

**Second Annual Report for the
National Council for Human Rights**

Executive Summary

This report is issued amidst national, regional and International variables through which the issue of human rights is gaining national and International care helping hopes to arise and opening new horizons in spite of all the difficulties and challenges facing it.

The Report consists of four main chapters structured as follows:

Chapter One: Issues of the Year

This part encompasses the most important issues during the year 2005 which the Council handled through its various activities. The Presidential and Parliamentary elections that took part in September and November/December respectively constitute two of the major events that took place in 2005 testing the right of political participation in the Egyptian societies. This synchronized - on the regional arena - with legislative elections that took place in some Arab countries, based on a background of a developing discourse of political reform and human rights reinforcement in the Arab region. In this regard, words have been said more than actions have been taken.

The development that took place in the Egyptian society during 2005 showed an obvious state of political mobility, though its pace and extent is controversial. Nevertheless it shows that a democratic evolution has started to take place in the Egyptian society. However, this evolution is still facing - like all stages of democratic evolution in societies- a group of difficulties and hindrances. It's true that the constitutional amendment of the article 76 of the Egyptian constitution, the most prominent event during this year, made it possible to choose the President through direct public election from several candidates instead of the referendum system which has not encompassed a real competitive pluralism nor revealed the real will of the people in choosing their ruler. However, the method by which this amendment was adopted included several constraints that made the conditions for nomination for presidency very

difficult, especially with weakness of Egyptian opposition political parties due to various complicated historical and contemporary reasons.

The Legislative elections followed the Presidential elections reinforcing the political mobility in the society, as it gave the opportunity for all the political parties, streams and powers and independents to practice their original and natural right of nomination. Elections were held under judiciary supervision and within an atmosphere of neutral security that prevailed at the beginning, and then decreased -- by various levels- in the second and third stages of the elections.

The Council recognizes that these elections revealed positive aspects, however, it has worries regarding some negatives aspects relating to security practices that was witnessed such as closing some electoral committees and sieging them, which hindered the voters from entering to perform their constitutional duty of choosing their representatives. Also the method by which the result was announced included some negatives and doubts. In addition, there was a negative phenomenon which the candidates and voters were responsible for, such as: *thuggee, using violence and using money to manipulate voters.*

In this context, the Council issued a special report about the legislative elections that aimed at concluding lessons revealing the positives and remedying the negatives. This drove the Council to confirm its call upon creating an *independent permanent agency* for supervising the elections in all its stages, that's instituted of independent public personalities who are well known of competence and fairness, such as some regional and International attempts.

Moreover, the first part encompassed the issue of "Sudanese refugees" and the consequences of ending their sit-in in front of the Commission for Refugees in addition to the Council's movements in following up this issue after ending the sit-in.

While the third issue is concerning people with "special needs" including the most important problems facing them in Egypt and the efforts exerted by the Council in order to draw attention to the importance of this issue as it reflects an important side of human rights. This part reviews also the efforts of the civil society organizations in this field.

The fourth and last issue in this part handles the human rights culture in Egypt in the context of the Council's plan to "disseminate human rights culture" which the Council paid great attention to specially in the field of school curricula, and how to work on

reinforcing human rights culture in the minds of children and new generations through disseminating the values of dialogue, tolerance and openness on all levels.

Chapter two: Status of Human Rights Based on Complaints

This chapter encompasses the status of human rights in Egypt based on the complaints received by the Council during they year 2005 which reached (6528) complaints during the period from 1-1-2005 until 28-2-2006. It as well reviews the means and methods of receiving complaints through the Complaints Committee of the Council and the classification of such complaints according to certain standards illustrated into: *violated rights, geographical division, and gender division*. Nevertheless it shows the actions taken in handling these complaints, ranging from addressing the different sides to the replies received by the Council from them regarding the complaints.

The chapter moves on to tackle the status of various rights, primarily the *civil and political rights* that are expressed in the right to life, the right to liberty and security of person, the rights of Egyptians abroad, the right to freedom of thought and belief, the right to freedom of opinion and expression, the right to freedom of association with others, including the right to form and join trade unions and parties, the right of peaceful assembly and to strike and the right to participate in managing public affairs.

