

Table of Contents

Introduction	3
Section One: The Human Rights Situation in Egypt	6
I - Constitutional and Legislative Development	9
1-Constitutional Development: A Track in Crisis	10
2- Legislative Development : A Turbulent Track	16
A - Political Rights Laws	16
B - Laws Relevant to the People’s Assembly, Shura Council and Presidential Elections	21
• People’s Assembly Election Law	
• Shura Council Election Law	
• Presidential Election Law	
C - Laws Regulating the Right to Form Civil and Political Entities	28
• Law on Political Parties	
• Justice System and Partial Laws	
• Emergency Law	
• Amendment of Penal Laws	
II - Basic Rights	36
1-Right to life	37
2-Right to Freedom and Security in Person	44
3-Right to Fair Trial	46
4-Treatment of Prisoners and Other Detainees	49
III - Public Freedoms	52
1-Freedom of Speech and Expression	52
2- The Right to Peaceful Assembly	54
3-The Right to Form and Join Parties and Trade Unions	55
4-The Right to Participation in Running Public Affairs	61
IV - Economic and Social Rights	73
1-Right to Health	76
2-Right to Housing	79
3-Right to Education	81
4-Right to Labor	83

Section Two: The Complaints Office Endeavors	86
I - Analyzing the Content of the Complaints	89
1. Civil and Political Rights	89
2. Public Freedoms	103
3. Social and Economic Rights	107
II- Developing the Complaints' Office Mechanisms of Work	114
1. The Fact-finding missions	114
2. Mobile Units Nationwide during 2011	120
3. Hearing sessions and workshops	133
Section Three: The NCHR Responses	146
I - The NCHR Activities and Committees	151
❖ NCHR Work Strategy	
II - The Projects Implemented by the NCHR	156
❖ NCHR Contribution in the Field of Legislation	
❖ NCHR Contribution in the Area of Elections	
❖ Conferences and Seminars	
Section Four: Recommendations	167
Annexes	175

Introduction

Introduction

The NCHR issues its 8th Annual report more than a year after the January 25th 2011 Revolution, which brought about far reaching changes to both the Egyptian society and Human Rights practices. As highlighted in this report, this Revolution is expected to have substantial and far-reaching effects on the country as well as cause significant transformations and repercussions for many years to come.

The popular January 25th Revolution has continued to present to the world an inspiring model of people's determination to obtain their legitimate rights to freedom, democracy, dignity, equity and social justice. Achieving these goals will require a sustained and determined effort to effectively manage the transitional phase.

Although the January 25th Revolution has brought forward great prospects of change, it has also projected grave challenges which should be tackled in a manner that will enable the country to fulfill the great expectations shaped by the struggle of the Egyptian people and their admirable peaceful stance.

The Revolution has placed Human rights, in its various dimensions, at the top of the priorities for the transitional phase. The process the country has embarked on categorically underlines the necessity of addressing Human rights as universal and inalienable; indivisible; interdependent and interrelated rights of every citizen.

In this regard, the numerous Human Rights violations committed during the transitional phase is a serious expression of failures in many aspects, all of which stem from a lack of vision and ambiguous actions by the Supreme Council of the Armed Forces (SCAF) and the caretaker or salvation governments that run the country.

Notwithstanding the impact of these violations, it is important to note that the country has also reaped substantial gains during that crucial phase of which the most significant are:

- Breaking the barrier of fear with regard to the ruling authority.
- Bringing prominent symbols of the old regime to justice.
- Partial gains for most of the State and business sector employees.
- The remarkable turnout of Egyptians to vote in Parliamentary elections.

However, despite these gains, it is certain that the people's basic aspirations have not been met. The reasons for this cannot be attributed to a lack in ability or potential to fulfill people's aspirations or the popular pressure to have their urgent demands expedited. The root causes of the problem are much more complex. Firstly, it is a result of a general sentiment of mistrust and the absence of hope compounded by a confused and faltering political will of the transitional authority. Secondly, there was a fragmentation of the national political bloc that embarked at an early stage on irrational political rivalry and turned its back to the national consensus.

The NCHR report addresses the two following topics:

1. The Human Rights situation.
2. The NCHR response to the challenges posed by the Human Rights situation during the period covered by the report, in a bid to answer queries on Human Rights in Egypt following the January 25th Revolution.

Through this report, the NCHR aims to fulfill its mandate and responsibilities set forth by its Founding Law. The main focus of these responsibilities is to inform the current and future authority in Egypt of the main elements through which it can enhance a respect for Human Rights in the country as defined by the January 25th Revolution and in light of Egypt's National and International commitments in the field of Human Rights.

Section One

The Human Rights Situation in Egypt

The Human Rights Situation in Egypt

On January 25th 2011, angry young people took to the streets in marches and protests expressing the Egyptian people's discontent with the former regime's policies and the absence of any prospects for reform. These demonstrations marked the demise of fake policies and slogans that for decades have sought to embellish the grim reality. It never occurred to the hundreds of young people who staged these demonstrations that masses of Egyptian people would join them, thus enriching the protests and turning them into a fully-fledged Revolution.

During 18 days, the Egyptian people manifested rare models of sacrifice in defense of their homeland. By embracing a moral and human approach the Egyptian people restored their cohesion and unity, which enabled them to break free from long years of moral and material degeneration and to block all attempts to turn the magnificent popular Revolution into a transient uprising that would achieve only temporary gains for a segment or a class which sought to exploit the great event.

The Egyptian people, showing real collective intelligence, confronted all attempts to undermine their adherence to their legitimate demands. They stood steadfast in face of mounting repression, rejecting any attempts of containment or emotional blackmail. They were neither intimidated by chaos, lack of funds nor material needs. They banded together in face of security breakdown, lawlessness and threats of crime.

The Tunisian Revolution had a positive impact on the creativity of the Egyptian Revolution. Whereas the Tunisians confronted the schemes to spread chaos in days, it only took the Egyptians hours to do so. The Egyptians improvised new ways to protect their Revolution, inspired by a long heritage of civilization that upheld tolerance cohesion and empathy.

This admirable national cohesion contributed to countering claims by the former regime, its media and oppressive institutions. It also guided the Armed Forces to pursue the right path and refrain from getting involved in confrontations with angry masses. Initially hesitant, the Armed Forces soon decided to provide protection to the protestors and support the Revolution's demands to put an end to a political system that had tampered with the destiny of the country for thirty

years and thus making it imperative on President Hosni Mubarak to relinquish power on 11 February 2011.

Unfortunately, the harmony between the political revolutionary forces and the Armed Forces soon came to an end, as a result of the absence of a consensus between the revolutionary forces themselves on one hand and the rapprochement between SCAF and political Islamist powers that was embodied in the Constitutional Declaration in March 2011 on the other.

A turbulent sequence of events ensued in Tahrir Square throughout the year 2011, namely on March 9th, April 9th, May 27th, June 27th, September 9th, October 9th, November 19th, December 9th 2011, and in 2012 during celebrations marking the first anniversary of the Revolution as well as the anniversary of President Mubarak resignation on February 11th 2012. These events caused a deep chasm between the SCAF and numerous revolutionary powers, particularly the youth revolutionary movements that significantly contributed to launching the Revolution and ensuring its success. This growing rift had negative repercussions at the Human Rights level, as hundreds of protestors were allegedly killed or wounded in these events. While extensive investigations were launched on the matter, no conclusive results for the majority of these were made public.

The killing of 74 of El-Ahly club fans at a football match in Port- Said Stadium in February 2012 is regarded as the worst act of violence of its kind to ever occur in the country, not only due to the sheer number of people killed and injured but also due to the ambiguity shrouding the event. Despite the issuance of indictments comprising security leaders, the situation in Port Said city and the reaction of its inhabitants pose threats of renewed violence. The El-Ahly club league fans-“the Ultras”- believe the way the issue has been handled, from the criminal and sports aspects, is both unconvincing and unacceptable.

In addition to the aforementioned confrontations, the country had been rocked by numerous social clashes, some of which were sectarian while others included protests against security practices and the official authorities’ attitude towards local issues, or as part of labor demands of long ignored rights. The situation in the country remained turbulent and charged with substantial political difficulties. These challenges were embodied in the problematic relation between the parliamentary majority, the SCAF and the transitional government and the parliamentary minority and the rest of the political powers that failed to

win the parliamentary elections. The primary challenges that caused divisions amidst political forces were the development of the country's new constitution and the first steps taken regarding presidential elections amidst heated political and social polarizations.

The NCHR has exerted extensive efforts to promote substantial issues, particularly those related to Human Rights, during the transitional phase. The NCHR has adopted firm positions and made numerous proposals and recommendations regarding the necessity of strengthening a commitment to protect and promote Human Rights in these crucial times.

I - Constitutional and Legislative Development

Numerous legislations were issued following the January 25th 2011 Revolution and the subsequent series of events that ensued including the collapse of the former regime, the transfer of power, interaction with the demands of the revolution, developments of the transitional phase and the rebuilding of the State institutions. These developments also included the suspension of the constitution, the issuing of a constitutional declaration, the introduction of amendments to the electoral systems, legislative councils and parties as well as amendments to the emergency Law and the penal and the criminal procedures Laws.

The government received several draft Laws and proposed amendments of existing Laws from State bodies and civil society institutions. Some of these Laws were relevant to the State institutions themselves, such as the Law of the judicial authority, development of the competence of the NCHR and amendment of the Central Auditing Agency (CAA) Law. In addition, there were also Laws relevant to civil society institutions, trade unions and NGOs as well as others Laws that dealt with social issues like the minimum wage.

The Revolution led to important changes in the political features of the society, by toppling the head of the regime and its government as well as removing a number of its institutions and placing new political and social facts on the ground. These changes brought to the fore of political action new political forces and unleashed ones that were either banned or refrained from participation. The legislative track, meanwhile, failed to keep pace with these changes. At times, such as with the file on the martyrs and the injured, it lagged behind and failed to address pressing issues. At other times, it was overtaken by judicial rulings in cases like the dissolution of the former ruling party and local

councils in governorates as well as other local administration bodies (The Administrative Court passed a ruling in this regard on 28-6-2011 and SCAF issued a decree on 4-9-2011 declaring the dissolution of these councils). SCAF has sometimes issued legislations in haste without consultations with the political and social powers, which they were designed to address, thus leading to several amendments to Laws that created legislative confusion. The provisions of some of these legislations were contradictory with the constitutional declaration, which was drawn up by SCAF itself. Consequently, various amendments had to be made to the constitutional declaration in order to shield it from claims of unconstitutionality.

The NCHR in Egypt is keen, within the context of its assessment of Human Rights, to monitoring and analyzing the legislative track in view of the impact on civil, political, economic, social and cultural rights. As a rule, the NCHR assesses the progress or failure of these Laws, in accordance with constitutional standards, valid national Law and International standards. This year it introduced a third standard, which assessed the responsiveness of Laws in relation to the legitimate demands made by the Egyptian people during the Revolution.

1-Constitutional Development: A Track in Crisis

Ever since the outbreak of the January 25th Revolution, the constitutional issue has become the focus of heated controversy. As the former President realized the inability of the security option alone to contain the overwhelming demonstrations and the eventual breakdown of the police force, he proposed the amendment of some controversial constitutional articles. In a bid to contain mounting demands, he charged former Vice President Omar Suleiman to conduct a dialogue with the political forces on the said amendments. The former President issued presidential decree no.54 on February 8th 2011 forming a commission to study and propose a number of constitutional and legislative provisions. The commission under the chairmanship of Head of the Court of Cassation and Chief of the Supreme Judicial Council Counselor Siry Siyam was made up of ten members of the judicial authority, experts and political figures. It was entrusted with studying and proposing the constitutional amendments it deemed necessary to articles 76, 77, 88 and other articles necessary to realize “political and democratic reform”. However, these amendments could not meet the people’s aspirations regarding presidential elections as well as required legislative amendments of certain relevant Laws supplementary to the

constitution. The commission, which was to begin its task as of February 8th, was required to report periodically to the Vice President and to complete its task by the end of February 2011 by submitting a report to the President to take necessary action regarding the proposed constitutional and legislative amendments.

Following President Mubarak's resignation on February 11th 2011 and the assignment of SCAF to run the country, Field Marshal Mohamed Hussein Tantawi, the Commander in Chief of the Armed Forces issued a constitutional declaration on February 13th 2011 comprising 9 clauses that established the following: the suspension of the constitution, SCAF assumption of the responsibility of temporarily running the country for a six month period or until holding elections for the People's Assembly and Shura Council and the Presidency, the dissolution of both the People's Assembly and Shura Council, SCAF assumption of the right to issue Laws by decree during the transitional phase, the formation of a commission to amend some articles of the constitution, defining rules to put said amendments to a referendum, mandating Dr. Ahmed Shafiq's government to continue as a caretaker government until a new government is formed and stressing the State commitment to implement international treaties and conventions to which it is a party.

SCAF issued a Decree Law no.1 on February 14th 2011 establishing the validity of all provisions prescribed in Laws and regulations issued before the Constitutional Declaration, provided they were not abrogated or amended in compliance with the rules and procedures established by the said Declaration. SCAF also issued decree no.1 providing for the formation of a nine member commission under the chairmanship of the former First Deputy of the Head of the State Council Counselor Tarek el Beshry and the membership of three professors of constitutional Law, a Lawyer at the Cassation Court, two deputies of the Head of the Supreme Constitutional Court and the Chief of the Commissioners Authority at the Supreme Constitutional Court. The commission was mandated to study the abrogation of article 179 of the constitution and the amendment of articles 76, 77, 88, 93 and 189 herein and all relevant articles which the commission deemed necessary, in order to ensure that the elections of the President and the People's Assembly and Shura Council was fair and free. The commission was also mandated to study necessary amendments to Laws

relevant to the constitutional articles subject to modification. The commission was given ten days to complete its task.

The commission accomplished its task on March 2nd 2011, slightly surpassing the deadline. It also narrowly expanded the amendments to include the modification of article 75 which dealt with the conditions of electing the President of the Republic, article 76 that places prohibitive conditions on running for the presidency, article 77 that gave the President of the Republic the right to run for unlimited terms of office, article 88 which defined the conditions that People's Assembly members should meet, article 93 that decided on the validity of People's Assembly membership, article 139 which dealt with the appointment of the Vice President, article 148 that dealt with the President of the Republic's authority to declare a state of emergency and the abrogation of article 179 of the constitution which gave immunity to excesses practiced by the authorities during combating terrorism, and the addition of a final clause to article 189 and two new articles no.189 bis and 189 bis (1) to the Constitution.

SCAF issued two decrees on March 2nd and 3rd 2011, regarding the referendum on the constitutional amendments. According to the said decrees a supreme judicial commission was formed under the chairmanship of the First Deputy of the Head of the State Council to supervise the referendum, and was empowered to carry out its tasks. The said decrees also defined the conditions for participation in the referendum, which mainly entail that the voting age shall not be less than 18 years, voting shall be conducted by using IDs, penalties ranging from fines to imprisonment shall be imposed on anybody participating in the referendum, despite exemption or deprivation from exercising their political rights, the same penalty shall apply to those who assume the name of others or vote more than once. The said decrees invited voters to participate in the referendum on the constitutional amendments on March 19th 2011. SCAF issued on March 8th 2011 Decree Law no.9 setting forth a number of some amendments of procedural nature to facilitate the referendum.

The country witnessed an unprecedented turnout in the history of Egyptian referendums and elections, as more than 18 million citizens (18366764) went to the polls. The result of the referendum was declared on March 20th 2011. It appeared that 77% of the valid votes approved the amendments while 23% rejected them.

Despite the fact that voters queued for long hours to cast their votes, which is a positive sign reflecting a strong yearning for democracy and demonstrating citizens' respect for the ballot box in political life, the said referendum resulted in deep polarization on religious and ideological basis and had negative effects which marred the spirit of reconciliation that prevailed during the Revolution.

The outcome of the referendum prompted SCAF to issue a constitutional declaration on March 30th 2011, comprising 63 articles to achieve the following actions:

- Merging the aforementioned articles put to the referendum with the articles in the said Constitutional Declaration.
- Retaining the first four articles contained in the 1971 constitution, which set forth the identity of the State with its democratic system based on citizenship. These articles also state that the Egyptian people who are part of the Arab nation shall seek to realize its all-out unity, Islam is the religion of the State, Arabic is the State official language, the principles of Islamic Sharia are the main source of legislation, and sovereignty is for the people, who are the sole source of authority.
- Summarizing the basic principles contained in chapter 2 of the 1971 constitution dealing with social and economic components of the State.
- Summarizing the basic principles contained in chapter 3 of the 1971 constitution dealing with rights and public freedoms, and maintaining the article criminalizing attacks on personal freedom or the privacy of citizens' personal life as well as other rights and freedoms enshrined in the constitution and regarded as crimes which are not subject to prescription.
- Ensuring the freedom of belief and practice of religious rites, freedom of speech, freedom of expression, freedom of the press, freedom of literary, artistic and cultural creativity, freedom of peaceful assembly, formation of organizations, establishing unions and federations, banning the prevention of any citizen from leaving or returning to his/ her country, granting the right of asylum to any foreigner compelled to seek refuge as a result of advocating popular causes or Human Rights, or peace or justice and banning the deportation of refugees.

- Underlining the obligations to defend the homeland, perform compulsory military service, preserve the environment, uphold national unity and pay taxes and other public expenses.
- Summing up the principles contained in chapter 4 of the 1971 constitution dealing with the sovereignty of Law.
- Affirming that the State is a Law constituted State and stressing the independence of the judiciary and its immunity as essential guarantors of rights and freedoms.
- Emphasizing the major principles governing the penalties, presumption of innocence, non-retroactivity of Laws, right to litigation and defense, prohibition of providing in Laws for immunization of any administrative act or decision against judicial supervision and underlined the legal rights of detainees.
- In line with the system of government, precluding Laws in the 1971 constitution concerning the Presidency of the Republic, reducing the Head of State term of office from six to four years, limiting his tenure to two non-extendable terms in.
- Easing the conditions necessary to run for the presidency, which were almost impossible in the context of the plot of the inheritance of rule by the former President's son.
- The amendments, however, focused more on the Head of State qualifications and conditions necessary for running for the presidency than on his powers, which remained absolute. The Constitutional Declaration summed up the Head of State competence in eight clauses in article (56). One of the said clauses widened the Head of State powers to an unlimited scope by stating: " other authorities and powers provided to the President in accordance with the Laws and regulations".
- Article (56) also delegated to SCAF the same powers provided to the President. It provided SCAF with two prerogatives which it denied to the

President namely: the power of legislation (clause 1) ratification of the State general policies and monitoring their implementation (clause 2). While the Constitutional Declaration provisions obligated the President to appoint a Vice President, it retained the principle of appointment instead of election.

A brief analysis of the Constitutional Declaration points out to a number of major drawbacks, which can be summarized as follows:

- It retained essential Laws, thus affecting guarantees, which the constitution provided regarding inalienable rights and public freedoms by referring their regulation to Laws, which usually encroach on the said rights.
- It gave immunity to the decisions of the commission entrusted with presidential elections by article (28), which was in contravention of another article in the Constitutional Declaration that prohibited the provision of immunity to any administrative decision and violated the entrenched legal right to litigation.
- It did not offer a defined orientation to the political system
- It entrusted the People's Assembly and Shura Council with electing the Constituent Assembly to draw up the constitution and, despite the importance of the task, failed to provide due standards which should be observed.
- It outlined a course of action to monitor the political process and rebuild the institutions of the State that became known as the road map to hand over power to an elected civilian government.

However, the said Laws led to a series of political crises that put the country on a turbulent track.

2- Legislative Development: A Turbulent Track

A - Political Rights Laws

➤ Exercise of Political Rights Law

SCAF issued on May 19th, 2011 a Decree Law no.46 to amend a number of the provisions of Law no.73 of the year 1956 which regulated the exercise of political rights. The amendments were inclusive of the following:

- Holding People's Assembly and Shura Council elections under the supervision of the Supreme Elections Commission established by the Constitutional Declaration with Head of Cairo Court of Appeal presiding and the membership of the two most senior Deputies of the Head of the Court of Cassation, the two most senior Deputies of the Head of the State Council and the two most senior Deputies, who follow in the hierarchy the Head of Cairo Court of Appeal.
- The Supreme Election Commission shall have a legal personality and a Permanent Technical Secretariat. SCAF shall issue a decree providing for the organization of the said Secretariat.
- The Supreme Election Commission shall establish an Election Commission in every governorate (the members of the said Commissions were identified as officials occupying specific judicial posts)
- The Supreme Elections Commission has the competence to form general elections commissions, polling and counting stations, supervise the electoral tables in accordance with data provided by IDs and review and update said tables, monitor and correct entries in said tables, determine symbols for every candidate, receive reports and complaints, conduct relevant investigations and eliminate their causes, establish rules to regulate participation in monitoring the electoral process by Egyptian and International civil society organizations, set forth rules regulating electoral campaigning including a ban on the use of religious slogans or symbols or carrying out campaigns of religious nature or divisive campaigns on the bases of gender or ethnicity. Moreover, it establishes rules for airing electoral campaigning through the official media on the basis of equity,

declares the outcome of the elections and referendums sets the date of the run-off elections and finally expresses its opinion regarding Laws relevant to elections.

- The Legal amendments establish penalties for violations of electoral campaigning rules, the procedures of annulment of the offending candidate and appealing the annulment decision. The amendments provide for setting up a voters database, in accordance with data contained in IDs registered at the Civil Affairs Authority database at the Ministry of Interior. The said voters shall be those meeting relevant requirements and are eligible to exercise their political rights with no prohibition, throughout the year to disqualify them from doing so, in addition to the rules of the aforementioned procedures.
- The amendments defined the electoral domicile as the residence registered in the ID and indicated the procedures of data correction.
- The Head of SCAF shall decree the general elections date while the run-off election date is decreed by the Head of the Supreme Elections Commission. The said decree shall be issued at least 30 days prior to the elections date.
- The Supreme Elections Commission is entrusted with formation of the sub - commissions in charge of polling stations, while every sub commission shall be formed of a chairman from the judiciary as provided for by the relevant procedures. It also sets the rules of participation of candidates' representatives.
- According to the Law maintaining order during the election process is the responsibility of the Head of the Sub Commission at the polling station who has the right to request the security forces help when necessary, but none of these shall be allowed into the polling area unless they are requested to do so by the Head of the polling station who shall record the incident in the procedures report.
- The Head of the Public Commission shall declare the outcome of the elections or referendums in compliance with the prescribed electoral system.

The Law fulfills some of the major demands that include: the judicial supervision of elections, a mechanism for the formation of the Supreme Elections Commission, the abolition of the old electoral tables through which votes were rigged, therefore ending the phenomenon whereby the votes of deceased citizens were included and the repetition of names was observed. Through this Law the voters are recorded in accordance to their electoral domicile, which prevents the mass transportation of voters that was common during the old regime. The Law also spurred the formation of a Permanent Technical Secretariat stemming from the Supreme Election Commission in an effort to ensure the non-interference of Ministry of the Interior in the polling process.

However, the Law has been strongly criticized, due to failure to put it to sufficient discussion and the absence of transparency as to date SCAF has not yet disclosed the consultants, whose services have been required, or their affiliations.

The Law also contains a number of flaws, since it fails to present a conclusive position regarding the election system and whether it will be by slate or individual. This continues to be a controversial issue, since there is still no defined mechanism regarding the voting of expatriates in elections and referendums. Moreover, there is no change regarding the annulment of membership of those who violate their partisan classification following election, a problem from which society has suffered for a long time in past elections and was used by the former ruling party to tamper with elections results in order to dominate Parliamentary Bodies. Such defects have led to a series of successive legislative amendments.

During the period from September 25th to November 28th of the same year, a number of Laws were passed by decree relevant to the electoral system, the voters registration lists, (the voters' database) and Egyptian expatriates, all of which were in contravention of the constitutional stability concept and the Constitutional Declaration. Consequently, SCAF was compelled to issue amendments to the Constitutional Declaration to give immunity to the said amendments.

The electoral system had been amended three times, the first of which involved was issuing a decree Law on July 19th stating that the People's Assembly shall consist of 508 members with half of them elected by the slate system and the

other half by the individual system. Under pressure from political parties, SCAF issued two months later, on September 25th, a new Constitutional Declaration amending the March 30th Declaration by allocating two thirds of the People's Assembly seats to closed political parties slate and one third to the individual system, thus barring political party members from running in accordance with the individual system. The following day, SCAF issued a decree Law to that effect. In addition, on September 27th, a decree was issued inviting voters to elect People's Assembly and Shura Council members. To the public's surprise, less than 11 days after inviting voters to elect legislative bodies, on October 8th a third amendment was introduced to the electoral system that annulled the ban on political party members to run in the electoral race in accordance with the individual system thus competing with independent members.

It is worth noting that the legislators resorted to the worst procedures in a legislative process by integrating Laws in the constitution, and thus rendering them immune from any appeals regarding unconstitutionality. This was the case in the September 25th Constitutional Declaration, which applied the dual electoral system comprising the closed slate and the individual system.

It is equally remarkable that changing the electoral system has been achieved through decree Laws that annulled the ban clamped on parties to compete for individual seats in Parliament, thus providing them with a new opportunity to compete with independent candidates, in addition to providing the political parties with another great opportunity by giving them a monopoly of two thirds of the parliamentary seats through the slate system. This raised suspicions regarding the violation of the principle of equality among candidates. The NCHR warned against the said violation in its statement issued on January 21st 2012 under the title "the Effects of Parliamentary Elections" two days before the meeting of the People's Assembly. In this meeting a candidate did in fact appeal the said Law and the Supreme Administrative Court referred the appeal to the Constitutional Court.

These decree Laws are in violation of a Constitutional Court judgment regarding the case no.37 of the 9th judicial constitutional year, dated May 19th 1990, since they cut back independent candidates opportunities (despite constituting a majority in society) to gain Parliamentary seats as a result of party political parties members competing with them for seats assigned to the individual system. As a result of reducing the number of individual seats, the electoral constituency was expanded (to such a degree that the entire

governorate constituted a single constituency, as in the Shura Council elections) which exhausted both the voter and candidates and prevented many candidates with the opportunity to campaign in the entire electoral constituency. At the same time, the voter would also be unable to get well acquainted with all the candidates in order to make the right choice.

The judiciary again surprised the legislator on October 25th, after the beginning on October 12th of the Parliamentary race for both the People's Assembly and the Shura Council, by issuing a ruling allowing Egyptian expatriates to participate in the Parliamentary elections. To face the new situation, SCAF had to issue a fourth Constitutional Declaration amending the March 30th Declaration to avoid appealing the elections for a second time. It also annulled the judicial supervision of expatriates' voting and delegated Consuls and Ambassadors to undertake that task.

The said Declaration was issued on November 19th, eight days before the elections were scheduled to be held. Consequently, a new decree Law was also issued on the same day organizing Egyptian expatriates' polling process and voters' database. The said Law came in contravention of article 10 of the Law relevant to the exercise of political rights which stipulated that "no amendments, whatsoever, may be introduced to the voters' database after inviting voters to go to the polls", which prompted the legislator to circumvent this situation by issuing a new Law instead of amending the Law in force.

Although the new Law takes precedence over the one in effect, questions were raised over the extent of the violation committed by issuing a new legislation after the start of elections, invitation of voters to go to the polls, acceptance of candidates' applications and the start of the campaign. In addition the said Law conflicts with another effective Law prohibiting the amendment of voters' database after inviting them to go to the polls.

Such conditions gives rise to apprehensions that the legislator may be accused of violating the Law or of drawing up legislation inconsistent with one already in force.

All these observations may raise doubts regarding the independence of some legislation relevant to elections.

B- Laws relevant to the People's Assembly, Shura Council and Presidential Elections

➤ People's Assembly Election Law

SCAF issued on July 19th Decree Law no.108 of the year 2011 on the People's Assembly. The amendments included the following: half of the Assembly members shall be elected in accordance with the individual system, the other half shall be elected in accordance with the closed political party slates. The number of members representing every governorate and elected through the closed slate system shall be equal to the number of members representing the said governorate and elected through the individual system.

The amendments assigned 126 constituencies where elections shall be held in accordance with the individual system. Two members shall be elected to represent every constituency, at least one whom shall be a worker or a farmer. The said amendments also assigned another 58 constituencies where elections shall be held in accordance with the slate system. The number of candidates on any slate shall be equal to the number of seats assigned to the constituency, provided half of them are workers or farmers. It shall be taken into consideration that the slate shall be topped by a candidate representing workers or farmers, no candidate from categories other than farmers or workers shall follow a candidate other than farmer or worker on the slate. In any case, every slate shall contain at least one woman and the same constituency may include the candidates of one party or more.

The amendments stipulate that People's Assembly members shall retain their partisan classification, according to which they were elected. If they should lose the said classification he/she shall be stripped of their membership by a one third majority of votes of the People's Assembly members.

The amendments stipulate that the independent candidate shall submit a handwritten application for the People's Assembly membership to the Election Commission of the governorate that he/ she may wish to run in within its electoral constituencies, during the period of time determined by the Supreme Election Commission. He/she shall also attach to the application a receipt, indicating the deposit of a 1000 Egyptian Pounds in the First Instance Court's Treasury, accompanied by the documents specified by the Supreme Election Commission and a proof of the category of candidates to which he belongs (worker, farmer or others). The documents submitted by the candidate shall be

regarded as official documents, subject to the provisions of the Penal Law. The same provisions shall apply to candidates running in accordance with the closed slate system and to applications submitted to the said Commission and the 1000 Egyptian Pounds receipts for every candidate.

The amendments also dealt with registration procedures of candidates' applications and their examination by one Commission or more, chaired by a judge of the rank of the Head of First Instance Court, in every governorate. A representative of the Ministry of Interior, designated by its Minister shall be responsible for the Commission Technical Secretariat. The amendments tackled as well the issuance and display of slate and individual candidate lists, procedures for objections and the ruling taken by a commission or more in every governorate in this regard.

This commission is chaired by a judge at the Court of Appeal and its Technical Secretariat is headed by a representative of the Ministry of the Interior. The Elections Commission in every governorate shall issue the final candidates lists and the Supreme Elections Commission shall publish the candidates' names in two widely circulated newspapers.

Appealing the decision of the Commission deciding the objections shall be filed before the Administrative Court of the State Council within seven days following the declaration of candidates' lists. The Court shall adjudicate the appeal within a seven-day period at most without referring it to the State Commissioners Authority of the State Council. The Administrative Court adjudication may not be stayed, even if a judicial challenge (*Esteshkal*) to that effect is filed before any entity, except if the Administrative Court itself decides to suspend implementation when the ruling is appealed.

The amendment also regulated procedures of withdrawal from the race and their timing by individual candidates and amendments relevant to slate candidates. It added a provision that requires the voter in constituencies assigned to slates to choose an entire slate without any amendments. The vote shall be null and void, if the voter chooses more than a slate or two candidates from more than a slate or the choice made was contingent on a condition. Voting shall be simultaneously conducted in constituencies assigned to the individual system in separate cards. Votes shall be null and void if they were contingent on a condition or if they elect a number of candidates or slates that is above or below the required number.

In elections conducted in accordance with the individual system, candidates shall be elected if they receive the simple majority of valid votes. The amendments regulate cases, which affect the percentage of workers and farmers.

Candidates representing slate constituencies shall be elected according to a defined system. This system gives every slate a number of the constituency seats in proportion to the number of valid votes it acquired to the total of valid votes which the slate's of political party represented obtained in the said constituency.

The remaining seats shall be distributed to slates in accordance with the highest number of votes left for every slate. The political party or political parties' coalition shall not be represented in the People's Assembly if its slates do not receive half a percent at least of valid votes in constituencies assigned to slates throughout the Republic.

In compliance with the amendments, the Court of Cassation shall be competent to decide the validity of People's Assembly membership. Appeals shall be submitted with evidence and their exhibits to the said Court within a 30-day period from the date of the elections results declaration. The said Court shall decide the appeal within a 90-day period from the date of receiving the appeal. Membership of the people's Assembly shall be null and void as of the date of the Assembly notification of the Courts decision.

The Law is merited for providing for judicial supervision of elections, establishing a Supreme Elections Commission, which is made up of judges and enjoys independence and impartiality. The said Commission replaces the executive authority. The Law empowers the Court of Cassation to issue final rulings regarding the validity of People's Assembly membership in contrast with the previous Law, which limited the said Court role to submission of a report inclusive of its opinion to the Assembly. In addition, the Law authorizes the Administrative Court only to adjudicate candidates' applications and states that the Administrative Court ruling may not continue except by a ruling from the said court or from the Supreme Administrative Court when the judgment is appealed.

However, the Law raised wide controversy for combining the slate and individual systems, and the political debate which ensued among the parties concerned focused on the comparison between both systems. Some political

figures appealed the said Law for unconstitutionality on the basis of discrimination between political parties and individuals.

Criticism leveled at the Law dealt with other issues, the most outstanding of which are:

- The Law maintained the Ministry of Interior interference in the electoral process by examining the candidacy applications and the objections, which is in contravention of the Constitutional Declaration in terms of full supervision of the Supreme Elections Commission on the electoral process.
- The Law failed to address the requirements that the candidate must meet, as well as their amendments to confront the circumstances and problems besetting the country in the past period. These requirements include regulations on dual citizenship, the candidate's eligible age (30 years), the candidate's educational level and in certain cases their literacy, which falls in line with the crucial role a Member of Parliament, is expected to exercise.
- The amendments retained the definition of a worker and a farmer, which enabled former police and army generals, university professors, professionals, former ambassadors and judges to occupy the seats assigned to workers and farmers.
- Annulment of the women quota which was introduced on June 15th, 2009 to article 3 of the Law, although this decision contradicts with a well-recognized and applied constitutional rule in many countries known as positive discrimination in the interest of weak groups.

➤ **Shura Council Election Law**

SCAF issued on July 19th, 2011 a decree Law amending the provisions of the Shura Council Law. Such amendments may be summed up as follows:

The Shura Council consists of 380 members. One third of its members are elected on the basis of universal, direct suffrage by secret ballot.

The Republic is divided in to 65 constituencies assigned to the individual system and 28 constituencies to the slate system.

The provisions of the said Law conform with the aforementioned People's Assembly Law regarding the seats assigned to the workers and farmers, parity between political party's slates and individual membership, the requirements for men and women representation on slates and filling seats which become vacant.

The provisions of the said amendments conform to the requirements for running in People's Assembly elections, procedures of relinquishment, ballot counting and amendment regarding slates, ballot counting for individuals and the minimum number of votes a political party shall receive to be eligible for representation to the Shura Council. Its provisions are also in conformity with People's Assembly provisions relevant to appeals and annulment of membership.

