

**Submission of the National Council of Human Rights
on the situation of Human Rights in Egypt
to the Universal Periodic Review Mechanism
13 March 2014**

Name of the Institution: The National Council for Human Rights (NCHR)

Foundation:

The National Council for Human Rights has been established according to the Law 94 of the year 2003 issued on 19 June 2013. It started its activities in 2004. The new constitution of 2014 stipulates that the NCHR has a legal personality and technical, financial and administrative independence.

Main activities:

Elaboration of the national plan of human rights – Monitoring the situation of human rights and receiving citizens' complaints regarding human rights violations – Human rights awareness raising- Combating torture – Visits to prisons and places of detention – Formation of human rights fact finding missions – Submitting recommendations to the Government aiming at promoting the human rights situation – Women rights , child rights and the rights of disabled persons – Notifying the General Prosecution of the violations of human rights - Intervening in the judicial case in support of the defendant upon his request (according to the new constitution of 2014).

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Committee in charge of the Universal Periodic Review:

A committee in charge of the Universal Periodic Review has been established in the NCHR since 2009 in order to follow up the human rights situation in Egypt as well as the implementation by the Government of the relating recommendations and the preparation of the NCHR submission to the UPR.

The actual Committee is chaired by Ms. Mona Zulficar member of the NCHR Council.

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- The National Council for Human Rights (NCHR), prior to preparing this report, had held several meetings with civil society organizations which were selected by taking into consideration their geographic representation and diversity of the fields of their activities with the view of having consultations on the NCHR program on citizenship and human rights and to follow up the implementation of the 140 recommendations accepted by Egypt in June 2010 out of a total of 165 recommendations. The report records developments in the human rights situation during the period 2010-2014 and how far these recommendations as well as the recommendations issued by the NCHR in its program for citizenship and human rights were implemented.

First: Legal and Constitutional Framework

- Egypt has witnessed very important developments since the outbreak of the revolution on January 25th, 2011 when the Egyptian people took the streets calling for bread, freedom, social justice and human dignity. Peaceful demonstrations and sit-ins continued until they toppled former President Mubarak on the 11th of February 2011.
- The situation continued to be too much confused and critical in the first year of the transitional period during the Military Council's rule. This period witnessed violations of human rights due to excessive use of force by security forces against demonstrators and the repeated clashes between demonstrators and sit-ins on the one hand and security forces on the other hand which caused the death and injury of hundreds.
- During the rule of former President Morsi from June 2012 to the end of June 2013, this situation persisted. Human rights violations took another turn where the former president exceeded his constitutional powers and violated the principle of separation of powers by issuing a constitutional declaration in November 2012 immunizing his decrees against any revision including the judiciary rulings.
- The authorities did not intervene to prevent demonstrators from extremist Islamists groups who surrounded the Supreme Constitutional Court, terrified its judges, surrounded the Media Production City, and intimidated its media persons. In addition there were the incidents of the Presidential Palace "El Ittehadeya" in December 2012 for which the former president and some of his supporters were referred for trial on charges of inciting the killing and torturing of peaceful demonstrators in sit-ins. The 2012 Constitution pushed the State of Law toward a religious State, opened the door for

discrimination against women, children and non-Muslims, limited rights and freedoms and violated the independence of the judiciary.

