theme of the workshop has been taken forward with the participation of CSOs and a number of journalists for getting acquainted with their views regarding the plan and means of disseminating anti-torture culture in the country.

The Anti-torture Unit followed up its training program by organizing a Course on 15 – 16 December 2010 for the Unit researchers and the Complaints Office staff. The Course dealt with the monitoring and documentation of cases of torture, definition of the concept of torture in national law and the UN Convention against All Forms of Torture. It moreover addressed difficulties facing the process of monitoring and documenting torture crimes as well as legal safeguards for protection against torture. It was markedly distinctive for linking theoretical and practical sessions for the participants.

The Legislative Research and Development Unit has pursued its training programs on Human Rights Culture and Fair Trial Safeguards. It organized in October 2010 two training courses at the NCHR headquarters; the first from 11 – 14 and the second from 17 – 20. In each, there

were more than 30 participants. They were mostly administrative prosecution members and some post graduate students of the Faculty of Law. Training sessions were dwelt on the introduction to the basic concepts of human rights and their evolution as well as safeguards and rules of conduct of staff entrusted to enforce the law. The sessions also dealt with the role of the administrative prosecution and the NCHR in advancing the right to fair trial.

In perspective of promoting citizenship culture, the NCHR followed up in its conferences on deepening awareness of this concept. The Citizenship Unit in the NCHR, headed by Counsellor Adel Abdel Baqi, member of the Council had organized the 3<sup>rd</sup> Citizenship Conference in Sohag Governorate that was chaired by NCHR President Dr. Boutros Boutros Ghali and attended by Vice-President Moqbel Shaker and the Unit staff members. Representatives of a multiplicity of political and societal trends in the Governorate were also present. The Conference was pinned on three axes: citizenship concept, the NCHR draft law on places of worship as well as equality and non-discrimination towards women and children.

Concerning advancement of the culture of reproductive health rights, the NCHR has been following up all the year round the efforts it had begun in 2005. It developed new techniques and tools to raise awareness through campaigns launched over the past three years. This took the form of building on questionnaires and polls prepared recently to measure sensitization indicators and provide scientific assessments of these efforts, thus contributing to the achievement of the Millennium Development Goals (MDGs) by 2015.

The NCHR stepped up efforts with respect to editing and distribution of its publications especially the reproductive health indicative guide that the Council has taken part in its preparation as well as the methodological guide for training in the field of reproductive health. This was consistent with the organization of training courses and the conduct of activities in governorates to reach out to targeted categories with particular emphasis on women, mothers and children. The NCHR further strengthened its access through both social networks on the Internet and technical activities.

As part of the NCHR interest in the promotion of human rights culture and the support of capacities of official authorities operating in the field of citizen complaint settlement and corruption-fighting, it has signed on 20 December 2010 a protocol of cooperation with the Administrative Prosecution Authority. This protocol covers cooperation in areas of mutual concern and training as regards human rights principles as well as citizen complaint examination and redress. It moreover recommends cooperation towards energizing efforts aimed to fight against administrative corruption while optimizing benefit drawn from human rights literature and publications.

NCHR efforts towards the promotion of human rights culture among youth were substantially diverse. On one hand, the NCHR kept up its cooperation with the National Council for Youth in the field of training programs on democracy (programs on pioneers and youth parliaments). It was also demonstrated in setting up an array of joint training programs for youth in human rights principles and political participation. It was further incarnated in the

NCHR participation by developing training programs in human rights in winter and summer camps organized by the National Council for Youth.

In connection with the above mentioned, the NCHR, in collaboration with the Ministry of Higher Education, had contributed to the summer program extended to university students at the Leadership Capability Building Institute in Helwan by giving lectures to the participants. During the second phase of the said program from 9 – 14 July 2011, a lecture entitled “Egypt and Human Rights” was given by Dr. Ahmed Refaat, member of the Council and Project Director of the dissemination of human rights culture. The lecture has tackled the history of human rights according to divine religions, international legitimacy of human rights and the role of the NCHR in efforts for human rights dissemination and promotion. The event grouped 237 male and 93 female students from different universities of Egypt.

The NCHR has also participated in the summer camps organized in 2010 for Egyptian Universities Students by the Leadership Capability Building Institute in Port-Said, Al Arish and Al Fayoum. This had been carried out through workshops and seminars held by the Institute for sensitization purposes. In this context, Dr. Ahmed Refaat, Director of the National Project of the Dissemination of Human Rights Culture gave lectures on the establishment and promotion of human rights concepts, the Universal Declaration on Human Rights, the Universal Periodic Review of Human Rights (UPR) conducted by the UN Human Rights Council and the role undertaken by the NCHR.

The NCHR, in cooperation with the Arab Program for Human Rights Activists, has organized in March 2010 two training courses in Menya Governorate on the dissemination of participation culture among youth in Upper Egypt governorates. Representatives of fourteen CSOs working in the field of development and students from both faculties of arts and teacher qualification who amounted to 120 trainees (males and females), have attended.

The NCHR, in cooperation with the “Adalah” Foundation, the National Council for Youth and the Middle Eastern Partnership Initiative has organized a training course on 10-12 February 2010 at Mubarak Library in Banha. The aim of the training course was to increasingly sensitize trainees regarding the Constitution, national legislation, UN human rights instruments, the role of the civil society and voluntary action. It falls within the framework of the Egyptian Initiative for Human Development in Local Communities launched by the “Adalah” Foundation as part of the Youth Parliament Program.

The NCHR, in cooperation with the Education Directorate and the Social Development Fund, has organized a training course on 16 – 18 January 2010 in Sohag Governorate. The Course was designed to sensitize students of secondary technical education schools for girls on basic principles of human rights, social fund activities and modality of implementing small enterprises. It was further intended to make participants practically benefit from the experiences of these schools to help improve social and physical conditions of students. Twenty-five students enrolled in the girls technical schools of the governorate had attended.

The NCHR has followed up with interest efforts of running the Project of “Human Rights Capacity-Building” with Ambassador Ahmed Haggag, member of the Council as its director. This project is designed to train police officers and personnel as well as members of the judicial authority and the public prosecution in their capacity as law-enforcing staff. It is also directed to embrace efforts of training media professionals, activists of different CSOs, youth and university students.

The NCHR has received the progress report of the first half-year 2010 of the said project. It noted that during this period, it has organized seven (7) specialized training courses for members of the judicial authority and prosecutors in which 110 trainees have participated; seven (7) specialized training courses for police officers comprising 273 trainees as well as nine (9) specialized courses for media professionals and civil society activists that were attended by 118 trainees.

### **Third: Conferences and Workshops**

The third aspect of the dissemination of human rights culture materialized in conferences and workshops organized by the NCHR Council, foremost among which are the following:

The NCHR Legislative Research and Development Unit, in coordination with the Complaints Office, have organized three workshops on 3 – 5 July 2010 in Ras Sidr in South Sinai Governorate. The first workshop was designated to NGOs and civil society representatives. The second was intended for the Governorate members of municipal councils and parliamentarians, whereas the third was for directors of both government and executive departments in the Governorate.

Along the same line, the Legislative Research and Development Unit has also organized three workshops in the Red Sea Governorate during the period from 10-14 July 2010. Participants represented CSOs, syndicates and municipal councils in the Governorate. The aim of the workshops was to familiarize with the main problems of the citizens in the Governorate.

Further, the said Unit pursued its efforts for the amendment of national laws to conform to international standards. To this effect, several workshops were organized in 2010. In mid February, the Unit held a roundtable at the NCHR headquarters for drafting provisions relating to the amendment of the NGO Law in which twenty human rights experts have participated. The workshop concluded by reaching proposals on specific amendments to the provisions of the said law.

On February 25, 2010, the Legislative Research and Development Unit held a regional conference on exchanging Arab expertise in the field of legislation development regarding Syndicate and NGO Laws. The debate was conducted by NCHR Council member Dr. Zeinab Radwan. Representatives of national human rights institutions and NGOs from Mashreq, Maghreb and the Gulf area took part in the Conference. Participants presented working papers on the status of legislation in Egypt, Morocco, Iraq, Jordan, Lebanon and Kuwait. The

Conference put forward a comparative review of the status of legislation and course of development. It worked out three patterns of proposals. The first set of recommendations dealt with the significance of harmonizing NGO laws in Arab countries with international laws. The second stressed the necessity of disseminating human rights culture among lawyers and members of judicial bodies for their direct role in influencing application of NGO laws. The third included general recommendations on means and ways of improving the performance of NGOs.

The above-mentioned Unit, in cooperation with the NCHR Non-Governmental Organizations Unit, has organized on 23 – 24 March 2010 the 7<sup>th</sup> NGOs and Professionals' Syndicates Forum in Al Arish. NCHR President Dr. Boutros Boutros Ghali, and Major-General Mourad Mouafi, North Sinai Governor, have inaugurated the Forum. Around 130 representatives of human rights and development NGOs and professionals' syndicates from different governorates, parliamentarians representing North Sinai Governorate in the People's Assembly and Shura Council, members of the municipal councils and representatives of North Sinai institutions as well as journalists have participated in the Forum.

The NCHR has held a Conference on 29 April 2010 to present and discuss results of the study prepared by its Legislative Research and Development Unit. The theme of the study was the negative implications, from the point of view of the civil society, of defaulting on amendment of the two Laws on NGOs and Professionals' Syndicates no 84/2002 and no 100/1993 respectively. NCHR Vice-President Counsellor Moqbel Shaker inaugurated the Conference while member of the Council Dr. Zeinab Radwan conducted the debate. Minister of Social Solidarity Dr. Aly Mesilhy, Dr. Abdel Aziz Hegazy, President of the General Federation of NGOs as well NCHR Council members, public figures and representatives of NGOs in a number of governorates have participated in the Conference which has witnessed heated debates on rights and obligations, accountability and transparency. It came up with crucial recommendations laying emphasis on the necessity of amending NGO and Professionals' Syndicate Laws.

In the same perspective, the Legislative Research and Development Unit has organized an International Conference on November 4, 2010 with NCHR Council member Dr. Zeinab Radwan as chairperson. The Conference reviewed the outcomes of meetings held with representatives of the civil society, municipal councils members and executive leaderships in many governorates especially border governorates. It transpired from the meetings in border governorates as well as the analysis of questionnaire forms filled out during the said meetings that laws which require amendments as a matter of priority are pertinent to the Law on Local Government and the Law on Medical Insurance as well as issuance of a Law on Rights of Persons with Disabilities.

Taking part in the Conference were Dr. Aly Mesilhy Minister of Social Solidarity, NCHR Secretary-General Ambassador Dr. Mahmoud Karem and foreign diplomats as well as Arab and international experts from Spain, USA, France, Ukraine, Sweden, Jordan and Lebanon. A

special session was devoted to interventions by Egyptian experts. A number of 361 participants attended the Conference.

The NCHR has held on 3/11/2010 an International Conference on Problems and Difficulties Facing Egyptian Labor Abroad and the Proposed Solutions. The Conference aimed at finding solutions to help overcome these difficulties and protecting laborers' rights and the interests of recipient countries. It focused on three axes. The first is related to problems encountered by migrant Egyptian labor in Arab countries and challenges emanating from the employer system "Kafeel System" as well as possible alternatives in this connection. The second pertains to trends and policies related to the flow of Egyptian labor as well as impediments they sustain in European countries and how these countries have to deal with difficulties they encounter. The third hinges on the discussion of how the West views Muslims and Arabs as well as the launching of NCHR book entitled "Rights and Obligations of Egyptian Migrants in Europe". After detailed discussions, the Conference has worked out nineteen (19) recommendations, some of which focused, on the promotion of legal protection of Egyptian workers in Arab countries. Other recommendations were directed to the strengthening of national mechanisms related to rights of Egyptians abroad, care for their interests and means of communication with them as well as to ways of following up on recommendations issued at the close of the Conference and NCHR previous recommendations of relevance.

As part of the NCHR interest in women issues, it held on September 29, 2010 a workshop on "Women in Egyptian Drama: A Lot of Trafficking, Little Objectivity" in which writers, novelists, academia, media professionals and activists in the fields of women issues and human rights have participated. The NCHR was keen in the course of this workshop to look into the image of women in drama especially with regard to the intensive T.V. drama display during the month of Ramadan.

The workshop underlined the necessity of changing false inherited notions and developing women respect culture. It pointed out that part of the drama presented this year was superficial while the other part was valuable. It highlighted the importance of organizing social forums and symposiums to evaluate drama production and holding meetings with writers for discussion. It further recommended paying tribute to performers of good drama and deemed imperative that committees concerned deliberate on and approve of any drama before display. Furthermore, the Workshop stressed that the media should essentially bring to light the positive role and substantial contribution of women in the society and to invite open-minded persons to present meaningful drama in their support. It also emphasized the role of the civil society and the necessity of observing accuracy with regard to drama production by avoiding errors of legal nature.