➤ **Presidential Elections Law**

SCAF issued in January the Decree Law no.12 of the year 2012, amending the provisions of the Presidential Elections Law inclusive of the following provisions:

Article 1, clause 2, defined the requirements that a candidate shall fulfill to qualify for election to the Presidency, namely that he shall be an Egyptian and his parents shall be Egyptians, he shall be in full possession of his civil and political rights, neither he nor his parents shall have had the citizenship of another country, he shall not be married to a non-Egyptian and he shall not be under the age of 40 calendar years.

The acceptance of a candidate's application to run for the Presidency is contingent on receiving support, by at least 30 elected People's Assembly and Shura Council members, or by 30000 citizens who have the right of voting in 15 governorates in the least, in order to ensure that the number of supporters in every governorate may not be less than 1000. In any case, voters may not extend support to more than one candidate.

The aforementioned provisions provide for the establishment of the Supreme Elections Commission, set forth in article (28) in the Constitutional Declaration, with Head of the Supreme Constitutional Court presiding and the membership of several figures occupying judicial office at the Supreme Constitutional Court, the Court of Cassation and the State Council. The said Commission shall meet at the invitation of its chairperson and its meeting shall only be valid if it is attended by the chairperson and three other members.

The Law specifies that the documents to be submitted by the candidate includes the support extended to the Candidates' application to run for the Presidency, his birth certificate, a declaration by the candidate that he is Egyptian and was born to Egyptian parents, that neither of his parents has a foreign citizenship, that he is not married to a non- Egyptian, that he has performed military service or has been exempted from it in accordance with the Law, his financial disclosure statement and his elected domicile. The Law regards this data as official documents subject to the provisions of the Penal Law.

The said amendments obligated the Commission to publicize in daily newspapers the data relevant to candidates, giving them the right to file objection to the Election Commission regarding other candidates within two days. The said amendments also addressed the situation a place of a candidate becomes vacant.

The Supreme Election Commission also indicated monitoring procedures of the financial donations given to candidates. In this regard, the Commission stipulates that the candidate shall open an account with the local currency at the bank it specifies to deposit the donations he receives and the financial allocations from his money. The candidate is required to notify the said Commission of the deposits in the said account and disbursements.

Article (30) has defined the procedures of balloting, which shall be held on one day under the supervision of the Presidential Election Commission, in case of necessity the balloting shall be held on two days, the said Commission shall form the sub commissions which shall supervise the balloting and counting under the chairmanship of a member of the judicial authority. The public commission shall supervise the sub commissions. The Presidential Elections Commission shall nominate a secretary for every sub commission and every public commission from among the civil servants. It also nominates replacements.

Voting for the Presidential elections shall take place, even if there is only one candidate running for the Presidential office or due to withdrawal of other candidates. The candidate shall be declared winner if he receives the simple majority of the total candidates valid votes.

The People's Assembly approved amendment of article (30) on February 7th 2012 by adding a clause to it, providing for every sub commission to count voters ballots and declare the results in the presence of the representative of

both candidates and civil society. The Head of the sub commission shall submit the results to the Head of the public commission to which he is affiliated in accordance with an official list signed by him. The People's Assembly referred the amendment to the Constitutional Court to decide its constitutionality.

Amendments to the Presidential Elections Law empowered the Election Commission to organize the rules and procedures, governing the voting of expatriates in the Presidential Elections.

The Law imposes a penalty that includes imprisonment for no less than 6 months and a fine of no less than 5000 Egyptian Pounds, or either of the said penalties on whoever has indicated falsely in the application referred to in article (11) of the Law that he has extended support to only one candidate running for the Presidential office. The Law also provides for the imposition of a term of imprisonment of no more than five years on any civil servant who refrains unnecessarily from performing his work, which results in obstruction or delay of the balloting or counting.

The Presidential Elections Decree Law raised great concerns on the part of political forces and generated powerful criticism by public opinion, due to procedural aspects of the said Law. The Law was declared by SCAF only four days before the convening of the People's Assembly, without compelling circumstances for urgency or haste and considering that SCAF had a number of new more urgent and necessary Laws. There were claims that the Law was issued after the convening of the People's Assembly, but its publication date in the official Gazette was set prior to the convening of the People's Assembly.

The arguments advocated by supporters of the Law do not endure, as they claim that the legislator had drawn up the said Law on January 5th 2012 and referred it to the Constitutional Court for constitutional supervision with the aim of deciding its conformity with the Constitutional Declaration. The said Law was referred to the State Commissioners Authority of the same Court, and the said Court gave its verdict on January 17th 2012 regarding the non-conformity of the Law's provisions with the said Declaration. Consequently, the Court returned to SCAF who took the amendments into account and published them in the official Gazette that same day. Those arguments add that if the Court has found any grounds for its nullity it would have done so in its judgment recital.

Such controversial situation was due to the issuance of the said Law during the "period of uncertainty", where the Head of the Constitutional Court is also Head

of the Presidential Commission monitoring the elections. However, it was not the only Law issued during the “period of uncertainty”, as amendments were issued regarding the controversial Law of Investment.

The Decree included the unpopular article (28) that awards immunity to the decisions of the Presidential Elections Commission, formed by SCAF, to monitor elections with no grounds for appeal. The said article is flawed and copied from the 1971 Constitution. It has been designed in a manner, which ensures that no one can appeal the results of elections during the former President’s tenure. It also conflicts with the deeply entrenched constitutional criteria, which gives access to the right of litigation, and deprives the citizen of the right to appeal an administrative decision.

The Election Law also included another flawed article, namely article No. 23, which allowed the voter to cast his/her ballot at any polling station outside the place of residence – a process that could start election rigging if a candidate were to arrange for transporting voters from one polling station to another to garner their votes.

C - Laws Regulating the Right to Form Civil and Political Entities

The NCHR gives particular attention to the right to form civil and political entities, not only because it is deeply rooted in Human Rights practices and impacts the exercise of numerous other rights but also because it has been used as a mechanism by the former regime to control political and civil activities. This mechanism heavily fettered said activities, causing the citizen to be vulnerable in the face of Authority. It obstructed the formation, activities and annulment of political parties, which led to depriving political and social forces from legality. Moreover, it impeded on the formation of tens of political parties while weakening existing ones.

Legal and administrative restrictions overwhelmed trade unions and professional syndicates. Through these restrictions, the previous regime subjected the Workers Unions’ Federation to the State control in a manner which undermined its obligations to protect workers’ rights. It issued flawed Laws, such as Law no.100, in the name of the democracy of professional syndicates. These Laws aimed to exclude a certain political stream, obstruct union organization and sow dissension among unions. Playing on rifts it had created, the Executive Authority dominated unions’ boards of directors by

appointment of loyal elements, thus depriving an entire generation of youths from participation in unions' activities.

Civil society associations and NGOs' Laws were no better as they placed restrictions on the formation of these bodies as well as on activities, administrative and financial practices, which resulted in heavy-handed interference in their affairs by security bodies and the State bureaucracy. The said associations had to improvise ways to overcome the obstacles placed in their path, by applying the formula of non-profit civil companies, or operating while in the process of formation or affiliation to a professional association. The old regime under the pretext of realization of internal democracy tried to put civil society associations and NGOs under a federation headed by a specific person. Moreover, restrictions were clamped on their internal and external funding.

Ever since the Revolution has succeeded in removing the Head of the regime and a number of its institutions countless demands, proposals and bills have been put forward to amend Laws regulating the right to form political and civil society entities. Some of these bids have come from stakeholders, but have foundered due to the fact that they transcended the concepts of the Authority executing civil activities on the one hand and conflicting stakeholders' views regarding certain controversial issues on the other. The political parties' Law was an exception as it was issued within the context of building constitutional institutions.

➤ **Law on Political Parties**

SCAF issued Decree Law no. 12 of the year 2011 on March 28th 2011 amending the provisions of Law no.40 of the year 1977 relevant to political parties' regulation.

The amendments included the following:

They stipulated for the formation or continued existence of any political party, providing it does not possess a name that is similar or resembles that of another party in existence. They also stipulated that the party's principles, its goals, or the way it exercises its activity shall not be in conflict with the basic principles of the constitution or the requirements of protecting Egyptian national security or maintaining national unity, social peace and the democratic system. No party shall select its leadership or members on the basis of religion, class, sect,

geography, ethnicity or faith. The amendments also stipulate that the political party shall not set up any military or paramilitary units. No political party shall be allowed to exist as the branch of another party or another political organization. Finally, the amendments provide for the necessity of declaring the political party's principles, goals, methods, organization, financial means and sources of funding.

The Decree Law stipulates that the procedures of forming a political party, selection of its leadership, apparatus, exercise of its activities and relations with its members shall be founded on a democratic basis. The party's financial system shall specify its financial resources, as well as the bank in which it shall deposit its funds, the rules regulating the spending of these funds, the establishment of the party's accounts, their audit and approval and the preparation of the yearly financial statements and their approval.

The political party is required, during the founding procedures to submit a written notification of the party's formation to the Political Parties Formation Committee, provided for in article (8) of the Law, together with certified signatures of 5000 of its founding members. Said members shall come from ten governorates at least, and no less than 300 from every governorate. Documents stipulated by the Law shall be submitted to the Committee within 15 days from the date of notification.

The Political Parties Formation Committee shall be formed under the chairmanship of the First Deputy of the Head of the Cassation Court and membership of two Deputies of the Head of the Cassation Court, two Deputies of the Head of the State Council to be nominated by the Special Council, two Chief Judges of the Court of Appeal to be nominated by the Supreme Judicial Council. The Cassation Court shall be the headquarters of the said Committee. The Committee shall examine political parties' formation notifications in accordance with the provisions of the relevant Law, and its meetings shall be valid with the presence of a quorum of the chairman and four members. The Committee shall issue its decisions with a majority of four votes at least. It has the right to request data from any official or public bodies to conduct any necessary verification or investigation to reach the truth.

Founders of the political party shall be required to publish its founders' names, contained in the formation notification in two widely circulated newspapers, at its own expense, within eight days from the date of the notification.

The political party shall be considered accepted if after the elapse of 30 days from the submission of notification, the Committee did not express objection hereof.

In case of said Committee objection, it shall forward the objection within 8 days at most to the first circuit of the Supreme Administrative Court, which shall either support or annul the said objection.

Regarding the political party's financial resources, the Law cited the usual articles hereof. It stressed the inadmissibility of accepting any donations or privileges or grants from a foreign or international body. It obligated the political party to notify the Central Accounting Authority of the donations it receives and relevant data at the end of every year. It also stated that donations to political parties should not be deducted from any tax base.

On the dissolution of political parties, the Law authorized the Political Parties Formation Committee, in accordance with the provisions of the Law, to request the first circuit of the Supreme Administrative Court to dissolve the party, liquidate its funds and specify the body to which the funds shall be transferred. The previous measure shall be taken, if the Public Prosecutor indicates in his report- following an investigation he conducts – that any of the provisions stipulated have failed or lapsed. The relevant Court shall consider the issue within 8 days from notification of the party's leader and shall determine the question within 30 days from the date of the said session.

As happened with all Laws passed during the transitional period, the Political Parties Law came under fire for failure to discuss it with political parties concerned before issuing it. Political leaders, leaders of existing political parties and political parties in the process of formation leveled wide criticism at the Law, which they branded as placing restrictions on political parties formation and deviate from the spirit of January 25th Revolution.

The amendments raised the number of required founders' signature from one thousand to five thousand, which made it almost impossible for the new forces to form political parties and contributed to maintaining the old regime. It also prejudiced the intellectual homogeneity stipulation that is essential to any political party in its foundation phase.

The stipulation that the political party shall publish before its official formation the names of its five thousand founders in two widely circulated newspapers

costs the emerging political party more than two hundred thousand Egyptian pounds, which is a prohibitive stipulation. A registration cost of five thousand Egyptian Pounds, in addition to the power of attorney at the Real Estate Registration that amounts to one hundred and eighty five thousand Egyptian pounds - a sum that the new political party could put to good use by assigning to the party's necessary requirements during the process of formation. Such a stipulation leads, eventually, to parties becoming accessible to the rich only and not the poor.

Other criticism has been focused on concepts and terminologies, cited by the Law, which have been regarded as vague and in contravention of substantial principles similar discussions pertaining to social peace and national security. The Authority in accordance with its wishes may interpret all such concepts and terminologies. Consequently, there were demands for more specific wording. The provision stipulates that political parties' principles and programs shall not be founded on the basis of class or grouping, despite the fact it is accepted worldwide that parties express interests of certain classes in society. In addition, the annulment of the yearly subsidy to political parties from the State general budget has compounded the difficulties faced by political parties.

Moreover, SCAF adopted a decision by which it promised to bear the publication cost of members' names, in order to facilitate the founding new youth political parties. This decision gave rise to a paradoxical situation, as it is an example as it operates on a basis of handouts as opposed to rights and of discrimination against political parties.

➤ **Justice System and Penal Laws**

Decades before the January 25th Revolution, Egypt had witnessed mounting calls to enhance its justice system. Such calls gained momentum following the First Justice Conference in 1986. They focused on three elements, namely reinforcing the judiciary independence, the legal profession and upholding the right to fair trials. Such measures would remove the shortcomings of Special Tribunals, provided for by the Emergency Law and civilians trials before military courts. They would also regulate the process of legalization, so as to ensure the soundness of Laws and purify them from contradiction, confliction and congestion.

The country has been overwhelmed by successive calls for reform, which eventually succeeded in bringing about partial reforms. However, they have

failed to satisfy the aspirations of society as well as the Judicial Authorities, those in the Legal Profession and Human Rights Organizations.

The Revolution opened the way for prospects of change and while numerous proposals and bills have been put forward they have not come to existence due to the failure of the forces concerned, particularly the judicial authority, to overcome the differences in views regarding the said proposals. In addition to the Authority's desire to keep a tight grip on absolute power, which it has so far maintained by checks and balances through the Constitutional Declaration and its assessments to confront security failures in the transitional phase.

In this context, legal amendments pertinent to the Justice System and Penal Laws have appeared limited, with some being particularly marred by existing Laws from which society have been suffering for a long time.

➤ **Emergency Law**

Head of SCAF issued on September 10th 2011 decree no.193 of the year 2011 amending a previous Presidential Decree no.126 of the year 2010 which extended the State of Emergency for another two years. According to the second article amended by SCAF, said Law shall be applied only to cases to confront the dangers of terrorism, its funding and drug trafficking. In order to maintain security and public order, the exclusive measures to be applied shall be those cited in clauses (1) and (5) of article (3).

The amendment introduced by SCAF has been confined to article (2) which exclusively applies the State of Emergency to specific cases and to the measures stipulated; as it has prescribed the replacement of article (2) of the decree referred to herein with the following: "Provisions in effect, pursuant to the declaration of the State of Emergency, shall be applied to cases relevant to confronting the outbreak of disturbances at home and all terrorist danger, the violation of national security or funding aforementioned activities as well as the possession of weapons and ammunition and their trafficking as well as drugs trafficking and acts of thuggery, infringing on the freedom of work, sabotaging establishments, hampering transportation, acts of banditry and finally propagating deliberately false news or data or rumors.

➤ **Amendment of Penal Laws**

Ever since SCAF has been handed power it has issued a number of Decree Laws and decrees amending Penal Laws.

SCAF issued on March 10th 2011 Decree Law no.10 of the year 2011 amending articles of the Penal Law relevant to intimidation, threats and thuggery. The said amendment stated that any person acting on his own or through others, made a show of strength or threats with the intention of intimidation or inflicting injury, corporeal or incorporeal should be punished by a prison term not less than one year. If said offenses are committed by the use of a weapon against one or more persons or against a female, or against a person who is less than 18 calendar years, they shall be punishable by an imprisonment term of no less than two years and no more than five years. The Law also prescribes that the offender is placed under supervised release for a period of time equivalent to the aforementioned sentence.

The decree Law added a new article, which doubled the minimum and maximum punishment for any other misdemeanor that occurs as a result of committing the crimes prescribed in the previous article. It raised the maximum punishment of imprisonment and solitary confinement to 20 years for any other felony that is committed as a result. The amendment prescribed a gradual strengthening of punishment, relevant to a number of other cases, right up to the death penalty if the prescribed felony is preceded or accompanied or followed by willful murder.

SCAF issued a Decree Law on April 12th 2011, no.34 of the year 2011, criminalizing any assault on the freedom of work and the sabotage of establishments. Any persons staging a protest or undertaking any activity, which disrupts or impedes work at a State Institution or a Public Authority or a public or private body while the state of emergency is in effect, shall be punished by imprisonment or a fine or either of these penalties. The same punishment shall apply to any person involved in acts of incitement or called or propagated, in any public way, for said acts, even if his /her intentions are not realized. The offender shall be punished by an imprisonment term of no less than one year and a fine of no less than one hundred thousand pounds or either of these punishments if he /she resorts to the use of force or violence during the protest, activity, work or if the offense leads to sabotage of a production instrument or undermines national unity or public peace and order.

SCAF issued on May 10th 2011 a Decree Law no.45 of the year 2011 amending a number to provisions of the Military Law of the year 1966, replacing the wording of article 25 to read as follows: If the defendant, accused of a felony or a misdemeanor which is punishable by mandatory imprisonment does not have a lawyer, the Court shall delegate a lawyer to defend said defendant.

It added another provision which stipulates that Military Justice has the exclusive jurisdiction of deciding crimes prescribed in First, Second, Third and Fourth chapters of the second volume of Penal Law and crimes prescribed in Law no.62 of the year 1975, relevant to Illicit Gains involving Armed Forces officers subject to the provisions of the said Law, even if investigations are not launched except after retirement. Military Prosecution shall have the exclusive jurisdiction provided for to the Inspection and Investigation Authority stipulated by Illicit Gains Law. In all cases, Military Prosecution shall exclusively be competent to investigate and inspect an incident. However, if it finds that said incident is irrelevant to military service, it would refer it to the competent bodies.

SCAF issued on June 11th 2011 a Decree Law no. 47 of the year 2011 amending certain provisions of Military Justice Law, which stipulates that Military Justice is an independent judicial authority consisting of courts, military prosecutions, and other judicial branches, pursuant to the Armed Forces Laws and Systems. (Said wording replaces a previous wording qualifying Military Justice as a Judicial Body).

SCAF issued on November 21, 2011 Decree Law no.131 of the year 2011 amending the Betrayal of Trust Law (El Ghadr Law). Contrary to the decree Laws issued by SCAF, characterized by harsher punishments, the Law pertinent to the corruption of political life was marked by appeasement and providing guarantees to defendants. The Law replaced the term “Betrayal” wherever it was mentioned, by Corruption of Political life, which it defined as committing acts that corrupted the rule of the country, political life, prejudiced and showed complacency regarding the interests of the country.

The Law prescribed the following punishments:

- Removal from office.
- Invalidation of membership in People's Assembly, Shura Council and Local Councils.
- Deprivation from the right to vote and run for any of the prescribed Councils for a period of five years as of the date of the ruling.
- Deprivation from holding leading public office for a period of five years at most.
- Deprivation from affiliation to political parties for a five-year period at most.
- Deprivation from membership of Boards of authorities, companies or institutions, subject to Public Authorities supervision for a five year period at most.

The Law shall apply the same provisions to every person who took part by incitement, agreement or aid in committing any of the prescribed crimes. A ruling may compel the offender to return the benefits gained from his act. Pursuant to a ruling the offender may also be obligated to pay compensations for the injury caused to any judicial person.

The Criminal Court shall have the jurisdiction to consider these crimes. The offender shall be notified of the Court hearing. Trial procedures shall follow rules established in Criminal Procedures Law.

The General Prosecution, acting on its own initiative or on report containing substantial evidence, shall set in motion an action against these crimes.

II - Basic Rights

The country witnessed during the period covered by the report serious infringement on the right to life and to a fair trial. These rights shall not be tampered with even during times of emergency or wars or natural disasters pursuant to the provisions of the International Covenant on Civil and Political Rights ratified by Egypt in 1981.

Since the eruption of the glorious January 25th Revolution, a wide range of deplorable violations have occurred regarding the right to life, freedom, personal security, fair trial and prisoners and detainees treatment. As a result nearly one thousand persons were killed and some 8000 injured, 11000 civilians stood military trials, among who were thousands of political activists. During the Revolution and all through the end of February 2011, appalling crimes and violations took place in prisons characterized by a wide range of security failures.

1 - Right to Life

During the Revolution the former regime launched repressive operations on a wide scale, which resulted in the killing of hundreds of citizens who took part in the protests that swept the country from January 25th to February 11th. Many of martyrs were the victims of murder, systematically perpetrated by the security forces, in order to force the protestors to end the country- wide demonstrations from February 9-11, 2011.

Intense controversy was triggered by the classification of the citizens who lost their lives during said period in particular. Questions were raised on whether all should be classified as martyrs, whether the security forces were in a state of self- defense trying to defend police stations and security forces premises which were widely assaulted by citizens during that period.

The NCHR was at the forefront of the efforts, launched by different bodies, to investigate the crimes committed during the Revolution. As a result, it set up an expanded Commission of a number of its Council's members that jointly worked with the Arab Organization for Human Rights during the period from February 21st to March 20th 2011. Later on, it expanded the scope of its cooperation to include the National Fact Finding Commission formed by the Government in February 2011. It also cooperated with numerous other Human Rights organizations, including the Egyptian Organization for Human Rights, to collect and exchange information. The Commission and its partners submitted their report and the outcome of their findings to the Authorities on March 21st and 22nd. The NCHR made the said report available to the public. A press conference was held at NCHR Headquarters on March 23rd 2011 where the report was announced.

According to the NCHR findings, citizens attacked nearly 100 Police Stations during the Revolution particularly on January 28th and 29th 2011, which resulted in clashes that claimed the lives of hundreds of martyrs.

It was found that the targeted Police stations represent only 10% of Police premises throughout the Republic. Citizens living in areas under the said premises jurisdiction assaulted them, as they were aware of their negative Human Rights record in dealing with citizens. This conclusion is not undermined by the fact that some of these Police Stations were attacked by criminals, that most of them were looted and plundered, that arms were used to storm them and that a number of innocent police officers were killed in their attempt to fulfill their duties and counter the attacks against the police stations.

The outstanding fact however is, that the citizens or their relatives detained in these stations and carrying out the assaults are victims of legal violations, some of which constitute horrifying Human Rights violations. Participation by some political activists in a limited number of these assaults on police stations is not evidence proving the existence of a subversive plot, as is widely believed to be the case by the police.

The NCHR and its partners' fact finding mission report monitored the fall of 685 martyrs and the injury of 6000 protestors, 3000 of whom suffered permanent and partial disabilities during that period of the Revolution, due to wide acts of repression, particularly during January 28th and 29th 2011.

In the course of what was known in the media as the "Battle of the Camel" (Mawkat el Gamal), it is believed that militias composed of hired thugs from Cairo and Giza governorates, supported by groups of security forces in plain clothes carrying firearms, fireballs, incendiary bombs, rocks and jagged marble attacked the peaceful protests. The "Battle of the Camel" claimed the lives of 11 young protestors and the injury of more than 2500 demonstrators in Tahrir Square of which 800 lost their eyes when they were hit by rocks or marble in the face or head. The said battle continued from 1p.m. on the 2nd of February until 3 a.m. on the 3rd of February.

The prosecutor, in the trial of President Mubarak and the figures of his regime accused of killing demonstrators, pointed out to their responsibility for killing 285 protestors only at the various Revolution Squares. This renewed controversy regarding their classification as martyrs, in view of acquittal of

police officers and security personnel accused of killing a number of citizens during the storming of police stations in various areas.

Meanwhile, the government decided to compensate 840 martyrs who died during the Revolution and in the events that followed and the thousands of injured who documented the injuries they sustained during and after the Revolution. This followed a controversy, which lasted for 10 months regarding the conditions for entitlement to financial compensations.

During clashes between protestors on the one hand and the security forces and at times the army on the other, numerous citizens were killed and injured.

Among these clashes was the clash on April 9, 2011 at Tahrir Square and its surroundings, as the military police arrested a number of persons in Armed Forces uniforms. According to some sources, said persons or some of them were former officers who had been dismissed from the Armed Forces. Said persons were participating in staged sit-in to protest the delay in bringing President Mubarak to trial and charging him with killing demonstrators. The protestors clashed with the Military Police for almost half an hour. A person was killed and two were injured with live ammunition.

SCAF members asserted that the Military Police did not use live ammunition at all, and that it had only used blank shots to confront the protestors that clashed with members of the Military Police Force. They cited the forensic reports, which indicated that the live shots firing angle came from an elevated angle while the confrontation between the protestors and Military Police personnel was on the ground. They further said that this indicated the presence of an armed third party, which fired live shots on the protestors from a high building located in one of the surrounding streets.

Clashes took place on the 8th of September at Cairo Stadium and its vicinity, between a group of El-Ahly football club fans known as the “Ultras” on the one hand and the police on the other during and after a football match between El-Ahly club and Kema Aswan club. As a result one of El-Ahly club fans was killed and 15 others were injured. The confrontations were triggered by the “Ultras” harassment of the police force during the match in retaliation for the police attack on the Revolution martyrs’ families outside the Court House during Mubarak trial the previous day.

The confrontations continued the following day as “Ultras” from both El- Ahly and Zamalek football Clubs laid siege to the Ministry of the Interior joining demonstrators at Tahrir Square. The demonstrations spread to the vicinity of the Israeli Embassy to protest the killing of Egyptian soldiers by Israeli occupation forces near the borderline at Taba City in southern Sinai.

Some registered felons, seizing the opportunity of the huge rally, assaulted the Security Directorate Headquarters in Giza and both the nearby Saudi and Israeli Embassies and attempted to storm them. These events led to the killing of 3 citizens and the injury of nearly one thousand citizens, among which 58 conscripts who were serving at the Central Security Forces.

On the same day, clashes flared up between Muslim and Christian citizens in the Marinab village at Edfo (Markaz) in Aswan over the construction of a church. The NCHR warned on the same day of the consequences of such a crisis and repeated warnings against the spreading of such a crisis, the last of which took place on 5th of October, when confrontations erupted between Armed Forces troops guarding the TV Building at Maspero and Christian demonstrators protesting the Authorities procrastinations regarding the issuance of a license for the Marinab Church. According to conflicting government figures, the said confrontations led to the killing of 27 persons of which three were army soldiers and 24 Christian citizens. In addition, the event resulted in injuring 3000 people of which 37 were army soldiers.

Investigations in these tragic events failed to yield clear results. Despite the Public Prosecution approval of Human Rights associations’ request to assign independent investigating judges to said events, no action has been taken regarding the list of defendants.

Though the NCHR Fact Finding Commission exerted strenuous efforts to investigate this outrageous crime, it failed to determine the identity of the party or parties involved in these events that remain unclear to this day.

The said Commission has learned with certainty the involvement of Army troops in the killing of some protestors and also the involvement of some protestors in targeting army troops, but it failed to verify the source of other acts of killing.

The uncertainty shrouding the event has been enhanced by the Defense Ministry and SCAF reluctance to provide necessary information on the events or its

account of the developments leading to various accusations being made by the public.

On November 19th 2011, in an attempt to clear Tahrir Square of protestors, the police assaulted some 100 persons who were injured in the course of the Revolution and had staged a sit-in that began eight days earlier on November 11th 2011. The harsh eviction, which came one day following a demonstration called by Islamist political forces to protest a document prepared by Deputy Premier Aly El Selmy on the principles governing the future Constitution, prompted groups of citizens to enter into confrontations with the Police in defense of the injured. As night fell, political and young forces staged a sit-in calling on SCAF to hand over power to an elected Presidential Council and postpone Parliamentary Elections scheduled on November 28th 2011. The said protest led to fierce confrontations between some protestors and security forces that withdrew from Tahrir Square to the nearby Mohamed Mahmoud Street.

The clashes lasted for 4 days in Mohamed Mahmoud Street. The casualty toll was 40 killed and 800 injured. Most of the casualties included protestors from Tahrir Square resulted from intensive use of tear gas.

The Ministry of Interior persisted in stressing that its forces had not used live ammunition in clashes with demonstrators in Mohamed Mahmoud Street, pointing out that it was performing its duty to prevent demonstrators from reaching the Ministry Premises. However, 17 of those killed at least lost their lives as a result of being shot with live ammunition, but the majority was killed with buckshots which the police deny having used, indicating that there were criminals among the protestors in Mohamed Mahmoud Street.

Deplorable confrontations occurred on the evening of November 20th, when the police forces reinforced by army troops stormed the Square and evicted it by force for half an hour, and then withdrew for no comprehensible reason. During the said raid very grave assaults were made on protestors at the Square, while their belongings and tents were set ablaze.

Neither the Defense Ministry nor SCAF gave an explanation for the participation of army troops in the raid on Tahrir Square, taking into account that they kept away from the hot spots where clashes raged, and deployed in the vicinity of the Ministry of Interior.

The systematic policy of erecting barricades in the streets nearby Tahrir Square and the Ministry of Interior started by the end of these events, as the first roadblocks were set up in Mohamed Mahmoud Street.

On December 16th protestors continued their sit-down to protest the for the demands which they began since November near the Cabinet Headquarters in Kasr El Aini Street, close to Tahrir Square, with the aim of preventing new Prime Minister Dr. Kamal El Ganzouri from reaching the Cabinet Headquarters. Clashes flared up between protestors and Military Police assigned to secure various government headquarters including the Cabinet Premises, the People's Assembly and the Shura Council and a number of other State Buildings.

The protestors said that the clashes erupted when the force securing State institutions assaulted one of them. Meanwhile, official sources said the clashes were the result of the protestors' harassment of military officers and their trespassing into the grounds of the Cabinet Premises. Many political forces joined the protests triggering confrontations, in which many important headquarters, such as the Egyptian Scientific Institute, were torched or destroyed.

During the three-day clashes some 17 protestors were killed, most of who lost their lives as a result of being shot by live ammunition fired at the upper part of their bodies (thorax) while some others were shot point blank. Among those killed were mediators who sought to pacify the situation and contain the confrontations. In addition, some 1500 were injured during these clashes.

While army forces denied using live ammunition, footage from National, Arab and International television stations pointed to army officers shooting protestors in the attempt to evict Kasr El Aini Street and Tahrir Square. In said evictions protestors were assaulted, women were subjected to extreme violations and protestor's tents and belongings at Tahrir Square were set ablaze.

Though it is impossible to verify that people were killed as a result of using live ammunition in the eviction, the reticence of the commander of the force, assigned to guard public buildings and the official military sources regarding the said events made armed forces subject of several accusation.

Ever since the said events, the Authorities set up cement road blocks on a large scale in Kasr El Aini Street and in all the streets leading to the Cabinet Premises, the Ministry of the Interior and other public buildings.

A number of these roadblocks were pulled down during protests that broke out early on February 2012, during protestors' attempts to reach the Ministry of Interior premises. They considered the ministry an accomplice in the murder of members of the El-Ahly Club "Ultras" during a football match between El-Ahly and El-Masry clubs at Port- Said Stadium, which led to the killing of 74 of the Ultras in less than 20 minutes at the end of the match.

In this tragic event, a huge number of people rushed from El- Masry bleachers towards the El- Ahly side. At the beginning they wanted to attack El-Ahly players, but then turned to El-Ahly fans bleachers, amidst failure by the limited numbers of security forces to bring the situation under control. The situation was further aggravated when lights were suddenly turned off for 20 minutes. Some were killed in cold blood but in different ways, others were killed as a result of asphyxiation or stampeding or falling from bleachers. Some 270 were injured in said events.

The Public Prosecution charged some 70 persons late in March 2012, among which were 9 Port-Said Police high-ranking officers who were indicted for facilitating and enabling the offenders to commit their premeditated crime.

Meanwhile, in the confrontations that followed in the Cabinet Premises vicinity two were killed. A protestor who was killed point blank with buckshot and an army officer who was passing by in the scene of action and was accidentally overrun by a police vehicle driven by a conscript. In addition, tens of protestors were injured, seven of which sustained buck shot injuries.

Sectarian tension was one of the major sources which led to the violations of the right to life, for example the killing of two persons in disturbances in Soul village at Etfeih (Markaz) in southern Cairo on March 7th 2011, in a dispute between a Muslim girls' father and his relatives on the one hand and other villagers on the other. In this dispute, the villagers accused the man of killing his daughter for having an affair with a Christian young man in the same village. Said events led to the torching of the first church in Egypt, built during the reign of Caliph Omar Ben Khatab, as two angry young men, returning from the funeral of the two persons who fell in the dispute set the church ablaze and destroyed it.

SCAF together with religious leaders tried to contain the crisis, yet all their attempts were outside the scope of Law enforcement. Tension, therefore, continued to rise leading to clashes between Muslim and Christian citizens in

Salah Salem Street, near the Mokattam district in Cairo following a rumor that some Christian citizens were detaining some Muslims with the intention of killing them. Eleven citizens were killed in the clashes and tens wounded. Later it was found out that the Christian citizens were trying to join the sit in protest by other Christians in front of the TV Building in Maspero.

Clashes of a sectarian nature were renewed in Embaba district in Giza on May 8th 2011, as Muslim and Christian citizens clashed together following a rumor that the Church of Mar Mena was detaining a Christian girl who converted to Islam and married a Muslim. Said clashes led to 12 citizens losing their lives, as a result of the use of gunfire. Following this tragic event, angry fanatics attacked the Holy Virgin Church, two kilometers from the scene of clashes and set it ablaze.

The confrontations spilled over into the TV Building vicinity in Maspero, where hundreds of Christian citizens staged a sit in protest and totally blocked traffic along the Corniche Street. Confrontations then started between the protestors and the inhabitants of the Beau Lac Abu Ella neighborhood, when one of the inhabitants drove his motorcycle through the sit down area. Tens of citizens were injured in the said confrontations, which were only contained when troops from the force guarding the TV Building interfered and made a buffer zone between the two sides.

During that year there were reported cases of death due to torture or maltreatment in places of detention, despite the fact that such violations were one of the major causes which led to the eruption of the Revolution January 25th 2011; (See Section Two: Efforts to Address Complaints- The Right to Life).

2- Right to Freedom and Security in Person

The great January 25th Revolution succeeded in putting an end to administrative detention, in accordance with Emergency Law and contributed to addressing the conditions of many detainees and those sentenced under Emergency Law during emergency trials. However, the Emergency Law continued to be enforced and used as an instrument to bring civilians to stand trial before military courts as well as to detain some civilians for periods of time.

According to the NCHR documents, among the 11000 civilians who were referred to military courts, there were 300 political activists - many of which had been at the forefront of the Revolution.

The majority of those activists were convicted during said trials. However, some were handed suspended punishments and consequently set free, as was the case in the storming of the Israeli Embassy in May 2011. The punishment of others did not exceed one month and the Head of SCAF did not ratify the sentences handed down to them, as those arrested on March 9th and April 9th 2011, or in response to pressure some were released after serving a good part of their sentence like blogger Michael Nabil.

Blogger Alaa Abd El Fattah was detained and remanded in custody in accordance with a military prosecution decree which charged him with incitement, in connection with the Maspero events in October 2011, before referring him to Public Prosecution late in November and setting him free by a decree from the judge.