The issue of human rights during 2005 was associated with several challenges, yet gained new dimensions. It wasn't only confined to civil and political human rights, but it encompassed also other fundamental rights in the *economic, social and cultural* field's affirming the deep and strong correlation between human rights and the development issue in general. In this context, the Council took up – through the conferences, seminars, workshops and hearings it organized during the past year in which some ministers and officials participated- tackling the methods of protecting and reinforcing these rights and issues, such as: the right to equality, equal opportunity in appointment in public positions, the right to development, the right to health care, the right to freedom of opinion and expression, the right to political and social participation that's based on the principles of transparency, impartiality and accountability through combating the corruption.

Deep discussion regarding these rights and issues -in which all those involved participated- revealed that great efforts need to be done in order to protect and reinforce

such rights. Some require updating the legislative structure organizing these rights and liberties while others need advancing the behavioral culture of those responsible for the application, besides activating the constitution and law codes which already exist.

The Council has been observing optimistically the elevating social consciousness of the principles of human rights during the past two years and the formal attention it attained through the response of State Authorities to the complaints transferred to them by the Council. The Council values as well the Government's written response to its First Annual Report, reiterating its welcoming to the establishment of Human Rights Committee in the Peoples Assembly, as well as the Presidential decree no. 74 for the year 2006 issued on the 22nd of February 2006. This Presidential decree identifies the responsibilities of State Minister for Legislative Affairs and Legislative Councils, citing in paragraph five in terms of the minister's responsibility "to coordinate with the National Council for Human Rights, and offer the Government's opinion on what is encompassed in the Report of this Council from notifications and recommendations, and this by coordination with the concerned Ministries." This is a major step revealing the Government's care for the works and role the Council is taking in promoting human rights in Egypt. Yet the Council is nevertheless concerned with violations of human rights and deficiencies during the past year that needs to be treated and taken in consideration.

The Council as well emphasizes on its previous recommendations calling on end to the *state of emergency* and all that relates in terms of application of *exceptional rules* that diminish or detract from the rights and freedoms of individuals. Although the Council believes that maintaining national security and social stability is a case that is socially agreed upon and a priority over all other disputes, it views at the same time that there is no contradiction between acquiring national security and preserving citizen rights. While reconciliation between them is the first entrance and probably the only entrance towards framing a new social contract that the nation is in a great need of, in this distinctive time of its history.

Reiterating the Council's emphasis on its stance on the importance of swiftly ending the state of emergency and the reconsideration of the conditions of detainees in the Egyptian prisons, it views that any law treating the cases of *terrorism* and *organized crimes* must take in consideration the protection of the "general rights and freedoms." The Council as well calls upon any planned law in this respect to be open for discussion with the participation of the *State's different sectors, the civil society organizations and the public opinion.*

The Council as well calls upon the immediate treating of the cases of detainees whose detentions was based on the Administrative decisions that have not followed the adequate legislative procedures and guarantees cited in the Constitution and Law. The Council does not possess, but to express its concern regarding the increase of this phenomena that is revealed either in terms of the number of detainees or the period duration of the detain. Additionally the Council expresses its concern as to what relates to these cases from commonness and repetitive administrative detaining and not executing the final judicial rules to release some of the detainees.

In addition the Council calls upon effecting the rules and guarantees cited in the Constitution and Law, and to be committed to the legal commitments that emerged as Egypt ratified the International Covenant on "Civil and Political Rights" in light of what is cited in article 151 of the Egyptian Constitution.

In this context the Council emphasizes on the importance of launching the *freedom of party establishments* and *"association as well as the freedom of expression, thought and creativity"* as it composes some of the main principle human rights as well as what relates to this from freedom of expression with all the written, oral and visual mechanisms, where the "Constitution" is to be the principle source organizing and protecting those rights.

The Council has been observing with increasing concern the violation of human rights as revealed both by those encompassed in the complaints sent to the Council relating to violation or unfair legislations (amounted in 2005 around 6500 complaints,) and other complaints the Council has tracked calling upon reconsideration of these violations, and legislative injustices.

Although the Council values the initiatives of those institutions who responded to the complaints regarding the violations and injustices as well as the positive preparations taken for treating them, yet the Council still views that the level of response required from those institutions (to what is transferred to them from complaints) is not up to the expected level. In this respect, the Council emphasizes on the importance of all systems, organizations and governmental institutions to care for the complaints of violations, and injustices the Council transfers to them.