- This situation led to the eruption of another wave of revolution on June 30th, 2013 coupled with peaceful demonstrations as an expression of a popular sweeping will backed by the armed forces which previously supported the 25th of January revolution to avert civil war. This wave led to the disposing of former President Morsi. The President of the Higher Constitutional Court took over as interim president. A map for the future was put in place defining the constitutional targets for the transitional period, namely: amending the 2012 Constitution and holding presidential and parliamentary elections. A referendum on the amended constitution was held on 14th and 15th January 2014. The presidential election process starts in March 2013 to be followed by the parliamentary elections.
- Consequent upon that, reactions from former President Morsi supporters in the form of non-peaceful demonstrations and sit-ins, as well as violence against policemen and police establishments took place where fire arms and weapons were used. Furthermore, they disrupted public utilities and burned a large number of churches and annexed buildings as well as houses and shops of Copts. Terrorist attacks raged also in Sinai especially after dispersing “Rabaa” and “El Nahda” squares.
- The National Council for Human Rights formed 73 fact-finding missions to investigate human rights violations since June 2010. They issued reports including the report on the so-called “Camel battle”, Maspero incidents and the latest about the break-up of Rabaa sit-in which was organized by the Muslim brotherhood. The NCHR report, released on 3/5/2014, states that the assembly continued for 48 days and was dispersed on 14/8/2013 by security forces who enforced the public prosecution decision. The assembly started peacefully but was soon joined by armed individuals with fire arms which stripped it of its peaceful nature. The report documented the disproportionate use of heavy fire by security forces during the break-up of the assembly and its negligence for not giving the sit-ins an enough time notice and not securing a safe passage. On the other hand the report documented that leaders of the assembly committed crimes of torture, - killed 11 citizens and-violated the rights of the residents of Rabaa area, specially their rights to safe living, housing and freedom of movement. The storming and the clashes between the security forces and the armed individuals resulted in the killing of 632 persons including 8 policemen. The NCHR is about to issue three fact-finding reports on incidents of church burning, Kerdassah, and the vehicle deporting detainees.
- The National Council for Human Rights is of the view that the Constitution of 2014 is advanced over previous constitutions as it emphasized the State’s commitment to respect human rights and freedoms without any discrimination and to observe principles of citizenship, democracy and rule of law. It also stipulates the State’s commitment to

achieve equality between men and women in all constitutional rights and to set up a commission to guarantee equal opportunities among citizens without discrimination. The constitution also underlines the protection of the rights of children, youths, aged, the persons with disabilities, the poor and the marginalized, as well as fighting and criminalizing torture, incitement of hatred and human trafficking. It provides clauses guaranteeing the respect of rights and freedoms among which articles 92, 97, 93, 99 and guarantees to apply social justice especially in education, health and housing.

- This requires the amendment of legislations or issuing new ones and -developing and implementing policies in compliance with the new constitution.
- The new constitution states that the National Council for Human Rights enjoys technical, financial and administrative independence and that the National Council for Human Rights views will be sounded in respect to the draft laws relevant to its field. The NCHR may report to the prosecution any violation of rights and freedoms and to intervene in the civil law suit joining the defendant upon his request.
- The NCHR calls for speedy issuing of a package of legislations, especially amendments relevant to crimes of torture, a commission for equal opportunities and non-discrimination, freedom of press and media, building and restoration of churches, transitional justice, independent election commission, freedom of syndicates, as well as amending the law on non-governmental organizations, and also amending the law on organizing demonstrations issued in November 2013 and the law establishing the NCHR to be in compliance with the new constitution.
- It also calls on the government to promptly provide security in its comprehensive concept, to emphasize the rule of law and respect of human rights, to improve the social and economic conditions of the citizens, limit unemployment, and promote freedoms including freedom of opinion and expression, as well as freedom of syndicates, apply the minimum wage- and pension and develop shanty areas.

Second: Civil and Political Rights:

- Several legislations were issued and measures were taken to promote basic human rights including the decree of law no 126 of 2011 issued on 15/10/2011 which amended the penal code by devoting a whole separate chapter for crimes of “misdemeanors related to religions and fighting discrimination” and adding a new article (161bis) which criminalizes discrimination against citizens on basis of sex, origin, language-, color, religion or creed. The law no 64 of 2010 on fighting human trafficking was also issued. The national strategy for combating human trafficking was adopted. The law no 106 for 2013 issued on November 13, 2013 to fight corruption and conflict of interests of public

functions personnel. As for terminating the state of emergency, the Egyptian government announced the termination on 14/11/2013 of the law on the state of emergency in accordance with article 27 of the constitutional declaration issued on 8/7/2013 by the interim president. Moreover, article 154 of the 2014 constitution put an end to the misuse of declaring the state of emergency to limit the rights and freedoms of citizens which - was repeatedly opposed to by the NCHR since its inception. The article stipulate-s that the president - declares the state of emergency for a period not exceeding three months after sounding the cabinet's view and securing the approval of the majority of the House of Representatives members. It can only be extended for a similar period with the approval of two-thirds of the House of Representatives.