Some young activists said unknown groups detained them. This was the case with the detention of activist Salma el Sawi, an April 6th Movement member, in November 2011. She said she had been detained and blindfolded at the National Security headquarters in October 6th city in southern Cairo for some time before she was set free.

Another example of such incidents was that of the kidnapping of activist Mahmoud El Mahalawy, a member of Ayman Nour's Presidential Campaign, early in February 2012. During the clashes in the vicinity of the Interior Ministry he disappeared for three days before being set free by his abductors, who remained unknown.

Witnesses told the NCHR fact finding Commission investigating Mohamed Mahmoud and the Cabinet Headquarters Streets incidents that they were kidnapped, blindfolded, forced to be filmed and admit carrying out subversive acts, carrying arms, receiving bribes from activists, among whom they were asked to name NCHR member George Isaac .

During the Revolution, from January 25th to February 11th 2011, thousands of prisoners and detainees escaped from prisons and detention places. According to the Interior Ministry, 23000 prisoners from seven prisons and nearly 100 police stations fled during these events. The Ministry did not specify the

categories of these escapees, whether they were convicted prisoners, detained in accordance to the Emergency Law, under investigation pursuant to judicial warrants or a public prosecution decree or detained illegally at police stations.

According to a variety of press sources, some 13000 escapees were re-arrested by the Interior Ministry while many escapees on their own initiative turned themselves in to complete their sentence and so ensure the legality of their position. The Ministry encouraged this initiative by responding to Human Rights and civil society bids to widen measures granting amnesty to escapees, who would serve half their sentence once they turned themselves in, and to shorten by half the term of imprisonment for those who did not yet serve half their term.

The assaults on some State Security Investigation Service Headquarters (disbanded) resulted in setting free numerous prisoners who were extra legally detained. Some of these detainees were categorized within the context of forced disappearance during the months that preceded the Revolution.

3 - Right to Fair Trial

Responses during the past year to calls to establish a set of criteria for fair trial were utterly negative. In this regard, authorities widened the scope of action by referring thousands of civilians to military courts, particularly in the light of the Army's decision to shoulder greater responsibility in maintain security in the country during 2011 and its contribution to support the Interior Ministry's efforts to restore stability in the first quarter of 2012.

The authorities referred almost 11000 civilians to military courts on various charges from February to October 2011. It is estimated that some 7000 are still detained, pursuant to the sentences handed down to them in connection with public rights crimes clearly criminalized by Penal Law and which included acts of killing and assault with the intent to commit robbery and similar offenses. Thousands of others were released after serving their imprisonment term, which by all accounts were relatively short.

The Military judiciary is not the appropriate body to judge civilians and hold fair trials, though appeal of said courts decisions is available. Evasion of commitment to the criteria of fair trials is unacceptable under any condition including a state of emergency.

Military trials of civilians are based on Emergency Law, which continued to be in enforced until 2012, but it was extended regarding thuggery. This necessitates a decisive definition of the crime of thuggery, as due to the flexible concepts, it may include within its context political activities and protests.

The Emergency Law in Egypt is a stumbling block in the way of establishing the rule of Law, because it provides undefined competences to the authorities, with no judicial monitoring or clear reference. Said Law was the main insurmountable obstacle, responsible for suspension of freedoms in the former constitution of the country for the past 30 years.

The decelerating pace of the process of trials of suspects, who committed crimes against citizens during and before the Revolution, aggravated a feeling of the absence of justice and positive commitment to bring said suspects to fair trials, while civilians including young political activists were brought to trial before military courts.

Pursuant to the Military Law provisions, the authorities criminalized peaceful protests in locations where army troops were deployed. This is a loose interpretation of the provisions of the Law, which clearly criminalizes any assault on army establishments but does not explicitly criminalize approaching civil establishments guarded by the army.

In the light of the previous account, the NCHR recommends the setting up of a civil judicial mechanism to review military judicial judgments handed to civilians, still serving their terms, in order to ensure fair trials for those defendants.

At another level, judicial civil and military rulings handed down to political prisoners were dropped, particularly regarding those who left prisons in disturbances during the Revolution. Among these were leaderships of factions of political Islam and defendants in the explosions that rocked Taba city in southern Sinai 3 years ago. This was regarded as a positive development requiring that others convicted in similar crimes be given access to a competent judicial civil mechanism to review their sentences, issued in the course of emergency trials.

Amongst the crises hitting the country that disrupted the justice system during this time was a retreat in the role of the security forces during the first six months following the Revolution in safeguarding courthouses, which led to repeated assaults on judges and prompted many to suspend their work.

Another crisis was the eruption of a conflict between lawyers and judges regarding draft Laws relevant to the new Law of judicial authority, which lawyers regarded as a violation their rights established as part of the judicial authority and a weakening of the immunity granted to the legal profession.

The crises developed to include the proposals that judges' sons shall have a priority over others, regarding assignment to judicial posts, which was considered by many sectors, mainly lawyers, as a continuation of the attempt to inherit power that was aborted by the Revolution.

At the level of the judiciary independence, a major crisis occurred involving the reputation of the Egyptian judiciary after the judges hearing a foreign NGOs case stepped down and the Head of Cairo Appeal Court set up a provisional bench on the same evening. The newly appointed bench lifted the travel ban placed earlier by the investigating judge on the foreigners working in the aforementioned NGOs. They paid a bail though they were not in custody.

The crisis was further aggravated when the defendants left the country on the same evening, on board a US military jet, in what appeared to be a politically motivated decision. The turn of events led to convening a General Assembly of the Cairo Appeal Court, during which the Head of the Court resigned from his post despite lack of a quorum to convene the said Assembly. The Assembly nominated another judge to preside over the said Court to replace the resigning judge. However, the resigning judge retracted his resignation and called a new General Assembly meeting, which convened according to the required quorum. The majority of the said meeting voted in favor of the resigning Head of the Appeal Court to retain his post.

The trials of the former President and outstanding figures of his regime on charges of killing protestors and financial corruption constituted a crucial test for the Egyptian judiciary, during which it faced great difficulties. Waves of popular and political protests were launched calling for a separation between the trial of the former President and his Interior Minister. There were protests

against the judges mandated to try the former President, and angry protestors set ablaze the rural house of the Head of the bench.

The issue was addressed following angry protests throughout the months of July, when the two cases were combined in one case and referred to the circuit trying the former Interior Minister. It had also been decided to televise live the trial hearings, though later on the court decided to halt live transmission of its hearings.

The attorneys of the plaintiffs asked to recluse the judge, a request that was considered by three circuits from September until the end of December after two judges stepped down on grounds of embarrassment. Ultimately the court rejected the recluse request.

The case was later resumed amidst continued popular protests outside the courthouse at the Police Academy and noisy clashes between martyrs' families on the one hand, and President Mubarak's supporters or occasionally the police on the other. Mubarak's trial was held amid deep legal polarizations. However, the hearings ended on February 2012 after the Court had heard all the witnesses and arguments and set June 2nd to pronounce its judgment.

4 - Treatment of Prisoners and other Detainees

As previously mentioned, official sources said that some 2300 prisoners and detainees escaped from seven prisons and 100 police stations during the security breakdown and the state of lawlessness sweeping the country, particularly on January 28th and 29th 2011. During this mayhem, there were fierce clashes in some prisons that led to the killing of prisoners and prison guards. Abu Zaabal Prison east of Cairo was stormed and the Fayoum Public Prison south west of Cairo was the scene of an organized escape and revolt by prisoners.

Amidst the fluid situation which followed the events, numerous disturbances occurred outside prisons and continued for weeks after February 11th 2011, particularly in view of the decline of medical and logistic services during the chaos hitting prisons, attempts to bring the situation under control and the failure to provide the prisoners with their food and medical needs. In this regard, the Fayoum Public Prison suffered immensely.

Despite the retreat of the state of lawlessness during the following months and realization of certain improvement in prison conditions, the consequences of instability which hit the country continued to impact the situation in prisons in the light of fears of renewal of systematic escape attempts. Such attempts continued to occur in a number of prisons, along with attacks and attempted attacks on police stations to set detainees free.

The Torah Prison Complex was the focus of attention since April 2011 and until February 2012, due to the imprisonment of prominent figures of the old regime in said prison and to the outcry against detaining the former President at the Military Medical Complex instead of detaining him at Torah Prison and providing him with the necessary treatment at the facility's hospital.

The People's Assembly health Committee succeeded through pressure to have prominent old regime figures re-located over a number of prisons at the Torah Complex and outside the said prison, whereas before they were detained at a living quarter in what is known as the Farm Prison in Torah. This move was prompted by suspicions that they could have played a role in fueling disturbances that overwhelmed the country with special reference to the disaster of the killing of the El-Ahly Club Fans the "Ultras" at Port- Said Stadium. However, said Committee did not succeed in meeting the demand to place the former President in Torah Prison Hospital, in the light of a shortage of medical equipment and the procrastination in providing for the former President's transfer to the Prison Hospital. Nevertheless, the final decision rests with the court that is currently trying him.

In view of the situation in prisons and the controversy regarding the treatment of the old regime symbols, who remained detained at Torah Prison until 2012 before their re-location to seven prisons and in response to popular appeals, an NCHR delegation led by NCHR Vice President Mr. Mohamed Fayek paid a visit to Torah Prison Complex to inspect prisoners and detainees' conditions, including the old regime symbols who were keen on meeting the NCHR delegation.

The delegation made a wide scale review of prison files and listened to numerous prisoner accounts of prison conditions and the treatment they received.

At another level, a great number of detainees held by the Armed Forces were tortured and ill treated according to accounts by a number of political activists, who were temporarily detained or stood military trials.

Numerous activists, detained during the events of January 28th and until February 6th 2011, were allegedly subject to various kinds of torture and maltreatment in military police headquarters or the military prison in the Hike-step east of Cairo. This may be the result of individual attitudes by some officers and troops who were affected by the old regime propaganda against the revolutionaries that persisted until various branches and army institutions sided with the people.

It has been reported that guards allegedly mistreated activists, who were detained between March 9th and April 9th 2011. Such mistreatment included the conduction of virginity test to which some detained females were subjected to in March 2011. One of the female activists, who was subjected to these test, initiated legal procedures against this crime of indecent assault. The Administrative Court obligated the authorities to stop undertaking such tests to which detained females were subjected in a routine manner. Due to the said court ruling the conscripted doctor who carried out the test was brought to trial, although it was not disclosed who gave the doctors the orders. However, a court ruling eventually acquitted the said doctor and declared the file closed finally and permanently which evoked a feeling of shock and indignation.

One of the activists, in the “Magless El-Wezarae” Street events in the Cabinet area last December, who was held at the People’s Assembly auditorium with others, before they were taken to the Public Prosecutor to be interrogated, said that she and her colleagues were abused by Armed Forces personnel.

All these events were not seriously investigated by the Judicial Military Institutions, and therefore great efforts had to be exerted to restore confidence between the Armed Forces and public opinion.

III - Public Freedoms

The January 25th Revolution has substantially promoted public freedoms. Such freedoms are a significant gateway to boost civil, political, economic, social and cultural rights. The Revolution success and the environment it created led the collapse of barrier of fear and spurred citizens to demand their rights and express their opinions freely, thus endowing society with great vitality in tackling public affairs. However, a number of substantial rights were affected by attempts to restrict the exercise and activation of said rights.

1 - Freedom of Speech and Expression

The January 25th Revolution eliminated many red lines that restricted the freedom of speech and expression, particularly in the various media fields. The Revolution's use of the internet social networking sites played a prominent role in removing many restrictions in that field, which developed at an incredible pace. Consequently several restrictions on freedom of expression were eliminated, which in the past undermined the credibility of various branches of the media including TV, Radio and the press.

In addition, during the period that followed the Revolution, numerous new newspapers, TV channels and other electronic media were set up.

Nevertheless, this progress did not stop restrictive measures from being placed on Aljazeera Live- Egypt TV channel, which was set up after the Revolution to become the major news channel in the Arab world giving extensive coverage to the Arab Revolutions. Al Jazeera Live- Egypt offices in Cairo were closed and transmission banned from Egypt, following a Police raid of the Channel's Offices and confiscation of transmission equipment. Since then, the Ministry of Information has exercised pressure on the channel to the extent of denying it a license to authorizing transmission from Egypt. Although a ruling issued by the Administrative Court was in favor of the channel and authorized transmission from Cairo, the Ministry of Information stood firm in its position. While the judicial dispute continued, Al Jazeera set up an alternative channel that broadcasts from its Headquarters in Doha, Qatar.

Two months following the incident, the authorities began to show tolerance towards Al Jazeera-Egypt TV channel correspondent teams operating in Cairo. This indicates that the pressure exerted has been linked to unclear political circumstances more relevant to home affairs, than to the role played by Al Jazeera TV Network, which continues transmission of its bouquet of channels on the Egyptian satellite (Nile-Sat.) and works through its other channels offices operating in Cairo.

During the Revolution, Al Jazeera transmission on the Nile Sat was banned by a decree from the Egyptian Authorities, concurrent with the disruption of the Internet and social network sites and restricting communication with cell phones for several days.

While independent private media and opposition media continued to operate freely, the TV and Radio Union and some of its media came under intense pressure during that year due to a desire by employees at the said official media institution to secure their independence from the government, to secure a number of leadership positions, and to have employees loyal to the former regime dismissed from their posts.

Examples of such conflicts included:

- A conflict that erupted between TV and Radio employees and SCAF over allowing Head of the Radio and TV Union News Sector Abdul Latif El Menawy to continue in his post, which he did retain for several weeks after the Revolution.
- A conflict between Union leaderships and some prominent program presenters, which prompted the said presenters to join private media institutions. This conflict stemmed from the desire of employees to dismiss heads of artistic sectors and separate certain channels from sectors to ensure their independence. Such conflicts unfolded at State-owned newspapers, such as Al- Ahram, where leaderships affiliated to the old regime were dismissed and Chief Editors were toppled as the result of a controversy over the editorial policies. Simultaneously, criticisms were directed at the interim authorities due to their insistence on retaining the Ministry of Information and failure to meet the demands to abolish said Ministry and form an

Independent Information Council that would monitor information in accordance with professional criteria and rules.

Notwithstanding these conflicts, substantial progress has been noted in the professional performance of State owned media institutions in addressing public affairs amid a free environment.

In other developments, numerous judicial claims were filed by citizens and lawyers affiliated to political Islam against certain public figures, in reaction to some of their public statements. One of these was a claim against Christian businessman Naguib Sawris, who later was acquitted by the Misdemeanor Court. Another was a claim against artist Adel Imam, who was sentenced in absentia and given a 3-month imprisonment term before appealing the sentence that is still being considered by the court.

2 – The Right to Peaceful Assembly

The Egyptian people set an admirable model of peaceful assembly during the January 25th Revolution 2011, that saw peaceful protests lead to widening popular support for the Revolution and civil disobedience from February 9th to 11th 2011. The protestors maintained the peaceful nature of their protests, despite severe repression practiced against them at Tahrir Square and in governorates throughout the country.

The Revolution success in toppling the Head of the regime and his aides has been a significant introduction to entrench the right to peaceful assembly. Nonetheless, the events that rocked the country since then manifested the difficulties impeding the exercise of the said right in practice.

Numerous clashes occurred between army and security forces on the one hand and protestors on the other, during which the interim authorities repeatedly showed their impatience with the continuing of partial protests. As a result, said authorities issued a Law banning and criminalizing demonstrations and sit down protests which obstruct production. The Law used flexible terms to describe criminalized acts, which may apply to all forms of peaceful protests and public assembly, which are not intended to obstruct production.

A great of number of professionals and workers staged numerous peaceful protests that included demonstrations, strikes and sit down protests to call for certain economic and social demands, most of which dealt with legitimate rights and motivated by the urgent need to address pressing social challenges. The said protests were also linked to the alleged procrastination of authorities in meeting the rightful demands called for during Revolution.

Nonetheless, the transitional phase was also characterized by numerous protests that failed to meet the criteria of peaceful demonstration by attempting to have authorities meet their demands by the sheer force of their protests. The most prominent of them was blocking traffic on roads by the protesting inhabitants of the area, particularly the railways, to force the authorities to fulfill specific demands.

In turn this has placed the right to peaceful assembly in jeopardy. In this respect, calls were heard during 2012 from parliamentarians to place restrictions on the right to peaceful assembly by issuing new legislation to that effect.

The NCHR legislative Commission has put forward a draft Law to ensure the freedom of peaceful assembly. Said draft Law was presented to the Interim Authorities and to the People's Assembly as soon as it had been elected and began its sessions. The move by the NCHR was in response to the controversy on the exercise of the right to peaceful assembly following the issuance of the Law criminalizing sit down protests in April 2011.

3 - The Right to form and join political Parties and Trade Unions

There were substantial developments regarding the right to form and join political parties during the past year. The January 25th Revolution led to important variables, foremost among which was a ruling by the Supreme Administrative Court recognizing "EL WASAT" party's right to be established after 14 years of struggling with the old regime Political Parties Commission.

The most important variable was embodied in the amendment of the Political Parties' Law, which gave the green light to various political figures to form parties and as a result the number of political parties increased from 25 before

the January 25th Revolution to 54 political parties in 2012. Nevertheless, the said Law imposed certain procedural restrictions, which led a decrease in the pace of progress of partisan practices and raised the number of founders from 1000 to 5000. In 2007, the Law required only 50 founders to form a party.

Another restriction is the stipulation by the Law to publish the founders' names, in two widely circulated newspapers that constitutes a big financial burden on the founders and enhances the role of funding in partisan practices that are expected to be free. Said restrictions slowed down the establishment of political parties, which were expected to reach 100 in the light of the current situation.

The most significant gain achieved in political party action in Egypt was lifting the ban imposed on certain political powers that were deprived of legitimacy for the past decades, foremost among which were the political Islamist powers. These Islamist powers formed five parties, including the "Freedom and Justice Party," the political arm of the "Muslim Brotherhood," which had been deprived of legitimacy since 1954. However, the establishment of the said party, which captured the biggest number of seats in the first elections after the Revolution, did not put an end to the controversy on the Muslim Brotherhood, owing to the legal classification of the Brotherhood and the organizations that it maintained.

Another party that emerged after the Revolution was the "El Adala wa El Bena'e" (Freedom and Construction) that was formed by political factions namely "El Gameaat El Islamia". There are three other parties that are representative of Salafi groups in Egypt namely "El Nour Party" (the Light) that came second in the Parliamentary elections, "El Assala Party" (Genuineness) and "El Fadeela (Virtue) Party".

The Revolution also contributed to lifting the ban on leftist forces, resulting in a number of socialist Marxist oriented or quasi-Marxist parties being formed.

"El Karama" (Dignity) a nationalist oriented party was also formed after a 14 year struggle with the former Political Parties Commission.

A number of liberal- oriented parties were also formed, including "The Free Egyptians" Party which ranked fourth in the Parliamentary elections, "Al Eslaah wa Al Tanmya" (Reform and Development) and "Ghad El Thawra" (Future of

the Revolution) led by Dr. Ayman Nour who is the founder of the original “Ghad Party”. Dr. Nour had been engaged in a dispute with the Parties Commission on his right to lead the said party amid repeated cases of dissent.

One of the most outstanding developments, in partisan practice was the ruling by the Supreme Administrative Court on April 17th 2011, to dissolve the former ruling National Democratic Party(NDP) for its role in corrupting political life and its monopoly of State institutions, in addition to undermining the State resources. The reasons cited for the ruling were based on the 7th NCHR annual report issued in January 2011, which pointed out to the absence of the principle of equal opportunity between the NDP and other parties in terms of election competition. The NCHR and the Arab Association for Human Rights on March 2011, in one of the main recommendations made in their joint fact finding report, called for the dissolution of the NDP.

Regarding the right to form trade unions, there were positive developments in terminating the ban on 13 professional syndicates activities in Egypt, foremost among which was the Engineers Syndicate. Said syndicates were able, after 16 years of suspension, to convene General Assembly meetings and elect their boards.

Nonetheless, conditions in trade unions remained very negative with the Ministry of the Workforce’s continued interference in unions, together with lax in ending the former regime domination of the Trade Unions Federation, which alienated many labor sectors and sparked numerous protests.

This trend prompted various labor forces in society to move towards forming new unions for sectors with no union representation. Meanwhile, other labor sectors also started forming new unions in addition to existing ones. At the same time, there were strong calls for union plurality – a trend that grew rapidly. Still, the numbers of founders and subscribers were limited, as the number of independent trade unions that were formed reached according to some sources 500 independent unions. The founders relied, in this regard, on Egypt’s accession to the International Labor Conventions no.87 and 98 that provide for freedom and plurality of unions.

It is imperative to introduce trade union legislations amendments to ensure the independence and freedom of trade unions and, therefore, establish sound trade union practices. The postponement of introducing said amendments to trade unions legislation, until after the end of the transitional phase, doesn't seem to be the right solution.

Three draft Laws to amend the trade unions legislations have been submitted. The first of these draft Laws has been put forward by the caretaker government of Dr. Essam Sharaf, the second has been presented by the "Freedom and Justice Party" arm of the "Muslim Brotherhood", and the third has been proposed by the Workers' Federation which has been subject to intense pressure. Although the three draft Laws face remarkable obstacles, the International Labor Organization is studying the draft presented by the caretaker government. "The Freedom and Justice Party" meanwhile has submitted its draft Law to the People's Assembly Proposals and Complaints Commission, while the Workers Federation is seeking to put forward its draft Law to the People's Assembly Workforce Commission.

The International Labor Organization (ILO) Experts Commission is expected to examine Egypt's position during in May 2012, amid threats against Egypt's retracting its commitment to International Labor Criteria during the International Conference scheduled to meet in June 2012. If Egypt were to follow this course of action it would be placed on the Organization blacklist in the field of commitment to union freedoms. Egypt was already placed on the watch list before the end of 2011.

Regarding the freedom of forming civil society organizations, the variables accompanying the Revolution led to the flourishing of civil society organizations on a large scale. Human Rights Organizations, in particular, have engaged in numerous battles in support of the Revolution and the transitional phase. In this regard, these Organizations have strongly supported the Revolution demands prompted by a commitment to Human Rights principles. Human Rights organizations have put forward a large number of proposals during landmarks in the transitional phase. They have stood in support of the victims of the Revolution and the detainees who have faced legal problems owing to their participation in protests following the Revolution.

Civil society organizations in general, and Human Rights organizations in particular, have continued to apply significant efforts in proposing legislative reforms and policies, which included an amendment and reform of the NGOs Law regulating their operations, interim authorities in the transitional phase. However, the interim authorities in the transitional phase have failed to respond to these calls for change.

These organizations have faced growing difficulties since June 2011, following the press leaked reports that accused them of running on foreign funding. In reaction to the reports, the former Minister of Justice assigned two investigating judges who opened a wide-scale investigation in this regard.

Press coverage contained numerous reports from unidentified sources, which indicated that civil society organizations received billions of dollars in funding. While the reports pointed out to Human Rights organizations, without specification, there were also concurrent accusations that various social and political movements, such as April 6th Movement, were being funded by the United States.

Late last December, General Prosecution members accompanying a joint police and army force searched 17 headquarters, of which five were affiliated to foreign organizations and four of American. The raids also involved Egyptian Human Rights Organizations, which included the “Arab Center for the Independence of the Judiciary and Advocacy” which is headed by member of NCHR Council Mr. Naser Amin and the organization “Marsad Al Mowazanah Al Eamah wa Heqouq Al Ensane” (Observatory for the Public Budget and Human Rights) which is concerned with economic and social policies.

The two investigating judges ordered 43 suspects, among which were 19 foreigners employed by the five foreign NGOs, to stand trial. Four of the five NGOs are American and have no operating licenses. The said NGOs that had been operating in Cairo for years are the International Republican Institute, the International Democratic Institute, the Freedom House Organization, and the International Center for Journalists and the licensed German Konrad Adenauer Foundation.

The trials faced great difficulties. On the same day that the judges stepped down, a travel ban on foreign suspects working in said organizations was lifted. The ban was lifted pursuant to a ruling by an interim bench, which had been formed, immediately following the stepping down of the original judges hearing the trial.

The new judges continued to hear the case in which Egyptian defendants and one American was tried while the other foreigners were tried in absentia. The American citizen in question has refused to leave the country until the case has been adjudicated.

The case hearings have been accompanied by much controversy on SCAF use of the foreign NGOs case to screen a crisis besetting US Egyptian relations, discredit Human Rights Organizations, weaken their communication with public opinion and restrict their role in upholding Human Rights. There is a clear confusion in this campaign, between foreign NGOs, whose activities may deal with Human Rights issues on the one hand and national Human Rights NGOs concerned exclusively with Human Rights issues from a legal and professional aspect on the other.

These developments have renewed demands, by NGOs in general and Human Rights Organizations in particular, to amend Civil Society Organizations Law in a manner which ensures their freedom of activity and promotes their important role in social development, which eventually would end reluctance of some organizations to legalize their conditions under a Law which imposes administrative reservations and wide scale restrictions on said organizations freedom of action.

Human Rights Organizations have protested the smear campaign launched against them and the lack of fairness, which ignored the huge financing of other politically oriented organizations that used said funds in parliamentary elections and political campaigns. They found this particularly disconcerting at a time when Human Rights Organizations have the responsibility to comply with the principles of transparency in their financing and budgeting.

The NCHR Council held an emergency meeting, to discuss the civil society organizations' crisis. It issued a Press Declaration calling for the immediate

suspension of measures adopted, and disclosing the coordination with lawyers defending the suspects and Human Rights Organizations. The NCHR is still following up the interrogations and trial, and continues to concert action with lawyers defending National Organizations that are still subject to an official investigation.

4 - The Right to Participation in Running Public Affairs

Promotion of the Right to Participation in Running Public Affairs is an essential instrument to satisfy Human Rights needs particularly at times of Revolutions.

While the exercise of said right has been successful on numerous occasions during the transitional phase, at others it has failed to take effect. This matter is relevant to the confusion which characterizes the transitional phase and which continues until the drafting of the subject report.

In the wake of the January 25th Revolution, pursuant to the former President's statement read on his behalf by the former Vice President in the evening of February 11th 2011, SCAF was authorized to run the country.

In accordance with the powers granted to SCAF, the 1971 Constitution was suspended by an interim Constitutional Declaration issued on February 13th 2011. This suspension evoked wide criticism by Law jurisprudents and political leaders, who argued that the 1971 constitution had been made null and void by the outbreak of the Revolution and its success in toppling the former President.

SCAF (as has been mentioned earlier in First: The Constitutional and Legal Development) set up a Commission of legal experts that evoked numerous reservations by political forces, due to the political orientation of some of its members. The said Commission was made up of judges, Law university professors and one lawyer namely Mr. Sobhy Saleh who is member of the Muslim Brotherhood "Guidance Bureau".

The said Commission was mandated to amend certain provisions of the 1971 Constitution, and not to draw up a new Constitution - a matter that was opposed by numerous political forces. This decision called for setting a Constituent Commission to write a new Constitution for the country, particularly that amending certain provisions of the 1971 Constitution was on the agenda of the

dialogue proposed by the former regime during the Revolution to buy time and said proposal was rejected by the Revolutionary forces.

SCAF declared on March 11th the draft of the these eight provisions, in addition to two others that were also amended, calling for a popular referendum on March 19th 2011. Political powers opposed this move, which they believed did not give ample time for popular discussion of the subject provisions. They therefore urged the people to reject the proposed amendments, which were supported by the Islamist political powers that called on the people to support them to promote security in the country.

The referendum that was held under full judicial supervision marked a significant practice, which allowed voters to use their IDs in the balloting for the first time. The new practice increased the number of voters from 22.5 million registered voters to 40 million Egyptian voters. Though the balloting was conducted on one day, and lasted 12 hours on average, some 18.5 million citizens participated in the ballot and constituted 40% - an unprecedented turnout in Egypt. According to reliable Human Rights estimates, the turnout in various voting processes in the past 20 years did not exceed 6%.

The amendments were overwhelmingly endorsed by 77,2% amid objections from certain political powers, rejecting Islamist Political Powers' use of religious forums to call on people to support said amendments, in addition to SCAF which supported the amendments.

However, SCAF issued a new Constitutional declaration comprising 65 provisions of which 55 were not put to the vote in the said referendum. Despite the satisfaction of political powers with the move, it became the subject of national consensus on the road map drawn by the Constitutional Declaration among political powers. Nevertheless, it also led to sharp political polarization between Islamist political powers and liberal, national and socialist powers.

Pursuant to the Constitutional Declaration, SCAF issued a number of legislations regulating political participation, which included amendments relevant to the organization of political parties, the exercise of political rights and other legislative amendments. However, in the light of political powers

opposition to the modified legislations, several amendments were later introduced to them.

Ever since its new formation in April 2011, the NCHR has been keen on putting forward numerous legislative proposals, among which were proposals to amend Laws relevant to promote political participation. The NCHR issued a comprehensive report on the Parliamentary Elections with its two Chambers (the People's Assembly and Shura Council) late in March 2011. This report was prepared by the NCHR "Elections Support Unit", which has undertaken that task since the re-formation of the NCHR and continues to play a substantial role in preparation for the Presidential Elections.

The "Elections Support Unit" has monitored and classified voting violations and irregularities, as well as examined all complaints received by the Central Operation Room, in accordance with Egypt's established rules and international Human Rights commitments including the right to elections, relevant national Laws and their compliance with international standards.

The process of evaluating and analyzing took into account the following: 1) the existing legislative reality and the practice on the ground. 2) the official executive decrees on elections and the degree of candidates and voters compliance with the rules.

The report sought to answer two basic questions, namely whether the conditions for free elections were provided and how far were the conditions for fair elections provided. In an effort to reach the required conclusion the standards were divided into basic categories:

The First category is primarily related to whether standards of free elections and expression of the people's will were observed or otherwise. In second instance, this category related to the availability of basic rights including freedom of expression, freedom to access to information, freedom of assembly, freedom of forming associations, trade unions and political parties, independence of the judiciary, safeguarding participation for all, and the status of the emergency Law. In the third place, this category also dealt with whether or not the ballot was held in secrecy.

The Second category focused on the standards of fair elections. This category primarily dealt with whether there was a universal, equitable and non-discriminatory suffrage. In second place, it related to whether there had been discrimination and what were the positive measures adopted in this regard. Thirdly this category focused on finding out whether every citizen had only one vote, as well as what were the legal and technical guarantees. In addition, this category focused on the periodicity of elections, the role of the police and security forces and finally the role of observers.

Elections were held for the bicameral Parliament, “People’s Assembly and Shura Council,” amid an environment fraught with confusion at all levels, whether as a result of repeated legislative amendments that further complicated matters for voters or the queries sparked regarding their legality that impacted legislative stability. Such a situation necessitated the issuance of constitutional amendments to immunize parts of said amendments, in a bid to constitutionalize Laws by establishing them in the constitution, and consequently immunize them against appeals of unconstitutionality.

The electoral system had been amended three times in less than three months, the first by a decree Law on July 19th providing for the People’s Assembly to be constituted of 508 members of which half to be elected by the slate system and the other half by the individual system. Under the political parties pressure, the legislator issued a new Constitutional Declaration on September 25th amending the Constitutional Declaration of March 30th and providing for the assignment of three quarters of the People’s Assembly seats for the closed slate system and one quarter for independent candidates, running in accordance with the individual system. A decree Law to that effect was issued on September 26th. On October 8th, eleven days following the voters’ invitation on September 27th to go to the polls, a new amendment was introduced to the electoral system in response to the political parties’ pressure. Said amendment lifted the ban on political party members to run in accordance with the individual system, thus allowing them to compete with independent candidates.

Besides the constitutionalization of Laws, the electoral system modification that allowed parties to compete for individual seats and granted them the opportunity of monopolizing three quarters of Parliament seats according to the slate system gave rise to suspicions of a violation of the principle of equality among candidates. The NCHR warned in a statement, two days before the

Parliament met, against such a violation. Appeals were filed to that effect to the Supreme Administrative Court, which referred it to Supreme Constitutional Court. The said decree Laws issued by SCAF are in breach of a Constitutional Court ruling in 1990, as they undermine independent candidates' opportunities, though they represent the majority of society. As a result of reducing the number of individual seats, the electoral constituency area was expanded. This move exhausted both the voter and the candidate (in Shura elections the constituency spanned an entire governorate).

Following the start of the period of candidacy for both houses of Parliament on October 12th, the court issued a ruling on October 27th, mandating the participation of Egyptians abroad in elections. The legislator "SCAF" had to issue a fourth Constitutional Declaration to provide for annulment of judicial supervision on Egyptian expatriates voting and empowering Ambassadors and Consuls to perform that task. The said Declaration was issued on November 19th, a decree Law was issued the following day, regulating the expatriates voting process and the voters database. However, this Decree Law violated Article 10 of the "Exercise of Political Rights Law", which prompted the legislator to circumvent the violation by issuing a new Law instead of amending the current one.

The confusion which ensued resulted in the violation of the Expatriates Voting Law, as it breached the principle of ballot secrecy by allowing administrative officers to know the voters name and the candidate they voted for, as a result of the voter handing in an open envelope containing the ballot and a signed statement that they had cast in their ballot.

The electoral constituencies remained geographically unknown to both the candidates and voters until the issuing of Law no.121 and Law no.122 on September 26th, two months before the elections that defined the number of electoral constituencies assigned to every governorate and the number of its seats for the slates and individual systems as well as the geographical voting stations it includes.

The legislator issued the Law on "Corrupting Political Life" seven days before the start of the People's Assembly elections, which confused political parties apprehensive that the said Law may apply to their candidates. However, it has been realized that the provisions of the Law involve procedures that do not lead

to the exclusion of candidate before elections and therefore have not been put into effect to date.

In view of the widespread communal violence, the legislator amended the “Exercise of Political Rights Law” by toughening punishment for electoral crimes. Unlike the violence that prevailed prior to the elections, no electoral violence was reported during voting, violence also declined remarkably in all governorates. The absence of acts of violence –in comparison with violence during previous elections- was a result of the commitment by the Supreme Elections Commission to implement judicial rulings regarding the annulment of some constituencies’ results and holding repeat voting due to irregularities in the election process. Such a policy was the real guarantee that enhanced the voter’s confidence in the integrity of the electoral process and prompted candidates to take their complaints to the court instead of resorting to violence.

Nevertheless, applying the Law to violators faced numerous problems. As a result of these challenges, violations that were limited in the beginning, increased due to an inability to enforce the rule of Law. Not a single case was referred to investigation authorities for reasons relevant to Law enforcement mechanisms and instruments. Widespread violations of electoral silence were reported, in addition to the use of places of worship and religious slogans. There was no verification of campaign funding and candidates’ compliance with the established rules in this regard.