In terms of the violations of the Civil and Political rights, the Council values the efforts achieved for not constraining the peaceful demonstration of the public, parties, and syndicates. Nevertheless the Council expresses its deep remorse for what some

peaceful demonstrations and associations witnessed from violation to their human rights which extended to the harassment to the dignity of some female demonstrators. These incidents have been captured through the visual lenses and some satellites displaying the violations to the right of peaceful associations, demonstrations, freedom of expressions, thought and contradiction to text of "Law of Punishments".

In light of this, the Council emphasizes on its stance regarding the importance of eliminating the imprisonment based on crimes of publishing and opinion, according to what has been stated by the President of the Republic in the letter of "Legislative Reformation" sent to the Government and which has spread hopes through the spirits of the journalists in the Egyptian community.

In terms of the violations of the economic, social, and cultural rights, the Council observed progress in strengthening of Women rights in the last years, which could be viewed in the issuing of the new law for improving the "Individual Status Law," and the establishing of the "Family Courts," and reformation of "Citizenship Law." Nevertheless, the Council expresses deep concern for the phenomenon of street children, child abuse, and contravention of National Legislations and International Agreements forbidding child labor. The Council as well observes the need for concentrating on the case of people with special needs where the number has been increased to 3 million individuals constituting 4.2% of the overall population in Egypt. Nevertheless labor rights, life insurances, medical care and the right to work still assimilate a case of importance and priority.

While the Council is aware of the complexity of these cases and their interlinking to the developmental rate, limited resources and capabilities, the Council nevertheless views the need to strive for supporting the rights of the vulnerable groups. This should be considered in this specific time, where there is an increasing disparity between the rich and poor and an escalating percentage towards living in apprehensive levels from those living below poverty line in the Egyptian society. In addition, the case of corruption must be tackled on different legislative, institutional and preemptive levels.

The Council calls upon preserving the labor rights in the era of economic change to privatization in balancing the economic freedoms on one side and the social freedoms on the other.

The Council is as well aware of the dimensions the issue of human rights gained internationally and as well aware of the complexity of separating between those dimensions domestically, legally and internationally.

The Council, therefore, calls upon all groups concerned with human rights domestically and internationally on the importance of combining their efforts in facing the renewed challenges that attempt to diminish from the case of human rights to the extent that it might be threatening it. The Council as well views that achieving democratic international system is a main step towards the case of human rights, and what effects this democracy from defect or double standards will be a setback for human rights. The Council as well views that accusing the cultures of others as *inferior* and what relates to this from calls lessening from the value of religion and *inciting* culture is an accusation of grate danger. In this scope the Council sees the urgent need for the international community to adopt an international resolution or agreement to acquire the missing balance between practicing freedom of opinion and expression on one side, and respecting religious sanctities for all religions on the other. This should be viewed in the context of the right to "cultural diversity" in nations and communities according to basis determined by the International Agreement stipulated by the UNJSCO at the end of the year 2005.

Chapter three: The Legislative Modernization

Starting from the Council's practice of its competences, stipulated in the article 3 of its establishment law no. 14 for 2003, and because of being convinced that the defense of the human rights and liberties is a public and human issue, in which is united the goal even if the roles diversified and the position differentiated.

In this context this chapter talks about the legislative modernization in Egypt during the last year and its impact on Human Rights, referring to the amendments that occurred in article 76 of the constitution related to the election of the President of the Republic. Moreover, this chapter addresses the proposals of law projects to protect and promote the Human Rights adopted by the Council, as follows: proposal of a law project to protect the liberties which includes (the provisional detention, the promotion of the defense right and the crime of torture).

In the same context, the Council calls the legislative authority to modernize the preventive detention system in the context of the required harmony between the requirements of the society's security and the effectiveness of the implementation from one side, and the requirements of the protection of the rights and the liberties from

another side, regarding its violation of the innocence presumption which considers the accused innocent until proved guilty.

In this context the Council calls: firstly, for the necessity of limiting the provisional detention to the major crimes; however, the recent texts in the Egyptian legislation, which allow the provisional detention in minor crimes, don't justify such a dangerous procedure; secondly, to work on the limitation of the provisional detention's period; thirdly, for the necessity of this detention to be caused and considered as an exception, fourthly, not to work according to it, unless there is a lack of procedures, such as judicial control.