Within the context of NCHR efforts to promote awareness of economic and social rights, it organized a Conference on November 8, 2010 on means of reforming the subsidy system in the country. The Conference focused on four axes covering subsidy systems in place from the perspective of social justice and protection of limited-income classes, the impact of subsidy

systems based on accumulated deficit of the State general budget and public debt, the extent of consistency of in-kind subsidy and its applications in Egypt and international experiences related to the cash subsidy system and the feasibility of its implementation in Egypt, and finally means of reforming subsidy policies. The Conference issued a set of recommendations relating to subsidy policy reforms from a human rights perspective.

Compatibly, the NCHR organized a workshop on July 1, 2010 to deliberate on the real estate tax law with a view to come across divergent opinions regarding the said law and its different repercussions. The workshop was attended by representatives of the Ministry of Finance and the Real Estate Agency as well as specialized professors of law and representatives of CSOs

***Chapter IV***  
***Cooperation at National, Regional  
and International Levels***

## *Cooperation at National, Regional and International Levels*

### **First: Cooperation at the National Level**

#### **At the level of promoting relations with national civil society organizations CSOs**

The National Council for Human Rights (NCHR) has pursued in 2010 promoting its relations with many civil society organizations (CSOs) and supports their efforts and activities with special emphasis on meeting their demands to remove limitations cited in Law no 84/2002 on the organization of associations as well as Law no 100/1993 on trade unions. The scope of cooperation was further widened to embrace anti-torture efforts pursued by the NCHR and its support of CSOs action in connection with the two electoral events of organizing and monitoring midterm elections of the Shura Council in May and June 2010 and the People's Assembly in November and December 2010.

Within the framework of its support to CSOs, the NCHR was particularly interested in addressing the Law on Civil Societies in Egypt. The Legislative Research and Development Unit initially held a workshop for experts on 18 February 2010 on the elaboration of proposed amendments to the Associations Law for submission to competent parliamentary committees. The issue was addressed as part of the debates on non-governmental organizations and trade unions laws in Arab countries held during the Third Regional Conference on "Exchange of Arab Experiences in the Area of Legislation Development" organized on 25 February 2010 by the given Unit. The latter also held another Conference on 29 April 2010 for the "Presentation of the Study of the Unit on Civil Society Views regarding Negative Aspects of CSOs and Trade Unions Laws."

As part of NCHR anti-torture efforts and in perspective of the related project for the promotion of anti-torture culture, the Unit concerned has held on the 1<sup>st</sup> of March 2010 a synthesizing workshop comprised of leaderships of CSOs operating in the field of human rights to discuss the NCHR strategic plan to combat torture in Egypt.

In respect of supporting efforts of CSOs tasked with election monitoring, multi-disciplinary cooperation was dwelt on the organization by the NCHR of several training courses to prepare CSOs observers and assist in training activities conducted, individually or in collaboration with the NCHR, by such CSOs. Cooperation has also been put in place between the NCHR and the Higher Election Commission to facilitate issuing permits for CSOs' observers, following-up on their activities and receiving their complaints during the voting process.

During the Shura Council elections, the NCHR was in cooperation with 44 CSOs whose cadres have observed the elections. The NCHR has contributed to facilitating issuance of

permits for 1400 observers. It also held a consultation and coordination meeting on 25 May 2010 with representatives of the Higher Election Commission and civil society representatives. During the People's Assembly elections, the NCHR was engaged with 33 CSOs, trained 1422 of their cadres and facilitated issuance of permits for 6130 observers.

This synergy was applicable to different governorates with the NCHR expanding its training activities and facilitating the observers mission in these governorates. It was also extended to engage interested local CSOs concerned.

The NCHR, in collaboration with representatives of the Higher Election Commission, has taken the lead to hold meetings with representatives of active CSOs in the area of election monitoring to discuss different aspects of the election process and the role of observers.

In other words, different CSOs have forged as chief partner of the NCHR in its diverse activities and events. The latter also has developed interest in engaging these organizations on various occasions to listen to their viewpoints and avail of their specific experiences. Similarly, it took part in many events organized by such CSOs.

To this effect, NCHR has organized a number of training courses in partnership with CSOs concerned.

Before the end of the year, the NCHR has promoted, through its Complaints Committee, a partnership relation with the Bar Association presided over by Chairman of the Bar and NCHR Council Member Hamdi Khaleefa based on an agreement to assign practicing lawyers to handle cases of victims of human rights violations which the Council adopts.

The NCHR continued to strengthen efforts made by different sectors of the civil society in the various domains. On this plane, Dr. Boutros Boutros Ghali, the NCHR President, has received on March 21, 2010 the delegation of the Human Rights Committee of the ruling National Democratic Party (NDP) led by its Chairman and NCHR Council Member Dr. Nabil Helmi. The meeting was attended by Council Member Dr. Hossam Badrawy.

The meeting dealt with human rights issues in Egypt. In this respect, the NCHR President has stressed that governments are no longer empowered to resolve numerous problems in isolation from other community stakeholders. He emphasized the centrality of cooperation with non-governmental organizations, political parties and syndicates, explaining that the civil society became a principal stakeholder in different world conferences and summits.

He also underpinned the importance of international cooperation and the necessity of abandoning parties' visions rejecting this approach. He underscored the NCHR role in the area of international cooperation, throwing further light on crucial issues such as migration which was the theme of international conferences held and attended by NCHR. He urged dismissal of caveats against activating political participation of Egyptians abroad and signified paying further attention to Nile water issues in the light of developments in the Sudan.

Dr. Nabil Helmi noted that he intends to invite political parties to establish specialized committees in the field of human rights in view of their importance as far as correcting political performance was concerned. Dr. Hossam Badrawy further stressed the importance of the role of the NDP Human Rights Committee and that its functioning as the Committee of the ruling party should be markedly sound and delicately balanced.

The NCHR President voiced interest in calling on sisterly countries to establish national human rights institutions (NHRIs) and to benefit from the NCHR experience. He expressed his willingness to cooperate with the Party Committee and other committees which other parties may take the initiative to institute. He pointed to the NCHR intention to pay more attention, in the forthcoming period, to the rights of the handicapped.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR, received on March 3, 2010 Dr. Othman Labib Farag, Professor at the American University and former Secretary-General of the Union of Associations caring for persons with special needs and the handicapped. The meeting has touched on cooperation in the field of promoting rights of the handicapped especially through activities included in the National Plan for the Promotion of Human Rights.

Ambassador Dr. Mahmoud Karem received on July 13, 2010 Mr. Nasser Abu el Oyoum, Chairman of the Human Rights Association in Assiut. The meeting has dealt with continued cooperation between the NCHR and the Association and the promotion of the NCHR efforts in Upper Egypt governorates. The Secretary-General underscored the substantial role of the mobile units affiliated with the Ombudsman Office and expressed support to the efforts of the Association, especially training programs for police officers in Assiut and training in parliamentary election-monitoring.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR gave audience on 18 April, 2010 to a group of students of the Faculty of Mass Communication, Cairo University. The encounter focused on the functions of the NCHR and its General Secretariat, and human rights issues as well as the NCHR recommendations and the government responses in this concern. It also made reference to the NCHR role regarding some issues and complaints, its position vis-à-vis foreign funding and its cooperation with CSOs.

The Secretary-General welcomed the students and appreciated their concerns which reflect their knowledge of community-based issues and their close follow-up of developments. He invited them to benefit from NCHR-organized sensitization sessions and training courses related to human rights, especially those directed at media personnel.

Ambassador Dr. Mahmoud Karem received on 26 August 2010 Dr. Nesma el Bateeq, Media Professor in Cairo University. The meeting addressed proposals developing media interest in human rights issues. It focused on the evaluation of relevant material transmitted via mass media including commercials, programs, drama and movies. Welcoming these proposals, the Secretary-General called on the visitor to cooperate with the NCHR Cultural Rights

Committee to prepare for a specialized symposium on media and human rights. He requested that she develops a working paper on her proposals for evaluation.

Consequent upon the above mentioned, the Cultural Rights Committee has received Dr. Nesma El Batreed in a meeting that was attended by Committee Chairman Dr. Mohamed Hassanein Abdel Aal as well as Dr. Zeinab Radwan and Dr. Osama EL-Ghazaly Harb members of the Council. They discussed the proposals submitted and assigned Dr. Nesma El Batreed to sort out more detailed integrated suggestions in the light of discussions held.

With regard to NCHR interest in human rights and media issues, the Secretary-General has entrusted the Council researchers to receive Dr. Bassyouni Hamada, Media Professor in Cairo University on October 4, 2010 with the attendance of Dr. Ayman Salama to look into his proposals on how to leverage electoral participation via the media. These proposals involve raising the level of awareness of the electorates and urging them to participate. They also portend observance of media coverage ethics during electoral processes and campaigns. It has been agreed that an overview of the said proposals be laid down for submission to the NCHR Election Support Unit headed by Mr. Makram Mohamed Ahmed.

## **Second: Cooperation at the Regional Level**

The NCHR sustained efforts in supporting regional cooperation. In this regard, it participated in relevant regional forums and was engaged in the reception of regional delegations visiting the country. It presented its experience that was subject of interest at the level of these forums and gatherings for availing Arab countries. It also provided its experience in dealing with issues of mutual concern.

Concerning participation in regional forums, Dr. Zeinab Radwan, Council Member, has contributed to preparations for the 5<sup>th</sup> Euro-Arab Dialogue Conference held in Doha from 8 – 10 March 2010.

Counsellor Adel Abdel Baqi, Council Member, has attended the First Forum of National Human Rights Institutions in the Gulf Cooperation Council ( GCC ) States held in Doha on 20 -21 April 2010.

Council Member Counsellor Adel Qura has also taken part in the 6<sup>th</sup> Annual Meeting of National Human Rights Institutions dealing with issues related to the role of national institutions in promoting the rule of law held in Rabat, on 12 – 13 May 2010.

NCHR Member Counsellor Eskandar Ghattas participated in the 10<sup>th</sup> Doha Forum organized by the Foreign Ministry of the State of Qatar in Doha from 31 May to 2 June 2010.

The NCHR was represented by a three-member delegation of researchers in the International Workshop on the Right to Access Information that was organized by the Consultative Council for Human Rights in Rabat from 21 – 23 October 2010.

At the level of regional cooperation, a NCHR delegation led by Ambassador Dr. Mahmoud Karem has paid a visit to the Jordanian National Center for Human Rights headquartered in Amman on 20 September 2010 with a view to consolidate cooperation and share experiences and expertise.

The NCHR Secretary-General and Counsellor Mr. Essam Abbas have met with Dr. Adnan Badran, Head of the Board of Trustees of the Jordanian National Center for Human Rights and exchanged shields of the NCHR and the Jordanian Center. The two-member delegation also held an expanded meeting with Dr. Mohy Eddin Touq, Commissioner-General of the Center and the heads of the technical units of the Center during which they alternately identified the role of the Council and the Center and addressed the development of programs, projects and cooperation. The meeting was also dwelt on the strengthening of the presence of the two institutions in the United Nations International Coordinating Committee for the Promotion and Protection of Human Rights (ICC), especially that both institutions are rated (A) at the Committee level.

Discussions covered the role of the two institutions in the context of reviewing human rights in both countries through the Universal Periodic Review Mechanism (UPR) as well as conditions of street children and the growing religious intolerance in both countries.

Discussions also made reference to some events in Egypt including the extension of the application of the Law on the state of emergency, the murder of young man Khaled Saied, the prevention of Jordanian activist Samir Garah from entering the country and the role of the NCHR in legislation enactment. Discussions also dealt with issues in Jordan such as conditions of Egyptian labour, prisoners and detainees.

A memorandum of understanding for cooperation, in the area of exchanging experiences, know-how, cooperation and coordination in international forums, has been signed between the two institutions.

At the level of receiving regional delegations by NCHR officials, Vice-President Counsellor Moqbel Shaker, accompanied by Mr. Mohamed Fayek, Dr. Nabil Helmi, Dr. Ahmed Refaat members of the Council and Secretary General Ambassador Dr. Mahmoud Karem, have received an Iraqi delegation comprised of members of the Council of Representatives, the Judiciary and women institutions as well as human rights activists and university staff.

The Vice-President of the NCHR welcomed the members of the Iraqi delegation and spoke to them about NCHR mandate, aspects of work and activities. Dr. Ahmed Refaat briefed them on the Council's efforts towards disseminating human rights culture. Ambassador Dr. Mahmoud Karem signaled regional cooperation between NCHR and Human Rights institutions in many Arab countries. He elaborated on the Council's preparations in relation to monitoring parliamentary elections and its efforts in the field of training. Dr. Nabil Helmi explained how cooperation with State institutions concerned is carried out in order to give effect to the National Plan for the Advancement of Human Rights.