- The NCHR demands the following from the government:
 - Fighting torture: The NCHR reiterates its request for amending the penal code (law), and the criminal procedure code regarding the crime of torture to be in line with the 2014 Constitution which criminalizes torture in all its forms and shapes and fights getting away with punishment. The NCHR also calls for taking precautionary measures against torture in jails and places of detention.
 - Right to freedom and personal safety: The NCHR demands the immediate release of those who are not found to be involved in a crime punishable by law, especially after the 25th January 2014. The Public Prosecution did set free a number of detained students in response to complaints received by the NCHR. The NCHR also calls for amendment of the criminal procedure code to be consistent with the 2014 constitution in protecting personal freedom and acknowledging the right to direct claim in cases of attacks on personal freedom or citizens' privacy or torture. The code should enclose guarantees of rights and freedoms according to the Constitution of 2014.
 - Rights of prisoners and detainees: The NCHR calls for the amendment of prisons' law 396 to be consistent with the 2014 constitution and international standards, especially regarding places of detention, nutrition, health care and rehabilitation of prisoners.
 - Right of assembly and peaceful demonstration: This right was violated by security forces during the period covered by this report. In November 2013 a decree - law no 107 of 2013 was issued regulating the right to public meetings, rallies and peaceful demonstrations. However, it did not account for all the reservations expressed by the NCHR on the draft law. The Egyptian human rights organizations also rejected this draft law believing that it restricts peaceful demonstrations. The NCHR calls for amending the law according to its proposals to be consistent with the new constitution and human rights international standards.

- Right to freedom of belief and practice of religious rites: The 2014 Constitution emphasizes that freedom of belief is absolute. According to the same constitution, freedoms to practice religious rites and build places of worship for heavenly religions are guaranteed. However, while the constitution does not ban the practice of religious rites, by other non-heavenly religious believers, in special places, this text may be misused in discrimination against them.
- Right to just and fair trial: The NCHR calls for amending the pleading law and the penal procedure law to promote fair and prompt trial and for avoiding slow litigation. It also calls for increasing the number of judges and technical assistance and services provided to judges. It also demands to speed up a legislative amendment to define crimes of direct attack on military establishments and military personnel during the performance of their duties. These are the crimes stipulated in the 2014 Constitution for trying civilians before military Court, as an exception to the original rule which is trying civilians before their natural judge. The NCHR demands that this be applied only at times of war and mobilization and armed conflicts in accordance with international standards. The NCHR demands as well for issuing a law for combatting terrorism to protect the nation and citizens without infringing on the citizens' rights and freedoms.
- Freedom to form political parties: Following the January 25th revolution, the number of political parties exceeded seventy. The NCHR demands amending the law regulating the political parties in accordance with the 2014 Constitution which emphasizes the right to form political parties by notification and encloses guarantees against using them for sectarian strife or discrimination against citizens. It also stipulates that it is not allowed to practice any political activities or set up political parties on religious basis or distinction on basis of sex, origin, sectarian or geographical basis. Also, no political parties practicing anti-democratic activities or underground, or military or semi-military activities are allowed.
- Right to form - associations and organizations: The period from 2010-2014 witnessed the trial of a number of representatives of Egyptian and international human rights organizations following the storming of their premises by security forces. The NCHR demands issuing a new law according to the 2014 Constitution which affirms the right to form non-governmental organizations by notification and the right to practice freely their activities without interference by administrative authorities. The law also stresses that these organizations and their board of directors or trustees cannot be dissolved except by a judicial ruling. Representatives of the NCHR joined the Committee formed by the Ministry of Social Solidarity last December 2013 to prepare a new draft law in line with the constitution.