The state of emergency continued to be in force during the Parliamentary elections, but it had no impact on the electoral process. In the meantime, political parties and Human Rights organizations called for lifting the state of emergency during balloting. The various phases of elections were held under the supervision of the Supreme Elections Commission, exclusively composed of judges. The Law provisions invested said Commission with new competence that it did not exercise before, thus acquiring an advanced degree of independence from the executive system. In view of the Commission formation, its timing, nature and instruments established by the Law and besides certain aforementioned legal flaws, said Commission was unable to fulfill the requirements of running the electoral process with all its details including the development of voters’ database and ending with appealing results.

The planning and implementation of the electoral process was carried out in great haste without appropriate preparations for the elections environment. For

instance, the selection of assistants for polling stations chiefs was carried out in accordance with procedures that may evoke suspicions regarding commitment to neutrality. The choice of Counting Stations lacked accuracy and planning which caused numerous errors that resulted in a repeat of voting in a number of constituencies.

The developments of the electoral process points to the absence of policies, legislations, and administrative or executive decisions targeting the falsification of the voters will. The process suffered from haste, poor preparations and planning as well as confusion in legislation, decision-making and weak management.

The voting process was monitored by civil society. Figures show that 25000 observers from 132 civil society organizations participated in monitoring the elections, in addition to foreign organizations that took part for the first time in monitoring the electoral process.

Results

People's Assembly and Shura Council elections were held in accordance with an electoral system that combines both the slate and the individual systems, giving political parties the opportunity to compete for all seats through the slate and individual systems.

While said system allowed parties to form alliances and blocs, others opted to run individually.

The three- stage People's Assembly elections lasted for one and a half month, with every stage lasting two weeks. Following the amendments, the Shura Council elections were held over a one-month period in two stages. The Egyptian society witnessed for the first time a real electoral environment, which lasted for five successive months, starting from September 27th with the invitation of voters and spanned until February 28th 2012 for the first meeting of the Shura Council.

❖ The People's Assembly:

Regarding the People's Assembly elections, the number of total seats is 508 of which 498 would be elected (332 seats for parties and 166 seats for the

individual system) and 10 would be appointed. The People's Assembly elections were held in three stages, with every stage covering 9 governorates. Fifty-four political parties took part in the elections, from which 27 formed blocs or coalitions.

The Slate System Results:

The four alliances won 263 seats, nine parties won 69 seats. According to the individual system, the independents won 27 seats only from a total of 166 seats, two party alliances won 131 seats and 7 parties won 8 seats.

The Democratic Alliance for Egypt composed of the following parties (Freedom and Justice - El Karama-Ghad El Thawra – Labor - EL Eslaah and El Tanmeya) won 127 seats equivalent to 25% of the total seats. The Islamic Bloc comprising the parties of (El Nour – Alassala - El Fadeela - El Banaa Wa El Tanmaya - El Taghyeer Wa ELTanmaya - the Arab for Justice and Equality) won 33 seats. The Egyptian Bloc comprising the parties of (Free Egyptians - National Progressive Bloc - the Egyptian Social Democratic Party) won 33 seats. The Coalition of the Revolution Continues composed of the following political parties (the Egyptian Socialist, Popular Socialist Alliance, Egypt Freedom, Equality and Development, the Egyptian Alliance, Coalition of Revolution Youth, the Egyptian Mainstream Party) won 7 seats.

“El Wafd” garnered 36 seats equivalent to 7.2%, “El Wasat” won 10 seats the equivalent of 2%, “Liberty” 4 seats equivalent to 0.8%, “EL Eslaah” and “El Tanmeya” garnered 8 seats, equivalent to 1.6%, Egypt Nationalist 4 seats equivalent to 0.8%, the Egyptian Citizen party won 3 seats equivalent to 0.6%, the Egyptian Arab Union won 1 seat equivalent to 0.2%, the Union 2 seats equivalent to 0.4%, Democratic Peace 1 seat equivalent to 0.2%.

The Individual System Results:

The Democratic Alliance garnered 101 seats, the Islamic Bloc 30 seats, EL Wafd 2 seats, Liberty 1 seat, National Egypt Party 1 seat, El Adl 1 seat, the Independents won 27 seats.

Appointed Members:

The Chief of SCAF issued on January 21st 2012 the decree no.43 of the year 2012, providing for the appointment of 10 People's Assembly members; among whom two women and five Christians.

Woman Representation: women got 10 seats equivalent to 2%, two (2) of whom were appointed, the Democratic Alliance got 3 seats, the Alliance of the Egyptian Bloc 1 seat, EL Eslaah and El Tanmeya 1 seat, El Wafd 3 seats.

Christian Representation: 11 seats representing 2.1%, five (5) whom were appointed, the Democratic Alliance 1 seat, Alliance of the Egyptian Bloc 3 seats, El Wafd 1 seat, Liberty 1 seat.

❖ **El Shura Council:**

The total number of seats is 180 (120 according to the slate system and 60 according to the individual system).

The Slate System:

The Democratic Alliance garnered 56 seats, Islamic Bloc 38 seats, the Egyptian Bloc 8 seats; El Wafd got 14 seats, Democratic Peace 1 seat, Liberty 3 seats.

The Individual System:

The Democratic Alliance won 50 seats, the Islamic Bloc 6 seats; the independents won 4 seats only out of a total of 60 seats.

Woman Representation:

The number of women reached 5 out of 180 members of parliament equivalent to 2%, the Democratic Alliance won 3 seats, the Egyptian Bloc Alliance 1 seat and El Wafd 1 seat.

Christian Representation:

The Christians obtained two seats with a percentage of 1.1%.

An analysis of the results indicates three significant negative aspects relevant to the participation of youth, women and Christians in Parliament in comparison with the number of members of parliament.

❖ **Major Violations in an Analytic Reading of Complaints:**

The NCHR Central Operation Room received 2505 complaints of violations and irregularities, some 550 complaints were set aside for good due to absence of a violation or repetition of the same complaints.

In the light of monitoring, studying, and analyzing received complaints, campaigning during the electoral silence was the most prominent violation.

Field monitoring of the situation indicated that no official body attempted to enforce the Law upon violators. While observers tried to initiate legal procedures, no specific actions were taken. This issue manifested the pressing need to introduce legislative and administrative amendments to confront this mounting phenomenon.

The second and third ranking violations of the Law were the inability to open polling station on scheduled time and the late arrival of ballots. Although complaints of these problems declined in the next rounds of the People's Assembly and Shura Council elections, the fact that they continued at all underlines the need for specific measures to prevent repetition in order to safeguard the voters' right to participation and choice.

It has been observed that certain violations and irregularities that were highly prevalent in previous elections were significantly reduced. These include, preventing voters from reaching polling stations, impeding observers from doing their task, eruption of acts of violence in front of polling stations and rigging ballots.

Violations linked to attempts to manipulate voters and direct them to specific choices ranked fifth among reported violations. The said violations have remarkably declined compared to previous violations, and they serve as an indicator for how far elections express facts on the ground. However, it can be said that the very existence of such violations is troublesome, since these violations are classified among the most serious threats to elections requiring specific legislative and procedural measures to contain them.

Ranking ninth on the list of violations was Electoral violence. Such violations took place by targeting the security of polling stations or voters in person, hampering the electoral process or preventing voters from reaching polling stations.

These violations point to the need for forces to provide security and protection for polling stations. On the other hand, it should be noted that violence declined, due to the introduction of provision ensuring numerous legal guarantees such as the right to appeal decisions or results and the enforcement of relevant rulings.

Complaints relevant to campaigning reached 837 complaints, which amount to 42.8% of the total violations and irregularities registered during the People's Assembly elections. In the Shura Council Elections 13 complaints representing 43.3% were reported, while in the People's Assembly elections complaints of delay in opening polling stations stood at 266 representing 13.6%. Moreover, six complaints were reported in the Shura Council Elections representing 20% of the total votes.

There were 123 complaints, representing 6%, of ballots arriving late to polling stations in the People's Assembly Elections.

In the People's Assembly Election, failure to stamp ballot cards constituted 116 complaints equivalent to a 6%, and there were two complaints equivalent to 6.66% to that effect in the Shura Council Elections.

Regarding voters manipulation, 116 complaints were reported, representing 6%.

On obstructing voters from casting their ballot, 36 complaints were reported, representing 1.8%.

There were 43 complaints, constituting 1.7%, of closing polling stations before the scheduled time.

In the People's Assembly Elections there were 29 complaints, representing 1.5%, of hampering observers from carrying out their task and one complaint to that effect in the Shura Council Elections.

In the People's Assembly Elections there were 24 complaints, 1.1%, reported of acts of violence and disorder outside polling stations. One complaint to that effect was reported in the Shura Council Elections.

In the People's Assembly Elections there were 21 complaints, 1%, of the absence of phosphoric ink and one complaint to that effect in the Shura Council Elections.

There were 11 complaints, 0.6%, of preventing candidates' representatives from being present in polling places.

There were 9 complaints, representing 0.5%, of fraudulently filling out voting cards.

There were 8 complaints, representing 0.4%, of collective voting.

Ranking next were a variety of irregularities and violations, reaching 300 complaints, 15.3% of the total irregularities and violations, reported in the 3 stages of election (Absence of a screen, changing the location of the polling station, failure to locate the polling station, failure to prepare the balloting place, inclusion of a dead person's name on the voters' list, absence of security measures around polling stations, failure to seal ballot containers, changing the electoral symbols, chief of the polling stations voting on behalf of voters, absence of voters names from the voters lists, barring an escort from accompanying a disabled person, merger of some polling stations, complaints by some women voters with veils covering their faces).

There were a variety of other complaints including five complaints constituting 16.66% of total violations and irregularities in the two stages of the Shura Council (absence of the chief of the polling station, absence of voters' lists outside the polling stations).

❖ **Proposals and Recommendations**

On the Legislative Level

- Setting a permanent and independent Entity to monitor all the phases of the electoral process.
- Issuing a Law to ensure the independence of the judicial authority.
- Issuing a unified Election Law, comprising all legislations relevant to the electoral process and ending contradiction between the various legislations.
- The necessity of ending the state of emergency.
- Removing from national legislation punishments depriving individuals of their freedom in publication and expression cases.
- Issuing a legislation regulating peaceful assembly.
- Endorsing regulated legislative provisions that ban the use of places of worship in campaigning and containing said phenomenon during electoral silence.
- Granting Egyptian expatriates the right to run in public elections.
- Adopting positive measures to provide protection for social classes, which constitute a large number of voters but are the least represented.
- Reconsidering the division of electoral constituencies by issuing a Law clearly establishing equality of opportunity based on the number of inhabitants and the administrative division.
- Granting national civil society organizations the right to monitor all phases of elections unconditionally.
- Issuing a Law on the circulation of information and the right to obtain it

On the Procedural Level

- Adopting practical measures to control political funds and meticulously monitoring the election campaigns financing sources and candidates commitment to financial ceilings.
- Developing elections techniques including electronic voting, vote counting, tabulation and declaring results.
- Banning the selection of assistant chiefs of polling stations living in the same residential area, where the polling station they monitor is located.

- Safeguarding and ensuring the rights of the disabled to participate in elections and exercise the right to vote.
- Stating commitment to educate voters.
- Training and promoting the skills of the various parties concerned with the electoral process, in order to help them accomplish their task.

IV-Economic and Social Rights

Increased economic and social injustices were some of the main reasons behind the outbreak of the popular revolution in Egypt. These injustices were characterized by worsening developmental degradation, aggravated and abject poverty, heightened pace of corruption and waste and the absence of justice and equal opportunity regarding distribution of resources and burdens. The effects that these injustices on the population contradicted the former regime's claims for seven years running about higher economic growth rates and promising economic welfare for the future.

A few days before the January 25th Revolution was triggered, the former regime leaked news via media sources reporting that it had the intention of adopting fresh economic and social policies to narrow wide gaps. More news circulated to indicate that major authoritarian figures were getting on board for emergency meetings to look into the consequences of the Revolution of the Tunisian people. During these meetings, a decision was taken to give up on economic strategy that Ahmed Nazif's government was planning to take.

Public criticism sharply directed at the International Monetary Fund and the Finance Minister of the former regime reflected the nature and implications of these economic decisions that certainly would have resulted in considerable price-hikes of basic foodstuffs, energy and sales tax, thus engendering additional burdens on the consumers.

The general State budget for the fiscal year 2010-2011 had sustained a deficit amounting to almost 26%, which was reversed by the former regime through its official sources to become a deficit ratio of 8.2% only, with no indication this percentage was drawn from the gross domestic product.

The former regime had been pursuing a misleading information policy since 2005. This policy served to raise its figures, based on citizens' subsidy bill in its latest budget from annually L.E. 25 to 115 billion by including the difference in the value of energy prices compared to world levels in the subsidy bill of the poor, whereas levels of energy derivatives import had not exceeded L.E. 8 billion. Furthermore, 60% of the subsidized energy local consumption was basically directed to private enterprises.

Whereas extensive and continuing incidents of corruption became more prevalent, and their effects strongly felt by Egyptians, the government remained reluctant to circumvent this situation. It continued to obstruct introduction of the minimum wage, which could help to ensure a decent living for people. At the same time, health and education budgets were cut down to their lowest levels in the past ten years in order to preserve the stability of budgets of the so-called "sovereign ministries" like the Ministry of Information or the growth of Egyptian subsidy-oriented exporters, thereby availing exclusively a limited number of businessmen associated with the government or the ex-ruling party.

Despite the growing discontent, which particularly increased in the last three years and was characterized by multiple sits-in and strikes bringing together millions of citizens, the government would not budge with regard to the adoption of policies for radical transformation into market economy despite the fact that world market powers themselves were set to reverse these policies, work on their readjustment and contain their adverse effects.

The former regime also opted for the recession of the productive character of the national economy in favor of strengthened privatization policies and neglected public sector, as well as the growth of trade-driven leanings in connection with granting licenses for monopolistic investments or dispositions of people-owned assets to the best interest of a small group of the dissolved ruling party leaders and their related private business community.

Following the January 25th Revolution, despite the potential for transformation, limited and insignificant gains have been achieved in addressing economic and social challenges, mainly as a result of the turbulent political track experienced in the transitional period that has led to a decline in overall economic performance and nationwide aggravated social injustices.

With regard to living conditions, authorities of the transitional period have failed in adjusting prices of basic goods that have continued to get higher. In line with these challenges, the deficit in the State general budget has resulted in the rapid return of service-level institutions to the policy of overburdening citizens by price-hikes of basic services such as water and electricity.

The government also failed to develop aspired tax policies in the face of economic monopolies that made use of the vulnerable economic situation in the country. As a result, performance indicators in stock exchange markets declined considerably.

A wave of anger swept through the country two months after the revolution broke out, speeding up the detention and trial of former regime members on corruption charges alongside judicial prosecution of some others for crimes of killing the demonstrators during the revolution.

The majority of the former regime leaders, including two ex-premiers, some deputy premiers, tens of ministers and statesmen and officials at the office of the former president, faced Corruption trials. As a result of these trials, some of these leaders, including the two former Prime Ministers, were convicted of at least one crime.

Although some progress was made along the track of providing health care in governmental hospitals, several drawbacks have been noted as a result of political situation.

The situation in general has also resulted in making housing conditions even more complicated. In this regard, apartment owners have been compelled to terminate most of the lessees in accordance with rules governing the Rentals Law for fear of political and security implications on contractual relationships. At the same time,, the State has detected considerable risks for people living in trouble-strewn slums, together with a rise in housing prices in terms of ownership, rent, land and construction materials. These challenges have emerged amidst increased calls for unleashing the closed housing stock for

homeless people and complaints lodged by old apartment owners on the grounds of low rent scales.

The educational process also sharply retrogressed as a result of the massive turmoil, state of lawlessness, renewed clashes between revolutionary youth and protestors on one side and security and military authorities on the other side, and rallies staged by teachers protesting their conditions and low incomes.

The contraction of economic performance in the post-revolution stage has driven successive governments to utilize foreign exchange reserves in financing deficit in the general budget and in compensating lack of foreign currencies necessary for purchasing basic goods from abroad. The foreign exchange reserve was reduced from \$ 34 billion during the revolution to \$11 billion in spring 2012.

While ex-regime policies in processing information on the economic and social situation were a recipe for conflicting official statistics and figures, the non-availability and absence of relevant information regarding developments during the subsequent period of the revolution has become a significant challenge for researchers and experts.

1 - Right to Health

The country's health facilities were exposed to massive pressures during and following the Revolution. The strain on these facilities was particularly acute as a result of the number injuries sustained during this period, amounting to around cases 6000 from which 3000 required extended and uninterrupted treatment and support.

It has also been reported that at least 15,000 persons were wounded, whether during clashes between authorities and rallying protesters or during events connected with sectarian tensions. As indicated above, a large numbers of those wounded were badly in need of extended treatment and substantial health support.

It should be noted that the Ministry of Health and, in some instances, the Ministry of Defense exerted significant efforts to address these challenges.

However, issues of treating the wounded in these events continued to be a main concern and the key cause of many incidents that ensued. The events of Mohammed Mahmoud Street on 19 November 2011 are a case in point.

Large numbers of those left injured during Revolution have suffered from the State's inability recognize them and provide them with the necessary treatment for their recovery. Bureaucratic obstacles were among chief constraints thwarting response to the realization of their rights, especially that many of them refused admission into governmental hospitals upon earlier reported arrests of some others while being there. In this regard, several governmental hospitals have either declined to record victims' testimonies regarding causes diagnosing their injury or skipped registering statements in patients' files.

The necessary financial compensation due for hundreds of those wounded was an additional reason for State organs to restrict their access to treatment for fear others who are not eligible will try to be included without merit.

As a consequence, a series of protests were called for and lasted for a few months after the establishment of the National Casualties Fund.

As a matter of fact, those left wounded during post-revolution events remained unattended by the State for a long time until SCAF and the government considered all martyrs and those injured in the above mentioned events as equal to their revolutionary counterparts. However, despite these gains, they again faced numerous bureaucratic procedures in this respect.

It is important to mention that those suffering from partial or permanent disability or handicaps actually faced a lot of difficulties even after being tended by the State. Many of them were unable to provide for medication costs and expenses of moving to and from specialized hospitals the State has designated for the treatment of their cases, especially those who may have been living far from these hospitals.

Following the revolution, the Ministry of Health made commendable efforts to enhance health care especially gratuitously in government hospitals. It devoted special attention to exercising further control over the regular attendance of the medical team, making available necessary medicines and providing quality medical service to those in need. This has been done as a first step towards

enabling citizens, especially the poor and the least poor, to access their constitutional and legal right to State care.

The Ministry also made additional efforts to upgrade the efficiency and preparedness of first-aid facilities, considering its crucial role in evacuating victims during events that followed the revolution. These steps have significantly helped to clear the Ministry from accusations, which claimed that its ambulances were being used by security forces to suppress demonstrators during the Revolution.

Nevertheless, health care challenges persist in the country, notably in regard to the extension of medical insurance for all citizens and the expected dissolution of the former regime project of medical insurance privatization. However, this transformation requires the kind of political and legislative intervention that appears difficult to achieve during the current transition phase. In this regard, several health facilities have been stalled as a result of strikes staged by doctors and medical teams including first-aid crews.

Another problem has been the country's State of lawlessness, which has negatively affected the performance of hospitals and treatment centers. In some instances, medical teams have been forced to interrupt their operations in some vital sites until security was restored and protection was provided against risks of agitation either by relatives of the wounded due to massive crowds in clashes that followed the revolution or in connection with acts of looting by criminal gangs. Another challenge this past year has been related to the mitigation of medical crises related to epidemic diseases such as Avian and Swine flu. It is worth mentioning that, for the past three years, the NCHR has made recommendations in its reports on approaches to address these challenges.

Over the past year unexpected increases in the prices of some medicinal varieties, some of which are prescribed for treating chronic diseases, have also been observed. According to investigations conducted by journalists, some kind of corruption or complicity was noted to have been connived between medicine producers in Egypt and famous international monopolies in relation to the so-called intellectual property rights. This has resulted in halting the manufacture of some broadly used local drugs. Had this incident developed nation-wide, there would have been a cause for deep concern with medicine prices expected to rise by 20-50 times the original price.

Another major crisis facing the country is related to the handling of garbage and solid waste. Metropolitan cities, including the capital, witnessed waves of massive pile-ups of garbage for quite a long time. This has driven citizens to protest in many ways, including removing the garbage by themselves and placing it in front of the Public Office of the Giza Governorate.

Despite efforts of the government and local government organs to relatively reduce garbage accumulation, it is still forming an unusual rate in most urban areas in the country.

2 - Right to Housing:

The right-to-housing is another issue that became more complex during and after the revolution. The state of lawlessness in the wake of the revolution has aroused the fears of apartment owners regarding contract-based possession by the tenant pursuant to Civil Law on Housing). This challenge has been particularly critical with regard to poor and disadvantaged tenants. It has prompted some owners to expel lessees by forcing them out of their houses. In turn, this has resulted in rendering thousands of families homeless. This situation led to the accentuation of protest rallies, especially in Cairo in front of the Governorate Office that were joined by thousands of actually displaced families, some of whom had to wait for long years for the State to offer them suitable housing.

Taking advantage of the state of lawlessness, thousands of those who had already booked apartments together with thousands of applicants for low-cost economic units provided by local government organs in some governorates marched to take control of several residential areas, some of which were still incomplete, in an attempt to squatter houses. This has led to the eruption of clashes between eligible persons and unit applicants. Hopes for relevant State solutions therefore were dimmed, notwithstanding tangible efforts in this direction. Furthermore, some displaced groups and residents of slums, especially the most hazardous and desired to be removed since 2010, had stormed into apartments belonging to the real estate stock and built under the former regime as part of investment housing projects.

Army forces were then tasked with lending support to police operations conducted in many of these regions where thousands of regular troops were mobilized to deal with the events on the ground, as it took them long days of security interventions, as happened for example in 6th of October City.

Real estate prices have also risen during the period covered in the report. The country's economic recession and the role of monopolies in making prices of construction materials higher has a negative effect negatively on real estates' property and rental value in Egypt.

During the transitional period, the State has seemed unresolved to address cumulative issues of corruption and monopoly most probably because it fears further decline in the economic performance levels.

Meanwhile, in addition to the evidences submitted by the Illegal Earning Organ, thousands of specific corruption facts related to former regime member and beneficiaries were reported to the Prosecutor-General. These alleged corruption incidences entailed granting State lands for almost non-existent prices to State officials, their relatives and related businessmen. Tens of the abovementioned officials, including former minister of housing Mohammed Ibrahim Silliman, ex-premier Atef Ebeid, and ex-deputy premier Youssef Wali, were convicted in this regard. Moreover, parts of these seized lands were recovered and conditions of other parts on which projects were put in place, were subject to regularization.

The salvation government led by Dr. Kamal el Ganzouri, has begun adopting targeted policies to redress housing crises. Special emphasis was laid in this respect on the social housing project declared by the minister of housing late in January 2012 and tendering construction lands in new communities including special plots designated for Egyptians abroad.

Nevertheless, these policies have fallen short of winning the citizens' confidence against the provisional government background and the suspicion about successive governments' acceptance of proceeding with policies of outgoing governments.

3-Right to Education

The right to education has faced many difficulties during the period covered in this report. The repeated clashes the country witnessed in the wake of the revolution severely disrupted the education system. While the government closed the schools for long periods of time, parents also refrained from sending their children to schools out of fear and because of the occurrence of teacher strikes demanding the realization of their rights to decent living.

The events which the country was undergoing have led to the partial collapse of the educational process which was originally impaired as a result of former regime policies. In response, the Ministry of Education had to formulate strategies to handle the emergencies besetting the education system. It thus resorted to conducting mid-term exams, in case of further developments that may discontinue the academic year, and therefore partial results of such exams were adopted as the results of final year exams.

The state of lawlessness affecting the country also contributed to enhancing violence among pupils in schools. Some cases of young people attacking schools in their neighborhoods were also reported.

The climate of the revolution also paved the way for the lodging of further teachers' complaints about their economic and social conditions. This was more applicable to teachers with subject matters in which students have developed little interest for private lessons. Several semi-public and partial strikes were staged in some schools or at the level of educational departments at the time the Egyptian family has continued to bear the brunt of private lessons.

Teachers also staged various rallies demanded the status of permanent staff. Before the academic year 2011-2012 starts, the Ministry of Education has embarked on drafting contracts on full-employment basis to meet these demands. This bracket also included some teachers who were obliged to shift career to another temporary profession, but were now requesting the same treatment.

In its budget for the fiscal year 2011-2012, the government could hardly increase appropriations for the education sector due to the deficit it sustained. These allocations were chiefly earmarked for wages and salaries as well as for simple administrative and educational expenditures. Thus far the government hasn't taken concrete steps to dispel the vast disparities in terms of educational process between government, ordinary private school and private languages schools on one hand and between them and foreign schools (that are unsupervised by the Ministry of Education and are delivering curricula that are irrelevant, from the organic point of view, to national education) on the other hand.

At the higher education level, the security vacuum and the domination of the ruling party also gravely affected universities.

For more than 15 months after the Revolution, the country has witnessed student uprisings and long-lasting sits-in in some universities with a view to eschew former regime symbols who assumed educational positions for the past four years. The phenomenon itself was extended to private universities where students have demanded the resignation of some university professors and staff members.

These issues were addressed at the government university level before the start of the academic year 2011-2012 in a manner that corresponded to the return of the university leadership election system and freedom of election of teaching staff representing trade union organizations.

Concurrently, students in many universities held a new round for electing student unions after the revolution. Independent student unions were formed and mutually recognized on the part of university management.

With the inception of the new academic year 2011-2012, free student elections were held in many universities and in some others, there were re-elections while this report was under compilation.

Among the gains reaped by the revolution in sponsoring student and academic freedoms was the resolution of a conflict related implementation of the

Administrative Court verdict ruling the illegality of deployment in the university campus of forces under the name of university guards by the Ministry of the Interior. After the revolution, universities have set out on shaping their own security crews to guard their facilities. But again, the demand calling for the cancellation of the 1979 Student Regulation was not met, a regulation that relatively restricts student freedoms.

Complaints about how government universities' teaching member staff are flagrantly under-paid compared to other civil service categories have continued. Such a situation prompted university professors to quit and work for private universities in quest of decent pay.

In the same vein, it should be remarked that the price of university book prices has continued to rise. This is a trend that is exclusive to Egypt and some Arab countries, despite the lack of funds experienced by the university libraries in these countries.

4 - Right to Labor

The right to labor was often challenged by pressures exercised during the period covered in the report. Whereas the revolution inspired high hopes and expectations regarding economic welfare, it resulted in shaping unfavorable economic performances and significantly downsizing incomes.

Several sectors, especially those affiliated with the private business sector, have extensively retreated. The sector of tourism was adversely affected to a large extent as a result of noticeable recession of tourist flows into the country during the revolution period. A further decline followed for a second time due to increased and continued disturbances related to political developments and sectarian clashes coupled with a descent into chaos.

The Informal economy sectors, such as the construction contractors sector, were also affected. This has, more or less, impacted on unprotected labor and resulted in the reduced need for unorganized labor, estimated to be 3 million in number. In the same vein, the question of minimum wage remained inappropriately unsolved notwithstanding partial measures accommodated by the State in favor of government civil servants and public sector employees. Such developments

have produced higher unemployment rates in parallel with a public economic activity meltdown, which culminated in rendering large numbers of workers jobless.

Incomes were also sharply downscaled. As normally applicable under vulnerable legal protection systems, workers are obliged to conclude terms of contract on low-wage basis, together with incentives and overtime allowance. Some steps were taken to improve conditions of civil servants and public sector employees by raising the minimum wage of the majority of them or by turning long-lasting temporary contracts of tens of thousands of them into permanent contracts. However, this was not enough to offer them the suitable minimum level of decent living. The basic demand was originally to put the minimum monthly wage ceiling at L.E.1200, but the transitional government has long slowed down for no reason in meeting it, being a demand that was automatically coupled with determining a maximum wage level, which helps provide necessary resources to satisfy the basic demand.

While the caretaker government has pegged the monthly minimum wage at a ceiling of L.E. 700, the “salvation” government developed a plan in December 2011 designed to fix the maximum wage by 35 times the minimum wage, an approach that was criticized by labor experts and powers, since in other countries, the maximum level does not exceed 15 times the minimum level. Further criticism was directed at the idea of inclusion in the “salvation” government plan of exceptions for some employment sectors, citing the Cabinet’s right to their endorsement.

With respect to trade union freedoms, it is admitted that complacency in facing the domination of the ex-regime over labor unions has driven several powers to move initially towards the formation of syndicates for sectors having no like representation. Another action was taken by other labor sectors in the direction of establishing new syndicates and trade unions side by side with those in place. Calls for multiplicity and independence of trade unions were also increasingly echoed. Open clashes with the Ministry of Manpower sparked further protests against its respective policies with regard to demands recommending the institution of new trade unions and the appointment of interim management.

These clashes were directed at proposals on amendment of the Ministry's trade union legislation, which was not to the entire satisfaction of many newly formed trade unions that were grouped into an alliance of independent trade unions and joined by numerous labor trade union cadres.

This stalled situation has contributed to the continued placement of Egypt on the see-list of the International Labor Organization and threatens its condemnation for violating ILO conventions and recommendations during ILO International Conference scheduled to be held in June 2012.

Section Two
The NCHR Complaints Office Endeavors

The NCHR Complaint Office Endeavors

The January 25th Revolution opened new horizons and prospects for the development and promotion of Human Rights and public freedoms before the Egyptian Society. As a result, the National Council for Human Rights (NCHR) and its Complaints Office has been working hard to address the challenges that stand in the way of realizing these objectives.

However, an important challenge facing the NCHR's itself stemmed from the fact that its headquarter was set on fire during the uprising on January 28th 2011. Due to its proximity to the headquarters of the National Democratic Party (then the ruling party) that was targeted by protestors, the fire burned the complaints office's premises, its furniture, equipment, library and archives that represent its institutional memory as well as one of its mobile offices. These events also interrupted the NCHR's official communication network due to the repetitive change of officials caused by the successive changes of government following the Revolution.

Once the NCHR was back at work it faced other challenges. Some of these challenges were related to the pattern of problems and difficulties suffered by the society during the transitional period that ensued following the revolution due to lack of security and the flight of more than 24 thousand criminals from prisons. Amidst these tensions, citizens heightened their calls for the realization of their social demands at a time when the State's resources were dropping.

This was accompanied by a transformation in the Egyptian society's pattern of interaction with problems facing it. The success of the social forces to topple the head of the former regime and its institutions stimulated the society to change its perception on how to fulfill their rights and demands. Accordingly, many social categories changed their traditional pattern of complaint and knocking on the doors of the Egyptian bureaucracy to satisfy their demands to some other forms of protests, sit-ins, strikes and going further than that in some cases by cutting off roads and railroads throughout many governorates to put pressure on the government to meet their demands.

These changes were also accompanied by the restructuring of the National Council for Human Rights following the brave decision by the Council to resign collectively on 21/2/2011 to pave the way for change. This step was followed by the reshuffling of the Council on 10/4/2011 and the redistribution of tasks and responsibilities according to new developments.

These developments in general focused on three important requirements:

First, there was a need to reprioritize the work of the Complaints Office to cope with new changes and interact with the general strategy laid by the Council's new set-up that included the protection of the gains achieved by the society in the field of civil and political rights, improvement of social, economic and cultural rights, holding accountable all officials who were involved in major crimes perpetrated by the former regime during attempts to suppress the revolution and prevent them from escaping unpunished.

Secondly, the Council was required to interact with pressing issues that would accompany the transitional period in the wake of sudden changes.

Thirdly, it was imperative for the NCHR to join hands with the State's institutions and other civil society organizations in intensifying the Human Rights process for legislation, practice and efforts to consolidate transition to democracy.

Meanwhile, the Complaints Office had other important internal tasks to attend to in order to carry out its new responsibilities such as establishing a stable headquarter, re-building its institutional memory, re-adjusting its method of work to better perform its duties and to strike a balance between giving due attention to collective complaints and injustices and its deeply entrenched efforts to address individual complaints. In spite of the difficulties encountered, the mission succeed due to the trust and confidence enjoyed by the NCHR resulting from its interaction with the civil society organizations and the State's institutions as well as the experience gained by the researchers at the Complaints Office through strenuous work in addition to the atmosphere of enthusiasm at work stemming from new prospects and lastly the continued international community's support to the NCHR to help it fulfill its duty.

❖ Features of Complaints submitted to the Office

The above-mentioned variables impacted on the quantity and quality of complaints received by the office as well as the office's pattern of interaction with these complaints.

The number of complaints dropped significantly reaching 2846 complaints only by the end of March 2012 but a large percentage of it involved collective complaints by big segments of the society. An example of this is the large number of complaints received by the office concerning Egyptian workers who formerly worked in Iraq and whose demands for their remittances before the first Gulf War known as *Hewala Safra* were ignored by the former governments.

These complaints expressed the demand of more than 670000 Egyptian workers whose entitlements were delayed for more than a quarter of a century.

While tens of complaints reached the office on arbitrary arrest or violation of the citizens' right to trial before their natural judge they also voiced complaints of thousands of civilians who were tried before military courts lacking fair trial standards.

Complaints related to economic and social rights continued to top complaints received by the office and with the same features.

Complaints connected with civil and political rights were characterized by a new pattern of physical violation such as violation of women's dignity, or complains to open old files that were closed under threats and oppression.

Complaints received by the office were not confined to allegations of Human Rights violations by the official authorities but extended to complaints of the involvement of extremist elements in crimes of sectarian or tribal nature.

I- Analyzing the Content of the Complaints

1- Civil and Political Rights

Complaints related to civil and political rights dealt with claims of violation of rights guaranteed by the Egyptian Constitution and Laws and Egypt's international obligations to the International Covenant for Civil and Political Rights. These violations ranged from the violation of the right to life, the right

to physical safety, the right to freedom and personal security, and the right to a fair trial, and finally the legal rights of prisoners and detainees.

The complaints also addressed allegations of gross violations of public freedoms starting with freedom of thought and belief to freedom of opinion and expression, the right to peaceful assembly, the right to set up associations and organizations and the right to participate in the administration of public affairs.

A. Right to Life

Complaints concerning violation of the right to life and right to physical safety concentrated on crimes of killing peaceful demonstrators during the security service attempts to suppress the January 25th, 2011 Revolution. This was repeated during a series of confrontations witnessed by the country after the stepping down of the former president between the authorities and the demonstrators. Violation of the right to life continued by the authorities during the torturing of detainees and within the context of sectarian incidents witnessed by the country.

1) Violation of the right to life in the context of the confrontation between the authority and the community

Since the outbreak of the January 25th Revolution the country has witnessed several successive large-scale incidents where citizens were killed and physically assaulted, most of which were in Cairo, but extended in varying degrees to all Egyptian governorates

The first of these incidents took place during attempts to crush the Revolution. There were two key rounds. The first was at the hands of the former regime's security services during attempts to disperse the demonstrators by force from January 25th to 28th when the police service collapsed. This was followed by a second round which was launched by an organized civil force of thugs and members of the National Democratic Party and the Security Service in an attempt to disperse demonstrators by force and ending their sit-in at Tahrir Square which was known in the media as the "Battle of the Camel".