Mr. Mohamed Fayek underlined efforts of the Ombudsman Office to reach out to citizens in different governorates. He brought to attention means of complaint redress, elaboration of specialized reports, dispatch of fact-finding missions and proposed amendments to legislation. He further outlined aspects of cooperation with active non-governmental organizations as advocates of human rights.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR, received on 28 July 2010, the delegation of the Palestinian Human Rights Organization "Rassed". The meeting covered frameworks and horizons of cooperation between the NCHR and the Association and the latter's demarches to open its office in Egypt. The Secretary-General was handed the honorary certificate awarded by the Association to Dr. Boutros Boutros Ghali, President of the Council.

NCHR Vice-President Counsellor Moqbel Shaker and Secretary-General Dr. Mahmoud Karem have received on 11 October, 2011 Mr. Ghassan Abdel Hameed, Head of Training and Rehabilitation Department at the Human Rights Ministry in the Republic of Yemen. The meeting dealt with the exchange of visits and expertise between the two sides. The Yemeni delegation was briefed on the NCHR experience and activities especially with regard to complaint-lodging, election-monitoring, anti-torture action, legislation development, dissemination of human rights culture, skills training and regional cooperation with Arab institutions. He pointed out the Council's willingness to commission trainers to Yemen to train on elections monitoring.

Ambassador Dr. Karem Mahmoud received on 22 March, 2011 Ambassador Hamad el Amer, Under-Secretary of the Bahraini Foreign Ministry. The meeting reviewed the NCHR experience, mandate and handling of human rights violations and its annual reports. The visitor indicated Bahrain's intention of establishing a national human rights institution. He added that he will make a recommendation on dispatching a delegation to visit the NCHR in Egypt to get better acquainted with its experience.

NCHR Vice-President Counsellor Moqbel Shaker and Dr. Ahmed Refaat Council Member have met on 20 April, 2011 with the delegation of the Dubai Community Development Authority led by its Director-General Mr. Khaled el Kamda. The meeting focused on the NCHR, its mandate, role and different activities. It highlighted the NCHR interest in maintaining cooperation with various institutions concerned, at regional and international levels. The visiting delegation informed about the Emirati Authority, its role and activities related to human rights.

At the request of the visiting delegation, Counsellor Moqbel Shaker has explained the role of the NCHR in extending legal assistance to victims of human rights violations, its independence from the State and its comprehensive annual reports. He emphasized NCHR role within the context of the UN Human Rights Universal Periodic Review Mechanism (UPR). The two sides have agreed to work on setting up programs for cooperation in fields of training and dissemination of human rights culture.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on May,5 2010 a delegation of students of the Faculty of Diplomatic Sciences and International Relations – Qalmoun University in Syria led by Dr. Ibrahim Deragy. The meeting addressed the NCHR mandate, role and work strategy since its establishment as well as its efforts for the promotion and dissemination of human rights culture in Egypt. It referred to cooperation between the NCHR and its counterparts in the Arab and international arenas. It gave account of the role undertaken by the NCHR Ombudsman Office. It also highlighted the role of the Committee of Five in dealing with ministries concerned in the framework of follow-up and resolution of human rights complaints, as well as that of the NCHR Anti-torture Unit. It underlined the contribution of the NCHR within the Universal Periodic Review (UPR) of human rights in Egypt and NCHR willingness to follow up on the implementation of UPR recommendations. It also emphasized underpinned NCHR cooperation with CSOs and its preparedness for parliamentary elections.

The Syrian delegation expressed their thanks for the exhaustive presentation made by the Secretary-General and handed over to him the shield of Qalmoun University.

NCHR Vice-President Counsellor Moqbel Shaker received on 7 July, 2011 the delegation of the Ministry of the Affairs of Palestinian POWs and the Released led by Counsellor Saleh Nezal, accompanied by Mr. Shawqy el Eissa, Mr. Nasser el Rayes, Mr. Gawad el Ammary and Mr. Khaled Qeezmar. The meeting was attended by Mr. Mohamed Fayek, Ambassador Ahmed Hagag, Dr. Mohamed Saied el Daqaq, Dr. Ahmed Refaat, Mrs Ibtessam Habib, Dr. Georgette Qeeleny, Counsellors Adel Abdel Baqy and Ragaa el Arabi, members of the Council, and the Secretary-General Ambassador Dr. Mahmoud Karem.

The meeting tackled the conditions of Palestinian POWs in Israeli prisons and the violations of their human rights as well as perspectives of cooperation between the two parties for mobilization in support of POWs' rights and release. The NCHR Vice-President emphasized the depth of relations between the two countries and peoples. He expressed his indignation over Israeli violations of the rights of POWs whether by bringing them to trial in contravention with the International Law or their mal treatment in detention. He further underpinned NCHR support to Palestinian rights.

During the discussion, the Palestinian delegation emphasized the atrocity of Israeli systematic violations against Palestinian POWs and detainees, noting that there were still more than 7000 POWs in Israeli jails and that the total number of detainees amounts to 70000 against one Israeli POW who is preoccupying the entire world. The Palestinian delegation added that military laws of the Israeli occupation allow for the conviction of a Palestinian POW according to the testimony of one Israeli soldier, as well as the right of any Israeli officer to issue a detention order regarding any Palestinian. The delegation put forward the Ministry's demarches to internationalize the POWs' issue and spoke about the plan of action of the Ministry in this respect. They made reference to efforts intended to ensure the viability of the

Fourth Geneva Convention as far as occupied territories were concerned and to have recourse to the International Court of Justice for arbitration or issuance of its opinion to this effect.

All NCHR Council members attending reiterated their support to the Palestinian rights and affirmed the Council's support to the efforts of the Palestinian Ministry concerned in this regard. Dr. Mohamed Saied el Daqaq member of the Council, remarked that the Council has established a specialized unit to monitor and document crimes committed by the Israeli occupation. He further called for the employment of advanced technology at the media level for mobilization and outreach in favor of the POWs' issue. Ambassador Ahmed Hagag member of the Council, stressed the importance of benefitting from Arab and Islamic support lent to the given issue in international forums. He suggested that the Ministry assigns lawyers to litigate before the International Court of Justice, to invite the Red Cross to intensify efforts of relevance and to consider cooperation with South African Institutions, mindful of their experience regarding the release of African Leader Nelson Mandela and others. Dr. Georgette Qeleeny member of the council, requested paying more attention to detained children and women and providing the NCHR in Egypt with different statistics on POWs to help consolidate its role in backing up their cause.

Mr. Mohamed Fayek, member of the Council, recommended focusing on Israeli racism to simulate the South African experience and necessarily refute Israel's allegations that it is not an occupying force and that Palestine is a land without population. Dr. Ibtessam Habib, member of the Council, called for the development of an international document condemning Israeli crimes. Counsellor Ragaa el Arabi, member of the Council, suggested bringing pressure to bear on the European Union to abandon its passive stances and to institute a competent institution under the umbrella of the League of Arab States. Counsellor Adel Abdel Baqi, member of the Council, stressed the importance of documentation as an underlying factor in media campaigns. Dr. Ahmed Refaat, member of the Council, recommended documentation and registration of accounts of stealing POWs' organs and conducting medical experiments on them. He also suggested taking advantage of the dual nationality of some POWs in attracting additional international support.

In conclusion, the Palestinian delegation confirmed grave Israeli violations in general and in connection with POWs and detainees in particular. They expressed thanks to the NCHR and its Council members for the meeting as well as for their outspoken support to the Ministry concerned and the Palestinian people. They also reaffirmed their determination to brief the Council on future moves of their Ministry and to remain in contact with it for coordination purposes.

In perspective of enhancement of capacities of NCHR researchers and participation in regional training activities, researchers from NCHR had attended the 19<sup>th</sup> Anbetawy Session organized in July 2010 in Tunis by the Arab Institute for Human Rights.

### **Third: Cooperation at the International Level**

#### **1- Interaction with UN Agencies concerned:**

The NCHR paid special attention to its involvement in the Universal Periodic Review Mechanism of the human rights record in Egypt. The NCHR participated in the UN Human Rights Council session in February 2010 during which the national human rights' report of Egypt has been debated. It has been represented by a delegation comprised of Dr. Nabil Helmi, Mr. Hafez Abu Seada, members of the Council and four researchers.

NCHR Vice-President Counsellor Moqbel Shaker and Secretary-General Ambassador Dr. Mahmoud Karem, received on 12 April, 2011 Mrs. Joy Ezeilo, UN Rapporteur for the Prevention of Human Trafficking.

The meeting devoted special attention to the NCHR role in this area. The Vice-President detailed the role of the NCHR, its mandate and concerns as regards this phenomenon. He underlined the NCHR support to related State efforts with special emphasis on the new legislation for the organization of donation of human organs as well as the unified draft law on fighting against human trafficking. He laid emphasis on the NCHR interest in advocating remedy of economic and social causes leading to the production of various modes of human trafficking. He outlined cooperation between the NCHR and CSOs in fighting this phenomenon

The Secretary-General elaborated on the NCHR efforts to this end in cooperation with the National Center for Social and Criminal Research. This was manifest in holding a number of specialized seminars and workshops on anti-human trafficking. He also referred to efforts undertaken in this field by the National Council for Women and the National Council for Childhood and Motherhood.

In connection with the Universal Periodic Review (UPR) and in pursuance of the NCHR dedication to follow up on the activities of the UN Human Rights Council, Dr. Hossam Badrawy, Mrs. Mona Zulficar and Dr. Mohamed Saied el Daqaq, members of NCHR had participated in the 14<sup>th</sup> Session of the Human Rights Council during which the report of the working group of the Universal Periodic Review Mechanism on Egypt was deliberated.

A NCHR delegation made up of Vice-President Counsellor Moqbel Shaker, Ambassador Ahmed Hagag, Dr. Fouad Abdel Moneim Riyad and Mr. Mounir Fakhry Abdel Nour, members of the Council, had attended the UN Annual Meeting of the International Coordinating Committee for National Human Rights Institutions (ICC) held on 12-13 May, 2011 in Geneva.

Dr. Ahmed Refaat, NCHR Council member, took part in the Human Rights and Commercial Business Conference organized by the UN International Coordinating

Committee for National Human Rights Institutions (ICC) in Edinburg, Scotland from 8-10 October 2011.

## **2- Cooperation with Relevant International Institutions:**

Council member Mrs. Ibtessam Habib took part in the Second Symposium on the Universal Periodic Review of Human Rights (UPR) organized by the International Organization of *La Francophonie* in Rabat on 22 and 23 May 2011.

Regarding interaction with national human rights institutions and Ombudsman offices at the international level, Mr. Mohamed Fayege, Council member, Head of NCHR Ombudsman Office and Chairman of the Arab Organization of Ombudsman Offices, had participated in the Conference on "Human Rights: "Universal Principles and Regional Guarantees" organized on February 1, 2010 in Paris by the Republic Mediator of France.

Mr. Mounir Fakhry Abdel Nour, Council member, had participated in the 4<sup>th</sup> Meeting of the Ombudsman Offices in Mediterranean States held in the Madrid on 14 – 15 June 2010.

Council member Dr. Mohamed Saied el Daqaq attended the Arab-Ibero American Meeting Program of National Human Rights Institutions held in Casablanca on 12 – 13 October 2010. Counsellor Eskandar Ghattas, NCHR member, participated in the roundtable on "Repercussions of Global Violence and Responses" held in San Remo in Italy in September 2010.

NCHR Council member Ambassador Ahmed Hagag took part in the meeting of the Committee the Permanent Forum on Arab-African Dialogue on Democracy and Human Rights that was held in Paris on May 31, 2010.

Within the context of strengthening the capacities of the NCHR researchers, the Council had enrolled some of them in hands-on training programs organized by the office of the UN High Commissioner of Human Rights in its headquarters in Geneva thus allowing them to contribute to the said Office day-to-day activity and acquired expertise.

Further, a researcher from the NCHR took part in the annual training program organized by the International Human Rights Institute in Strasbourg, France in July 2010.

## **3- Cooperation with the European Union**

NCHR President, Dr. Boutros Boutros Ghali received on March 27, 2010 the EU Ambassador in Cairo. The meeting was attended by Mr. Mohamed Fayege, head of the Ombudsman Office and Secretary-General Ambassador Dr. Mahmoud Karem.

The meeting tackled the role of the NCHR in remedying complaints, its willingness to monitor parliamentary elections and its contribution to the Universal Periodic Review (UPR) and efforts to disseminate human rights culture.

The NCHR President elaborated on efforts exerted to enhance civil society participation in monitoring the elections and the support lent to them through training activities for election observers from the civil society as well as NCHR assistance in issuing permits by the Higher Election Commission for election observers and ongoing coordination with the said Commission to facilitate monitoring tasks.