While the Council appreciates the beginning of the positive evolution in the domain of combating torture through introducing the security men in charge of practicing torture to trial, it still insists on the necessity of moving forward to combat the torture practices and the ill treatment of the detainees and those arrested.

Since the Council is concerned about what certain human rights organizations and international reports has revealed, it calls for, firstly, the necessity to face these practices through changing the behavior's culture of the security men and modernizing their security's vision, secondly, the amendment of the legislative texts related to the torture crimes in order to criminalize not only the torture of those convicted but also those who are arrested wherever the place of detention is, either in the legal place of detention or in the places that don't follow the supervision of the general prosecution (buildings and the places of the state security or the central security's camps which are affiliated to the Interior Ministry).

While the Council is proud of the role of the Egyptian Jurisdiction in protecting the Human Rights through the principles and the verdicts adopted by the normal courts, the Administrative Jurisdiction and the Supreme Constitutional Court, it calls to more promotion and reinforcement of the defense right, in front of the inquiry parties, in order to move this fundamental right from the constitutional principles adopted by the Egyptian constitution, to the reality of the procedural mechanisms which are organized by the legislation. The Council has adopted in this context a proposal of a law project to protect the liberties which includes the aspects that must be amended in the domain of the provisional detention, the crime of torture and the right of defense.

Since the Council has presented the proposal of a law project according to its competence stipulated in the first section of the third article of its establishment law, and in the light of the rights and the liberties provided by the Egyptian constitution to the

individuals in its part three and four, and according to Egypt's commitments resulting from ratifying the international conventions and treaties related to the Human Rights; it wishes to this project to be approved and adopted by all competent parties in the state, in order to be published very soon.

Since the Council is again insisting on the necessity of this aspect of the legislative reform's aspects in order to remove the journalistic tension, it calls to adopt this amendment in the context of a required balance between practicing the liberty of opinion and expression provided by the Egyptian constitution from one side, and the maintenance of the people's dignity and their honor from any abuse or violation from another side.

In the context of stimulating the atmosphere of the democratic participation of the different society's categories and on top of them the youth which constitutes 60 % of the overall population; the Council calls the reconsideration of the student bylaw for 1979, which includes an unjustified restriction to the democratic student's activities in certain aspects; and this restriction doesn't fit neither with this period of the democratic evolution to the Egyptian society nor with the necessity of stimulating the citizenship and the belonging feeling between this important category in the society.

Chapter four: The Council's Activities

The different Council's activities during the year 2005 contained conferences, seminars, workshops, hearing sessions, encounters, cooperation with the organizations of the civil society, and an international activity.

On the international level, the active movement of the international civil society revealed that the local issues in the domain of Human Rights has become an international matter that is important to the whole world; and that's why the National Council for Human Rights in Egypt was careful to contribute in the associations and the international events related to human rights, realizing that the issue is an human matter. But this extent which is facing the Human Rights issue is still facing an international reality constituted by the phenomena of double standards concerning the Human Rights and from the ignorance of the Human Rights in armed conflicts.

The Council is looking forward to the Government to present during this parliamentary session the law projects mentioned in this report, and urgently the law

projects related to the suppression of the imprisonment in the cases of publication, the "Law of the Judicial Authority," and the "Law of Constructing Worship Places," "Law of Judicial Power," which are laws wisely prepared for benefiting the society and reinforcing the what has been encompassed in President of the Republic's political reformation program promoting liberal rights. Whereas exchanging confidence is the main entrance for accomplishing the stability and security of the society putting it on the track of development and progress.

Since the NCHR is expressing its appreciation to the efforts of the civil society working in the domain of the Human Rights which had a major role in promoting the Human Rights value and examining its violation. Also the Council undertook many activities and is presenting its gratitude to the international institutions and organizations for its cooperation in the latter. As the Council is expressing, both its appreciation to the steps undertaken by the state through the support of the Human Rights, liberties and rights, and its welcoming to the government reply to the first annual report; this how it realizes that the road is long and hard and requires a strong will of the faithful people who believe in the justice of the Human Rights issue; as it needs to a political will that keeps the issue going... in the light of the common faith that the free citizen is the free base of the stability of a free nation. And both of them are a guarantee to a secure and thriving humanity filled with justice and peace.