The fact-finding mission formed by the National Council for Human Rights and the official commission formed by the government following the "Battle of the Camel", together with non-governmental Human Rights organizations documented cases of hundreds killed and thousands injured.

No one can verify these figures very accurately due to many ambiguities and confusion that accompanied the clashes which forced some families to bury their dead without legal procedures while tens of bodies remained for weeks in morgues and were buried without identifying them. Some hospitals were unable or refused or failed to record the injured because of their pre-occupation with first aid to the injured or for fear of responsibility amidst this state of confusion and uncertainty.

However, this assessment does not under-estimate the accuracy of the characterization of the crimes committed during attempts to suppress the Revolution, nor the responsibility of the State authorities and the organized militia thugs for these crimes. A team of legal researchers at the Complaints Office and NCHR Council members prepared and classified the crimes either as random killing or pre-mediated killing or killing by error.

The responsibility of such crimes was laid on the Minister of Interior and a number of his top assistants from the different security sections, as well as the former president in his capacity as President of the Police Supreme Council and his Constitutional responsibility to protect citizens whether he ordered the direct killing of citizens or refrained from issuing orders to stop the killing and punish those responsible. The criminal responsibility for these crimes was identified. This indeed contributed together with the Public Prosecution investigation to direct criminal claims against those responsible to bring them to trial.

Crimes of murder and severe physical attacks on peaceful demonstrators did not stop after President of the Republic stepped down and the assumption of responsibility by the Supreme Council of the Armed Forces (SCAF) for running the country's affairs.

The month of June witnessed another wave of clashes between the authorities and the citizens during a celebration organized by a non-governmental organization at El Balloon Theatre in El Agouza District on 28/6/2011 to honor families of martyrs when some individuals tried to storm the celebration because they were not included in the ceremony. Although the Police dispersed some, others headed towards families of martyrs who had been sitting in front of the before Maspero building for some days. A large number of demonstrators then went to "Nubar" Street where clashes took place between them and the police resulting in the injury of 1140 persons including 70

policemen. The Complaints Office, which formed a fact-finding mission, did not receive reports of any persons killed.

The month of July witnessed another wave of clashes between the authorities and the citizens during a peaceful march on July 22nd 2011 by youth of the “April 6th Movement” from Tahrir Square to the Ministry of Defense headquarters to relay their demands to the officials. Military and civilian police and special forces units stopped the advance of the march towards “Abasseya Square” while civil groups which were described once as “popular committees” and once as Abasseya inhabitants launched coordinated attacks against the protestors with pre-prepared bags of stones and white arms and electric shocks, which resulted in the injury of one thousand citizens leaving one dead and 18 critically injured. Later, the police and military forces opened a safe passage for demonstrators to withdraw from Abasseya Square.

The month of September also witnessed a series of clashes between security forces and demonstrators. One clash took place between groups opposed to the trial of the former President and his senior aides and families of the revolution martyrs at the court premises in the Police Academy. Another clash took place between members of “El Ahly Ultras” regrouping the fans of El-Ahly Football club and the Police during a match between El-Ahly Club and “Kima Aswan” team on September 7th 2011. The exchanged provocations resulted in the injury of 133 from both sides and the arrest of several fans of El-Ahly Club. This confrontation reached its peak on September 9th when protestors attacked the Israeli Embassy premises because the Egyptian authorities failed to take concrete measures in retaliation for the Israeli troops attack on Egyptian officers and soldiers in Sinai killing six people, and refusing even to apologize officially for the attack.

These clashes escalated sharply in the evening of September 9th when protestors tried to storm the headquarters of the Security Directorate of Giza opposite the Saudi Embassy. The clashes resulted in the injury of 1049 persons among whom were 58 policemen. Four citizens died as a result of stampede, three others as a result of gunshots in the head and chest, and 130 suspects were arrested.

The month of October witnessed two major confrontations between the authorities and protestors. The first occurred on Tuesday October 4, 2011 at Maspero where military police and the Central Security troops used excessive

force to disperse the demonstration and break up the sit-in near Maspero, injuring a number of protestors. Subsequently a huge demonstration of tens of thousands was announced in advance took off peacefully on October 9th from Shubra to Maspero, although it was subjected at least twice to acts of violence on its route to Maspero by counter civil groups.

At their arrival in Maspero, excessive violence took place transforming it into one of the worst confrontations of the year. The Maspero events were perceived as a sectarian confrontation. It claimed the lives of 28 Egyptians including 26 Christians, one Muslim and one military soldier. Moreover, some 321 civilians and military personnel were injured according to the Ministry of Health records.

The months of November and December 2011 witnessed a series of sorrowful confrontations between authorities and protestors which began when authorized to disperse a limited strike in Tahrir Square on 19/11 which sparked a large attack on the Ministry of Interior that lasted five consecutive days during which the police and protestors traded severe violence.

This was followed by another wave of clashes between demonstrators and street vendors in Tahrir Square and Abdel Moneim Riad Square on November 28th resulting in tens of injured on both sides. The focus of violence then moved to the vicinity of the Cabinet of Ministers and the People's Assembly building on December 17th 2011.

During these events more than 60 protestors were killed and over 4500 injured from both the demonstrators and security forces sides. Gross violations of Human Rights and public freedom were incurred during these incidents that cast gloominess on the Egyptian Community. The fact-finding mission made up of the NCHR Council members and the complaints office researchers' team documented this in a report. The report was disclosed late January 2012.

Again the Egyptian society suffered from successive waves of violence when they were struck by the Port-Said Stadium massacre on February 2nd, 2012 that caused the death of 74 youths in just 20 minutes, most of them from Al-Ahly Football club fans in a treacherous attack launched by a group of thugs armed with weapons. An attempt was made to show this crime as a case of football hooliganism. However, investigations carried out by the fact-finding mission dispatched by the Complaints Office to Port-Said, the fact-finding mission dispatched by the People's Assembly and investigations by the Public

prosecution showed that it was an organized crime involving thugs whose task was made possible by security officials. The Public Prosecution addressed charges to 74 suspects ranging from charges of killing, attempted murder and to sabotage and referred them to trial.

2) Violation of the right to life and physical security as a result of torture

Although crimes of torture, leading to deaths, and attempts to conceal and forge investigations to enable perpetrators to escape unpunished were one of the sparks that ignited the Revolution, such crimes did not stop after the Revolution. On the contrary, they led to the killing of some citizens. Foremost among these crimes were the following:

On October 6, 2011 a citizen called “Amr Ibrahim Mohamed” known by the name “Reda” was found murdered in a bathroom of the “Samallout” Police detention in Menya Governorate. His family refused to receive his body accusing the police of killing him. A complaint was submitted in this respect to Menya Security Directorate and a report was handed to the public prosecutor on October 30, 2011. Questioning the victim’s first wife by Samallout’s prosecution on October 6, 2011, she accused Officer Mohamed Mounir and the accompanying force of killing her husband while arresting him. The second wife’s uncle, Fawzy Mostafa, accused an informant in El Baliana Police Station in Sohag Governorate of involvement in the killing of the victim.

The working team at the NCHR Unit for Combating Torture went to the victim’s family home to hear their testimonies and information on the incident’s background. Accordingly, the Complaints Office referred the facts to the Public Prosecution to consider in the investigation process. It also asked the Public Prosecution more than once to speed up the results of the investigation and to take the necessary procedures to hurry up the forensic report and question the victim’s mother, the investigation officers and policemen in Samallout police station who were present at the time of the incident. They also asked to question the second wife’s uncle but received no answer from the Public Prosecution

The NCHR Complaints Unit and the Unit for Combating Torture received a reply from the Public Prosecutor on May 17th 2012 regarding this case in which he mentioned that the public prosecution of Northern Menya had filed the case by registering it in the suicide register and excluded the criminal suspicion from the papers of the case. It also registered it in the register of administrative complaints and filed the case administratively on January 24th 2012.

On October 27 2011 the family of prisoner Essam Aly Atta received a phone call at about 4 pm from one of the prisoners informing them of the death of their son. The victim's father and uncle "Ezzeddin" were summoned to the morgue in order to identify the body and take it home.

The victim's family confirmed that on October 25th, 2011 they visited their son Essam in his cell in "Torah" prison where he told them that he had been tortured to death because of a mobile phone chip that was smuggled to him inside the prison and was reported to Officer Nour Abdel Hamid by one prisoner. The victim repeatedly complained of mistreatment by the officer who tortured him by putting a wiper stick in his anus until he bled. He asked his family to write a complaint to the prison's administration but they feared that he would be further tortured. His family also confirmed that four of the prison's investigation officers led their son out (in front of them) to a nearby room following which they heard the beating and screaming of their son. When the victim's mother screamed asking to rescue her son two investigation officers pushed her out of the visiting area.

The victim's family also confirmed that on October 26th, 2011 they received a phone call from their son Essam Atta saying "I am dying, they are torturing me very harshly, let someone report them to the administration". One prisoner informed the victim's father that they put water hoses inside Atta's anus and forced him to drink water with soap and beat him with a wooden stick.

On October 28th, 2011 two lawyers from the anti-torture unit and the Complaints Office were sent to "Zeinhom Morgue to find about the incident and meet the victim's family in front of the Morgue. They received a complaint with detailed information about the incident. The Public Prosecutor was informed of the complaint and asked to speed up the forensic report and complete investigations.

The Complaints Office and the Unit for Combating Torture received an answer from the Public Prosecutor on May 6th 2012 concerning the case, and noting that South Cairo's Prosecution decided that there was no prima facie case based on the forensic report that stated that there is no criminal suspicion.

On February 11th, 2012 Ahmed Mahmoud Khamis Mostafa (known as Ahmed el Brince) was detained in an unknown place for four days where he was assaulted throughout this period by three people dressed in civilian clothes. They introduced themselves to him as investigator officers then transferred him

to another unknown location and tortured him by the electric shock intermittently for 45 minutes and questioned him about his relationship with people in Libya of Ethiopian nationality and about agreeing with them on an arms deal which will be smuggled to Egypt via “El Alamein” route. These interrogations and assaults continued for three days by the same persons. At the end of the third day another person showed up and told him he is not the person sought and was released. He found himself in a location between “Ittai El Baroud” and “Damanhour” in El Beheira Governorate. The complainant asked the NCHR Complaints Office to take the necessary legal and administrative measures against the perpetrators. The office then referred the case to the Public Prosecution.

On February 26th, 2012, Mohamed Samir Aly was summoned by the Public Prosecution in the 10th of Ramadan City. He went there without knowing the reasons for being summoned. He was surprised to hear the prosecution charging him with attempted murder using firearm belonging to a registered felon. He was detained for four days then remanded for 15 more days twice though he confirmed to the Public Prosecution that during the assault and the attempted murder he was with his brother at the headquarters of the “Economic Company Aminsico for Industries and Processing” in 10th of Ramadan. He also confirmed that this is registered in the company’s records and other witnesses including the factory’s owner were witnesses to that. However, the Public Prosecution did not consider these facts and ordered his continued detention without taking any legal procedures to prove if the complainant was implicated or not.

The NCHR Complaints Office and Unit for Combating Torture received a reply from the public prosecution on May 23rd 2012 regarding the case stating that the public prosecution of the 10th of Ramadan City reported that the suspect Mohamed Samir had been released on the guarantee of his home address. It added that as regard the incidence of torture and assault, the health inspector said while examining prisoners at the 10th of Ramadan Police station on March 18th, 2012 as part of the regular health inspection, he found that prisoner Mohamed Samir Aly was suffering pain in the bladder and testis. On March 20th 2012, a report dated March 19th 2012 said that on examining Mohamed Samir, no signs were shown of swollen testis or hematoma but only bruises in the back.

On March 2nd, 2012 the complainant’s family received a phone call informing them that their son was admitted to the Health Insurance Hospital in 10th of

Ramadan. They found him in a state of severe exhaustion as a result of being tortured and beaten by a stick by officers in the 10th of Ramadan police station. The officers were Ahmed Ghazy, Islam Ghoneim and Ibrahim Emara. The victim's family said they were receiving threats from the above-mentioned officers who framed up this case against their son and threatened to frame up further charges against his brothers if the family submits complaints. The complainant was referred to the Public Prosecution and Ministry of Interior that ordered the complainant to be promptly examined forensically to prove the injuries resulting from torture.

On March 8th, 2012 the following names: Mohamed Aly Gaber Ahmed, Mohamed Mounir Abdel Azim, Ahmed Mahmoud Abdel Hakim, Yasser Mohamed Haroun, Aly Gamal Riad, Mahmoud Bakry Solaiman, were arrested by detective Ahmed Abdel Latif and an accompanying force from Beba Police Station in Beni Sueif Governorate. They were handed over to "El Feshn" police station as there was no headquarter for Beba Police Station. A report was filed against them accusing them of gang formation and robbery.

On Friday March 9th 2012 they were referred to the Beba station prosecution that ordered their detention for four days pending investigation. When they reappeared before the prosecution on Tuesday March 12th 2012, it ordered their continued detention.

In the meantime, the families of those arrested confirmed that they were arrested in front of the Public Hospital in Beba district while one of the detainees was being examined in the hospital for foot injury. They said Officer Ahmed Abdel Latif forged charges against their sons, beat them, insulted them and did not allow them to eat or drink in order to force them to sign the report. Signs of fatigue and beating were evident on their sons during examination by the Beba Prosecution. They demanded to be examined forensically to prove their injuries and also to interrogate the policemen. The complaint was referred to the Public Prosecution that referred them to forensic examination. A report from the forensic medicine was still to be received.

The NCHR Complaints Office and the Unit for Combating Torture received a reply from the public prosecution on May 15th 2012, regarding the case from Beni Sueif prosecution. It stated that the defendants were arrested in the case no.928 for 2012 administrative Beba and registered under no.126 for 2012 on charges of carrying drugs and weapons to terrorize citizens and commit acts of

bullying and forced robberies were paraded in a session on April 9th, 2012. Beba court ordered the release of the second and sixth victims on a 200 Egyptian Pounds bail each and the release of the first, third, fourth and fifth defendants on the guarantee of their home address. The case is still being investigated.

On March 19th, 2012, Emil Farouk Kamel Ghali was arrested from his home by a force from “El Khanka” police station. A report was filed charging him with possessing firearm, weapons arms and fire shots. The Public Prosecution examined him and ordered his detention for four days pending investigation. The complainant affirmed that the charge was fabricated against him following some 6-months old dispute with one serviceman called Salah Shahhat at “El Khanka” police station in El Qalyubia Governorate.

The complainant also affirmed that during his arrest, contents from his house were stolen by police servicemen who were among the force that arrested him. When the servicemen learned that the victim’s family had filed a report on the stolen things accusing them of stealing they tortured the complainant by electric shock, whipped him and cut his hair so that his family would give up the theft report. The Public Prosecution ordered the complainant to be examined forensically. But until the complaint was submitted to the office, the complainant had not been examined.

The NCHR Complaints Office and the Unit for Combating Torture received a reply from the public prosecution on May 5th 2012 regarding the case from North Banha court stating that on May 8, 2012 defendant Emil Farouk Kamel Ghali was summoned from his detention for questioning. He said that Major Salah Abdel Fatah, Captain Mostafa Sharawi and Captain Ahmed El Salawi hit him on his back for a whole week in El Khanka police station. The officers in Shebein El Kom prison ripped his clothes, beat him and administered electric shocks. When the prosecution examined his body it found old injuries on the back and arms. The public prosecution decided to refer him to the Forensic Medicine for examination on the same day. The public prosecution reported that defendant Emil Farouk was still detained according to the case no. 3146 for 2012 El Khanka criminal court registered under no. 243 for 2012 for investigations.

The office also received a complaint concerning the death of “Mohamed Tawfik El Sayed El Wakeel, an inmate in Borg El Arab prison. His family reported that they suspected the death was due to torture. The office referred the complaint

to the Public Prosecution that said the death was natural and not a result of assault by any person on the prisoner as proven by investigations of the Bureau of Investigation and supported by the autopsy report. The autopsy report attributed the cause of death to sharp drop in the heart, the blood circulation and respiratory system resulting from complications from pneumonia and gangrene of the left foot.

3) Violation of the right to life within the context of sectarian events

The national solidarity demonstrated in face of the former regime, during the revolution events, has shown prospects to surmounting sectarian tension that had plagued the Egyptian society throughout the past years. However, the country got hit by a wave of sectarian events that claimed the lives of many citizens and represented one of the major challenges facing the country's transitional period.

In this context, the Complaints Office received numerous complaints on sectarian incidents, which caused the death and injury of many citizens. This triggered off another wave of Human Rights violations represented in the following incidents:

On April 17th 2011 a quarrel took place between a Muslim microbus driver and two Christian citizens over a speed bump at a road in "Abou Qorqas" town in Menya Governorate. This rapidly escalated into sectarian incidents between both sides where attacks on Muslims by firearms took place causing the death of two persons and the injury of four others. Attacks on houses owned by Christians followed, while several shops were destroyed. Security forces interfered and arrested the key culprits in the killing crimes and those accused of burning Christian homes. The Complaints Office sent a fact-finding mission to the scene of the incidents where it met with the Governor of Menya, senior security officials and eyewitnesses. It later issued a comprehensive report on the incident.

On April 4th 2011 several citizens in Qena Governorate staged a sit-in front of the Governorate premises to protest against a Cabinet decision appointing Major-General Emad Michael, governor of Qena. Officials did not heed their strike, the protestors cut off the land road leading to Qena Governorate then cut the railroad. Although such protests seemed sectarian in nature as displayed by

the mass media, it was clear to the fact-finding mission dispatched by the Council that the protestors against appointing Major-General Emad Michael were not only Muslims but also Christians who expressed their wish to have a civilian governor. The witnesses encountered by the fact-finding mission stated that the core of the problem was the neglect and marginalization of the governorate.

On May 11th 2011 the Complaints Office received several reports from inhabitants of “El Warrak” District reporting the eruption of clashes between Muslim and Christian citizens at the backdrop of Embaba incidents that happened prior to that date on May 8th 2011. The Council sent a fact-finding mission that concluded a completely different result as it found that the incident was in fact a quarrel that occurred between tenants of a certain building and the owner of the building in the context of disputes between owners and tenants. Meanwhile, Muslim and Christian leaderships were meeting to discuss means of rapprochement between both sides when they learned about the quarrel. They hurried to the site of the quarrel dressed in El Azhar and Church outfits, which led the inhabitants there to believe that sectarian incidents took place. The mission also learned that the police interfered to end the clash between the owner and tenants.

This incident shows the size of sectarian tension and the efforts required on the part of the State and Community to contain this phenomenon.

B. The Right to Freedom and Personal Security

The Complaints Office received many collective and individual complaints concerning the violation of the right to freedom and personal security. The collective complaints were within two contexts. First, the circumstances of the outbreak of the January 25th 2011 Revolution and attempts to oppress it, and secondly attempts by authorities to intercept demonstrations and strikes which raged following the stepping down of the head of the regime. Almost no month has passed without such demonstrations and protests since February 11th 2011.

Violations of the right to freedom and personal security during attempts to oppress the Revolution were of random nature and extended to thousands of protestors who were rounded up by the security service in many governorates. The detainees were put in the Central Security Troops’ Camps since prisons could not accommodate this number. Some were examined by the Public

Prosecution which released most of them while the rest were set free following the collapse of the security service.

However the authorities excluded some people, such as Wael Ghoneim, whom they suspected had a special role in the Revolution. Ghoneim was kidnapped from the public streets, blindfolded and transferred to one of the State security service detention quarters where he stayed in detention until the February 7th 2011.

This period witnessed a series of arrests on pretext of violating the curfew imposed since January 28th in Cairo, Alexandria and Suez. Detainees in this context were treated more harshly and roughly and many of them were referred to the Military Judiciary.

The successive waves of repeated clashes between authorities and demonstrators since the stepping down of the former president as previously mentioned witnessed the arrest of many activists who joined the demonstrations. They were characterized as follows:

1. Many of the detainees were referred to the Public Prosecution for investigation, while some were charged and others were referred to military trials.
2. These arrests included some media persons who were covering the events in their capacity as professional journalists in some national or independent newspapers or in television and radio, yet this did not exempt them from being arrested.
3. The arrests also included field physicians and paramedics working in field hospitals set up by independent groups at the scene of the events
4. The arrests were characterized in some cases by unjustified violence against female activists and unprecedented humiliation of women that ignited the community's anger.
5. The Complaints Office documented cases of detention in illegal prisons and without any legal procedures where detainees were kidnapped from streets, blindfolded and forced to make confessions under coercion.
6. Some arrests were coupled with physical assaults on detainees, which humiliated them and

The Complaints Office documented many of the above-mentioned cases in reports written by its various fact-finding missions that the office was part of or undertook. The office also called on the Public Prosecution to verify some of

these cases. The Public Prosecution was cooperative in this concern, allowing in one case an NCHR Council member to visit a prisoner who had gone on a hunger strike. In another case the Prosecution accompanied members of the NCHR Council while inspecting buildings affiliated with the People's Assembly or Shura Council, following reports received by the Complaints Office about illegal detention in these buildings.

C. The Right to Fair Trial

The January 25th Revolution did not bring about changes regarding the violation of the right to fair trial, which was a source of continuous complaint under the former regime where civilians were tried before military courts without fair trial standards.

Ironically, the competent authorities were very keen to provide fair trials in all cases where figures of the former regime were involved whether regarding crimes committed during suppression of the Revolution or cases related to corruption, profiteering and squandering public money. These authorities made certain that the trials took place in accordance to objective Laws and fair procedures and refused to apply the treachery Law even after amending it to meet the standards of fair trial before the natural judiciary.

The Complaints Office received numerous complaints regarding violation of the right to fair trial to civilians who were tried before military courts. The Supreme Council of Armed Forces ignored complaints referred to it by the office regarding violation of civilians' right to stand before their natural judge. It also ignored the statements released by the Council in this respect. The President of the Military Judiciary authority, Major General Adel Morsi, defended the military courts jurisdiction in cases examined. He repeatedly affirmed the existence of defense guarantees through delegating lawyers to defend the defendants and settle legal fees from the military judiciary budget.

However, while referring civilians to the military judiciary in the early weeks of the revolution was justified due to the collapse of the security service and suspension of work in courts and public prosecutions, the continuation of such procedure upon the return of the security service, courts and prosecutions could not be justified. This was especially true with the regard to the aggravated use of this procedure and its extension to thousands of citizens.

The President of the Military Judiciary noted in statements to the Press on May 9th, 2012 regarding the trial of defendants before military judiciary, that the number of civilians tried before military courts throughout 15 months period had reached 11879 persons. He also said that the majority of them were released and only 1200 persons were serving terms of sentence.

Moreover, he stated that the number of judges and the military prosecution members who had examined cases of these incidents since the January Revolution did not exceed 120 judges and prosecution members. He underlined that military judiciary is not exercised in Egypt alone but exists in the USA, Pakistan and Tunisia where civilians are referred to military judiciary. He emphasized that the state of emergency will end by May 31th 2012 and that, subsequently, the President of the Republic in accordance with the amendment of article 6 of the Military Judiciary Law will not have the right to refer civilians to military courts whether in state of emergency or not.

As far as the Council was concerned the content of these statements do not change the characterization of the military trial of civilians as a violation of the right to fair trial. Moreover, the fact that civilians are tried before military courts in countries like the USA, Tunisia and Pakistan does not justify this procedure which is subject to sharp criticism in the USA itself and cannot be applied to American citizens. It remains that the basic rule in the field of Human Rights is the comparison with the best and not the worst cases.

Many complaints received by the office noted that the trials were very quick, brief and of premature procedures. The defendants who were subjected to these trials did not enjoy a guaranteed right of defense in a sufficient way including examining indictment, giving the defense a reasonable period for preparation and the right to hear witnesses and to discuss proofs of evidence.

Although this report does not deny the flexibility manifested by the Military Judiciary, whether in releasing some detainees or allowing students to attend to their exams, the National Council for Human Rights still demanded that those civilians who were tried before military courts be retried before their natural judge.

❖ **Public Freedoms**

The year 2011 – the year of the January 25th Revolution - was the start of an era of public freedoms, where citizens dropped all restrictions that had been imposed

by the former régime on political and civil liberties and freedoms. Through 40 mass rallies, assembling millions of citizens and other mass mobilizations in the country's squares, the masses broke free from all restrictions to freedom of opinion and expression, the right to peaceful assembly and the right to strike and sit-in. They exercised their right to organize and hence founded hundreds of organizational forms such as political parties, independent syndicates, associations and coalitions. They activated their right to participate, and stood in queues for long hours to cast their ballots either in elections or referendum to elect their parliamentary representatives, or boards of syndicates and trade unions. They also exercised their right to monitor these elections.

However, this unprecedented scenario of events did not prevent the occurrence of gross violations of the citizens' right to exercise their political rights and civil liberties. The complaints received by the office and reports by its field researchers, as well as the fact-finding mission's conclusions and its regional offices reports, reflected patterns of grave violations some of which were carried out systematically.

In the domain of **freedom of thought, belief and practice of religious rituals**, demands for the issuance of the unified Law for building places of worship was reluctantly addressed by the State and objected to by "El Azhar" and the Orthodox Church for different reasons. The construction of churches continued to cause friction between Muslim and Christian citizens. Complaints received by the office reflected regretful incidents in this concern foremost of which were the assault on "Sol" Church in "Attfih" and the Virgin and MarMina Churches in "Embaba" and a dispute over a license for building a church in "El Marinab" in Aswan.

Various other clashes took place between Muslim and Christian citizens in the course of natural social events, such as that of El Amereya in Alexandria that caused Christian families to abandon their homes within the context of informal settlement undertaken by Parliament deputies. The sectarian discourse aggravated the situation on both sides, where Muslim and Christian leaderships actually incited sectarian tension in certain incidents.

The Complaints Office's fact-finding missions to the sites of the sectarian events concluded that the continuation of this phenomenon was due to several reasons, foremost of which were the reluctance of authorities concerned to apply the Law, the delay in rendering judgment in many cases before the

judiciary related to previous sectarian events and the media's tackling of sectarian incidents which instigated tension in some cases.

In the context of **freedom of opinion and expression**, in its wider sense as expressed by the Supreme Constitutional Court rulings regarding the right to demonstrate and sit-in, the main violations reported in this respect were the interception by both the civil and military security services of some peaceful demonstrations and sit-ins by use of unjustified excessive force causing the death and injury of many and the detention and mistreatment of many others.

The authorities also summoned, investigated and arrested bloggers, journalists and media persons who were covering events and referred some of them to military courts. They also shut down two satellite channels while threatening to shut down other channels on claims that they did not get licenses although they had been operating for months prior to this decision without any objections.

The state-run media in many cases blacked-out issues of concern to the community and sometimes were implicated in instigators discourse against a political or social force that in one case led to a sectarian catastrophe. In fact, complaints by media persons reflected the confusion in managing the state-run visual and written media file.

Regarding **the right to form associations, syndicates and trade unions**, the Complaints Office received complaints about the administration's constraint when Dakahlia Governorate NGOs asked for registration. The Dakahlia Governor issued instructions to stop registering new organizations while the Ministry of Social Affairs tarried where it had to approve funds for projects of registered organizations causing damage to their programs. The authorities tarried in their response to complaints by two organizations in El Fayoum Governorate complaining that their headquarters were seized by armed men and asked for help.

Although these cases remain individual cases, tens of non-governmental Human Rights organizations were exposed to campaigns aimed at discrediting them and raising suspicion of their mission in order to turn the community against them on claims that they received foreign funds in violation of the Law. Some NGOs were interrogated, while a list was published of other NGOs and persons who would be subject to such questioning.

The campaign did not stop at allegations accusing these organizations of violation of the Law, but was widened following clashes between the authorities and the international organizations working in the field of enhancement of Human Rights, and democracy to cast suspicion on the integrity and credibility of Human Rights organizations. These organizations were accused of association with foreign agendas aimed at sowing dissension, inciting social disunity and splitting the State. The State-run media was involved in reporting many investigations to confirm the truth of these accusations.

Independent Press reports as well as leaked reports attributed to “judicial” or “responsible” sources implicating ministers and officials in the General Federation of NGOs confirmed that NGOs had received millions of dollars from foreign governments for political purposes. These accusations remained pending and did not specify the persons or organizations involved, which caused great damage to the reputation and credibility of Human Rights organizations.

Following this crisis between the authorities and non-governmental Human Rights organizations, the State authorities committed grave errors in managing this file. In this regard, measures taken against the international organizations who were subjected to inspection, the confiscation of their offices, the arrests of some of their employees was particularly grave. In addition, after these measures, the authorities inexplicably backed down and facilitated the departure of some foreign suspects who were previously banned from leaving the country. Moreover, the case was referred to another circuit in a non-transparent and contradictory method. Accusations were traded with the judiciary system that caused damage to the Egyptian judiciary reputation and status in the society.

The syndicates’ file witnessed some break-through following the Supreme Constitution Court’s ruling which stipulated the unconstitutionality of Law no100 of 1995 (known as the syndicates democracy Law) which allowed for elections in a number of syndicates frozen in some cases for as many as 15 years. However, complaints continued for the non-issuance of the Trade Union Freedom Law to correspond to the new reality and allow for the establishment of independent trade union entities despite the government pledges to amend the Law in order to lift Egypt’s name from the black list drawn by the International Labor Organization. Instead, attempts were made against issuing this Law on the pretext of maintaining a unified Trade Union Action. The government also criticized the International Labor Organization representatives for urging it to

issue the required amendments to the Law to avoid the continuous inclusion of Egypt on the black list of countries that restrict trade unions' freedom.

With regard to the **right to participate in the administration of public affairs**, Egypt had adopted the principle of positive discrimination for women's political participation in accordance to International Human Rights Law as exercised by many countries where a quota is allocated for women.

However, after the January 25th Revolution, the Law for the exercise of political rights and elections removed the women's quota in parliamentary councils on claims that this violates the principle of equality and non-discrimination. While the Law required the inclusion of women on party lists, the State and party organizations failed to support women's right in this connection. The elections resulted in a very frail representation of women and this caused extensive damage to previously achieved gains. The number of appointees allowed to the Head of State could not bridge this gap.

Section one of the report on Human Rights status tackles in detail the irregularities that marred the electoral process which were the subject of many complaints received by the National Council for Human Rights.

3. Social and Economic Rights

Despite the significant decline in the number of complaints received by the Complaints Office concerning the social and economic rights, aspects and causes of which have been analyzed in the introduction of this section, complaints relating to these rights continued to represent the biggest percentage of complaints received by the office. These complaints were made either through traditional means, the office's different mechanisms of work or through monitoring and documenting the demands voiced by social movement through marches, demonstrations, strikes, petitions and different mass media. Moreover, these complaints dominated events since the outbreak of the Revolution that was known in the mass media as category (*feaweya*) demands.

Complaints extended to almost all social and economic rights categories. Almost all segments of the society were involved in the protests movement such as the public and private workers, students, civil servants, farmers, and other categories who were not used to such protests or demonstrations such as police officers and soldiers as well as Imams, preachers and pensioners.

The right to a decent life topped the list of demands. The wages issue was at the forefront of these demands. These demands did not only include the right to fair wages but also measures determining the minimum and maximum wages and non-discrimination in wages for compatible work and the inclusion of the breakdown of wages in the base salary as this affects the retirement pension.

Complaints about shortage of basic goods and services also were high on the list of demands, especially fuel that witnessed successive crises with the drop in supply of oil, solar, car and butane gas. Public transportation services were also interrupted due to workers' strikes in both the land and railroad public transportation. Waste collection also witnessed several crises.

Complaints and protests included many demands relevant to **the right to work** such as turning temporary employment to permanent employment, the working hours, overtimes and incentives, rectifying the status of workers in State-owned companies that were previously privatized. The courts restored some of these companies to public ownership. The demonstrators also asked the State to provide job opportunities and address the issue of employment for those who remained in the same grade of employment for long years without promotion or financial settlement for their seniority.

Complaints also extended to retirement rights under the pressure of two factors: First, the wave of soaring prices that made it difficult for pensioners to meet their basic needs and second the community's concern over the former government's decision to merge the Social Insurance funds to the State's general budget, especially after rumors circulated that this money was wasted and spent for purposes other than what they were intended for.

Complaints and protests involving the **right to housing** varied largely and reflected a new phenomenon. While complaints continued by limited-income groups about their incapability to get a house adequate to their incomes and the lack of houses to accommodate cases of administrative evacuation and other critical cases in accordance with priorities adopted by the Ministry of Housing and the Governorates, the lack of security aggravated the housing problem. Some citizens seized houses allocated for certain individuals, hence causing many clashes and disputes among citizens and between citizens and the security service. This phenomenon was manifested also on agricultural land where construction on agricultural land spread in an epidemic manner during the early

collapse of security that in turn evoked many disputes when the security service attempted to remove trespasses on agricultural land.

Complaints and protests connected with **the right to education** included some difficulties within the context of the Revolution, such as the subsequent disruption of schooling. Parents refrained from sending their children to school for lack of security following the disappearance of the police service. Schools were also used to hold ballot polls during the multiple elections witnessed by the country that led to the loss of several academic weeks and the omission of parts of the curriculum.

While pre and post-university education complained from these demonstrations, complaints showed extra negative phenomenon in university education, foremost of which was the suspension of classes due to the repeated protests witnessed by universities whose youths were strongly involved in the events of the Revolution. The students also demonstrated against discrimination between the education service provided to regular students and that provided to open education students that affected the content of the service and certificates granted when applying for jobs. Some higher institute students also demanded equal treatment with their peers in university colleges that grant a B.A. degree.

Although the student movement gained popularity with the success of the revolution in stopping the police intervention in students' union elections, whether by crossing out candidates or appointing non-elected councils, the Student Action by-Law issued in 1979 continued to be applied.

Complaints related to **the right to health care** had focused on the shortage of medical services to victims of oppressive measures during the revolution and the repeated clashes which ensued, especially regarding critical cases that could not be treated by local means. The health care services were also affected as a result of the lack of security, especially at hospitals near the site of events and clashes. These hospitals issued repeated appeals to secure the building, the doctors and the medical staff.

4. Complaints of Egyptians working abroad and non-Egyptians working in Egypt

The Complaints Office received numerous complaints in connection with rights of Egyptians working abroad concerning claims of violation of their legal rights.

The Kingdom of Saudi Arabia enjoyed the biggest number of such complaints. Two such complaints were submitted to the office on September 8th 2011 by two women on behalf of the husband of the first “Shalaby Abou Serie Zaki” (owner of a ready-made garment factory in Ein Shams) and the son of the second woman “Omar Ibrahim Mohamed Ibrahim” (driver) who were detained in Mecca’s public prison since August 8th 2011 after being arrested at 10:30 pm inside El Haram where they were performing “El Qeyam” prayers without any clear legal cause (the claim included fabricating theft charges against them) noting that the police station refused to detain them for lack of evidence. They were placed in an underground prison and prevented from contacting their families or notifying the embassy until Friday morning September 2nd 2011, when they were able to inform their families of what happened to them (they affirmed that they were threatened if they were to notify the embassy). The two complainants added that there were 400 Egyptians detained in the same place for different forged charges. The Complaints Office addressed the Assistant Minister of Foreign Affairs for Egyptians Abroad regarding these two complaints, but received no reply despite repeated reminders.