Concerning international monitoring of the elections, the NCHR President confirmed the Council's position in support of it. He made it clear that in Egypt, there are more than 120 foreign embassies plus intensive coverage of foreign media that embodies in fact an international election monitoring. He drew attention to the fact that the NCHR works on the promotion of political participation as a corner stone along the track of democracy and human rights.

The two sides agreed to renew the agreement between the NCHR and the EU regarding the NCHR Ombudsman Office Project, being a strategic priority for both parties.

NCHR Secretary-General Ambassador Dr. Mahmoud Karem received on April 1, 2010 Mr. Marc Franco EU Ambassador to Egypt accompanied by Counsellors Raffaella De Wolff and Armelle Lidou members of EU Delegation in Cairo. The meeting covered different topics including cooperation between the NCHR and the EU, the activities of the NCHR Ombudsman Office, the Committee of Five and the elections monitoring as well as the NCHR support to both Bahais rights and CSOs demands for amending the effective Associations Law.

The EU delegation requested that the NCHR presents its proposals regarding the promotion of joint cooperation.

NCHR Vice-President Counsellor Moqbel Shaker met with the European Union Delegation for Human Rights at the Spanish Embassy in Cairo on April 7, 2010. The Vice-President expressed his pleasure for holding the meeting and applauded NCHR-EU cooperation covering a number of crucial activities of the Council.

Replying to questions put to him, the Vice-President emphasized the NCHR interest in following up on how the recommendations of the Universal Periodic Review were to be given effect. He has made it clear that Egypt had turned down some recommendations that were not compatible with its social and cultural realities such as the freedom of sexual inclination and equality in inheritance. However he mentioned that he expects reconsideration of the penalty of capital punishment and the limitation of its application.

He also reaffirmed the NCHR support to the civil society-proposed amendment of the Associations Law in force. He pointed to the NCHR coordination with both the National Council for Women and the National Council for Childhood and Motherhood. He stressed the NCHR concern with following up on the draft law on anti-terrorism, especially in relation to the balance between rights and freedoms and security considerations. He moreover

emphasized the NCHR dedication to discrimination in general and women in particular as issues of paramount significance. He expressed hope that Egyptian women will be qualified to hold judicial office in the State Council.

NCHR Secretary-General Ambassador Dr. Mahmoud Karem received on July 5, 2010 Mr. Michael Ryan, in charge of Political Affairs in the EU Mission in Cairo and Mrs. Nevis Fernandez, the Mission's Political Analyst. The Secretary-General expressed his appreciation of the visit of representatives of the EU Mission to the NCHR Ombudsman mobile units in Upper Egypt and Red Sea governorates. He made reference to the NCHR efforts in coordination with the Ministry of Justice to resolve the issue of the Baha'is' identity cards. He outlined NCHR remarks on the Shura Council elections and the role of NCHR Election Monitoring Unit during these elections and its efforts in training the observers.

The two sides have agreed to strengthen NCHR cooperation with CSOs in monitoring next elections. The Secretary-General has made it a point that building national capacities in the area of election monitoring is a top priority, and that international monitoring comes next. He hinted to the case of the international Palestinian elections and how the situation in Palestinian territories ended up.

NCHR Vice President Counsellor Moqbel Shaker received on November 22, 2010 a delegation of Ambassadors of EU countries in Egypt. The meeting was attended by members of NCHR Council Ambassador Ahmed Hagag, Dr. Ahmed Refaat, Mrs. Ibtessam Habib, Mr. Hamdi Khalifa, Counsellor Abdel Baqy, Dr. Fouad Riyad, Dr. Laila Takla, Mr. Makram Mohamed Ahmed and Dr. Nabil Helmi, as well as Secretary-General Ambassador Dr. Mahmoud Karem. Major General Mohamed Refaat Qoumsan, Director of the General Department of Elections at the Ministry of Interior and Colonel Mahmoud Zaki have also attended the meeting.

The Vice-President welcomed the EU delegation and reviewed the NCHR preparedness for the People's Assembly elections due to take place in 6 days. He explained how the NCHR is training observers and working in cooperation with the Higher Election Commission on issuing permits for them while putting in place an operation control room to avoid past errors.

Mr. Makram Mohamed Ahmed, member of the Council and Head of the Election Monitoring Unit in the NCHR has confirmed the intention of the ruling party, the Higher Election Commission and the Ministry of Interior to ensure that the electoral process is conducted in transparency and fairness. He mentioned that opinions mostly concur on refusal of international election monitoring on account of its infringement on State sovereignty and underpinned his confidence in national monitoring. He conceded that the NCHR supports the role of national observers and helps them perform this role as optimally as possible. He spelled out the need to have one observer for every five committees, bringing the total number of observers to 7000.

He inspected equipment of the NCHR central operation room and reviewed efforts to train police officers to ensure smooth conduct of the electoral process. He referred to his meetings with members of the Higher Election Commission.

Similarly, he stated that the NCHR issued a report on the recent Shura Council elections that was markedly transparent and objective and which tracked a number of violations that occurred during the electoral process. The report was not favorably accepted by some officials. However, this will not prevent the issuance of another report on the People's Assembly elections that will register all violations likely to be committed and, in addition, recommendations on the amendment of laws pertinent to the Higher Election Commission.

NCHR Council member Mr. Hamdi Khalifa has made it clear that the Bar Association is in cooperation with the Council as regards election monitoring, noting that the State guarantees freedom of national monitoring and that the forthcoming elections offer the best proof of this.

Major General Mohamed Refaat Qomsan threw light on the role of the Interior Ministry in organizing the electoral process and its interest in effectuating the Constitution and election-regulating laws and elucidating their provisions. He added that this role is complementary to that of some other government agencies. He also spoke about the role of the Higher Election Commission, its independence and composition as well as the Interior Ministry's full support to the NCHR and its part in pushing forward the reform drive in the country.

On his side, Ambassador Marc Franco, EU Ambassador to Egypt focused on two recommendations of the NCHR-organized workshop on "Integrity of the Electoral Process" on October 23, 2010. The first recommendation was on election lists, their downloading on CDs and distribution to all committees in all constituencies while making them available to the entire electorates with transparent data about every candidate accurately quoted. The second recommendation was related to voting by using the national number card (ID) instead of the election card.

The Vice-President made it clear that the Interior Ministry and the Higher Election Commission have agreed to use the national number card (ID). Mr. Makram Mohamed Ahmed added that election lists were updated and made available on CDs for perusal by candidates and citizens.

Major-General Mohamed Refaat Qomsan noted that the Ministry of Interior is in cooperation with all State bodies particularly the mass media to urge citizens to participate in the elections and facilitate their vote-casting. He explained some arrangements that the Ministry had made for this purpose.

On her part, Swedish Ambassador in Cairo Ms. Malin Karre raised two questions: First concerning the inaccessibility of the NCHR report on Shura Council elections for all; and second about training police officers for the election process and the role of the Ministry of Interior in this regard.

Replying to the first question, the NCHR Vice-President mentioned that the NCHR had kept the report confidential pending government agencies subject of coverage were communicated and informed of the recommendations. He added that the report will be then published and made available to all. Major-General Mohamed Refaat Qomsan, answering the second question, has mentioned details of the training courses organized by the Ministry of Interior on all levels in cooperation with the bodies concerned. He explained the Ministry's responsibilities vis-à-vis the electoral process.

He also replied to the question of Mr. Ton Arna, political Counsellor in the German Embassy by explaining how vote-counting is carried out.

Dr. Laila Takla, member of Council, stressed the importance of sensitizing citizens to ensure their interaction with elections. In reference to violations detected in the Shura Council elections, she remarked that the NCHR had monitored these violations in order to avoid their recurrence thus accounting for early election preparations on the part of the NCHR. She further reviewed the latter's arrangements of relevance, assuring its ability to handle difficulties stymieing fulfilment of election transparency.

Ambassador Ahmed Hagag, member of the Council, said that designation of quota in the People's Assembly for women involves defiance to the Egyptian women especially that there have been attempts at challenging its constitutionality.

Colonel Mahmoud Zaki, from Ministry of Interior, tended to make illustrious the content of training courses organized by the Ministry of Interior to train police personnel in the management of the elections. He brought to light the Ministry's ceaseless endeavor to raise citizens' awareness as regards their rights and obligations before, during and after the electoral process. He affirmed the Ministry's interest in the neutrality and fairness of the elections, stressing that its role is limited to safeguarding the electoral process.

Mr. Michael Ryan, political Counsellor in the European Commission Mission has inquired about the issuance of the remaining permits for national observers since only 2000 out of 6000 permits were issued to date. The Vice President responded that all permits will be issued before the elections and that the Chairman of the Higher Election Commission had confirmed it.

At the close of the meeting, the delegation expressed thanks to the NCHR for its kind consideration and hoped the election process will be conducted peacefully and wished it success.

#### **Fourth: In the Area of Bilateral Cooperation at the Country Level**

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR welcomed on March 23, 2010 Mrs. Tessa Terpstra, First Secretary at the Embassy of the Netherlands in Cairo accompanied by Ms. Meline Arakelian, Second Secretary for Press at the Embassy. The meeting touched on joint cooperation in the field of fighting against torture. It recommended

consideration of future cooperation for the promotion of the rights of persons with disabilities. The Secretary-General elaborated on the NCHR initiative intended to resume cooperation with ministries concerned within the context of the Committee of Five as well as cooperation with CSOs and preparations for monitoring parliamentary elections.

The two diplomats visited the Ombudsman Office in the NCHR and were informed about its efforts among which was its approach to the assault on Christian citizens in Nagaa Hamadi. They were told that the percentage of complaints related to torture accounts for 20% in average of the total complaints regarding civil and political rights that the Council receives.

Ambassador Dr. Mahmoud Karem NCHR Secretary General received on March 24, 2010 Mr. Mathew Twiler, Deputy US Ambassador in Cairo and Mr. David Burns First Secretary for Economic and Political Affairs at the Embassy. The Secretary general expressed NCHR appreciation of the cooperation with the USAID. He noted that the Council and the government are well-disposed to resume the work of the Committee of Five that is expected to contribute to the redress of complaints hand in hand with the NCHR Ombudsman Office which receives a large number of complaints annually in addition to steering mobile offices to reach out to citizens and listen to their grievances.

The meeting also dealt with the role of the NCHR in perspective of the Universal Periodic Review, its preparations for parliamentary elections and support to CSOs demands for the amendment of Law no 84/2002 as well as the second phase of the NCHR project for the dissemination of human rights culture and support of the rights of Baha'i citizens.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR and Mrs. Ibtesam Habib, Council member, received on May 30, 2010 a delegation of Assistants to Senior US Congressmen. The meeting took up the NCHR role, its different activities and aspects of cooperation at the national, regional and international levels. Replying to the delegation's inquiry about the extension of the state of emergency, Mrs. Ibtesam Habib corroborated the Council's position calling for its termination and hinted that its application, according to its last extension, is limited to cases of terrorism and narcotics which may be seen as a positive step for a temporary status.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on June 9, 2010 Mr. Michael Bogdanov, Ambassador of the Republic of the Russian Federation who conveyed to the Secretary-General the greetings of the Russian Human Rights Commissioner to NCHR President Dr. Boutros Boutros Ghali and referred to arrangements made for his expected visit to Cairo. He inquired about the NCHR remarks on the Shura Council elections and its position as regards international monitoring of the elections.

The Secretary-General in turn conveyed the greetings of the NCHR President to the Russian Human Rights Commissioner. He explained to the visitor the modus operandi of the NCHR Election-Monitoring Unit, how civil society observers are trained and how issuance of election observation permits facilitated in cooperation with the Higher Election Commission.

He added that the NCHR had received 57 complaints which were referred to the above mentioned Committee for response and guaranteeing their non-recurrence in the future. The Secretary-General stated that the NCHR places top priority to leveraging national monitoring capacities. The visitor showed interest in listening to the Secretary-General's viewpoint vis-à-vis the Russian role in the Middle East peace process and the Iranian nuclear file.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on June 16, 2010 Baron Volfgang Von Irfa, First Political Counsellor at the German Embassy in Cairo. The Secretary General reviewed the NCHR activities and efforts slated to promote and disseminate human rights culture as well as multiple projects the NCHR is running in cooperation with international donors and the European Union. He pointed out that the NCHR has resumed its cooperation with ministries concerned within the frame work of the Committee of Five.

Replying to a question on the case of the death of young man Khaled Saied regarding which the Bundestag had received a memorandum from Al Nadeem Center for Rehabilitation of Torture Victims, the Secretary-General emphasized the NCHR interest in the issue and that its Ombudsman Office had sent a fact-finding mission to this effect, adding that work is in progress to prepare a report on the matter. He also referred to the Prosecutor-General's decision to reopen investigation into the case and undertake again the autopsy of the corpse to find out the cause of the death. The visitor noted that a delegation from the Human Rights Committee in the Bundestag plans to visit Cairo in October and that he is proposing that the delegation visit the NCHR. The Secretary-General on his part extended invitation to the delegation to visit the NCHR headquarters.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on July 5, 2010 the Austrian Ambassador Mr. Thomas Nader. The meeting tackled the working strategy and major activities of the NCHR, with particular emphasis on the Ombudsman Office, Anti-torture and Election-Monitoring Units, and cooperation with civil society.