- Freedom of opinion and expression: The presidential decree issued in July 2012 annulled protective custody in press crimes. Another presidential decree was issued in August 2013 amending the penal code by annulling the imprisonment penalty in crimes of offending the president. The 2014 Constitution also confirms the annulment of the imprisonment penalty in crimes committed due to publication or publicity including that of artistic or literary or intellectual overt production, while the penalties regarding the crimes related to instigating violence, or discrimination between citizens or defaming or slandering the reputation of individuals are determined by the law . The constitution also provides guarantees to limit judicial claims against writers and thinkers and to guarantee freedom of information. The NCHR demands the prompt issuing of legislations necessary to consolidate freedom of circulation of information, freedom of opinion and expression according to the Constitution and take therein the necessary measures to observe these freedoms.
- Free and fair elections: Several legislative amendments were issued to guarantee free and fair elections following the 25th January revolution including the right to elect with the ID, updating the election tables, allowing Egyptian expatriates to practice their right to election and participate in referendums outside Egypt, as well as acknowledging the right of local and international non-governmental organizations to monitor the elections. Local and foreign human rights organizations and international bodies did supervise elections as well as referendums on the 2012 and 2014 constitutions. The NCHR also demands for amending laws regulating the practice of political rights, elections of the House of Representatives in order to ensure women's representation with not less than one-third in accordance with international standards, and appropriate representation of youths, Christians, persons with disabilities, Egyptians abroad, workers and farmers according to the new constitution. It also demands the issuing of a law establishing the independent electoral authority and the formation of its structural body. The NCHR also demands, until the establishment of this authority, to provide an effective mechanism ensuring law enforcement to counter all violations in all phases of the election process and to respond to complaints referred to it by the civil society organizations especially those related to religious discrimination and the use of places of worship and money to influence voters.
- Rights of Egyptian expatriates: The government has set up an authority for the wellbeing of Egyptian expatriates, but it has to enact its role in protecting the rights of Egyptians working abroad and guarantee their constitutional right to election.
- Rights of refugees: The NCHR calls on the government to protect the rights of refugees, to revise Egypt's reservations on the 1951 Refugee Convention, to issue the necessary relevant legislations and to provide guarantees for treating refugees on human rights basis.

Third: The Economic, Social and Cultural Rights

- The NCHR continues to record increased rates of poverty and low rate of economic growth since January 2011 as a result of the circumstances of the transitional period which impacted negatively on the economic, social and cultural rights.
- The government has taken several measures such as the minimum and maximum wages decision in September 2013 which increased the minimum wage while limiting the maximum wage of government employees to be 30 times the minimum wage which is contrary to the ILO standards. The government also started implementing a program for social housing for low income groups, and the construction of new cities and villages in the desert hinterland to limit the erosion of the agricultural land. The government continued implementing projects for developing shanty areas, raising pensions, expanding social security network and selling basic goods at reduced prices in consumers' societies. The government has prepared a draft law for syndicates' freedoms consistent with the 2014 Constitution and the ILO conventions.
- However, the government's efforts are still insufficient. It should increase fighting poverty projects, increase job opportunities, provide high quality education in the public education institutions to qualify graduates for the job market. It should also promote good quality health care, overcome illiteracy according to a time table, and put an end to the problem of shanty areas which according to some estimates hold more than 15 million persons. Furthermore, it should provide safe public transportation, healthy houses for the poor and develop the in-kind subsidy system to ensure it reaches those entitled to it.
- The 2014 Constitution guarantees these rights- as it states commitment to guarantee equal opportunities, fair distribution of development growth returns, and the right of each citizen to healthy and sufficient food and clean water. It also guarantees a percentage of government expenditure on health care of not less than 3% of the GDP while providing guarantees for quality, accessibility, comprehensive health insurance, and rights of the aged to a proper pension and a decent life.

The Constitution also stipulates the right to education specifying its goals among which underlining the concepts of citizenship, tolerance and non-discrimination. It extends compulsory and free education until the end of the secondary stage in the public education institutions. It also allocates a percentage of not less than 4% of the GDP for education and not less than 2% of the GDP for university education, and not less than 1% for scientific research and the commitment to develop a comprehensive plan to overcome alphabetical and digital illiteracy.

- Rights of women:

The National Council for Women prepared a draft law in 2013 to combat violence against women which the NCHR demands to be promptly issued. It also prepared a draft law for women's political participation to be formulated within the social economic and political policies and programs to be adopted by the government bodies. The State applied a gender approach planning to narrow the gender gap. However, this gap is still wide, especially in the field of illiteracy and school dropouts, poverty, and unemployment, occupation of higher posts and in the judiciary and parliamentary representation as well as representation in the constitution drafting committees.