Another example of such complaints was a complaint by Aly Abdel Naby Hassan on behalf of his brother Mohamed Abdel Naby Aly Hassan complaining that his brother was arrested inside El Haram in Mecca by the police who detained him on the 9th of Ramadan where he was performing “El Umra” together with his mother. His passport was withdrawn from him in preparation for his deportation but had not been deported till now. The complainant confirmed according to a telephone call from his brother that he was detained in “El Omoum” prison in El Hajj Street in Holy Mecca and no investigations were conducted with him. He appealed for help to set free his brother and alleviate the family’s suffering. The Complaints Office referred the complaint to the Assistant Minister for Consular Affairs and Egyptians Abroad, but received no answer.

Another example of such complaints was one received by the office on September 21st 2011 from Yehya Ahmed Abdel Aziz Mohamed on behalf of his brother who was detained in “El Melz” prison in Riyadh after being sentenced to eight months imprisonment and whipping on June 24th 2007. Four years after fulfilling the sentence he was not released on claims that there was a case against him by his (Kafeel) sponsor (Arab Finance Company for Food). The complainant said that the case was postponed 19 times, and in eight successive

sessions the sponsor or his deputy did not show up on pretext that he was not located. A decision was issued by the Emir of “Assir Emara” to set him free, but was not enforced. The complainant appealed to the Saudi authorities to set free his brother until the case is settled. The office referred the complaint to the Assistant Minister of Foreign Affairs for Egyptians Abroad but received no answer.

The office also received many complaints from Egyptian citizens who had visited Saudi Arabia in Ramadan (August 2011) to perform Umra complaining of pre-mediated mistreatment and the over-crowdedness in the airport for days during the return journey. Although the Saudi Airlines and Egypt Air blamed each other for these problems, it became certain according to the testimony of some citizens who suffered this ordeal that both the Saudi and Egyptian governments were to blame for failing to protect the rights of Umra performers.

Thousands of Egyptians working in Libya suffered gross violations during the Libyan Security Forces measures to suppress the Revolution. The office received complaints about the transfer, detention or deportation of some employees without any legal reason and in a humiliating way. The circumstances of the armed dispute did not allow the examination of these complaints in a systematic way and the office’s intervention was confined to some humanitarian aspects relevant to some cases or their families. However, once the military operations were halted with the fall of Tripoli in the hands of the revolutionaries, the Chairman of the Complaints Office paid a visit to Tripoli arranged by Libya’s transitional council and the Arab Organization for Human Rights. The Chairman met with members of the Egyptian Community in Tripoli, Sirt, Misrata and El Zawya. He also met with the Minister of Justice, Mr. Mohamed El Alaki, and the Minister of Social Affairs, Aly Zidan, with whom he discussed the Egyptian Community’s situation and asked them to allow him to visit some specific prisons that to his knowledge had been detaining some Egyptian citizens for years prior to the revolution. The visit was not made possible as these prisons were still under the control of the local military councils. A list of 55 detainees was delivered to the Libyan officials.

The office received tens of complaints regarding the Egyptian citizens’ entitlements with the Iraqi government since the late eighties that had been continuously ignored by governments of the former regime. The total amount of 420 million dollars in addition to the interests due on the original sum reaching one billion dollars was the entitlements of 670 thousand Egyptian workers. This

sum was held in Iraqi banks to be transferred to Egyptian banks according to an agreement between the Egyptian and Iraqi Governments. These dues were subject to bargaining by the Iraqi Government for several reasons foremost was the Iraqi Government's refusal to pay the interest. The office proposed to the Egyptian Government (Dr. Essam Sharaf's Government) to get the original sum that was recognized by the Iraqi Government then negotiate the interest later as demanded by this limited-income group. The office expressed readiness to form a working team to update information about those entitled in a bid to support the government's efforts.

Several developments helped break the impasse in this issue and on the same basis proposed by the office with reasonable arrangements although some citizens complained of some red-tape challenges.

During the different confusions that surrounded the participation of Egyptians abroad in elections, the Complaints Office received several key figures from the Egyptian Expatriate Communities in Arab countries, Europe and the USA. They discussed several proposals to overcome obstacles related to enactment of their participation in light of the impossibility of implementing the principle of total judiciary supervision in embassies. The office submitted these proposals to the officials and the competent authorities succeeded in solving this problem through legislative amendments.

The complaints from Egyptians working abroad came not only from those working in Arab countries, but also from Egyptians working in other European countries. One such example was complaints by over 2000, which were working in Greece that complained about the non-transfer of insurance entitlements from Greece due from 2008 until November 2011. This led to the deterioration of their living conditions since it involved cases of critically ill people and old age. This case represented a breach of articles of the agreement concluded between the two countries in 1985. In November 2006, the Greek side requested the amendment of some articles that was not met and accordingly the agreement remained in force. The Egyptian side was also committed to implement articles of the agreement with the Greek side where the Greek workers' entitlements in Egypt are remitted in a regular and periodical manner. The complainants asked for intervention to solve their problem. The Complaints Office referred this complaint to the Assistant Minister of Foreign Affairs for Egyptians Abroad but received no answer despite several reminders.

On the other hand, the Complaints Office received several complaints from non-Egyptian residents in transits or visitors. Foremost among these complaints was the Palestinians complaint about rules of residence in Egypt or their exit and return to Gaza strip via Rafah crossing which is the sole outlet for Gaza strip in light of the continued Israeli siege and closure of all other outlets.

Although the Egyptian authorities took positive steps following the Revolution, regarding the rules of work at Rafah crossing that facilitated the Palestinians' visit to Egypt and transit of Egyptian territories, unjustified restrictions remained in force. These restrictions included rules related to age and gender, ones related to the crossing's opening hours and its official holidays as well as those pertaining detention or guarding during transit for those coming from abroad to Rafah crossing on the Israeli side. The security lists drawn prior to the Revolution added further complications in this respect.

Another example of complaints received by the Complaints Office was a complaint by a Palestinian – Farid Hamdan – coming from Libya en route to Gaza. His passport did not show his identity and was detained in Cairo airport for several days with threats of deportation to Libya that would have risked his life in addition to his suffering from diabetes. This critical case is a model where the office faced difficulties from the Egyptian authorities and the Palestinian Embassy in Cairo. However, following several petitions it was made possible not to return him to Libya and allowed him access to his medicine (insulin) and to travel under guard to the Gaza strip.

Meanwhile, the office's petitions and appeals failed to overcome other complaints involving cases of residence. Indeed, the applied rules contradict with the pressing humanitarian and social situation and represent an extension of measures and methods prevalent prior to the Revolution. It is certain that they can be addressed in a better way even within the sovereign bodies' perception of the State's high interests and the Palestinians' right to enter Egypt or cross its territories which in turn need reconstruction.

The office also received other complaints regarding Africans who were victims of Human Traffickers, who illegally smuggled them to Israel through Sinai. Egypt had suffered tremendously from these problems and was exposed to International criticism due to its security handling of this issue. One of the main complaints received by the office was that which included documented details about more than 200 cases under the control of organized criminals. The office

referred this information to the competent Security Service and is following it up.

II- Developing the Complaints' Office Mechanisms of Work

1. The Fact-finding missions

Changes in the violations pattern that prevailed during the period covered by the report and the citizens' interaction pattern expressed in the form of protests, strikes, sit-ins and other forms required the development of the office's mechanisms of interaction with them. At the forefront of these mechanisms was enhancing the fact-finding missions work. The office carried out more than 20 fact-finding missions that almost matched the map of difficulties experienced by the country during the transitional period and covering most of the major events and models representing the rest of the challenges.

The table attached to this section lists these missions.

Half of these missions focused on finding facts about clashes that took place between the authority and the citizens. They included the following:

- 1- A fact-finding mission on crimes committed during attempts to suppress the Revolution formed by the Council, directly following the resignation of the Former president and chaired by the then President of the Office, Mr. Mohamed Fayek. The mission included a team from the Council, as well as the entire complaints office team, and was carried out in cooperation with the Arab Organization for Human Rights. The mission inspected the sites of incidents in many of Egypt's governorates while its report dealt with all forms of killings including pre-mediated killing, random killing and extra judicial killing. The report also covered physical assault and different injuries inflicted during the suppression of protestors as well as cases of kidnapping, arrests and torture. Moreover, it addressed the role of media incitement policies and attacks on journalists and Human Rights activists. It made legal characterization of incidents and determined the legal responsibility of State officials for such crimes. Furthermore, it determined the State's responsibility for reparation for damage done by its Law enforcement employees, causing the death and injury of citizens.

- 2- A fact-finding mission involving the attack, on April 22nd 2011 at 1 am, by security officials inside the Television building in Maspero jointly with waste collection workers of a private company on sit-ins in the Radio and Television building. The protestors were advocating reforms and asking for their dues in arrears held back for many months. No official from the building intervened and the sit-ins filed a report on the incident at “Beau Lac” police station. The Public Prosecution conducted an investigation on these events.
- 3- A fact-finding mission on “El Balloon” theatre and Tahrir Square where clashes and violence took place between police and families of martyrs on June 28-29, 2011. The mission included field visits to hospitals that received the injured. A report was published in this concern.
- 4- A fact-finding mission on clashes between families of martyrs and police in Suez on July 9th 2011.
- 5- A fact-finding mission on a hunger strike and a sit-in by one citizen in Tahrir Square on July 14th 2011 demanding the revolution objectives to be realized.
- 6- A fact-finding mission on July 14th 2011 to learn the reasons for the sit-in of M.A. and Ph.D. holders who demanded their employment in universities.
- 7- A fact-finding mission on July 25th 2011 to learn the truth about the events that took place in El Abasseya and Tahrir Square. A report was issued in this respect.
- 8- A fact-finding mission on September 9th 2011 aimed at finding out the facts about the regrettable acts of violence that took place in Cairo Stadium following El Ahly and Kima-Aswan match between El Ahly club fans (Ultras) and police guarding the stadium, which caused many injuries on both sides.
- 9- A fact-finding mission to determine the legal responsibility of the bloody Maspero events, which occurred on October 9th 2011 and claimed the lives of 24 Christians and one military policeman and the injury of tens of citizens

during attempts to disperse the protestors in front of the Radio and Television building.

- 10- A fact-finding mission on the violence that took place in November and December 2011 in Tahrir Square and Mohamed Mahmoud Street, a street which leads to the Interior Ministry headquarters and the surroundings of the People's Assembly, that claimed more than 60 dead and 4500 injured.
- 11- A fact-finding mission on the massacre that took place in El Masry Club Stadium in Port Said on February 2nd 2012, following a football match between El Masry Club and el Ahly Club that caused the death of 74 youths mostly from El Ahly fans.

One-third of these fact-finding missions investigated sectarian events between Muslims and Christians in different parts of the country. The most prominent of these were the following:

- 1- A fact-finding mission to Menya Governorate on April 21st 2011 to verify the facts about clashes that took place between Muslims and Christians in Abou Qorqas, following a clash between one Muslim and another Christian citizen where two persons were killed, four persons were injured and six houses owned by Christians burned and several shops destroyed.
- 2- A fact-finding mission to Qena Governorate on April 23-25rd 2011 to find out the reasons for the sit-in of a large number of Qena inhabitants in front of the Governorate building in protest against a Cabinet decision to appoint Major-General Emad Michael as Governor of Qena. They also cut the road and railroad leading to Qena Governorate.
- 3- On May 8th 2011 the Complaints Office joined a mission formed by the National Council to investigate facts around clashes that took place between Muslims and Christians in "Embaba" after one person alleged that his wife had been detained inside MarMina Church in the above-mentioned area to force her to return to Christianity after converting to Islam. These clashes caused the death of 13 citizens on both sides and the injury of 280 others in addition to burning two houses, a number of shops and the Virgin Church in Embaba. As a follow-up to its mission, the office paid visits to hospitals

where the injured were admitted, to learn about their cases and hear their testimonies on the events.

- 4- A fact-finding mission to “Warraq El Arab” area on May 12th 2011 to find the truth about reports of clashes between Muslims and Christians and the fall of victims. The mission found out that the reports were not accurate as the reported clash was between tenants and a proprietor of a building who wanted to evacuate its occupants. This coincided with a reconciliatory meeting between religious figures from both sides who rushed to solve the problem, which fuelled the rumors surrounding this event.
- 5- A fact-finding mission to “Maspero” in Cairo on May 14th 2011 to investigate reports about a group of people, who assaulted the sit-ins in Maspero, clashed with them by hand and weapons which caused the injury of about 25 to 30 persons.
- 6- A fact-finding mission to El Beheira Governorate on June 11th 2011 regarding an attack on “Kom Hamada” railway station and fire shooting from thugs there.
- 7 - A fact-finding mission to Souhag Governorate on June 27th 2011 to find out the reasons for clashes that broke out between Muslims and Christians in Dar El Salam Village in Souhag Governorate. The mission found that a Christian person had embarked on building a church without license on a piece of land of his own which incited a number of Muslims in the village when he shot fire on them as they were implementing a decision to pull down what he had built.
- 8- A fact-finding mission to Alexandria Governorate on February 9th 2012 to find out the reasons for the clashes that took place between Muslims and Christians in the village of Sharbat in Al Nahda district of Amreya. These clashes were spurred by a video shot by a Christian tailor in the village manifesting his illegitimate affair with a Muslim woman. Watching this video, young Muslims in the same village were provoked and headed to the Christian citizen’s house where they set it ablaze. Gunfire was exchanged between both sides and the situation was temporarily contained by the expulsion of the Muslim woman and the Christian citizen’s family.

9 – A fact-finding mission to Al Sharkeya Governorate on February 12th 2012 to find out the reasons for the clashes that took place between Muslims and Christians in the village of Mit Bashar, district of Menya Al Kamh in Sharkeya. The mission discovered that the clashes broke out following the conversion of a Christian girl to Islam after moving to live with her father who had embraced Islam a while ago. The girl's sudden disappearance incited her father and other Muslims in the village, especially after rumors about her detention at the village church. This prompted Muslim citizens to head to the church in a bid to put pressure on the authorities to release the girl. They later found out that she first escaped from the pressures of her father to her uncle in Cairo and then returned to the city of Zagazig where she turned herself to the Directorate of Security.

The fact-finding missions were not confined to collective events as the Complaints Office dispatched missions to investigate a number of individual cases of special significance, among which were the following:

1 - A fact-finding mission was dispatched to Fayoum on June 8th 2011 to investigate the attack by police officers on a citizen riding a motorcycle during a police ambush leading to his death.

2 – A fact-finding mission was sent to investigate a report dispatched to the Office on December 15th 2011 concerning an attack on a candidate from "The Revolution is continuing" Party in Sharkeya governorate as he was entering a polling station. The attack was launched by an Armed Forces Officer guarding the polling station.

Fact-finding Missions Statement

	Mission	Date	Classification
1	January 25 th Revolution Report	January 25, 2011	Revolution events
2	Abu Qorqas, Minya Governorate	April 21, 2011	Sectarian events
3	Citizens' sit-in, Qena Governorate	April 22, 2011	Strikes
4	Embaba events	May 8, 2011	Sectarian events
5	Al Waraq events	May 11, 2011	Sectarian events

6	Maspero Events	May 14,2011	Clashes
7	Sit-in by Petroleum Company Workers	May 30,2011	Labour demands
8	The murder of a young man by the police, Fayoum Governorate	June 8,2011	Torture
9	Abou Hamada district events, Beheira Governorate	June 11, 2011	Clashes
10	Awlad Khalaf village events, Sohag Governorate	June 27, 2011	Sectarian strife
11	Clashes with the police in Tahrir Square	June 28-29, 2011	People-police clashes
12	The attack on the Security Directorate, Suez Governorate	July 7, 2011	Clashes
13	The attack on the citizens in Abassiya	July 22,2011	Clashes
14	The visit to Torah Prison	August 16, 2011	Inspection
15	Ultras 'events in Cairo Stadium	September 7,2011	Clashes
16	Friday's Rectifying Course, Cairo	September 9,2011	Clashes
17	The murder of a citizen by police, Suez Governorate	September 22,2011	Torture
18	Marinab Church events	September 30, 2011	Sectarian strife
19	The Armed Forces Attack on citizens, Maspero	October 9, 2011	Clashes
20	Incidents of violence in Egypt during November and December 2011 (Mohamed Mahmoud and the area surrounding	January 31, 2012	Bloody clashes between demonstrators and the police

	the Parliament)		
21	Port Said Stadium Massacre	February 2, 2012	
22	Incidents at Sharbate village ,El-Nahda area, El-Amreya .Alexandria	February 9, 2012	Sectarian strife
23	Mission to find out reasons for sectarian clashes in Meete Bashar village, district of Menya El-Kamhe, Sharkiya Governorate	February 12, 2012	Sectarian strife

2. Mobile Units Nationwide during 2011

As part of the Complaints Office plan of action to visit Egypt's different governorates and move in different villages and districts in order to meet the masses, the Office dispatched the Mobile Complaints Unit to 18 governorates, including Cairo, Giza, Qalyoubia, Gharbeya, Sharkeya, Minya, Qena Luxor, Kafr El-Sheikh, Beheira, Aswan, Ismailia, Fayoum, Dakahlia, Port-Said, Alexandria, Beni Sueif and Sohag.

The visits aimed to follow- up dialogue with local Civil Society Organizations (CSO's) in various governorates and get acquainted with the different services they extend to citizens and the obstacles they may encounter in performing their functions, especially with the State's administrative and executive institutions. The visits were also to receive the citizens' complaints, identify their problems and define the National Council for Human rights (NCHR) role.

The visit to Beni Sueif Governorate (June 14-17, 2011)

The visit comprised a number of areas and districts wherein 430 complaints were received concerning citizens' non receipt of their economic rights represented in access to job opportunities for those who have finished primary education or bread-winners who do not have any source of livelihood. The complaints also focused on labor demands, administrative corruption, persecution in addition to the call for jobs' installation and salary increases. Other complaints were related to employment opportunities and monthly assistance, health problems, as well as non-completion of public utilities in

some villages and farms in the governorate's different districts. In some districts of Beni Sueif city, complaints reflected citizens' feelings of insecurity, driving many of them to avoid taking to the streets in fear of being robbed, kidnapped or attacked similar to many other areas in Egypt's different governorates at that time.

The visit to Alexandria Governorate (June 22 – 25, 2011)

The visit included a number of regions and districts wherein 200 complaints have been received relating to citizens' non receipt of their economic rights represented in access to job opportunities for those who have finished the primary education or bread-winners who do not have any source of livelihood. The complaints received from "Kobry Al Namous" area, focused on the damage afflicted on citizens as a result of the absence of public utilities such as sanitation and street lighting.

Alexandria also suffered from the absence of a Governor after the departure of former Governor Adel Labib. Citizens suffered from failure to satisfy their demands and daily requirements due to the absence of a decision-maker. At "the km 26 Area", inhabited by citizens who were living in the "Amreya" district, the complaints focused on people's suffering from serious social and economic problems represented in lack of a police station which implied lack of security, and non-completion of public utilities, as well as the absence of nearby schools where the nearest school lied about six kilometers away from inhabitants. People called for the establishment of schools to ensure the safety of their children during their journey from/ to school.

Complaints also included non-acquisition of housing units by eligible categories due to bureaucratic obstacles imposed by the governorate's executive agency.

The visit to Sohag Governorate (June 27 – 30, 2011)

The Mobile Complaints Office's Unit moved to the Governorate of Sohag during the period from June 27 – 30, wherein it received 146 complaints mostly pertaining to economic and social rights, emphasizing that Sohag is one of the poorest governorates in Egypt. A number of citizens also reiterated complaints of lack of security and exposure of some people to robbery, kidnapping, and payment of ransom to secure the return of their loved ones.

The Mobile Complaints Office's Unit joined the fact-finding mission that was dispatched to Sohag Governorate on June 27th 2011 to find out the reasons for clashes that broke out between Muslims and Christians in Awlad Khalaf village in Dar El Salam district in Sohag Governorate. The mission found that a Christian citizen had embarked on building a church without license on a piece of land of his own which incited a number of Muslims in the village when he shot fire on them as they were implementing a decision to pull down what he had built.

The visit to Gharbeya Governorate (July 6 – 11, 2011)

The Mobile Complaints Office's Unit at the Governorate of Gharbeya received a total of 167 complaints submitted by inhabitants of the villages of "Genah" in Basyoun and Kafr El Hamma in Tanta.

The most important complaints were those pertaining to demands for jobs and financial aid, followed by requests for medical treatment at the State's expense in addition to other complaints concerning social rights, where people suffered from degradation of services and utilities, especially potable water which was unsafe for drinking as well as lack of bread ovens. Moreover, the village lacked the barest minimum standards of hygiene as garbage was left on the streets for days without being lifted by the local unit, leading to the spread of diseases and epidemics. Citizens demanded the establishment of a sanitary services project as they suffered from lack of sanitation network. They also called for the pavement of streets as this problem adversely affected them, particularly in winter. There was only one school in the village and there was neither transportation nor a repository for butane gas cylinders.

In the village of Kafr El Hamma, citizens had a special request represented in building an iron fence around the canal that linked the village to the main road due to the presence of a large curvature midway that led to many accidents.

The Office also received complaints relating to economic rights represented in special requests for financial aid as well as other complaints pertaining to labor rights and pinpointing damage afflicted on workers as a result of non installation in various jobs and failure of employers to pay their financial dues. The most significant problem (not only in Gharbeya but in Egypt as a whole) was that of the afforestation workers - affiliated to the Ministry of Agriculture-

who had not received their salaries for about five years, despite the fact that these salaries ranged between 40 and 50 pounds monthly.

In Tanta, former Interior Minister Habib El-Adli's decision to abolish the profession of the Court Bailiff adversely affected employees working in this domain, most of whom with high academic qualifications and occupied these positions for lack of an alternative job.

The visit to Sharkeya Governorate (January 5-7, 2012)

The Mobile Complaints Office's Unit received a total of 184 complaints, mainly from inhabitants of Basateen El Ismailia village affiliated to Belbeis district. Complaints related to health rights topped the list (Menya Al Kamh district- Al Hawat farm and Mashtol Al Souk- village of Agmi) as the office received 39 complaints related to requests for medical treatment at the expense of the state in addition to health care and access to Medical Insurance. Moreover, there were 21 other complaints pertaining to economic rights, most of which demanding financial aid.

As for social rights, they ranked third as the office received 13 complaints underlining the degradation of services and utilities in the village especially potable water that was unsafe for drinking. Furthermore, the village lacked the barest minimum standards of hygiene as garbage was left on the streets for days without being lifted by the local unit, resulting in the spread of diseases and epidemics. People also suffered from lack of means of transportation belonging to the local unit and the absence of a polling station close to the village since the nearest one lied in the village of Bisha Amer at a distance of 7 km.

The Office received three collective complaints from citizens concerning degraded utilities, lack of paved roads as well as the absence of a youth center in the village despite the presence of a plot of land and the willingness of citizens to turn it to a Youth Centre at their own expense. People were also exposed to coal hazards that polluted the air with smoke emissions.

Unemployment was the biggest problem facing the Office in all governorates where there was lack of job opportunities for holders of diplomas and university degrees who constituted a burden to their families after graduating from universities.

The visit to Minya Governorate (January 7 – 9, 2012)

The Mobile Complaints Office's Unit visited three districts namely Minya district (markaz) and town, Abu Qorqas district (Markaz) and Malawi district (markaz) and town. It received complaints that focused on the following:

- Shortage of butane gas, petrol and diesel cylinders
- Unavailability of bread and its poor quality
- Problem of unemployment
- Lack of control over flour, gas and gasoline rations
- Lack of health care

Highlighting some of these problems, the Chairman of the Board of Directors of the Social Justice Association in Al Bergaiah village underlined people's suffering as follows:

- Confinement of health care services in the village to one health unit with limited capabilities, rendering it unable to satisfy people's needs.
- Lack of a secondary school and people's willingness to allocate a piece of land to build a school.
- Halting operations at the sanitation network for more than a year without reasons.
 - Lack of ambulances and fire fight trucks. Some fires flared up and led to the death of many people due to that reason.

Upon submitting a report on these problems to Minya's Governor Serag El Din El Rouby, presented documents revealing that the number of butane gas cylinders allocated for each district considerably increased, exceeding 40000 cylinders in some districts compared to their quantity in the preceding month. Discussing lack of control over supply commodities, the Governor pointed out that the governorate issued some decisions that imposed fines in addition to retaining the means of transportation carrying subsidized goods (such as butane gas cylinders - subsidized flour - subsidized petroleum products - all kinds of subsidized commodities) in order to sell them in the black market. These decisions, which included excluding any inspector involved in these incidents, were considered the most important measures undertaken by the governorate to

ensure proper control over the fair distribution of butane gas cylinders to the districts and guarantee that citizens' needs were being satisfied.

The visit to Beheira Governorate (January 10- 12, 2012)

The Mobile Complaints Office's Unit received a total of 228 complaints from the governorate of Beheira namely from (the village of Alnobera) affiliated to Itay Albaroud district, (Korkas village), Damanhur district and (the village of Bolteya), Kom Hamada district. Complaints concerning economic rights ranked first as the Office received 56 complaints related to financial aid requests and demands for jobs for holders of diplomas, university degrees as well as the disabled. The Office also received 35 complaints regarding the right to health care including demands for medical treatment at the expense of the State, in addition to health care, medical insurance and increase in pension.

Furthermore, the Office received 24 complaints pertaining to social rights wherein citizens suffered from poor services and degraded utilities. Citizens also complained of the absence of schools for their children, the inefficiency of sanitary services, the contamination of drinking water and the accumulation of garbage. They demanded the filling of a canal and turning it to a covered drainage system.

The visit to Qena Governorate (January 13 – 15, 2012)

Researchers recognized a number of problems in the governorate, the most significant of which were the following:

- Suffering of the citizens of the city of Qena from severe shortage in the supply of fuel namely butane gas, gasoline and diesel cylinders.
- The absence of security and stability and complaints of the recurrence of accidents and the inability of the governorate's security forces to address them or undertake measures to prevent them.
- Frequent strikes and sit-ins to demand labor rights at various sectors of the governorate.
- The phenomenon of blocking the main roads and highways to express their anger and exert pressure on the executive agencies of the governorate.

The researchers held a meeting with some Civil Society Organizations (CSO's) and a number of youths and activists in the district and city of Qena, during which the following complaints were pinpointed:

- Complaints of tribal fanaticism and bickering among various families that impacted security and stability and led to closing the roads.
- Complaints of high unemployment rate among graduates of different sectors and the lay-off of a number of employees
- The spread of theft of private vehicles and the bargaining of gangsters with owners of stolen cars.
- Shop owners' complaints of street vendors who occupied "Sahel Alfilal" market all the time provoking fights among each other and between them and the shop owners as well.
- Multiple complaints about the leak of subsidized flour quota from bakeries - which affected the subsidized bread - as well as lack of control over the markets.

At Nag Hammadi district, the complaints focused on the contamination of drinking water in most of the villages as a result of the inefficiency of purification networks and lack of maintenance or replacement of the old reservoirs, especially in the neighboring village of Bahgoura adjacent to the Nile.

- Frequent labor strikes in factories and the health sector.

At Farshout district, the following complaints were highlighted:

- The problem of "high-pressure mines" as it required the establishment of electricity grid towers and a limited mine to protect those towers from being tampered with, but the proximity of the networks from houses and land led to many accidents.
- The suffering of "Alasirat" village from poverty, lack of services and severe contamination of drinking water
- The suffering of Kom Albaga village from poor quality subsidized bread and lack of outlets that meet people's needs as there were only two bakeries. The village complained of the shortage and high cost of butane gas cylinders, the unavailability of gasoline and diesel, and lack of sanitation infrastructure.

In the district and city of Qous complaints centered on the following:
-Qous Public Hospital's Operating room lacked adequate equipment especially respirators. Disinfection and sterilization processes were ineffective and the Emergency Unit was not well equipped with the necessary medical devices for most cases. There was also manipulation in the provisions of the Free of Charge Department in favor of other departments.

- Lack of regular maintenance of certain departments such as the outpatient clinics, the accumulation of drainage, which was incompatible with the healthy environment that should be available at the hospital, the shortage of doctors and necessary equipment ,in addition to lack of control by the Ministry of Health. The mission's visit coincided with a sit-in organized by the Sugar Factory workers in Qous, in protest at non-payment of their dues.

There were also complaints by some citizens regarding pollution caused by the Qous Paper Factory waste that threatened the environment and harmed the plants.

Assisting the mission in its tasks were Young lawyers Association for Democracy and Human Rights, Kom Albaga Youth Association, and the Organization for Human Rights Services.

The visit to Dakahlia Governorate (January 23- 25, 2012)

During the visit, the work team held workshops with each of the following: the Human Development Organization in Mansoura, the Community Service and Environment Protection Organization, the Egyptian Jurists Association and the Community Development Organization in Samaha , Aga - as well as Pan Egyptians' Organization in Mansoura.

The most important problems facing citizens in Dakahlia were the following:

- Accumulation of electricity bills for non-arrival of the collector to houses for long periods
- Shortage of adequate schools resulting in higher density of students in classrooms and their failure to understand the lessons
- Expiry of the life span of most of the roads in the governorate
- The Contamination of drinking water which rendered it unsuitable for human consumption and led to high incidence of kidney failure

- Complaints of Restrictions placed on the work of NGOs, and inability of the staff to understand the NGO's Law and deal with Civil Society Organizations (CSO's), in addition to the Governor's decision not to approve the proclamation of any NGO in the governorate.
- Health care Negligence
- Distribution of bread only by means of coupons
- Shortage of butane gas cylinders
- Frequent road accidents due to poor planning of roads, lack of sign posts and adequate lighting, absence of traffic officers and failure to drain rain water
- Environmental pollution caused by the spread of garbage in many districts as well as the release of ammonia and nitrogen emissions from the Ammonia Plant in Talkha.
- Non- provision of sufficient water for agricultural lands, unavailability of agricultural seeds, pesticides and fertilizers (Bank of Development and Agricultural Credit), and the squander of great quantities of crops during transport and distribution

The visit to Kafr El Sheikh Governorate (January 28-30, 2012)

The mission met with officials from the Egyptian Media Association, the Organizations Department at the Ministry of Social Solidarity, the Regional Federation for Human Rights, the Human Rights Centre in Kafr El Sheikh , the "Charitable Organization for Women " in addition to many citizens and activists.

Complaints focused on unemployment, lack of employment opportunities and the closure of the biggest section of Kafr El Sheikh's Textiles Factory and Tanta's Oil and Soap, which led to the lay-off of thousands of workers and the refusal to build new plants.

Moreover, there were other complaints concerning non-exploitation of 35 thousand acres extending from Borullus port in Kafr El-Sheikh to the borders of Rashid, in addition to non-renewal of the teachers' contracts after their dismissal despite the Ministry of Education's decision to reinstate them.

Furthermore, there were calls for the installation of 1500 quarry workers who were not installed despite the Prime Minister's decree concerning employment of temporary personnel.

Office researchers received complaints regarding the worn out of drinking water and sanitation networks, shortage of electricity as well as inadequacy of roads that linked between Kafr El-Sheikh and the rest of the governorates.

With regard to education, the University of Kafr El-Sheikh lacked many specializations, as there were no colleges for Medicine, Pharmacy or Dentistry, neither was there a university hospital for the Faculty of Medicine.

There weren't enough teachers in the governorate's schools and there was a dire need for new schools to accommodate the growing number of students to lessen the density of the classrooms that often reached 60 students per classroom.

Complaints also revealed the aggravation of the housing crisis due to the scarcity of the offered units in comparison with the demanded ones, the sharp rise in prices of residential units, the limited governmental housing that did not meet people's requirements and lack of an integrated housing plan in the governorate.

In the health sector, complaints cited the poor condition of hospitals in the districts of the governorate, the insufficiency of basic services and the absence of advanced medical care for patients in rural hospitals (only simple drugs were available).

Moreover, government hospitals were not equipped to treat road accident victims who had to be transferred to Mansoura to receive necessary health care and most doctors were general practitioners who lacked experience. Decisions for treatment at the expense of State were only issued to a small number of patients despite the presence of many cases requiring that treatment. There was also scarcity of private hospitals that could provide adequate health care services at prices suitable for citizens.

The visit to Fayoum Governorate (February 5- 7, 2012)

The Fact-Finding Mission met with CSO officials in Fayoum (Egyptian Organization for Community Participation Enhancement, the Community Development Organization in Tamia, the Social Organization for Employees Working in Rural Electricity and their families, the *Egyptian Society* for

Developing Skills of Children with *Special Needs*, the Community Development Organization in Al Gameah district, and Al Fayoum Development Association).

The mission also met with a number of citizens and discussed the problems they encountered, foremost among which were the following:

- Deterioration of the security situation and the spread of different types of crimes that were not present before.
- The presence of an area called “Gabal Garz” which was considered a centre for all types of crimes. It was inhabited by armed gangsters who were constantly attacking and stealing the surrounding villages. This area was known to everyone, particularly to the police who did nothing to solve the problem.
- Unemployment, according to an NGO official, was estimated at 50% as the governorate is an employee repellent.
- Exacerbation of problems in the Utilities Sector in Fayoum and the need to re-consider all services provided.
- High Illiteracy rate as a result of poverty, the increase in the number of dropouts from school and shortage of adequate schools to serve all areas especially in the preparatory and secondary stages.
- Inefficiency of health care services provided by hospitals that were regarded by citizens as just buildings that did not extend any services. Also many villages needed to establish health care units.
- Sanitation was a major problem encountered by citizens in Fayoum due to the fact that many villages and areas lacked efficient sanitary services.
- Citizens suffered from the problem of drinking water as in some areas in the district of “Tamia” water was cut off regularly for long periods and was sometimes only available during the night. In Senurs district, citizens suffered from unsafe drinking water that had unpleasant odor and a muddy color because of the absence of sufficient water purification units.
- Some citizens complained of poor electricity supply in some areas, especially in remote villages, damaging electrical equipment.
- Lack of paved roads in some areas and the absence of a paved road linking them to the district; thus leading to the absence of means of transportation and causing great hardships to citizens in movement from one place to another.

Distribution of bread continued to cause problems as each family was given a specific quota regardless of the number of the family members.

-Citizens suffered from lack of fuel whether butane gas, diesel, or gasoline and the rise in prices of butane gas pipes.