The Austrian Ambassador expressed his country's interest in issues of extending the law on the state of emergency, the unified draft law on providing for building places of worship, the Law on CSOs and freedom-restricting penalties in connection with issues of opinion and publication as well as the position regarding international election monitoring after Egypt's participation in monitoring elections of the Sudan.

The Secretary-General made it clear that the NCHR maintains its position demanding termination of the state of emergency and supports civil society proposals to amend the CSOs Law. He highlighted the NCHR stance in support of freedom of opinion and expression. He handed over to the visitor a copy of the NCHR sixth annual report in English to get better acquainted with its positions regarding different issues.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on July 13, 2010 Mr. Tsokasa Uemoura, Deputy Head of the Japanese Mission in Cairo. The Meeting

reviewed the drive of the NCHR ever since its establishment, the projects it is intimating with the support of international donors, as well as its role in Shura Council elections and preparations for People's Assembly elections plus its efforts through the Universal Periodic Review of Egypt and follow up on the implementation of recommendations. The meeting also dealt with horizons of cooperation between the NCHR and the Japanese Embassy in Cairo through the Japanese International Cooperation Agency on one hand, and between the NCHR and human rights units and committees in Japanese ministries on the other hand.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on July 26, 2010 Mr. Ivan Moltkov, Plenipotentiary Minister at the Embassy of the Republic of Russian Federation in Cairo who conveyed the greetings of Vladimir Lokein, Russian Human Rights Commissioner to NCHR President Dr. Boutros Boutros Ghali. He requested arranging a meeting with His Excellency during the Russian Commissioner's visit to Cairo in December 2010 instead of October to surpass the period of People's Assembly elections.

The Secretary-General welcomed the visit as an ample opportunity to give effect to the Protocol signed between the two sides in 2007. He suggested that the visit includes also a meeting with the NCHR Vice President. He proposed considering the possibility of holding a joint seminar with the participation of the Egyptian Council for Foreign Affairs.

The Secretary-General proposed to the guest arrangement of meetings with People's Assembly and Shura Council Speakers as well as the Ministers of Foreign Affairs and Legal Affairs.

NCHR Vice-President Counsellor Moqbel Shaker gave audience on July 13, 2010 to US Ambassador in Cairo Mrs. Margaret Scooby and the accompanying delegation. The meeting was dwelt on inquiries about midterm Shura Council elections, death case of young man Khaled Saied, crisis between judges and lawyers and extension of the state of emergency.

The Vice-President stated that the NCHR had participated in the election monitoring and had received 57 complaints mostly relevant to failure to obtain permits to elections observers while others were related to election- rigging. He explained efforts of the Unit headed by Mr. Makram Mohamed Ahmed, member of NCHR Council, and noted cooperation with the Higher Election Commission. He clarified that the NCHR has received 1400 election observation permits out of 4821 requests it has referred to the Higher Election Commission on behalf of CSOs.

He explained that the NCHR Ombudsman Office had set up a fact finding mission to determine the circumstances about the killing of young man Khaled Saied. The mission issued a report on the incident containing the Prosecution investigation and its decision to bring to trial the police detectives on charges of practicing cruelty and arrest without legal permission.

The Vice-President said that he is personally mediating the settlement of the crisis between judges and lawyers. He added that he is of the opinion that each party to the case seeks to bolster its position before its general assembly.

He confirmed the NCHR demand to abolish the law on the state of emergency. He added that, although the NCHR welcomed recent amendment limiting application of the given law to specific cases (terrorism and drug trafficking), it did not give up on its claim to abolishment. He further asserted NCHR demand to expedite adoption of anti-terrorism law and the release of all detainees. He also noted that he had visited Al Qanater, Bourj al Arab and Al Marg prisons, accompanied by Council members, and found improvement in the prisons conditions. He commended efforts of the Ministry of Interior in this regard.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on October 7, 2010 Ambassador Michael Bozner US Assistant Secretary of State and US Ambassador in Cairo Margaret Scooby. The Secretary-General spoke about the legal mandate of the NCHR, its working mechanisms, committees, specialized units and facets of its activities. He detailed efforts made by the NCHR in preparation for People's Assembly elections as well as projects of cooperation between the NCHR and many international institutions.

Discussions covered the role of the Committee of Five in following up on the handling of complaints as well as the role of the NCHR in tracing how conclusions of Universal Periodic Review are given effect, responses to extendable emergency law, draft law on terrorism-fighting and the NCHR preparations for parliamentary elections.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on October 10, 2010 Ms. Maleen Carry, Ambassador of Sweden in Cairo accompanied by Ms. Alexandra Redmark First Secretary at the Embassy. The meeting first touched on concern over the results of parliamentary elections in Sweden and the rise of the extremist right-wing trend. It dealt with the role of the Alexandria-based Swedish Institute and its human rights-driven activities. It also referred to Swedish government intention of issuing a report on the human rights situation in different countries of the world and its need for the NCHR assistance in the compilation of the report on Egypt. The report is to include some basic questions on amendments to the State of Emergency Law, the released detainees and death sentences and how many verdicts were executed.

The Swedish Ambassador inquired about the role of the NCHR in preparation for parliamentary election monitoring and assignment of local observers.

The Secretary-General has promised to organize a meeting for the Ambassador with officials of the NCHR committees and specialized units to respond to her inquiries in relation to her government report. He outlined obstacles hindering activation in cooperation with the Swedish Agency (SIDA) of the NCHR project. He called on the Ambassador to take part in the NCHR-organized workshop on election transparency safeguards. He mentioned the invitation the Council had extended to the Minister of Legal Affairs and Legislative Councils

to meet with the NCHR members to deliberate on challenges involved in the election process. The meeting further was to address the NCHR proposals on the introduction of legislative amendments with a view to consolidate the role of the Higher Election Commission and institutionalize its relations with the NCHR in terms of elections monitoring. He elaborated on the NCHR efforts in preparation for the elections by applying advanced high-tech systems, training national observers and assisting in the issuance of election observation permits for them as well as installing telephone lines in the NCHR for elections complaints.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on October 29, 2010 Mr. Michael Bogdanov Ambassador of the Republic of the Russian Federation in Cairo. The meeting dealt with the visit of the Russian Human Rights Commissioner to Egypt scheduled from 11-13 December 2010 as well as the Russian Ambassador meeting with Chairmen of the Higher Constitutional Court and the Higher Election Commission. The Russian Ambassador extended the invitation to the Secretary-General to visit Moscow within the framework of exchanging expertise.

The Secretary-General has also extended invitation to the Russian Ambassador to take part in the Workshop on Election Transparency held by the NCHR on 23 October 2010. He suggested arrangement of meetings for the Russian Commissioner during his visit with the Minister of Legal Affairs and Legislative Councils and the People's Assembly Speaker. He also proposed consideration of holding a press conference for the Russian Commissioner during his visit to the NCHR Headquarters.

NCHR Vice-President Counsellor Moqbel Shaker and Secretary-General Ambassador Dr. Mahmoud Karem gave audience on October 20, 2010 to Mr. Francois Zimeri, Chairman of the Human Rights Coordination Committee at the French Foreign Ministry. The meeting dealt with aspects of cooperation between Human Rights Institutions in both countries as well as reasons for the growth of the Salafy trend in the age of technology and scientific progress, difficulties hampering promotion of respect for human rights, death issue of young man Khaled Saied on suspicion of torture, phenomenon of female genital circumcision, citizenship, minorities, freedom of sexual inclination, capital punishment, bloggers and some regional affairs of interest to the Committee especially the judicial pursuit issue of the Sudanese President by the International Criminal Court.

Counsellor Moqbel Shaker explained that the growth of the Salafi phenomenon falls within the framework of traditions acquired by Egyptian labor migrants in Gulf countries. He gave details of the role of the NCHR in addressing complaints against human rights violations, especially those committed during the detention period. He explained how the NCHR has followed up the results of the investigation into the death issue of young man Khaled Saied after the investigation, which has been reopened, concluded that the cause of his death was related to swallowing up drugs. He added that the investigation into excesses recorded in the course of his arrest is going on. He clarified that religious beliefs do not impose female genital circumcision. It is rather a tradition that sensitization efforts are on message to

eliminate it and make it punishable. He also spoke about the role of the Citizenship Unit in the NCHR, stressing that special care is devoted to this vital issue. He said that freedom of sexual inclination is not acceptable according to norms and traditions. He stressed that abolition of death sentence is subject of controversy among countries of the world and that freedom of opinion and expression is guaranteed, denoting that imprisonment is applicable to convicts on charges of libel and slander. He underscored the NCHR interest in human rights conditions in the Sudan given close relations binding the two countries.

NCHR Secretary-General Ambassador Dr. Mahmoud Karem received on October 31, 2011 Mr. Takishi Okoubo, Political Counsellor at the Japanese Embassy accompanied by Mr. Takahero Kako, Third Secretary at the Embassy. The meeting dealt with the role of the NCHR in legislative elections and its cooperation with the Higher Election Commission in this respect as well as the outcome of the workshop organized by the Council on October 23, 2010. It also pointed to the NCHR support of CSOs planning to monitor the elections and its preparedness to monitor the People's Assembly elections, to receive complaints and to organize training courses for observers. The Secretary-General called on the two diplomats to visit the website of the NCHR and get informed of its different recommendations.

They paid tribute to the role of NCHR, confirming the willingness of the Japanese Embassy to boost the latter's efforts in the area of election-monitoring in addition to the development of its website.

NCHR Secretary-General Ambassador Dr. Mahmoud Karem, accompanied by Dr. Laila Takla, Counsellor Iskandar Ghattas and Counsellor Adel Abdel Baqy, members of the Council, received on November 2, 2010 a delegation of members of the German Parliament "the Bundestag". The delegation included Mr. Falker Bic, Mr. Egilca Graf, Mrs. Outy Granold, Mrs. Enety Group, Mr. Volvegang Gonkel, Professor Igon Youtner, Mrs Sibela Befifer, Mr. Sirkan Tourine and a number of their assistants.

The Secretary-General briefed members of the delegation on the Law establishing the NCHR and aspects of its activity, primarily its annual reports and election monitoring. The delegates were interested in inquiring about the NCHR role in protecting freedom of thought, freedom of belief and sexual freedom. They wished to be acquainted with the Council's vision regarding the CSOs Law and issues such as fight against female genital circumcision, domestic violence and anti-women violence and the detainees from Sinai especially children.

Dr. Laila Takla underpinned the NCHR interest in giving effect to citizenship rights and its draft law on places of worship. She threw further light on positive developments especially with regard to refunding of church endowments, considering Christmas of Orthodox Christians an official holiday for all Egyptians and court verdicts on Baha'is' identity papers. She spoke about the position of Islam and Christianity vis-à-vis freedom of sexual inclination as well as efforts of the Ministry of Family and Population concerning fight against female genital circumcision with successes scored in a number of governorates.

Counsellor Adel Abdel Baqy detailed the stance of the NCHR in support of the freedom of operating for CSOs. Counsellor Iskandar Ghattas called for cooperation with German and European sides with a view to remove obstacles undermining stability in the Arab region and withholding progress in the area of human rights. He elaborated on efforts aimed to modernize criminal justice projects in Egypt, ongoing reforms of penal institutions and the NCHR cooperation with international organizations.

NCHR Secretary-General Ambassador Dr. Mahmoud Karem received on November 4, 2010 Mr. Free Dekrokov Canadian Ambassador in Cairo who asked about increased detentions of members of the Muslim Brotherhood Group and the role of the Ministry of Interior during the elections.

The Secretary-General made it clear that the Egyptian Constitution guarantees the principle of citizenship, prevents mixing religion with politics and bans parties on religious basis. He added that election-regulating rules prohibit use of religious slogans with a view to shun outbreak of sectarian tensions.

On international election monitoring, the Secretary-General underlined that there is a consensus at the national level and agreement within the NCHR as regards the non-feasibility of international monitoring of elections, as well as high esteem to the judiciary. He added that election monitoring by CSOs is the alternative to the international monitoring and explained the NCHR role in training and preparing cadres working in CSOs on election monitoring and facilitating issuance of permits for their observers.

According to the Secretary-General, the NCHR sees no objection to the participation of international and regional organizations that Egypt had substantially shared in their foundation such as the League of Arab States and the African Union. He explained the NCHR role in promoting electoral awareness of citizens and urging them to partake as well as its efforts to enable citizens abroad to participate in the elections.