- The 2014 Constitution provides for the principles of equality and equal opportunities among citizens. It also stipulates the State's obligation to achieve equality between women and men regarding all constitutional rights and undertake arrangements for a proper women's representation in legislative assemblies and to ensure women's right to public jobs, higher administrative posts and appointment in judiciary bodies without any discrimination. The Constitution also stipulates the State's commitment to protect women against all sorts of violence, to offer care and protection to female bread-winners, the aged and most needy, and allocate one quarter of the seats of local councils for women.
22. Children's rights: The NCHR notes, despite the government's efforts to guarantee children's rights specially providing free and increased number of snacks for school children and despite the National Council for Childhood & Motherhood plan and projects to protect children against violence and school dropouts, the increased number of dropouts and increased rate of dwarfism. It also records the suffering of street children who, according to some estimates, reach more than 2 million children. It also notes the phenomenon of political exploitation of children, child's labor which deprives children from education plus exposing them to health hazards and violence in addition to the continuance of female circumcision. The NCHR calls for a comprehensive strategy to face these major problems with more effective methods. The Constitution of 2014 was fair to children stipulating the child's right to a name and identity papers, health and family care, basic nutrition and the State's guarantee for the rights of the children with disabilities, rehabilitating them and integrating them into society. It also stipulates commitment to protect the child against all forms of violence, sexual exploitation and trade, to ban child's labor before completing elementary school and ban employing him in risk-related jobs.
23. Rights of Persons with Disabilities: The National Council for Persons with Disabilities was established in April 2012, to ensure their rights. Its role should be effective. The NCHR has also established a unit for persons with disabilities in 2012. The NCHR urges the Government to issue legislation and take appropriate measures to put the provisions of the 2014 Constitution in place regarding the political, economic and social rights of persons with disabilities.

Fourth: Dissemination of Human Rights

24. The government pays attention to the dissemination of human rights. It holds training programs for police officers and policemen, as well as for judges and members of the Public Prosecution.
25. The Ministry of Education implements a human rights program within the school curriculum and another program to promote human rights and equality between students of both genders, and also the Ministry of Culture holds cultural activities on citizenship and children's rights and holds symposiums for women.
26. On its part, the NCHR pursues its activities aiming at raising awareness of human rights through educational training programs and seminars organized for different categories of the society. It also organizes contests on information related to human rights through radio services in addition of organizing training courses in favor of civil society organizations on election monitoring.
27. The NCHR also demands the Government to continue its efforts to disseminate human rights in addition to adopting creative policies using the media, drama, mosques, churches and clubs.

Fifth: International Commitment and Optional Pledges

28. The NCHR welcomes the government's invitation to special rapporteurs on violence against women, on truth and justice, on compensations and guarantees against repetition of human rights violations, on children trafficking and the independent expert on the impact of foreign debts and other financial liabilities on human rights. The NCHR calls on the government to respond to the requests of the Special Rapporteur on combating torture and the Special Rapporteur on freedom of opinion and expression, as well as the Special Rapporteur to the promotion and protection of human rights and fundamental freedoms while countering terrorism.
29. The NCHR also calls on the government to submit reports to the treaty bodies concerned with following up the implementation of international conventions on human rights.
30. The NCHR demands the following:
 - To access the optional protocols annexed to regional and international conventions such as the optional protocol of the Convention on Anti-Torture (2002) and the optional protocol of the International Covenant of social, economic and cultural rights.
 - To withdraw reservations on international conventions such as the reservations on articles 2 and 16 of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW), especially after adopting the 2014 Constitution.
 - To access to the international, regional, Arab and African Conventions which contribute to promote and protect human rights, among which the International Convention for the Protection of All Persons from Enforced Disappearance (2006), the protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), the African Tribunal for Human Rights and Peoples.

- The NCHR calls on the Egyptian government and the Office of the UN High Commissioner for Human Rights to accelerate the signature of the agreement of the Regional Head -quarters of the UN High Commissioner for Human Rights Office in Cairo.