The visit to Ismailia Governorate (February 13- 15, 2012)

Participating in the tasks of the Mobile Complaints Office's Unit were the International Conscience Organization for Human Rights and Democracy, the Organization for Development of Egyptian Citizen's Right, the Community Development Organization and an NCHR representative in the governorate. Researchers' discussions with representatives of these organizations and meetings with citizens highlighted the following issues:

- Fishing was only allowed at certain times according to a specific timetable set for this purpose. Accordingly, fishermen stayed idle for long periods without any source of income. Furthermore, the Fishermen Syndicate in the Governorate was not empowered and lacked resources and organization to play its role that complicated the life of these fishermen.

- The spread of favoritism in job vacancies in companies and factories and the increased rates of unemployment in the district.

- Difficult working conditions in industrial areas where workers were subject to much longer working hours than those mentioned in the labor Law and without any overtime

- An NGO representative in "East Qantara" raised the problem of people's reluctance to invest in industrial projects due to the high cost of electricity as well as the difficulty of transporting goods from East Qantara

-NGO's representatives highlighted the deteriorating security situation in the governorate, the increased attempted attacks on police stations, the flight of prisoners, kidnappings and forced robberies, the increased number of weapon holders and the spread of the drug trade. Nevertheless, they pointed out that though the police played a major role to control the security situation in the governorate, various parties should cooperate to reach the desired state of security and stability.

- The representatives noted that most hospitals in the villages of the governorate were well equipped but there were no specialists or adequate nursing to satisfactorily meet patients' needs. They also pointed out that the number of doctors in major hospitals was insufficient to accommodate the increasing

number of patients, causing deficiency of health care services. There was a shortage in intensive care beds as well.

Furthermore, the representatives referred to the presence of gross negligence at West Qantara Central Hospital, becoming one of the worst hospitals in the governorate. Meanwhile, they pinpointed the following issues:

- Non- provision of adequate drinking water in Obour district and at Kilo 2 Area
- Lack of sanitation in villages and farms affiliated to the district.
- Butane gas tubes were not filled up to their maximum capacity that constituted a burden on the consumer.

The visit to Aswan Governorate (February 17 – 21, 2012)

During the visit, the researchers met with leaders of the following organizations: "Sons of Luxor" Organization which strives to develop the local community in "Hacroub", Aswan district, in the fields of health care and community outreach, the "Community Development Organization" in " Al Khor Al Bahari", Combo district, in addition to "Al Hasaya Community Development Organization". Researchers' discussions with these organizations and meetings with citizens highlighted the following problems:

- Several villages located in Hacroub were turned into slums since the construction of the High Dam.
- Citizens complained of the presence of a drainage that constituted a big problem to the people of the area where the waste generated by houses, factories and hospitals accumulated, posing a threat to the environment and the public health of citizens.
- The inefficiency of the clean drinking water network in summer and non-completion of "Gabal Shisha Station", still under construction.
- The substantial increase in electricity prices, although Aswan is an electricity producing governorate.

In the geographical range of the Community Development Organization in Al Khor Al Bahari which comprised seven villages (Al KhorAl Bahari, Naga Shibani, Ezbet Salem, Nag Al Arab, Saba Bahari, Higazha, Aldma, Al Khafeya) citizens complained of problems concerning location of the polling station where the nearest polling station for women lied more than 7 kilometers from

the district, which led to the reluctance of many voters to cast their ballots. High rates of illiteracy were evident as well.

In the geographical range of “Al Hasaya Organization”, citizens highlighted the suffering of the people of Nuba from neglect, abuse and marginalization, even after the fall of the former regime. The village of Sahayel also suffered from security measures after the flight of some youths from court during their trial and the siege of the village.

The need arose for pavement of roads and delivery of natural gas similar to the other remaining regions in Aswan; as well as financing the construction of a mosque and setting up a marble factory and a Youth Centre for sports activities.

There was also a need to exploit gold and iron found in the region and implement agricultural projects in the land located behind Lake Nasser and in “Wadi Al Amal” (the Hope Valley) that included thousands of acres of arable land.

In addition to field visits to the governorates, the Complaints Office continued its program in monitoring and documenting the infrastructure of the slums surrounding Greater Cairo and sent its researchers on four field visits as follows:

- A visit to the city and district of Abu Alnomros, Giza, on April 11th 2011 where the office delegation met with Deputy Chairman of the City and district of Abu Alnomros, Mrs Suad Al-Saadani, who said that a large number of potable water and sanitation projects were incomplete and that 73 areas needed sanitary services, safe drinking water and electricity supply in the city of Abu Alnomros and villages of Tersa, Shubra Khiet, Nazlet Al Astor, Manial Shiha ,Shubra Mint Al Riga, Hurraneya, Zawyet Abu Muslim, Tamoh , Mit Shamas, Mit Qadous and Almanawat .

The delegation examined a number of these villages and neighborhoods. On April 10th 2011 the delegation visited Helwan and Arab Ghoneim in Cairo, followed by a visit to Basus, Arab Aboul Gheit, Mit Nama and Shubra El Kheyima in the governorate of Qalyoubia April 12th 2011.

The Complaints Office is preparing a comprehensive study on the needs of the slums infrastructure in the context of a broader perspective adopted by the National Council for Human Rights (NCHR) to address the problem of slums.

3. Hearing sessions and workshops

The Complaints Office continued its endeavors to develop policies and proposals supporting the efforts of the community and the State in elimination of the main sources of grave violations, as well as implementing the community's demands expressed by the revolution. Accordingly, it organized hearing sessions and workshops to achieve these goals.

A -Combating Torture

On June 28th 2011, the Complaints Office and the NCHR's Unit for Combating torture jointly organized a round table discussion on prospects for combating this phenomenon. It was attended by fifteen national and international organizations concerned with combating torture.

The participants reviewed the phenomenon of torture in Egypt and its various dimensions, in addition to proposals addressed by numerous national and international Human Rights organizations in order to eliminate this phenomenon.

There was a consensus that torture in Egypt had acquired a systematic nature. Discussions indicated that the ideas, opinions and recommendations that were put forward contributed considerably to combating the phenomenon, emphasizing that the main obstacle behind the failure of the State authorities to address the problem had been the absence of the political will, and in some cases the adoption of torture as a means of imposing the State's power.

The participants stated that the issue of combating torture needs urgent long-term action that begins by manifesting the political will to fight torture, by apologizing for the torture that has been practiced by the public authorities and pledging to open the files that have already been closed without legal justification, as well as accelerating the enforcement of the Public Prosecutor's decision to appoint a judge to investigate the old files that have already been closed without legal justification. Guarantees should also be provided to ensure they wouldn't be closed again without justification. Participants also noted with deep concern the continued practice of torture after the outbreak of the January 25th revolution.

1- The following remarks and recommendations were made at the legislative level:

-Termination of the state of emergency, since it the root cause of the growing phenomenon of torture as a result of blocking constitutional and legal

guarantees granted by the Constitution, the extensive powers assigned by the emergency Law to Law enforcement personnel, as well as the poor control in face of those authorities.

- Introduction of legislative amendments to articles of the Penal Code, the Criminal Procedures Code, the Prisons Act regarding the definition of the crime of torture as reported by the Convention against Torture and other means of treatment or the severe, inhuman or degrading punishment, in addition to the provisions of the Egyptian Court of Cassation, which added clarifications superseding the definition mentioned in the Convention such as (any pain, and not necessarily severe pain)

- Observation of Laws, which are not only concerned with the physical effects of torture but surpass it to include its psychological effects.

- Concerning the status of the victim, the Laws have focused on the defendant while there are many types of victims who are not considered defendants such as suspects or relatives of culprits, who are used to put pressure on the defendant.

- Absence of any supervision by judicial authorities on the detention places such as detention at the former State Security and the Central Security Concentration Camps, which have been used as detention places especially after the termination of the terms imposed by Law regarding detention decisions and until the issuance of new decisions.

- Underlining the mechanism of selection of the Public Prosecutor, given the crucial role he plays in the course of the fight against torture, in order to ensure a greater degree of autonomy and a greater capacity to enforce the Law.

- Ensuring the independence of Forensic Medicine in the light of its crucial role in directing torture cases.

- Allowing Civil Society Organizations (CSO's) to visit prisons and detention places, and responding to requests by the International Red Cross to visit prisons.

- The participants demanded the government's approval of the request by the *United Nations special rapporteur on torture* to visit Egypt, and also called on the Egyptian government to accede to the Optional Protocol annexed to the International Convention against Torture.

2 - Recommendations regarding the procedural aspects:

- Providing Forensic Medicine with technical potential that enhances its ability to accurately diagnose the cases it examines and equipping it with the necessary human resources which allow it to issue reports in a timely manner. It also recommended spreading its offices in governorates that lack centers for Forensic Medicine. This shortage emerged during examining peaceful demonstrators who were attacked during the revolution.
- Special attention should be given to monitor the first phase of suspects' arrest by allowing lawyers to attend the initial investigations with their clients, and permitting qualified doctors to examine the victims as soon as they are exposed to attack.

3 - Recommendations concerning the police reform:

- Reform efforts should include strengthening the capacity of the Ministry of the Interior Department of Inspections and Control in a way that prevents abuses that might be practiced by officers and members of the police.
- The review of the internal regulations of the ministry should include enhancement of Human Rights and public freedoms.
 - The restructure of the various agencies of the ministry should include the educated recruits in the police sector instead of the illiterate recruits
 - Special attention has to be assigned to rectify the situation of soldiers in terms of social welfare and wages.
- Importance should be attached to training to enhance the efficiency of police officers, detectives and other specialists on investigations.

4 - Recommendations regarding training and raising awareness to fight torture:

- Reconsidering the components of training programs designated for Law enforcement officers in a manner beyond the definition of mechanisms and procedures to instill the values of Human Rights, combat torture and promote human dignity.
- Enhancing public awareness of the culture against torture, both through the mass media and programs designed to enhance civil society's capacity to fight torture.

- Continuing efforts to integrate Human Rights principles and values into education programs at all levels.

The outcome and recommendations of this workshop have been forwarded to all relevant State agencies.

B - Social Protection

In order to promote social protection, which was the cause behind the suffering of large segments of the community and accounted for the largest number of complaints received by the Complaints Office, a workshop was organized on June 26th 2011 to identify the dimensions of the problem as well as means of promoting government's policies towards it.

The workshop was attended by Dr. Gouda Abdel-Khalek, the Minister of Solidarity and Social Justice and NCHR Council members and representatives of Civil Society Organizations (CSO's). The Complaints Office presented to the attendees a thorough analysis of the content of the forwarded complaints that were related to the injustices suffered by citizens in the field of socio-economic rights, particularly lack of social protection. It also submitted a concept paper on the dimensions of the workshop entitled "No development without social justice".

The paper is based on three basic concepts. Firstly, since the era of ready-made ideologies as the only means for development has terminated, the era of ready-made international prescriptions for development should also end. The developmental thinking recognizes that there is more than one way for development, and sets conditions that should be included in development to render the human being its core, means and objective. Unless such conditions are met, development efforts will be distorted.

The second concept is that no matter how the State expands its social initiatives, it still won't make up for a lack of long-terms and strategic vision for development. Introducing commodity or monetary subsidy policies or wage increases are mere sedatives that treat symptoms without solving development problems.

The third concept is that social justice is not only a policy for protecting the marginalized groups or ensuring social peace and stability necessary for development, but it is also a right guaranteed by the national constitution and

Egypt's legal international commitments ratified by its constitutional organizations and reinforced by a right-based approach.

The workshop discussed the subject through three main axes: the role of the State in the provision of basic services to citizens, social insurance and social assistance.

Mr. Mohammed Fayek, NCHR's Vice President, delivered the workshop's opening speech which focused on promoting social justice as one of the goals of the revolution, subject of the struggle of the community, to attain the right to decent living. He also reviewed social justice as a constitutional right established by Egypt's Constitutions since 1956.

Dr. Abdel-Khalek reviewed the challenges facing the application of social justice in Egypt, and the ferocious resistance by the remnants of the former regime in face of application of social justice policies that represents one of top priorities of the ministry. He explained the responsibility of the Ministry of Solidarity in this regard by virtue of its composition and intervention in the life of all Egyptians. He also confirmed that the Ministry seeks to achieve social justice through equitable distribution of income and wealth and the protection of the most marginalized segments (farmers and slum dwellers). The Minister also focused on the ministry's efforts to provide subsidy to beneficiaries, especially in the energy sector.

The participants made the following recommendations:

- 1 – Holding an expanded social dialogue to embrace a comprehensive vision of ways to integrate social justice into the State's development plan
- 2 - Strengthening control on all types of public funds, accelerating the pace of work on the formation of a mechanism to combat corruption, and issuing a Law which allows access to information.
- 3 - Participants emphasized that social justice cannot be achieved without equal opportunities and prevention of discrimination. They supported the Council's prior proposals concerning the need to pass a Law to prevent discrimination and establish a mechanism to follow-up its application.
- 4 - Participants underlined the necessity of re-separating insurance funds from the State's funds, and investing insurance revenues in favor of the insured segments with increases that commensurate with the increase in prices. They

also called for submitting the new Social Insurance Law for public discussion and ruled out rumors about extending the retirement age to 65 years

5 - Participants emphasized the necessity of the State's compliance with the provisions of the Supreme Administrative Court to set a minimum wage and activate the role of the Supreme Council for Wages to conduct periodic reviews of wages that commensurate with the prices of public goods. They also demanded setting a ceiling for wages to cope with sharp disparities, and provide financial resources to fund them.

6 – Participants also called for reconsidering the tax income that puts the low-income workers on equal footing with senior taxpayers, in addition to reapplying the progressive taxation system that limits tax evasion and the sharp disparity between classes.

C - Strengthening Control and Fighting Corruption.

The Complaints Office organized an expanded hearing session to the group called "Observers against corruption," which included dozens of observers working in the Central Auditing Organization (CAO). Those observers were alarmed at the shrinking role of the CAO in controlling public money and some of the State agencies, in addition to the loss of its independence. These activities were part of efforts aimed at re-evaluating the CAO's role after the reveal of the massive corruption following the January 25th Revolution.

Participants presented documented facts about the aforementioned negative aspects as well as a thorough analysis of the legal amendments to the CAO's Law that transferred its responsibility to the President of the Republic, breaching its independence and adversely affecting its performance.

Participants also made specific proposals to restore the important role assigned to the CAO in the control and protection of public funds. They cited specific and documented examples of the persecution of some observers due to their opposition of the CAO policies and passive role in addressing aggression on public funds.

The Complaints Office referred the content of these violations to the Speaker of the People's Assembly at its first session, with specific proposals to remove the legal flaw that limits the independence of the agency and affects its role in the control and protection of public funds.

The Office noted a tendency within the People's Assembly to re-consider the CAO Law.

D- Analysis of State Agencies' responses to the complaints and proposals referred to them by the NCHR

The NCHR received 3061 complaints during the period covered by the report. These complaints were referred to State agencies and other specialized authorities, from which the NCHR only received 311 responses at the rate of 10.16% (being the lowest percentage of responses received by the NCHR since its inception). The attached table (b) outlines a report of these responses.

However, this quantitative assessment does not precisely reflect the nature of the interaction between the State authorities and the Complaints Office proposals and complaints. As the pattern of individual and collective complaints dispatched to the Office have evolved, leading to development of their processing style and analysis; consequently, contexts of State authorities' interaction with complaints and demands have also evolved in a manner to be taken into account when making this assessment.

This assessment takes into consideration the profound change the State has witnessed since the Supreme Council of the Armed Forces (SCAF) took over power, combining the executive and legislative authorities. We should also take into account the succession of three governments who have been installed during that time, the different scope of their delegated powers, the State of lawlessness and chaos that prevailed during their terms of office, the great number of social demands they faced, as well as the rigidity of the Egyptian bureaucracy.

Despite the multiplicity of these elements and their varying effects, the decisive criterion in the evaluation is still the principle of "responsibility as much as power". In this context, the NCHR conducted the following assessment:

The SCAF did not provide any serious response to the complaints referred to it by the NCHR, neither at the quantitative nor the qualitative levels. For quantitative responses, they were limited to 18 individual complaints mostly related to the settlement of pensions and similar issues. At the qualitative level, the SCAF ignored the complaints regarding the trials of civilians before military courts and even defended them strongly in its media statements about this procedure. It also ignored complaints against serious violations such as those

included in the fact-finding mission results referred to SCAF by the NCHR. SCAF also slowed down the interaction with very sensitive complaints such as those related to virginity examination, and was not pro-active towards most of the proposals forwarded by the NCHR. Moreover, it was not keen on holding a dialogue with the Council on ways to promote Human Rights in the transitional period, as was the case with many organizations involved in public work.

This assessment of SCAF's cooperation with the Council does not undermine the appreciation expressed by the Council for the role played by SCAF in securing the election process in a way which allowed citizens to exercise their right freely and fairly. NCHR also appreciates SCAF's efforts to promote security in the country after the collapse of the police.

The three successive governments had varied responses to the complaints and proposals referred to them by the NCHR. The government of Former Prime Minister Ahmed Shafiq assigned to Counselor Adel Koura, one of NCHR Council's prominent members and former President of the Court of Cassation, the responsibility of investigating attacks by thugs on demonstrators in Tahrir Square on February 2nd and 3rd 2011 in what was known in the media as "The Battle of the Camel."

The government of Former Premier Dr. Essam Sharaf supported the NCHR's request for setting up a new headquarters after their office has been burned. Moreover, Deputy Premier Dr. Yehia El Gamal supported several legislative amendments proposed by the NCHR and even allowed a special representative to explain the causes of these amendments in the relevant committees of the Cabinet. He also invited the NCHR to participate in the National Reconciliation Commission, which was responsible for the political and social powers' dialogue on the constitution.

The Ministry of Health in Dr. Essam Sharaf's cabinet positively cooperated with NCHR by promptly responding to its complaints regarding victims of oppression. It issued instructions to officials at public hospitals that received the victims to provide the NCHR fact-finding mission with any available information on the situation of those victims.

Dr. Gouda Abdel-Khalek, Minister of Solidarity and Social Justice held talks with NCHR Council members on ways to strengthen social protection at a workshop organized by the Council on June 26th 2011. He also supported NCHR's endeavor to bridge the gap between NGOs and the government.

The Ministry of Information's responses to the NCHR varied. In some cases, it agreed to provide the Council with transmission recordings related to some cases to assist it on its fact-finding mission. Nevertheless, in other instances, it launched an unjustified attack on the Council because of a report by the fact-finding mission documenting violations related to the closure of a satellite channel. It questioned the NCHR's credibility on account of facts that were not contained in the report.

The Ministry of Interior cooperated with the NCHR at the quantitative and qualitative levels. At the quantitative level, the number of responses the council received on the complaints it forwarded to the ministry amounted to 65; representing 20.9% of the total responses received. At the qualitative level, the Minister of Interior held a meeting with the NCHR Vice President during which they discussed means of cooperation and the nomination of a Contact Officer to handle bilateral relations. The Minister of Interior's office cooperated in resolving a number of complaints sent to the NCHR on the situation in some prisons. It also facilitated the NCHR Council members' visit to Torah prison as well as that of NCHR Council members to inspect the condition of a prisoner on a hunger strike.

On the other hand, the Foreign Ministry did not show any positive cooperation at the quantitative or qualitative levels with the NCHR as it did not respond to the complaints referred to it by Egyptian expatriates. It also ignored the NCHR's complaints concerning application of rules of equality among members of the administrative corps with respect to their transfer to foreign posts within Egypt's diplomatic missions. These documented complaints violated the standards of egalitarianism and impartiality.

At the quantitative level, the Complaints Office received 20 responses from the Public Prosecution. The office of the Public Prosecutor positively cooperated with the NCHR at the qualitative level as manifested in the involvement of an NCHR delegation in a sudden and immediate inspection of the People's Assembly and Shura Council, headed by an Advocate-General and member of the Public Prosecution. This followed allegations of citizens' detention, received by the Complaints Office. Furthermore, the Public Prosecutor also agreed to a request by the NCHR to visit the Torah prison to ensure that members of the former regime are not accorded a special treatment.

The Elections High Committee positively cooperated with the NCHR during the parliamentary elections by involving CSO's in observing elections, interacting with the complaints referred by the Council, as well as avoiding the administrative errors detected by the Council during the Shura Council elections and later referred to the Committee.

Following the formation of the People's Assembly and the Shura Council, both the Shura Council and the Human Rights Commission at the People's Assembly expressed willingness to cooperate with the NCHR, and the Shura Council Speaker met with the NCHR Vice-President.

❖ List of Responses from Ministries and Governorates to the Complaints Office:

- 65 The Ministry of the Interior
- 18 The Ministry of Defense
- 7 The Ministry of Justice
- 20 The Public Prosecutor
- 3 The Ministry of Electricity and Energy
- 8 The Ministry of Housing
- 1 The Ministry of Agriculture and land Reclamation
- 2 The Foreign Ministry
- 3 The Ministry of Manpower and Immigration
- 4 The General Authority for Health Insurance
- 5 The Ministry of Finance
- 8 The Ministry of Insurance and Social Affairs
- 30 The Ministry of Social Solidarity
- 1 The Ministry of State for Environmental Affairs
- 1 The Ministry of Awqaf (Ministry in charge of religious endowments)
- 1 The Ministry of Scientific Research

- 2 The Ministry of Military Production
- 1 The Ministry of Water Resources and Irrigation
- 14 The Ministry of Health
- 4 The Ministry of Education
- 1 The Ministry of Telecommunication and Information Technology
- 1 Al-Azhar Al-Sharif
- 2 The National Council for Youth and Sports
- 3 The Principle Bank for Development and Agricultural Credit
- 1 The General Federation of Egyptian Workers
- 1 The Arab Contractors
- 1 The Central Agency for Organization and Management
- 1 Al Sakla Company and the Egyptian Integrated Industries
- 1 The Ministry of Petroleum
- 1 Greater Cairo Drinking Water Company
- 3 Alexandria Governorate
- 3 Gharbeya Governorate
- 4 Ismailia Governorate
- 3 Giza Governorate
- 6 Beni Suef Governorate
- 4 Kafr El-Sheikh Governorate
- 3 Qena Governorate
- 7 Menoufia Governorate
- 6 Sharkeya Governorate
- 18 Cairo Governorate

- 2 Assiut Governorate
- 3 Sohag Governorate
- 1 Marsah Matrouh Governorate
- 2 Aswan Governorate
- 2 Red Sea Governorate
- 1 Qaliubiya Governorate
- 4 Beheira Governorate
- 3 Fayoum Governorate
- 2 Minya Governorate

The total number of responses received till now is 311.

Section Three
The NCHR Responses

The NCHR Responses

The January 25th Revolution brought about changes that aimed to present Egyptian people with a conduit for the manifestation of their long-awaited legitimate demands and entitlements. For the spirited youth who masterminded this historical event, it was the glimpse of hope and the prelude to dismantle the blocks placed by the former regime to cripple their participation in all facets of life. For other members of society responding to the revolution, it was the groundbreaking action indicating an end to the trauma they had experienced.

As for women, who's steadfastness was key to the success of the revolution, it was a way to end the discriminatory injustices against them and opening new avenues to ensure their active participation, enhance their empowerment and advance prospects of gender equality in Egypt. The Revolution was also the crowning of the workers' bedrock struggle that has been heightened over the past three years to establish their right to decent living.

NCHR viewed the January 25th Revolution as the medium for change and radical remedy for the obstacles hindering the protection and promotion of Human Rights in the country, as well as a preamble for a justice-based and dignity-respecting community. It is to the credit of its popular nature that the Revolution has accounted for the most robust performance of freedom promotion and democracy transition. However, the NCHR, similar to other specialized State institutions and non-governmental Human Rights organizations, has been facing challenges related to the fulfillment of its obligations and the achievement of its objectives in the revolutionary perspective.

Some of these challenges date back to the pre-revolution period. In this regard, a case in point was the neglect shown to the NCHR position and recommendations with regard to underlying issues such as the People's Assembly and Shura Council elections, covering up torture, escalation of sectarian flare-ups and economic and social demands.

Another example of these challenges relates to the period when the NCHR issued its 7th annual report, which was finalized on January 24th 2011 and

officially submitted on January 26th, in accordance with the NCHR Founding Law, to the former President of the republic, the People's Assembly, Shura Council and conveyed to the Cabinet of Ministers. The report, which was under printing during the revolution, cited sharp criticism against Human Rights performances in the country in 2010 and early in 2011.

NCHR has included in its 7th report a long list of recommendations that proposed solutions for central issues that have become openly discussed of late. (See recommendations of NCHR 7th report in the Annexes Section).

During the events surfacing on January 28th 2011, the apex of the revolution, the NCHR headquarters was set ablaze as part of the building of the specialized national councils nearby the main premises of the dissolved ruling party which was set on fire. NCHR then lost its site along with its archives either in paper or electronic form that constitute the most worthy working asset of national institutions, in addition to money and movables. NCHR remained with no premises, during which it rented a place for its Complaints Office, until June 2011 when it opened its new headquarters.

Nevertheless, NCHR resumed its activities from many locations. Several meetings were held during and after the Revolution at the River Diplomatic Club. NCHR also formed a fact-finding committee, led by Mr. Mohammed Fayek, the current Vice President of NCHR, comprising six of its members and supported by 30 staff members from NCHR technical units to look into the violations that accompanied the Revolution. The committee temporarily worked at the Cairo-based Arab Organization for Human Rights, and issued its report jointly with the latter on March 23rd 2011.

It is safe to say that the abovementioned report has substantially impacted on the documentation of crimes committed during the Revolution. It exclusively put forward a number of proposals and recommendations, which include:

Recommendation on the referral of the former president and his security aides to the criminal court on charges of killing peaceful demonstrators, a request that was met in 18 days from publication of the report and official notification of authorities concerned thereof;

Recommendation on dissolving the National Party (ex ruling party), a request also met by virtue of the judgment of the Supreme Administrative Court on 17 April 2011 based in its merits on the text of the NCHR 7th annual report;

Recommendation on recognizing all victims of the Revolution as martyrs and holding the State responsible for fairly compensating them financially and morally, a request that the transitional authorities proved reluctant to meet by continuing to brush it aside partially until January 2012.

NCHR worked hard during the Revolution on deploying observers, members of its technical staff in Tahrir Square to closely monitor the situation. It issued a statement stressing specific demands to ensure respect for Human Rights in the country, to recommend release of detainees and to stop defamation campaigns in addition to interventions made by NCHR to set free detained political activists, advocates and media men and women arrested during the events.

The NCHR Council guided by its desire re-shuffle its membership in harmony with the ambitions of the people and the targets of the revolution, courageously tendered a collective resignation in its meeting on February 21st 2011. It continued to perform temporarily until its new composition was announced on April 12th 2011. The newly-formed NCHR Council started its first meeting by developing a work program based on a new strategy in concordance with the revolution and its goals. It attended with dedication to the new legislative developments that were receiving considerable attention in May and June 2011, especially with regard to making the Constitutional Declaration operational.

NCHR submitted several newly-drafted legislative proposals, spearheaded by the proposed amendments of Laws on exercise of political rights, the People's Assembly and elections as well as of the political isolation or the so-called "betrayal" Law that recommends calling to account accomplices of political crimes.

NCHR recurred presentation of legislative proposals previously submitted to the outgoing regime, primarily the draft "Unified Law on the construction and development of places of worship", the draft Laws on promotion of citizenship and prevention of discrimination, the draft Law on peaceful rally and proposals on amending the NGOs Law. NCHR also drafted amendments on its founding

Law with a view to vest the NCHR in adequate powers to shoulder its responsibilities, to fulfill its functions and to meet aspirations for its role in the field of Human Rights.

NCHR, with its full-fledged membership, took part in popular constitutional consultations sponsored by the transitional authority during May, June and July 2011. It elaborated on suggestions concerning indicative aspects of the task of formulating the new Egyptian Constitution. It presented specific proposals on the controversial so-called “principles governing the Constitution”. It also presented a memorandum in late February 2012 on standards of selecting and forming the constituent assembly qualified to draft the constitution upon the election of the two-chamber parliament (i.e. the People’s Assembly and the Shura Council).

The NCHR further held several conferences and workshops on economic and social rights as well as means of achieving social justice and combating corruption in which several ministers and officials concerned took part. To this effect, important recommendations and proposals were reported to the two successively-installed caretaker governments.

NCHR undertook field efforts during that period including mainly the launch of 20 fact-finding missions. Many of these missions were undertaken by NCHR-formed committees, while others were directed by the Complaints Office. The feedback of these missions was the generation of crucial recommendations, findings and conclusions submitted to investigation authorities. However, many of them have fallen on deaf ears.

In extension of these field efforts, NCHR took good care to train and prepare thousands of parliamentary election observers and played a substantial role in issuing permits for them, providing meanwhile nation-wide field monitoring of the elections. It reported tens of proposals and remarks to the Higher Parliamentary Elections Committee. It also communicated to that committee hundreds of complaints it received and hundreds of observations tracked by NCHR observers during the election proceedings. It issued an inclusive report upon the completion of the Shura Council elections.

The NCHR is considering, in cooperation with the two-chamber parliament and also in collaboration with the People's Assembly Human Rights Committee, many proposed legislative amendments expected to be debated in the coming months.

During that period, NCHR has retained its "A" status as an independent national institution for the promotion and protection of Human Rights based on the review conducted, late in October 2011, by the International Coordinating Committee (ICC) of National Human Rights Institutions which nevertheless deferred re-accreditation for one year.

I - NCHR Activities and Committees

The decision taken by NCHR, with its former composition, to the effect of tendering a collective resignation to the transitional authority was timely to allow latitude for its reshuffling in line with the requirements of the new stage. Under the mandate assigned to Deputy Prime Minister at the time Dr. Yehia el Gamal by the Supreme Council of the Armed Forces (SCAF) to carry out functions of the People's Assembly and Shura Council pending their election, he has issued on April 12th 2011 a decision on the new formation of the NCHR.

The newly-instituted NCHR Council held its first meeting on April 20th 2011 and considered a set of objective challenges relating to its functions and jurisdiction, most notably:

- Envisaging a work strategy of NCHR in keeping with variables dictated by the January revolution and the challenges involved in the transitional stage.
- Setting up new NCHR organs and committees and suggesting their modus operandi.
- Developing NCHR Rules of Procedure and renewing confidence in its Secretary-General.
- Considering challenges related to the loss of NCHR premises and archiving files.

❖ NCHR Work Strategy

NCHR has developed its new work strategy by building on the prospective horizons grasped, thanks to the January 25th Revolution, to promote respect for Human Rights and public freedoms as well as on the nature of the stage underway and popular demands brought forth by the revolution and based on core values of Human Rights as represented in dignity, freedom, equity and social justice.

This strategy is dwelt on two main aspects:

First: In the short-term

1- Completing the dismantling of the structures of the former regime, prosecuting those involved in Human Rights violations and corruption crimes, correcting imbalances and redressing grievances. For this purpose, the strategy stipulates for NCHR role in following up on the implementation of recommendations stated in its fact-finding report on revolution violations. This particularly cites provisions relevant to caring for the wounded, releasing detainees, detecting the fate of those missing and others who disappeared, and guaranteeing respect for standards of justice in trials, as well as establishing the principle of equity, inadmissibility of impunity, support of efforts for elimination of lawlessness, reforming police, and undertaking visits to prisons and detention centers to ensure non-repetition of stereotyped violations.

The strategy also underlined in this part the importance of the adjustment and completion of the legislative framework for the election of representative councils and the incorporation of Human Rights principles and standards into legislation and policies during the transitional stage.

2- Enhancing adoption of the economic development approach responsive to social justice entitlements, which are concurrent with prerequisites for the realization of economic and social rights and guaranteeing of the fulfillment of the human dignity demand.

The strategy meanwhile was directed to leverage the Human Rights-based development approach, remedy social imbalances and their causes in terms of legislation and practice, and strike a social dialogue with parties concerned

especially stakeholders in order to bring up suitable visions and necessary outlooks.

This part of the strategy, moreover, deals with an array of urgent issues, especially sectarian congestion issues that need to be expeditiously handled during the transitional period. Solutions can be achieved through Law enforcement and sustained action towards sound responses with cultural and social aspects and causes. Another issue to be tackled within this context relates to Egyptians abroad in which NCHR has developed paramount interest through its efforts to strengthen the principle of citizenship by emphasizing the right to political participation and by underpinning the importance of resolving problems faced by those expatriates, individually or collectively. This sounds particularly necessary since unfavorable conditions in some Arab countries have exacerbated especially in the light of transformations overtaking the Arab region. Further, their desire to help with the enhancement of the economic development of Egypt also can be availed.

Second: In the long term

- 1- Advancing and updating the national action plan for the promotion of Human Rights that had been previously developed by NCHR in 2007 but former regime policies declined to activate.
- 2- Intensifying efforts of NCHR in its bid to maintain its relations with civil society organizations (CSOs) especially those active in the field of Human Rights.
- 3- Devoting special attention to women issues, given challenges imposed by political transformations;
- 4- Promoting frameworks of cooperation and coordination at Arab and international levels.
- 5- Intensifying engagement in the activities relevant UN agencies particularly the United Nations Human Rights Council while following up on progress achieved in activating recommendations of the Universal Periodic Review (UPR).

The strategy discussed as well the importance of analyzing difficulties derailing action of NCHR and how to overcome them, with particular emphasis on

updating its founding Law so as to be granted further competence to enable it to perform its duties as follows:

- 1- Obligating competent authorities concerned to provide information to NCHR and to take necessary action to probe complaints referred thereto, clearing reasons for their lodging or explaining their rejection in a responsible manner;
- 2- Rendering NCHR authorized to adopt victims' issues and institute Lawsuits on their behalf or intervene, when necessary;
- 3- Underscoring the right of NCHR to visit prisons and other detention centers in compliance with standards pursued by the International Red Cross. Since its reshuffling, NCHR Council has held 15 meetings during which it discussed Human Rights developments across the transitional stage, and ways of intervention to redress variegated crises and develop proposals to troubleshoot problems.

The Council has formed NCHR's six committees as legally provided for:

- Civil and Political Rights Committee;
- Economic and Social Rights Committee;
- Cultural Rights Committee;
- Legislative Affairs Committee;
- International Relations Committee;

It is to be noted that Economic Rights and Social Rights Committees have been formed into one committee.

The NCHR Council formed new committees to cope with developments and to avail of its valuable composition, including the Committee on Women to be concerned with the promotion of women rights for the transitional period, mindful of the importance of advocating and strengthening these rights during this stage plus the role of Egyptian women in the revolution. The Committee is also tasked with addressing challenges versus women issues in view of political variables underway and also with making up for the absence, as a result of the suspension of its activities, of the National Council of Women, once dominated by the former first lady.

The NCHR Council formed a Committee on Drama, emanating from the Cultural Rights Committee, under the chairmanship of Mr. Yousef al Qaeed and with the membership of Mrs Inaam Mohammed Aly, Dr. Doraya Sharaf Eddin, and artist Mohammed Sobhi. Its membership is open to any member willing to join. The Committee is interested in where do Human Rights actually stand as far as drama was concerned. Based on the impressive effect of drama as a cultural medium, the Committee is of the opinion that the message of Human Rights can be promoted and the values antagonistic to their principles counteracted through the demonstration of drama.