Regarding the role of the Ministry of Interior, the Secretary-General clarified that it is exclusive to maintenance of security and safeguarding of transport of ballot boxes. He also referred to the right of every candidate to have his representative present in the polling stations and to follow up transport and vote-sorting of these boxes.

NCHR Vice-President Counsellor Moqbel Shaker received on November 28, 2010 a delegation representing Embassies of Poland, Spain and Romania in Cairo. He responded to their inquiries about the electoral process and complaints lodged with the NCHR elections operation room. He also addressed reasons for closure of some polling stations in Alexandria, election observation permits, date of announcement of elections results and problems expected to arise.

The Vice-President mentioned that the NCHR has received to date 35 complaints generally dwelt on belated opening of some polling stations, non issuance of permits for some

observers, and prevention of some observers and candidates' representatives from being present inside the polling stations. He added that the NCHR had investigated into these complaints and managed to redress them in cooperation with the Higher Election Commission.

Concerning closure of some polling stations in Alexandria, the Vice President said that they were ordered closed for a specific period of time upon the decision of the Head of the Election Commission and will be reopened shortly should necessity no longer call for it, adding that the NCHR had received no complaints from Alexandria in this regard.

Concerning election observation permits and date of announcement of results, the Vice President outlined that permits issued were 6130 in favor of 32 civil societies and non-governmental organizations. He added that the final number of permits ranged between 11,000 and 12,000 where some organizations had tended to issue their permits directly from the Higher Election Commission.

With respect to the role of the police, the NCHR Vice President confirmed that it is confined to security-keeping, to interference with cases of violence and rioting and to safeguarding of transport of ballot boxes.

Concerning problems expected to arise, he said that acts of violence were foreseen in some of Qena, Cairo and Alexandria constituencies as part of clashes likely to break out between the candidates' supporters. In reference to voting by Egyptians abroad, the Vice President noted that this approach is not yet applicable, but it is currently under study to be given effect in the nearest time possible.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on November 29, 2010 Mr. Ivan Moultkov, Plenipotentiary Minister at the Embassy of the Republic of the Russian Federation in Cairo who was accompanied by Mr. Maxim Maskerov from the Embassy. The Russian diplomat expressed his country's interest in the People's Assembly elections, the first round of which has already been held. He inquired about the electoral process, the complaints filed with the NCHR, the role of the Ministry of Interior and election monitoring permits the NCHR has facilitated issuing for CSOs.

The Secretary-General responded by providing the same information he mentioned before in previous meetings. The meeting touched on the visit to Egypt on 11 – 14 December 2010 by Mr. Vladimir Lukin, the Russian Commissioner for Human Rights. The Secretary-General stated that dates were set for the meeting of NCHR President Dr. Boutros Boutros Ghali, Vice-President Counsellor Moqbel Shaker and members of the Council with the Russian official on December 13, 2010 to discuss joint cooperation between the two sides.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR also received on May 5, 2010 Mr. Estivan Lacots, Ambassador of Human Rights Affairs in Hungary. Attending the

meeting was Mr. Peter Kevac, Hungarian Ambassador in Cairo and part of the meeting NCHR Council member Dr. Zeinab Radwan.

The Secretary-General reviewed the activities of the NCHR at the international and regional levels and its role in strengthening the human rights drive in Egypt. He also tackled efforts of NCHR in terms of its preparatory work relevant to the Universal Periodic Review. He added that the NCHR had explored, in this context, views and recommendations of CSOs, submitted a report that was subject of international acclamation and participated in the two sessions to debate Egypt's report before the UPR mechanism.

The Secretary-General brought up the work mechanism of the NCHR Ombudsman Office and made reference to EU support lent to it.

Dr. Zeinab Radwan, member of the Council and head of the Research and Legislative Development Unit, made reference to the Unit's activities as well as its efforts to deal with Egyptian laws to ensure their conformity with international charters that Egypt has ratified.

Mr. Lacots expressed his appreciation for the NCHR and its role. He explained the role of the International Center for Prevention of Genocide and Crimes against Humanity affiliated with the Hungarian Foreign Ministry, the creation of which was prompted upon the initiative of the Hungarian Government in 2006 and elaborated on its development since then to date. He pointed to the Center's goal of increasing the leverage of international efforts bound for the establishment of an institutional system capable of preventing genocide crimes. He stated that the Center is well-reputed for maintaining good relations with many international organizations and is well-disposed to organize an international conference on human rights issues and violations. Mr. Lacots extended an invitation to NCHR President Dr. Boutros Boutros Ghali to attend the Conference.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on November 9, 2010 a delegation of diplomats of the Republic of Azerbaijan. He detailed to the members of the delegation the NCHR establishment and composition, work mechanisms, in-house committee activities and projects in place. The Secretary-General addressed the issue of the upcoming elections of the People's Assembly and the role of the NCHR in following up on these elections and facilitating the participation of CSOs and training observers.

Members of the delegation raised a number of queries regarding the law on the state of emergency in Egypt, the position of Palestinian refugees and how far they enjoy their rights, the transparency of elections, the NCHR role in fighting against human trafficking as well as its efforts in the face of assaults on Islam and defamation of religions.

The Secretary-General has explained the following:

- The NCHR, since its establishment, has been calling for accelerated enactment of the Law on terrorism-fighting and termination of the state of emergency. It is also of the opinion that

some progress has been achieved with regard to recently limiting application of the Law on the State of Emergency to terrorism and narcotics cases.

- Egypt has been and still is in support of the Palestinians and is considered to be their second home. Large numbers of Palestinian businessmen are settled in Egypt and Palestinian refugees and enjoy their full-fledged rights. Egypt has always been supportive of the Palestinian cause and has provided massive material and human sacrifices to this end.
- On election transparency, it can be safely admitted that it accounts for the prime interest of the NCHR having organized a well-studied workshop on the Fairness of the Election Process” with the participation of representatives of the Higher Election Commission and the Ministry of Interior. The NCHR similarly contributes to providing potentially-trained national observers to monitor the elections.
- Regarding the issue of anti-trafficking of persons, the NCHR has established a unit to follow up this phenomenon. It is also a member of the National Committee to Combat Human Trafficking. In this regard, the Secretary-General also reviewed efforts at the level of the State and the First Lady, thus helping with the adoption of the anti-human trafficking law.
- With respect to countering assault on Islam and denigration of religions and religious symbols under the guise of freedom of expression, the Secretary general pointed out to the action taken by the NCHR in addressing the Embassy of Denmark in Cairo regarding what has been published in Danish newspapers. He added that the NCHR had also addressed the Organization of Islamic Conference (OIC) and other international organizations to this effect.

#### **Fifth: Cooperation with International Non-Governmental Organizations and Academic Institutions**

NCHR President Dr. Boutros Boutros Ghali received on March 4, 2010 a delegation representing the General Secretariat of the International League of Catholic Schools. The meeting dealt with the convocation of the international conference of the said League as well as the facilities provided by the NCHR President in this regard and his suggestion to invite human rights organizations concerned the UNESCO, the African Union and the League of Arab States to attend. Members of the delegation expressed thanks to the NCHR and its President for the assistance offered to the League.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on March 11, 2010 Mr. Nezar Abdel Qader, Director of the Geneva Institute for Human Rights who presented the Institute’s role and activities ever since its establishment. He pointed out that it is specialized in the field of training at the level of government agencies and non-governmental organizations (NGOs) as well as national institutions in Morocco, Jordan and Qatar, particularly concerning UN mechanisms.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR also received on April 7, 2010 Mrs. Heba Fatma Morayef, researcher at the Middle East Division in the US Human Rights Monitoring Organization "Human Rights Watch". The meeting took up the role of the NCHR within the context of the Universal Periodic Review and NCHR annual reports as well as the role of the NCHR Ombudsman Office, developments of the Baha'is issue, monitoring of upcoming parliamentary elections and the NCHR interest in accelerated adoption of a unified draft law on places of worship for the promotion of citizenship. The visitor indicated her Organization's bid to register for operation in Egypt and obstacles facing it in this connection.

NCHR Council member Mr. Mohamed Fayeq received on May 30, 2010 a delegation from the General Secretariat of the International League of Catholic Schools. The meeting was mainly dwelt on the convening of the International League Conference and the facilities the NCHR can provide for this purpose. The delegation requested the Interior Ministry's approval in order to extend invitations at the global level for the Conference. The delegation informed the NCHR of their intention to invite the Patriarch of Catholic Copts in Egypt, a number of priests and education ministers in Europe and the United States of America as well as the Egyptian Minister of Education to inaugurate the Conference. They asked if they can be informed of the title of the opening lecture to be delivered by NCHR President Dr. Boutros Boutros Ghali. They further inquired about the possibility of extending an invitation to the Sheikh of Al Azhar and the Grand Mufti of Egypt.

Mr. Mohamed Fayeq suggested inviting all NCHR members, intellectuals such as Dr. Ahmed Kamal Abu el Magd, former NCHR Vice-President, the UNESCO, the African Union, the League of Arab States and the European Union

The visiting delegation expressed thanks to the NCHR for the assistance provided to the Conference. The two sides agreed on meeting in October 2010 to resume following up of the arrangements.

Counsellor Adel Qura, Council member, received on June 8, 2010 Dr. Ray Jureidini, Director of the Center for Migration and Refugees Studies (CMRS) at the American University in Cairo. The meeting focused on the prospect of the NCHR contribution to the Center's Project for the protection of the rights of refugees and migrants in transit States. Counsellor Qura underlined the NCHR intention of studying the project as well as the possibility of participation of the NCHR Migration Unit in the preparation and organization of training courses.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR received on June 10, 2010 Mr. Michael Paternoter, Director of the Germany-based International Organization for Democracy who focused on the background and development of the activity of his Organization as well as its interest in the compilation of a report issued in 2007 on the electoral system in Egypt that traced manifold serious omissions.

The Secretary-General spoke about the NCHR efforts in the field of training observers from civil society organizations in elections in addition to training police and media personnel and judges in the activities related to the electoral process and providing required safeguards. He also made reference to efforts of the NCHR Election Monitoring Unit to facilitate issuance of permits for CSOs observers in cooperation with the Higher Election Commission. He remarked that the NCHR has received 57 complaints regarding Shura Council elections and also exerted efforts to prepare a detailed report on these elections. He pointed to NCHR demands for correction of electorate lists, voting by using national ID cards and automated entry of births in electorates register on reaching the age of 18.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR also gave audience on June 15, 2010 to Dr. Brooke Comer, Press Professor at the American University in Cairo and Dr. Barbara Harrell, Expert at the Refugees Studies Center in US Oxford University. The meeting dealt with efforts of the Center as well as efforts of Africa and Middle East Refugee Assistance (AMERA) in Egypt, and its proposals to ensure legal assistance to increased numbers of asylum seekers in Egypt.

Ambassador Dr. Mahmoud Karem, Secretary-General of the NCHR, together with Council members Mr. Makram Mohamed Ahmed, Dr. Zeinab Radwan and Mrs. Ibtisam Habib, have also received Mr. Sam Lahoud, Regional Director of the International Republican Institute and Mrs. Marwa Salah, Programs Director at the Institute.

The NCHR Secretary-General and Council members listened to an overview of the Institute and its activities which are generally related to the electoral process as well as its activities in Egypt and the follow up of its efforts for registration and operation in Egypt.

Dr. Zeinab Radwan made a presentation on the NCHR efforts towards the promotion of cultural rights and as well as the development and filtration of legislation with special emphasis on proposals vis-à-vis the amendment of the Civil Associations Law based on consultation with NGOs and discussions with government officials.

Mr. Makram Mohamed Ahmed addressed problems pertinent to the Egyptian government's refusal to accept international monitoring of the elections while opposition parties are in support of it. He added that it takes place practically on the part embassies, foreign missions and world press agencies based in Egypt. He further pointed out the importance the NCHR attaches to strengthening election monitoring and its role in this regard at the national level as manifest in facilitating the participation of national observers, their training and qualification.

*Chapter V*

*National Plan for the Advancement of Human Rights*

## *National Plan for the Advancement of Human Rights*

In 2010, the National Council for Human Rights (NCHR) has ceaselessly pursued its efforts to monitor the implementation of the national plan for the advancement of human rights. The Council has discussed with ministries and government agencies concerned and in coordination with civil society organizations (CSOs) means and ways of making it functional. The Council has also proceeded with its efforts towards its integration into the National Development Plan for 2007-2012.

The National Plan Follow-up Unit for the promotion of human rights, headed by Dr. Nabil Helmi, member of the Council, has held frequent coordination meetings with representatives of 14 ministries and representatives of civil society institutions.

In respect of coordination with ministries and government agencies, the NCHR has developed interest over the year in leveraging action to urge ministries concerned to adopt specialized plans within their realm of competence and mandate, discuss their content and support their implementation according to a set of performance indicators to measure progress achieved and identify obstacles for their elimination.

As for coordination with civil society organizations, discussions were carried on to develop a common vision and an operational framework for cooperation to implement the objectives of the plan.

### **First: Coordination with Ministries Concerned**

The Head of the National Plan Follow-up Unit has held coordination meetings on April 7, 2010 with representatives of the Ministry of Health, on April 26 with representatives of the Ministries of Housing, Water Resources and Higher Education, on May 23 with representatives of the Ministries of Water Resources and Higher Education, on June 9 with representatives of Ministries of Transport, Agriculture, Culture and Housing, on June 21 with representatives of the Ministry of Education, on July 4, with representatives of the Ministries of Environment and Economic Development, on August 9, with representatives of the Ministries of Investment, Manpower, Health and Electricity as well as meetings in December with representatives of the Ministries of Education, Health, Manpower, Information and Electricity.

The Council has received reports and action plans of the following Ministries: Housing, Water Resources, Economic Development, Environment, Transport, Information, Education and Electricity.

#### **1- The Report of the Ministry of Housing focused on the following:**

- At the level of providing safe drinking water, the Ministry has implemented projects worth a total of L.E. 40.5 billion in 2009 as well as 89 projects with a capacity of 3.2 million cubic meters daily, planned to be all completed in 2010.
  
- Concerning water waste services, the Ministry has implemented projects worth a total of L.E. 55.2 billion. Work is also in progress on 98 projects with a capacity of 1.6 million cubic meters daily in addition to projects servicing 266 villages during 2010.

- With regard to housing services, the Ministry has proceeded with implementing the National Project for Housing designed to serve numerous categories including low-income class and persons with disabilities. Construction of 42 square meter apartments for the most needy is underway. So far, 234,000 apartments were delivered whereas 33,000 apartments are yet to be delivered. A number of 215,000 apartments are under construction, while 42,000 are subject to tendering.
- With regard to settling Bedouin populations from Sinai and Red Sea Governorates to ensure their stability and access to facilities and essential services, a number of 1159 units are under construction to this effect.
- In terms of the project of creating extensions in the desert to the densely populated rural governorates, 15 new villages were created ensuring provision of utilities and construction of seven service buildings in every village to cover education, health, a market, a bakery, a post and telecommunication office, a social activity center and a mosque. These villages are intended to be connected by road networks to residential areas and areas of land reclamation. It is expected that 17 additional villages will be established in 2010 and 2011.
- As part of relief efforts regarding flood-affected areas, the Ministry has provided alternative wells in the middle of Sinai and extended an earthen bridge linking east and west Al-Arish City. Dewatering processes were carried out in the City alongside the provision of a temporary water waste line.
- Concerning resettlement of Nubian residents, the construction of 8 villages inclusive of utilities and services and comprised of 2000 houses is underway. The Ministry takes charge of building 1000 houses whereas the Ministry of Defense undertakes to construct the remaining 1000.

## **2- Main axes of the action plan of the Ministry of Water Resources:**

- Development of water resources by re-using of treated agricultural and industrial waste and water waste, expansion of groundwater usage as well as cooperation with Nile Basin countries to avail of the River benefits and increase its revenues for the best interest of all these countries.
- Rationalization of water use in different sectors with particular emphasis on agriculture through the development of surface irrigation, dissemination of modern irrigation techniques and reduction of areas of water-intensive agricultural crops.
- Preservation of water safety and promotion of anti-pollution protection as well as prevention of negative environmental impacts on public health.
- Creation of a national network for observing and controlling the quality condition of surface and underground water as well as central laboratories of environmental monitoring.
- Awareness and extension campaigns on water uses.
- Promotion of gender in water management through women participation in water resource boards.

- Provision of job opportunities according to resources available and abidance by the lawfully-determined percentage of recruitment of persons with disabilities.

### **3- The main points in the report of the Ministry of Environment are the following:**

- At the legislative level, the promulgation of Law no 9 for 2009 amending provisions stated in Law no 4/1994 on environment protection as well as addressing recent environmental changes and the fulfillment of commitments enshrined in international conventions in the area of environment.
- At the level of air pollution control, the Ministry has set up 87 air pollutant monitoring stations and connected cement factories to the national network for monitoring dust emissions. Work is also in progress on the enhanced reoperation of means of transport by natural gas and the full implementation during 2009 of the program on the exhaust of vehicles in the units affiliated with the General Traffic servicing 23 governorates, thus covering 96% of the licensed vehicles.
- Twelve (12) projects were approved within the framework of the development of the clean environment mechanism to address climate changes. These projects were also aimed to reduce global warming by 0.79 million tons of equivalent carbon dioxide.
- Completion of the water resource development project in Al Gifgafa in North Sinai and the implementation of the humid land periodic monitoring project to identify the quality of northern lakes water and sort out plans of their purification from contamination.
- Conduct of four field visits in 2009 to collect and analyze samples from the Red Sea and Mediterranean coasts plus Suez and Aqaba Gulf coasts for verification of their conformity with permissible limits. Finalization of the preparation of the draft national strategy for integrated coastal management in cooperation with the Mediterranean action plan.
- Development of a guiding booklet for reduction of pollution from ships and an acknowledgment of the condition of five beaches in Alexandria.
- Concerning protection of biological diversity, several measures regarding the 100 km-long green belt project of Greater Cairo are being taken to the effect of implementing basic infrastructure of water and irrigation lines in the second stage.
- Twenty-seven forests were planted in 8 governorates in 2009 and 600,000 trees were provided to all governorates on the occasion of the celebration of the International Day of the Environment. Further to that, trees have been planted in 124 schools.
- With regard to the protection and improvement of the industrial environment, interest has been developed in reducing emissions and waste, upgrading work environment and promoting increased

environmental awareness. The second phase of projects related to industrial pollution control has been implemented. It is comprised of 19 companies and 200 clay brick factories in addition to the environment protection project in private and public sector covering 27 companies and supplying governorates with 10 waste treatment incinerators.

- Regarding the development of the poorest 1000 villages, projects were undertaken to develop treatment of solid waste in 151 villages in 6 governorates and to rehabilitate manufacturers to recycle waste and produce organic fertilizers.

- In the area of environmental culture and sensitization, 560 seminars were held, 130 caravans steered in Greater Cairo, 122 conferences convened, 58 scientific trips paid to reserves, 10 environmental camps and technical workshops and courses organized in 124 schools under development. Further, the awareness-raising Green Corner Project was adopted in 19 new sites in the governorates. The green corner van has been equipped to serve as a mobile unit for sensitization of youth as well as green corner libraries for CSOs.

#### **4- Most salient remarks in the report of the Ministry of Transport:**

- With regard to keeping control, safeguarding utilities and maintaining safety levels, civil defense shifts for emergency intervention were in place. Notices of failures, accidents and irregularities were received alongside the development of statistical reports on failures. Moreover, continuous inspection of transport movement marked with speedy reporting of observations has been attended to. Passengers' insurance value has been defined and included in the transport fare. Moreover, 18 first aid posts were opened in the subway to ensure rapid intervention, secure the quota of the elderly and people with disabilities in the underground train and intensify sustained maintenance of roads, bridges and guiding signs.

- In the area of improving the work environment and raising staff efficiency, the Ministry has developed interest in the provision of equal job opportunities for the advancement of citizenship rights and updating of temporary employment systems. It has also paid due attention to the organization of training courses on capacity-building, amelioration of financial aspects through regular adjustment of wage structures and staff insurance against accidents proportionate to respective job conditions.

- Regarding social and health staff care, social cases are researched, health care promoted, pandemic diseases sensitized and women rights respected.

#### **5- The report of the Ministry of Economic Development focused on the following:**

- Scaling up of actual economic growth rates, national saving rates and local and foreign investment rates as well as development of commodity and service exports with a view to provide fresh job

opportunities by fostering small and micro enterprises and export-oriented trends of productive activities.

- The Ministry is set to promote the productive capacity of the macro-economy, develop interest in growing industrial product and move ahead with the implementation of basic infrastructure works and land reclamation.

- The Ministry has pointed to the increase in average real per capita income by 4%, the construction and equipment of 500 schools involving a total of 8000 classrooms, the growing number of students enrolled in pre-university classes that amounted to 15.8 million and the rise in investments designated to educational activities from 8 to 10 billion pounds.

- The Ministry further has underscored increase in the number of higher and university education students reaching 2.6 million, rising rates of enrolment by 32% of age categories between 18-23 years. It has also pointed out the decrease in rates of illiteracy among age categories between 15-24 years from 13% in 2005 to 10% in 2010.

- The Ministry has also noted the reduction of mortality rates of children under five to 20 per 1000 live births, the expansion in providing mobile clinics in remote and disadvantaged areas, the enlargement of medical insurance umbrella to cover 45 million beneficiaries. Increased rates of investment in the health sector were estimated at L.E. 6.6 billions, not to mention the rise in per capita share of drinking water to 360 liters, signaling a growth rate of 5.7% and the restructuring of in-kind subsidy by converting it into cash subsidy.

#### **6- The report of the Ministry of Information was dwelt on the following:**

■ At the level of the external information sector and within the framework of its role in sounding State policy, the Sector concerned is devoting interest in the promotion and dissemination of human rights culture in Egypt through the following:

- Supplying its media offices abroad with a list of achievements.
- Issuing a book on human rights relating to international conventions and instruments, as well as human rights in Egypt and their applicable domains.
- Issuing the quarterly magazine “Sons of the Nation” that publishes articles of importance to Egyptians abroad including human rights issues.

■ With regard to information, research and the Internet, the Sector concerned has undertaken to disseminate human rights culture via the website of the State Information Service, the Unit in charge of the International Forum on Anti-Human Trafficking and the monthly Magazine “Egypt”. The State Information Service issues a series of specialized publications on childhood plus another series of

publications on the dissemination of human rights culture for youth. It has also issued a book on media and human trafficking issues and another on child rights in accordance with Egyptian and international laws.

■ Concerning internal media sector, it performs its task through 65 information centers and hubs throughout the country covering all media and cultural activities for the year round.

■ The Ministry is attaching importance to human trafficking issues with particular emphasis on their

■ relevance to the following axes:

- Human trafficking and marriage of young girls.
- Serious health risks resulting from human trafficking crimes.
- State institutions and redressing of the phenomenon of underage girls marriage.
- Human trafficking is a community-based responsibility.
- Human trafficking and street children.
- Community-driven efforts to address the human trafficking phenomenon.
- Human trafficking and illegal migration.
- Human trafficking (marriage of underage girls).
- Modern forms of human trafficking.
- Egyptian legislation and anti-human trafficking efforts.
- Media and its role in sensitization on trafficking in persons.
- Social dimensions of human trafficking.
- Human trafficking and transplantation of human organs.
- Human trafficking: forms and methods of its confrontation.
- Human trafficking between incrimination and unlawfulness.

■ Citizenship and affiliation issues were also highlighted as follows:

- Citizenship: rights and obligations.
- Political and constitutional rights of citizenship.
- Concept of citizenship among pupils.
- Youth and political participation.
- Enhancement of the role of youth in political and community-based participation.
- Civil society and promotion of citizenship values.
- The role of the National Council for Human Rights in safeguarding rights of citizens.
- The importance of democratic practice in promoting citizenship.
- The role of civil societies in entrenching citizenship values.
- Loyalty and belonging as well as community-building modalities.
- Constitutional principles ensuring human rights.
- The Constitution and entrenchment of the principle of citizenship.
- Means of advancing citizenship.

- Citizenship and promotion of loyalty and religious tolerance.

■ Women issues were also brought to light in perspective of the following:

- Women empowerment as regards knowledge-based culture.
- Civil society organizations and violence against women.
- The National Council for Women and its political role.
- Civil Society and dissemination of political thought of women.
- Women and political participation.
- Marriage of girls underage and the role of the National Council for Women.
- Casual marriage known as “tourist marriage” of girls underage and the issue of poverty.
- The National Council for Women and participation in elections.
- Media role in combating violence against women.
- Cruelty and violence against women.
- Women quota in parliament and the advancement of their parliamentary role.
- Women and political participation.
- Popular and official efforts slated to women empowerment.
- Small enterprises and support of female-headed households.
- The National Council for Women and political support lent to them.
- Women quota in parliament and parliamentary elections.

■ Child rights issues were addressed from the perspectives hereunder:

- Child social care.
- Education drop-outs and child labor.
- Addressing violence against children.
- Lodging institutions and child care.
- Child labor and rights.
- Civil society organizations (CSOs) and child rights.
- Street children phenomenon and its redress.
- Social solidarity and elimination of the phenomenon of begging.
- Violence against children and mechanisms of addressing it.
- Child and mother health care.
- Third Decade of the Child and Child Rights.
- Phenomenon of child disappearance and trafficking in human organs.
- Basic applications and child health.