The NCHR Council also formed a committee emanating from the Legislative Committee and chaired by Counselor Dr. Adel Koura and a number of constitutional Law professors. The Committee is assigned to develop a general framework for the constitution; especially that the Council of the whole is engaged in the consultative mechanism for drafting the constitution as part of the national accord mechanism under the sponsorship of the Cabinet and SCAF.

The NCHR Council formed a number of committees charged to perform specific duties. The Committees were composed of ladies and gentlemen, members of the Council, involving fact-finding committees, previously referred to in Section 2. More committees were also set up, for example the four-member committee formed by the Council with the membership of Mr. Mohsen Awad, Head of the Complaints Office, Mr. George Izhak, Mrs. Mona Zulfikar and Counselor Mr. Iskandar Ghattas, delegated to head for the Prosecutor-General to file a complaint on the detention of 200 persons in the People's Assembly building alongside the request to visit and inspect the site. The Prosecutor-General responded positively to the complaint and the committee members were accompanied during the visit by the Assistant Prosecutor-General.

The Complaints Office resumed its efforts in addressing complaints. Its in-house and field finding efforts, as mentioned before, were noticeably observed together with NCHR stepped up field efforts during major events and disturbances.

II – The Projects Implemented by the NCHR

NCHR continued to effectuate its major projects receiving sustained support from UN agencies and international bodies, on top of which are the following:

- 1-Project of NCHR's capacity building in Egypt (INSAN Project) – in cooperation with the United Nations Development Program (UNDP) 2004 – 2008. The NCHR is currently implementing the second phase of the project (since 2009) and expanding its scope in response to developments (since 2010).
- 2 -The Complaints Office Project in cooperation with the European Union since 2007 that was established in support of NCHR efforts of dealing with complaints.
- 3 -Project of disseminating Human Rights culture supported in its first phase 2007 – 2009 by the USAID. The NCHR is proceeding with the project depending on its own resources.
- 4 - Project of Legislation Development in cooperation with the Spanish Agency for International Development Cooperation (ACAID) since 2009, focusing on the review and proposition of necessary legislative amendments with a view to harmonize national legislation in alignment with Egypt's commitments vis-à-vis Human Rights. It established a legal, encyclopedic and referenced library for all staff working in legal domains.
- 5- Project of Regional Arab Ombudsman Network in cooperation with the Swedish International Development Cooperation Agency (SIDA), developed in 2009 into the Arab Organization for Ombudsman Offices, chaired by the incumbent NCHR Vice-President.
- 6- The Anti-Torture Project in cooperation with Denmark-based International Rehabilitation Institute for Torture Victims and the Dutch Embassy in Cairo.
- 7 - Project of establishing the NCHR library in cooperation with the Norwegian Center for Human Rights, begun in 2008. It provided a specialized library in

the field of the International Human Rights Law and the Humanitarian International Law and staff training.

These projects were proved significantly supportive of NCHR as regards performance of its functions and tasks assigned to it. Some of the international partners have recorded these projects as “success stories”.

NCHR has continued promoting its self-capacities by upgrading its internal infrastructure to be compatible with the quality of tasks and challenges. It set up a committee to supervise finance and administration. The Committee was composed of Dr. Aly el Selmy, Counselor Mohammed Amin El Mahdy, and Dr. Amr Hamzawy as Council members, and Ambassador Mahmoud Karem, the Secretary-General. The Committee was entrusted with:

- Restructuring finance and administration to arrive at the highest quality level in terms of efficiency and merit in running its affairs in accordance with rules and scientific principles.
- Observance of financial and administrative regulations in effect and proposition of their development and updating to concur with the new organization of financial and administrative affairs.
- Monitoring of financial and administrative performances and verification of conformity with regulations adopted;
- Recommendation on adoption of financial and administrative transactions concluded by competent authorities concerned, as appropriate;
- Review of the NCHR draft budget prior to its adoption by the competent authority;
- Assignment of an independent office for audit. Review of NCHR budget before sending it to the audit, follow-up and guiding means to take account of remarks made to this effect by the audit office. Review and Adoption of the NCHR budget.

Further, NCHR Council formed a committee to be entrusted with updating its Rules of Procedure in line with developments of work while elaborating updated personnel regulations.

❖ NCHR Contribution in the Field of Legislation

NCHR has adopted the document containing the declaration on the basic principles of the constitution of the modern Egyptian State as prepared by Mrs. Mona Zulfikar and reviewed by the NCHR Legislative Committee. The document has been availed within the framework of the Rights and Freedoms Committee at the National Accord Conference.

The Council, through its different statements and manifold contribution, has been a reminder of the necessity of building national accord and the confirmation of its importance in the development of a new constitution for the country.

In February 2012, the Council submitted a memorandum to the two speakers of the People's Assembly and the Shura Council on standards for selecting and forming the constituent assembly of the constitution. The memo contained consensual principles and practices endorsed by experts and based on experiences of a large number of countries in this respect.

NCHR has submitted a host of legislative proposals on political rights, notably proposed amendments on People's Assembly and Exercise of Political Rights Laws. Specific propositions regarding the Political Isolation Law, known as "Betrayal" or the so-called "al-ghadr" Law, were further defined in connection with those implicated in political or criminal crimes against public interests of the Egyptian people,

The Council established a committee emanating from the Committee on Civil and Political Rights to follow up on Laws and decisions issued with regard to elections for opinion according to the vision adopted by NCHR on the basis of Human Rights standards.

Over the period covered in the Report, the Legislative Committee has presented proposals on some Laws, some of which require amendments while others that require further enforcement. These Laws include:

- 1- Law on Freedom of Circulation of Information;
- 2- Committee on Preparation of the New Draft Constitution;

- 3- Executive Regulation of the Law on Exercise of Civil and Political Rights, the formation of the general secretariat of the Higher Commission for Elections and the Professional Charter developed by the NCHR Elections Unit;
- 4- Workshop to discuss proposed constitutional principles;
- 5- Real Estate Tax draft Law;
- 6- Police and National Security Agency draft Law. Coordination with the Ministry of the Interior will take place with a view to organize a workshop on this matter.
- 7- Torture draft Law and the amendment of Articles 126, 129, 28 of the Penal Code in reference to torture crimes as well as Egypt's ratification of the two Articles 21 and 22 of the Optional Protocol of the United Nations Convention Against Torture.

The NCHR Legislative Committee has developed the Torture Draft Law during previous sessions of NCHR and prepared a request for approval of the two Articles 21 and 22.

The NCHR recurred submission of its proposals on the amendment of the Penal Code and the Criminal Procedure Law in relation to torture crime definitions and the right of civil claimant to institute Lawsuits in addition to accession to the Optional Protocol of the United Nations Convention against Torture.

Within the context of addressing sectarian tension and related deplorable events witnessed in the country, NCHR presented anew its propositions regarding the draft "Unified Law on the construction and development of places of worship" upon the amendment of its provisions in the light of discussions held with different parties. It also put forward for the second time the Draft Law on the Establishment of the National Commission against Discrimination.

❖ NCHR contribution in the Area of Elections

Relevant to requirements dictated by parliamentary and presidential elections for the transitional stage, NCHR has stepped up the capacities of the Election Support Unit under the supervision of Council Member Mr. Hazem Mounir. It also formed a committee made up of Council Members Mr. Hafez Abu Saeda, Dr. Mrs. Soheir Lotfy and Mr. Nasser Amin to back up the work of the Unit.

NCHR has delegated its Election Support Unit to compile a weekly report on the Unit activities, to distribute it to members of the Council, and to collect their suggestions.

❖ **Conferences and Seminars**

NCHR held a series of conferences and seminars to help realize economic and social rights of citizens under international Human Rights conventions and instruments, especially with regard to issues like minimum wages, tax justice, fight against poverty and unemployment, fair distribution of income, good use of support, and handling of shanty town problems by contributing to projects intended to ensure decent life for their population. An example of these activities was the Seminar sponsored and organized by the NCHR Complaints Office (See Section 2: Complaints).

➤ The NCHR Committee on Economic and Social Rights held a Conference on **Means and Ways of Promoting the Realization of Economic and Social Rights** on Thursday, November 17, 2011. The Conference was inaugurated by Minister of Solidarity and Social Justice Dr. Gouda Abdul Khaleq and NCHR Vice-President Mr. Mohammed Fayek. It dealt with three working papers:

- First working paper on “Fair distribution of income en route to social justice” was presented by Dr. Abdul Khaleq Farouq, Economic and Strategic Expert. Dr. Mahmoud Abdul Fadeel, Professor of Economics in Cairo University, commented on it.
- The second working paper was dwelt on practical mechanisms for the realization of inflation-free social justice through system reforms covering (wages – support – transfers – public service support – raising the level of employment). The paper was presented by Dr. Ahmed el Nagar and Dr. Osama Gheith commented on it.
- Absence of the social component in economic development programs and its implications on social justice. The paper was presented by Dr. Rashad Abdul Latif and commented on by Dr. Aly Soliman, Professor of Economics, in the American University in Cairo.

- The NCHR Cultural Rights Committee held on January 9th 2012 a ceremony for the distribution of **awards meriting distinctive drama production in the area of Human Rights for 2011**. During the ceremony, a group of writers, directors, actors and production companies, owners of dramas supportive of Human Rights, were celebrated and honored, upon the evaluation of series broadcasted in Ramadan of last year. A specialized committee of critics and NCHR Council members, who were assigned to examine how far these series respected Human Rights principles, conducted the evaluation. This came within the framework of the Drama Committee under the supervision of the NCHR Committee on Cultural Rights.
- The NCHR Legislative Rights Committee held a seminar on **Electoral Systems** and recommended:
- Introducing the system of the closed proportional list, asserting the right of independents to compose their own lists and locating a number of constituencies as per the individual circuit system for independent candidates. Therefore the party list is set to contribute 75% of parliamentary seats and 25% for the independents (individual list). Coupled with this is the provision of guaranteed cultural diversity of representation, guaranteed women representation, and the inclusion in the five lists as among the first names of a Christian candidate and a woman candidate to ensure adequate representation of all tributaries in the society.
 - Expediently issuing a decision by SCAF in accordance with the Law on Exercise of Political Rights on the setting up of the technical secretariat of the Higher Commission for Elections.
 - Mandating full judicial supervision over the elections starting with the preparation of electoral lists and ending with the declaration of results. This has to be accompanied by potentially empowering judges overseeing electoral committees beyond ballot boxes plus the authority to stop the voting process in the event of proving cases where electorates are prevented from casting their votes and to act promptly to stop this from happening.

- Putting in place a legislation to organize election-monitoring by national and international civil society organizations (CSOs) to ensure they are enabled to monitor inside and outside the committees. The balloting process should also be made public. Candidates, their agents and organizations should be allowed to attend the balloting of every box provided that the process is implemented at the electoral headquarters and a copy of the balloting sheet of each box delivered to candidates and their agents.
- Allowing international monitoring of parliamentary elections and inviting international organizations concerned to visit Egypt before holding the elections adequately ahead of time to prepare for the electoral process. This is likely to provide real guarantees ensuring election fairness, to set the example of the Egyptian revolution to be emulated worldwide and to be in pursuance of international Human Rights instruments.
- Adequate guarantees need to be provided to the Higher Commission for Elections in terms of administrative, organizational and financial independence in addition to physical and human potential to enable it to undertake its role and discharge its obligations in administering and regulating all stages of the electoral process.
- Banning and incriminating the use, by any means, of places of worship and facilities for launching electoral propaganda or influencing voters. Banning and incriminating the use of religious slogans in electoral campaigning. Consequent upon related violations, the candidate concerned could be removed from electoral lists.
- Determining the maximum election spending for candidates and lists respectively to provide equal opportunity for all candidates and to subject spending to accounting and transparency rules and the control of the Higher Commission for Elections.
- Granting political parties the right to election control through amending relevant Laws.

- Reconsidering Article 20 of the People’s Assembly Law by defining what is really meant by what may be stipulated as the “declaration of the final general result” of elections released by the Higher Commission for Elections.
- The NCHR International Relations Committee, in cooperation with Bristol University, has held a Seminar on the “**Promotion of Capacities of National Human Rights Institutions in North Africa in Conflict and Post-Conflict Situations**” on December 3 – 4 2011 in Cairo.
- A specialized Seminar on Security Reform was organized for experts on October 1st 2011. Attending this seminar were Mr. Hafez Abu Saeda, Secretary of the Legislative Committee, Dr. Fouad Abdul Moneim Riyadh and Mr. Hazem Mounir, Council Members, Major Abdul Fatah Osman, Planning and Research Director of the Public Security Service Bureau, Major Mohammed Moatasem, Administrator of the Public Security Legal Affairs Department, Lieutenant-General Dr. Ahmed Desouky, Communication Department Director of Interior Ministry-based Civil Society and Human Rights Organizations, and Attorney Ahmed Abdul Hafeez, Vice-Chairman of the Egyptian Organization for Human Rights.

The Seminar focused on 4 axes:

First Axis: Security challenges and risks facing the Egyptian post-revolution on-the-ground situation;

Second Axis: Risks involved in the enforcement of Emergency Law with regard to personal freedom and security of citizens;

Third Axis: Guarantees for protection of civil servants while on duty to preserve public security;

Fourth Axis: Is Egypt in need of Emergency Law? What are the proposed alternatives?

- The NCHR Civil and Political Rights Committee and the Legislative Committee jointly held on May 15th, 2011 a workshop on the Law on the Exercise of Civil and Political Rights.

- In cooperation with Giza Governorate, Giza-based Health Directorate, Ain Shams Faculty of Medicine, October 6 University Faculty of Medical Sciences, the Addiction Prevention and Treatment Fund, the Medical
- Services Committee in Embaba-located Mina Church, the Association of Kheir el Islam (The Good of Islam) also in Embaba and the Women Society for Development, NCHR organized the Medical Convoy for Embaba District population on September 27th 2011. It offered multi-disciplinary medical service to more than 1000 patients with the contribution of a number of pharmaceutical companies and outlets. The NCHR Complaints Office further has commissioned a number of technical secretariat researchers to receive complaints of the district's people that actually amounted to 12 at the time.
- The NCHR Cultural Rights Committee held several outreach workshops for the people of Embaba under the chairmanship of Mr. Samir Morcos, with the membership of Mr. George Izhak and Dr. Mrs. Soheir Lotfi and in cooperation with the two Mina and Virgin Churches, the Association of "The Good of Islam", and the Addiction Prevention and Treatment Fund. The workshops dealt with drug abuse risks. Accompanying the workshops, hotline addiction treatment experts explained hotline services and transferred some addiction patients to specialized centers.

❖ Contribution to National, Regional and International Events

NCHR was interested in leveraging its participation in conferences and symposiums in Egypt and abroad. Among the most important events attended were the following:

- 1- Meetings of NCHR Vice-President Mr. Mohammed Fayek and Council Member Counselor Iskandar Ghatas with the *Défenseur des Droits* and the Chairman of the National Consultative Commission of Human Rights in France as well as officials in the International Organization of *the Francophonie* in Paris from October 2 – 7 2011 at the invitation of the French Foreign Ministry.

- 2- Participation of NCHR Vice-President H.E. Mr. Mohammed Fayek in the Fez Forum on the Alliance of Civilizations, Cultural Diversity and Euro-Mediterranean Partnership on 12 December 2011.
- 3- Participation of Ambassador Mahmoud Karem, NCHR Secretary-General, in the Arab Spring Future Conference where he presented a Working Paper on the Arab Position on 17 – 18 November 2011.
- 4- Participation of Ambassador Ahmed Hagag, Council Member, and NCHR Secretary-General, Dr. Mahmoud Karem Mahmoud in the Meeting of the International Council for Human Rights in Geneva from 17 – 20 May 2011.
- 5- Participation of Dr. Fouad Abdul Moneim Riyadh, Council Member, in the “Sixth Euro-Arab Dialogue on Human Rights” in Berlin from 11 – 13 May 2011.
- 6- Participation of Mr. Hafez Abu Saeda, Council Member, in the Conference on the “Election Principles Declaration”, in Brussels during the period from 3 – 7 October 2011.
- 7- Participation of Dr. Soheir Lotfy, Council Member, in the Conference on the “Role of National Institutions for Human Rights in the Prevention of Torture in Africa” on 7 – 8 September 2011.
- 8- Participation of Ambassador Ahmed Hagag, Council Member, in the Arab Organizations for Human Rights Conference held in Mauritania, from 27 – 29 April 2011.
- 9- Participation of Mr. Hazem Mounir, Council Member, in the proceedings of the Workshop on “Election Monitoring, International Standards and Arab Experiences” in Algiers on February 11, 2012.
- 10- Participation of Mr. Hazem Mounir, Council Member, in the Workshop on Election Monitoring held in Romania from 13 – 15 July 2011.
- 11- Participation of Dr. Soheir Lotfy, Council Member, in the Anti-Torture Conference on 10 – 11 November 2011.

12- Participation of Ambassador Mervat el Telawy, Council Member in the Conference on “Human Rights and Business” during the period from 29 September – 1 October 2011.

NCHR researchers have also participated in a number of events, notably the International Forum on “Democratic Transformation Tracks – International Expertise and Lessons Learnt” held by UNDP in Cairo on 5 – 6 June 2011. Another event was the Workshop on “Labor Rights Researches and Studies” held in Jordan on 8 – 13 October 2011 as well as the Conference on “Human Rights in Arab Constitutions” held in Beirut on 7 - 8 December 2011.

Moreover, five NCHR researchers have joined the first batch of the League of Arab States Observers Mission in Syria during the period from 26 December – 20 January 2012.

With respect to training, NCHR has stepped up the level of participation of its researchers in a number of specialized training courses, nationally, regionally and internationally.

Section Four
Recommendations

Recommendations

The National Council for Human Rights (NCHR) applied itself fully, in 2011 and early 2012, to fulfill its objectives in the context of the dramatic transformation that the Egyptian society witnessed after the January 25, 2011 Revolution. The NCHR launched a large number of proposals aimed at promoting Human Rights to lay down the foundation of a new political edifice through the integration of Human Rights issues, standards and fundamental principles within the framework of legislation, policies and practices.

In this context, the NCHR recommends the following:

1 - At the constitutional level:

- Working to expand the national consensus base in the context of drafting the nation's new constitution in order to ensure the development of the desired framework for the country regardless of political disparities and contradictions.
- Stressing the need to involve the entire spectrum of Egyptian society in the process of drafting and adopting a new constitution for the country, especially in light of the proposals made by the NCHR's Council on the selection criteria for the Constituent Assembly in charge of drafting the constitution.
- Underlining the importance of allowing sufficient time for popular consultation on the draft constitution before it is put to vote.
- According attention to the fundamental Human Rights values as a basis for the constitution and upholding constitutional protection of the values of dignity, freedom, equality, citizenship and justice.

2 - At the legislative level:

- Abiding by the NCHR Council's proposals to amend its foundation Law No. 94 of the year 2003, in order to give the NCHR the necessary powers to carry out the tasks that it has been entrusted with and to strengthen its role in achieving its objectives in accordance with the Law and the people's basic demands.

- Ending the state of emergency that obscures constitutional and legal guarantees of Human Rights.
- Conducting a comprehensive review of legislation regarding fundamental rights and freedoms to serve the basic interests and constants of the Egyptian society and in accordance with Egypt's international obligations on Human Rights, in particular those related to anti-torture, the independence of the judiciary, freedom of opinion and expression, freedom of peaceful assembly, freedom to form political parties, trade unions and associations, freedom of political participation, and adoption of the proposals already made by the NCHR's Council on the sought amendments.
- Issuing legislative proposals for unifying the rules on building places of worship and the establishment of a national commission against various forms of discrimination, which the NCHR had repeatedly proposed and presented to the authorities before and after the January 25th Revolution.
- Paying attention to strengthening the social protection umbrella through the establishment of rules to ensure social justice, equal opportunities and non-discrimination, and to ensure that citizens have the right to live in dignity.
- Strengthening legal protection of women, ensuring the activation of the rights enshrined in the constitution, the Law and the international commitments to Human Rights, enacting safeguards to ensure the empowerment of women to exercise their rights on equal footing, rejecting the trends that constitute a setback to Egypt's achievements in this respect, and protecting women against all forms of violence.
- Abolishing all penalties conducive to deprivation of freedom in issues of opinion and publishing.
- Issuing the Law on free circulation of information to ensure the free flow of and access to information, promote academic freedoms and freedom of scientific research and the development of education, and contribute to enhancing transparency, fighting corruption and promoting freedoms of electronic publishing in order to leverage information technology applications.

- Issuing a Law on the rights of people with disabilities in a manner commensurate with the standards of the Convention on the Rights of the Persons with Disabilities that provide for a shift in philosophy from welfare to rights and participation.

3 – At the level of development:

- Adopting a Human Rights development based approach in the drawing up and implementation of development plans and policies.
- Adopting mechanisms for transparency and accountability regarding crimes of monopoly, and ensuring the State's ability to control the market, especially in food commodities and essential services.
- Enhancing transparency, efforts to combat both corruption and monopoly, boosting accountability procedures and restoring respect for the inviolability of public money through the necessary legislative and administrative measures.
- Ensuring fair distribution of burdens and protecting the vulnerable segments of society.
- Developing an effective social security policy to guarantee insurance against unemployment, sickness and old age.
- Adopting a fair taxation policy that guarantees fair distribution of burdens, and stops forms of burdening the poor and toiling.
- Ensuring commitment to credit policies and tax breaks to encourage small and medium industries and generate employment opportunities, particularly in poorer areas.
- Maintaining the policy of in-kind subsidization and promoting them in the interest of the people most in need, along with rationalizing subsidies oriented to industries and private investment, especially in the areas of energy.

- Giving special attention to education in its various stages, and to scientific research as a leverage strategy for development as the main approach to be adopted, together with plans to link the promotion of education and the development plans in order to realize mutual reinforcement, and to link educational outcomes with labor market inputs.
- Developing an effective and feasible national plan to eliminate illiteracy and to continue and strengthen efforts in the field of adult education.
- Activating the right to education, boosting and promoting free education, eliminating the phenomenon of dropping out of education, bridging geographic and quality gaps, and easing the burdens which the existing education systems puts on families and learners.
- Working on curricula development in applied science, and promoting efforts and freedom in scientific research and academic freedom.
- Amending healthcare systems to ensure their quality and accessibility, and provide awareness, prevention and care for all Egyptians on equal footing.
- Issuing a Law on public health that respects citizens' right to healthcare for all members of society regardless of financial ability, allows fair access to this service and bridges the geographical and quality gaps.
- Ensuring Commitment to the policies that provide for the right to housing in accordance with dignified living standards, and adopting a State policy to ensure its direct leadership of the implementation of urban expansion in order to ensure social housing for the poor and toiling.
- Strengthening the State's efforts to develop and address the informally-built areas, and secure the necessary resources to accomplish the State's efforts in an appropriate time frame.
- Observing considerations of justice in the allocation of construction land, and paying attention to youth and the low-income and most vulnerable segments.

- Setting modalities to address disputes over property ownership rights, especially in the peripheral areas.
- Adhering to the public interest criterion alone in expropriation decisions, and setting standards for fair compensation of owners and holders.
- Developing effective programs of action to promote environmental rights, and paying attention to the protection of water resources and the rationalization of water management.
- Ensuring commitment to activate international labor standards in legislation and practice, setting a minimum and a maximum to wages, ensuring the freedom of trade union pluralism and independence, and paying attention to rehabilitation and continuing training; as well as ensuring the rights to strike and collective bargaining, and addressing the situation of informal employment to ensure workers' rights.
- According interest to supporting small farmers and the agricultural sector in order to ensure their rights, on the one hand, and to contribute to bridging the food gap, on the other.
- According special attention to the development of border areas whose people are suffering from marginalization and impoverishment, and adopting policies that give the concerned specialized bodies necessary powers and budgets.

4 - At the political level:

- Activating the principle of separation of powers and ensuring balance and cooperation between them.
- Promoting the active participation of youth and women.
- Taking serious and effective measures in the fight against the phenomenon of sectarian tension in order to address its underlying causes.

- Ensuring the completion of reforms and restructuring necessary for the police in a manner commensurate with easing unnecessary burdens and strengthening efforts to eliminate lawlessness.
- Accelerating the implementation of the recommendations of the Universal Periodic Review mechanism issued in 2010, whereby Egypt will be reviewed in 2014.
- Activating the re-trial of defendants who were convicted in trials based on the extraordinary provisions of the Emergency Law.
- Ensuring the prevention of impunity from deterring punishment of perpetrators of crimes and gross violations of Human Rights and their accomplices.
- Ensuring respect for minimum standards for the treatment of prisoners and other detainees, and ensuring the role of punitive institutions in reform and rehabilitation.

5 - At the level of international Human Rights conventions:

- The NCHR calls for Egypt's 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 which entered into force at the end of December 2010.
- The NCHR calls for Egypt's accession to Rome Statute establishing the International Criminal Court, which Egypt has signed but not ratified, as a reaffirmation of the firmness of the transition to democracy carried out by the country after the January 25th 2011 Revolution.
- The NCHR calls for Egypt continued objective review of the various reservations and declarations on a number of articles of international Human Rights conventions with a view to withdraw these reservations.
- The NCHR also calls for Egypt's accession to the optional protocols attached to the international conventions that Egypt has acceded to, in order to reflect and confirm confidence in the country's ability to honor

its obligations and dismiss fears of the optional accountability mechanisms.

- The NCHR believes that the completion of Egypt's accession to the Arab Charter on Human Rights will not, in itself, constitute additional obligations by the country as it is already under a much broader scope of obligations under international conventions than the obligations entailed by accession to the Arab Charter.
- The NCHR calls for considering Egypt's accession to the Charter of the African Court of Justice and Human Rights.
- The NCHR hopes that the State considers issuing national legislation to ensure recognition of the precedence of international human conventions and the Geneva Conventions of 1949, as ratifying them makes them an operative part of the national legislative system.
- The NCHR looks forward to the Egyptian Constitution and legal system to adopt the scope of international criminal jurisdiction to allow Egypt to be a leader among nations that have become a haven for equity and justice.
- The NCHR looks forward to responding to requests for the United Nations Special Rapporteurs on Human Rights to visit the country, thereby contributing to correcting facts about the Human Rights situation in the country.

Annexes

NCHR Budget

Translated from Arabic

**National Council for Human Rights
Cash Receipts and Disbursements Statement
For the Financial Year Ended as at June 30, 2011**

	Note No.	Financial year	Financial year
		from 1/7/2010 to 30/6/2011	from 1/7/2009 to 30/6/2010
		L.E.	L.E.
Receipts			
Appropriation for 1st section (salaries a& employees compensation)	(3/1/1)	5 996 495	5 075 000
Appropriation for 2nd section (purchase of goods & services)	(3/1/2)	4 007 226	3 850 000
Appropriation for 4th section (subsidies & social benefits)	(3/1/3)	242 000	220 000
Appropriation for 6th section (purchases of non cash assets)		-	70 305
Transferred for the council from the UN Development program (UNDP)		-	94 788
Transferred for the council from the UN Fund for Population Activities (UNFPA)	(3/2/1)	63 517	319 530
Transferred for the council from the OMBUDSMAN	(3/2/2)	195 000	2 025 711
Transferred for the council from the UN Educational, Scientific and Cultural Organization (UNESCO)		-	647 813
Transferred for the council from the International Rehabilitation Council for Torture Victims (IRCT)	(3/2/3)	213 997	54 930
Transferred for the council from the Spanish Agency for International Cooperation for Development (AECID)		-	2 604 144
Total receipts available during the year		10 718 235	14 962 221
Disbursements			
1 st section (salaries & employees compensation)	(4/1)	6 573 576	6 008 237
2nd section (purchase of goods & services)	(4/2)	3 939 353	3 486 165
4th section (subsidies, grants & social benefits)		272 849	182 831
6th section (purchases of non cash assets)		10 155	50
For the UN Development program (UNDP)		-	94 788
For the UN Fund for population activities (UNFPA)		102 199	285 849
For the OMBUDSMAN		1 634 763	1 690 843
For the Spanish Agency for International Cooperation for Development (AECID)	(4/3)	1 456 657	2 176 902
For the Swedish International Development Cooperation (SIDA)		-	706 197
For the Norwegian Centre for Human Rights (NCHR-N)		-	356 703
For the UN Educational, Scientific and Cultural Organization (UNESCO)		-	647 813
For the International Rehabilitation Council for Torture Victims (IRCT)		203 141	54 740
Total Disbursements		14 192 693	15 691 118
Deficit of the year (Excess of disbursements over receipts)		(3 474 458)	(728 897)
Surplus transferred at the beginning of the year		5 732 315	6 461 212
Balance of the surplus transferred at the end of the year	(5)	2 257 857	5 732 315

The accompanying notes from No. (1) to (5) form an integral part of this statement (Cash Receipts and Disbursements).

General Director of Financial Affairs

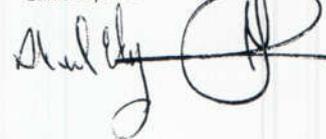


Auditor's report "attached"

Financial controller



General Supervisor



General Director

5- **Surplus of the year.**
The balance of the surplus transferred at the end of the year is represented in the transferred surplus at the beginning of the year in addition to the differences between the receipts from donors and the disbursements made by the Council during the year as follows:

Description	National Council for Human Rights										
	1st section L.E	2nd section L.E	4th section L.E	6th section L.E	Total council surplus L.E	UNFPA L.E	Ombudsman* L.E	AECID L.E	IRCT L.E	Total donors surplus L.E	Total L.E
Cash Receipts during the year	5 996 495	4 007 226	242 000	-	10 245 721	63 517	195 000	-	213 997	472 514	10 718 23
Less:											
Cash Disbursements during the year	(6 573 276)	(3 939 353)	(272 849)	(10 155)	(10 795 933)	(102 199)	(1 634 763)	(1 456 657)	(203 141)	(3 396 760)	(14 192 69)
(Deficit) Surplus of the year	(577 081)	67 873	(30 849)	(10 155)	(550 212)	(38 682)	(1 439 763)	(1 456 657)	10 856	(2 924 246)	(3 474 45)
ADD:											
Surplus balance at transferred at the beginning of the year	683 688	821 351	37 194	70 255	1 612 488	38 682	1 466 747	2 614 208	190	4 119 827	5 732 31
Surplus of the year transferred	106 607	889 224	6 345	60 100	1 062 276	-	26 984	1 157 551	11 046	1 195 581	2 257 85

* Value of the interest on Fixed Deposits in favor of the complaints office of the united National Bank of Euro 230 and the amount of 2 745 LE during the year, which represents the interest due on the original deposit, according to the agreement signed with the donor on November 1, 2006, any amounts realized from the investment funds, which granted of the Council must reply within 45 days

NCHR Founding Law

NCHR was founded by Presidential Decree no 94 of 2003. The Council aims at enhancing and promoting Human Rights, safeguarding their observance, including their values, increasing awareness thereof and encouraging their practice

The Council has a corporate Legal personality. It enjoys autonomy in exercising its roles and responsibilities, activities and jurisdiction .By the power its founding law , it is entitled to open governorates-level representative offices national wide .

The Council is composed of President, Vice President and 25 members of Public Figures, Known for Experience and interest in Human Rights Issues

***Re- Composition of NCHR for the Remaining
Period of its 3rd Term of Office
(2010-2013)***

Dr. Boutros Boutros Ghali President
Mr. Mohamed Mohamed Fayek Vice President

Members:

- 1- Counselor Adel Abd El Hamid** (Membership ceased as of date of his appointed Minister of Justice)
- 2-Counselor Adel koura**
- 3-Ambassador Ahmed Haggag**
- 4-Dr. Ali El Selmy** (Membership ceased as of date of his appointment to the position of deputy Prime Minster)
- 5- Dr. Amr El Shobaky**
- 6- Dr. Amr Hamzawy**
- 7- Mr. Diah Rashwan**
- 8- Dr. Doria Sharaf El Din**
- 9- Mrs. Enaam Mohamed Ali**
- 10-Dr.Foaud Abd El Monem Riad**
- 11- Mr. George Ishak**
- 12- Mr. Hafez Abo Saada**
- 13- Mr. Hazem Mounir**
- 14- Dr. Iskander Ghattas**
- 15- Counselor Mahmoud Abo El Liel** (Passed away)
- 16- Ambassador Mervat El Tallawy**
- 17- Counselor Mohamed Amin El Mahdy**
- 18- Mr. Mohamed Sobhy**
- 19- Mr. Mohsen Awad** (Resigned In Feb,2012)
- 20- Mrs. Mona Zulfikar**
- 21- Mr. Nasser Amin**
- 22- Dr. Osama El Ghazali Harb**
- 23-Dr. Samir Morcouis** (Membership ceased as of the date of his appointment to the position of Deputy-Governor of Metropolitan (Cairo))
- 24- Dr. Sohier Lotfy**
- 25- Mr. Youssef El kaaed**

NCHR Publications

- 1st Annual Report, 2004/2005 (A-E-F-S)
- 2nd Annual Report, 2005/2006 (A-E)
- 3rd Annual Report, 2006/2007 (A-E)
- 4th Annual Report, 2007/2008 (A-E)
- 5th Annual Report, 2008/2009 (A-E)
- 6th Annual Report, 2009/2010 (A-E)
- 7th Annual Report, 2010/2011 (A-E)
- 8th Annual Report, 2011/2012 (A-E)
- Presidential Elections 2005
- Guidelines to Parliamentary Elections Observers (Nov-Dec, 2005)
- Parliamentary Elections (Nov-Dec, 2005)
- Final Report and Annexes of Shura Council Elections 2007
- Annexes of the Final Report of the Shura Council Elections 2007
- Report Of the Referendum on Constitutional Amendments(Including Annexes)
- National Plan for the Amendment of Human Rights (Vol1)
- National Plan for the Amendment of Human Rights (Vol2)
- The Three Forums of the NCHR and the Civil Society Organizations
- Fourth Forum: Deletion of the Cell for Religion in the National ID Card
- Fifth Forum of the NCHR and the NGOs
- Sixth Forum of the NCHR and the NGOs
- Evolution of the National Human Rights Institutions in the Arab World
- Ombudsman’s Tools and powers for Ensuring Fairness at both Global and Regional Levels.
- Final Report of the Conference on Stock taking of the Past and Horizons of the Future.
- The Citizenship Conference, Cairo, 25/11/2007
- Workshops and Roundtables during 2007
- Principles of Islam and Universal Declaration of Human Rights
- Women and The Principle of Equality:
Between Legislation and Application
- The Water Crisis : Problem and Solutions
- Rights and Duties of Egyptian Immigrants in the EU Countries,2010
- Unemployment: Present Situation and Solutions
- Six Years of Working Together, 2004-2010 (Arabic- English)
- Subsidy Policies and Human Rights Conference, 2010.