**7- The action plan of the Ministry of Education contained the main following issues:**

- High-quality education for all.

- Qualifying children and youth for broad-minded citizenship in a knowledge-based community heralding a new social decade on the basis of democracy, freedom and social justice.
- Putting in place a decentralized educational system in support of community-guided participation and corporate governance.
- Adoption of a newly-introduced education-oriented vision based on a broader and more comprehensive concept of education to address new challenges, furnish knowledge, provide skills and promote trends, attitudes and modes of conduct that allow for participation;

The new vision of the Ministry is dwelt on the general principles of human rights on account of their integration, indivisibility, universality and global nature as well as promotion of values of equality, non-discrimination and partnership.

The plan of the Ministry is divided into two sections: The first relates to programs for high-quality education and the second is pertinent to programs for management, system support and operational indicators.

#### **8- The action plan of the Ministry of Electricity and Energy has included the following main approaches:**

- The Ministry has outlined that the Electricity and Energy Sector is operational to provide high-quality and cost-effective electric power to meet requirements of citizens as well as of development plans and programs in the fields of industry, agriculture, health, education, transport and tourism and others. It pays special attention to provide all citizens with electricity with a view to protect human rights as far as the Electricity and Energy Sector staff and the citizens dealing with it are concerned.
- As part of the Plan envisaged in the area of electricity production, the Sector has developed its programs for the enhancement of productive capacities by pursuing a five-year plan and a long-term plan through 2027 with annual rate increases. The Ministry of Electricity and Energy has elaborated its sixth five-year plan (2007/2008 – 2011/2012) by adding a power-generation capacity totaling around 7360 megawatts. During 2009-2010, new power-generating capacities amounting to approximately 5000 megawatts were added.
- The Plan also gives account of the right of Egyptians to a clean environment by focusing on the construction of power-generating stations depending on renewable energy sources (e.g. water, wind, and solar energy), as well as the renewal and renovation of existing stations in all governorates of the

Republic and the installation and control of thermal station exhaust-purifying filters and the provision of appropriate training and job opportunities.

- As regards distribution of electric power, companies concerned undertake to supply electricity to all citizens and State sectors in compliance with declared rules. Furthermore, the Electricity and Energy Sector is continuously in the process of modernizing power districts and control in order to ensure quality service rendered to the public.
- The number of main service centers in cities is 394 in addition to 877 branches in villages. A hotline is provided to receive citizens' complaints. A complaint Committee is established in each company to probe complaints of afflicted citizens.
- With regard to electricity supply to shanty towns and buildings violating rules of construction, the Ministry has ensured access to electricity for about 793300 disadvantaged families that is by 99.4% of applications submitted.
- It dealt with shanty towns in two phases: the first relates to electric current connected to satellite areas nearby sources of power supply; the second has to do with power supply to slums located in remote regions.
- To substantiate the role of the NCHR in the dissemination of human rights culture and sensitization of the rights and obligations of citizens, the National Plan Follow-up Unit has proposed to the representatives of ministries concerned to engage in protocols of cooperation to be concluded between the NCHR and their ministries for the dissemination and promotion of this culture among staff working in these ministries and the affiliated bodies. The proposal was responded to in the affirmative.

## **Second: Coordination with CSOs**

The National Plan Follow-up Unit has held a consultation meeting with CSOs on July 19, 2010 with a view to develop a joint cooperation framework for the implementation of the Plan objectives and the discussion of proposals made by these organizations in the area of disseminating and promoting human rights culture.

These proposals were directed to further interest in organizing and holding specialized training courses targeting lawyers, judges, police officers and members of local councils as well as the development of viable working programs for cooperation with ministries and agencies concerned to render the Plan effective.

Participants recommended the necessity of giving effect to Article 49 of the Child Law relating to right of orphans, children of unknown progenitor, children of female-headed households and others detained on legal grounds to regularly paid monthly pension not less than 60 pounds.

Added to the above mentioned is the recommendation on the prospect of extending legal assistance on the part of the National Council for Human Rights through the assignment of a team of lawyers for this purpose.

*Chapter VI*  
*Recommendations*

## ***Recommendations***

The National Council for Human Rights (NCHR) attaches an increasing interest in working to provide and develop proposals and recommendations to promote the respect and protection of human rights in the country, in light of its legal jurisdiction and process of its work during the past seven years. These recommendations and proposals are based on the effective capacities of the country aiming at the completion and activation of its obligations in the field of human rights, either the obligations guaranteed by the Constitution or those stemming from Egypt's accession to most of the international conventions of human rights, in addition to being an active member of the international community.

### **1- Emergency law:**

The termination of the state of emergency in order to ensure the full respect of the constitutional and legal safeguard system of rights and freedoms, in view that the Penal Code and the amendments brought to it by Law No. 97 of 1992 concerning combating terrorism allow the State to undertake its responsibilities in the face of threats and crimes of terrorism.

In case of a necessity to issue a new law to combat terrorism, the NCHR calls upon the respect of rights and freedoms guaranteed by the Constitution, the law, and international conventions of human rights.

In the context of preparing the ground to end the state of emergency, the NCHR recommends the release of all detainees and prisoners who have completed the term of their sentence, and the respect of judiciary decisions to release many of them, as well as the termination of deferring defendants to special courts.

### **2- In the field of promoting efforts against Torture:**

The NCHR calls for the amendment of Article 126 of the Penal Code to be in conformity with the International Convention against Torture, ratified by Egypt, to prevent the impunity of perpetrators of the crime of torture and their associates from deterrent punishment.

It also recommends the consideration of the possibility of Egypt's accession to the Optional Protocol of the International Convention against Torture, and to respond to the requests of the UN Special Rapporteur against Torture to visit Egypt.

### **3- In the field of application of death penalty:**

The NCHR recommends the necessity of reviewing the crimes which require the application of death penalty and confining it to the narrower extent and in the most serious crimes, in order to be in line with the International Covenant on Civil and Political Rights.

#### **4- In the field of fair elections:**

The NCHR approves the amendment of the law on political rights so as to ensure the promotion of peoples' participation, and adoption of an electoral system comprising both the individual candidacy and the slate system to guarantee the promotion of political participation and representation of political parties and social forces as well as independent candidates. Furthermore, it calls for the endorsement of voting with the national ID, by taking into consideration the legal age for voting, and the implementation of the right of Egyptians abroad to participate in the elections.

It calls for providing support and empowering the High Election Commission, and promoting its independence, competence and technical capabilities to be able to assume entire supervision on the whole electoral process starting with the preparation of voters lists and including organization of receiving candidates' applications, ruling on electoral appeals submitted to it, regulating the conduct of electoral process, ending by receiving electoral appeals and complaints regarding violations that occurred during the electoral campaigning and voting, till the announcement of the final results.

The NCHR also emphasizes the importance of respecting and implementing the court rulings related to the electoral process, and the need to take appropriate arrangements to ensure the rule of law.

#### **5- In dealing with sectarian tension file:**

The NCHR recommends expediting the fulfilment of pledges to issue the unified law on places of worship, and issuing the unified law on personal status of Christians.

#### **6- In the field of fighting against discrimination:**

It also recommends that the authorities issue the law of equality and equal opportunities and prevention of discrimination, and the establishment of the National Commission on Prevention of Discrimination, in view of its impact on promoting the values and rights of citizenship.

#### **7- In the field of public freedoms:**

The NCHR calls upon the elimination of all penalties of deprivation of freedom in issues related to opinion and publishing, as well as ensuring that toughening financial penalties for publishing crimes does not undermine the structure of media institutions and publishing houses.

It also calls upon promoting freedom of establishing press and media institutions, and encouraging freedom of electronic publishing, to contribute in enhancing information technology applications. Furthermore, it attaches importance to the promulgation of a law on the circulation of information to ensure the free flow of information and making it available.

It encourages academic freedom and freedom of scientific research and contributes in enhancing transparency and combating corruption.

The NCHR recommends reviewing the laws governing the exercise of the right to peaceful assembly, and establishing modalities to correct the legal imbalances which restrict this right in the legislation and in the practice.

It also calls upon reviewing the laws governing political parties to codify the constitutional amendments in order to ensure freedom of establishment of political parties, their activities and their right to have contacts with citizens and advocate for their policies and programs.

The NCHR endorses the demands of civil society associations to amend the Law No. 84 of 2002 and to abrogate penalties of freedom deprivation included in it, as well as the prevention of dissolution of associations or freezing their activities by an administrative decision, and stopping to put the burden on the associations to resort to the judiciary to challenge the administrative decisions.

It looks forward to activating the ruling of the High Constitutional Court regarding the unconstitutionality of law No 100 of 1993, and ensuring the activation of the merits of this important court ruling to strengthen the independence of trade unions and the management of their own affairs.

#### **8- In terms of economic, social and cultural rights:**

The NCHR stresses the importance of activating the obligations of constitutional safeguards in the areas of development, social justice and preserving the rights of workers (Article 4), promoting social solidarity (Article 5), ensuring equal opportunities (Article 6), the commitment of the State to ensure cultural, social and health services, and in particular towards villages (Article 16), preparing a development plan to ensure justice of distribution, raising living standards, eliminating unemployment and increasing employment opportunities, as well as guaranteeing a minimum wage and fixing a maximum wage to narrow the differences between incomes (Article 23).

#### **9- In addressing the tensions in Sinai:**

The NCHR recommends the adoption of a legislation governing property rights and land tenure in the Sinai peninsula to ensure the rights of its population and contribute to resolving the related tensions to them, along with the activation and development of plans for the development of the Sinai in a manner which fulfils the interests the population and meet their economic and social development in a serious and proportional way to the nature of the risks which pose a threat to national security of the country.

#### **10- In the fight against poverty:**

The NCHR recommends directing bank credit policies to support and finance small and medium enterprises to generate incomes and livelihoods. It also looks forward to give priority

to support small farmers and the agricultural sector to contribute in ensuring their rights on the one hand and contribute to bridge the food gap on the other hand.

**11- In the field of health:**

The NCHR supports issuing a public health law that ensures respect of the right of citizens to health care for all members of the community regardless of their financial reach and allows access to this service with equality.

**12- In terms of addressing the issue of slums:**

It recommends strengthening the State's efforts in the developing and solving the slums issue as well as the management of the resources necessary to accomplish these efforts in an appropriate time frame and work to stop the expansion of slums to the countryside.

**13- In the field of education and combating illiteracy:**

The NCHR advocates the development of national plans aiming at eradicating illiteracy, resumption and strengthening the efforts of adult education. It also recommends the elimination of the phenomenon of dropping out of education and geographical gaps as well as easement of the burdens that the education system put on the shoulders of families and students, along with continuing efforts of developing curricula of applied sciences, and the advancement of efforts and freedoms of scientific research and academic freedoms.

**14- In the protection of the rights of Egyptians abroad:**

The NCHR recommends the establishment of a permanent institutional mechanism to safeguard the rights of Egyptian citizens working abroad and to protect them effectively, along with the protection of national investments abroad.

**15- In terms of promoting dissemination of human rights culture:**

The NCHR also recommends continuing to strengthen and intensify the ongoing efforts regarding human rights education, with emphasis on the development of education curriculum in the field of human rights directed to the law enforcement officials, members of the judiciary and prosecutors to strengthen education based on the values and principles of human rights and promote human rights in the conduct and practice.

It also supports expanding the scope of target groups, including staff of education, public service and local administration.

**16- In terms of international treaties on human rights:**

The NCHR calls upon the Egyptian government to consider accession to the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the United Nations General Assembly in December 2006, and entered into force at the end of December 2010.

It also calls on the Government to continue objective reviewing of its reservations and declarations on some provisions of international conventions on human rights, to which it has acceded, with the aim of withdrawing such reservations.

It invites the Government to consider accession to the optional protocols to international conventions to which it has acceded, in a way that reflects and confirms the confidence in the country's ability to fulfil its obligations and that it does not fear the optional accountability mechanisms.

The NCHR is of the view that the completion of accession to the Arab Charter of Human Rights will not constitute in itself additional obligations to the country, hence the scope of the country's obligations under international conventions is larger than the scope of the obligations imposed by the accession to the Arab Charter.

It calls on the Government to consider accession to the Charter of the African Court of Justice and Human Rights.

It hopes that the State considers approving a legislation to ensure national recognition of Commissioner Rank of international conventions of human rights, and that its ratification makes it an active part of the national legislative system.

It looks forward to the government's response to the demands of United Nations special rapporteurs on human rights to visit the country, thus contributing in correcting facts about human rights situation in the country.

**17- In the area of the country's obligations to activate the universal periodic review:**

The NCHR also looks forward to developing a national strategy to activate the voluntary pledges made by Egypt, and the recommendations it has accepted in the context of the United Nations Universal Periodic Review (UPR) of human rights.