



The National Council for Human Rights

Shadow report

Submitted

By

The National Council for Human Rights in Egypt

on the human rights situation with regard to the implementation of the Convention against Torture and All Cruel, Inhuman or Degrading Treatment or Punishment, CAT. on the occasion of the submission by the Egyptian state of its fifth periodic report due in 2004 and submitted in September 2021. CAT/C/EGY/.

1. Introduction: -

This report is presented by the National Council for Human Rights” NCHR”, the National entity established in accordance with Paris Principles and accredited status A.

The report monitors the implementation of the government of Egypt of its commitment under the Convention against torture, in conjunction with the consideration by the Committee of state report, due in 2004 and submitted in September 2021, CAT/C/EGY/.

2. The state of human rights with regards to the implementation of CAT:

Constitutional guarantees:

3. The Egyptian constitution of 2014 allocated a chapter for human rights as “one of the pillars of the society”. The constitution adopted, moreover a human rights approach to several issues. With regards to the crime of torture, article 52 of the constitution stipulated that torture in all its forms is a crime that does not fall under the statute of limitations. Under Article 93, the Constitution gave the international treaty the force of law.



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4. The legislative framework:

Nine years have elapsed since the adoption of the Egyptian constitution, nevertheless it has not been translated and elaborated as laws in compliance with Egypt's commitment under human rights standards.

5. Article 126 of the Penal Code issued in 1937 and its amendments stipulates that "every public official or employee, or one of the police officers, who personally or orders the torture of a human being, by causing physical or psychological harm with the intention of inducing him or others to confess, shall be punished by rigorous imprisonment.
6. The Parliament (House of Representatives) is currently working through a subcommittee to formulate a comprehensive review of a new draft law on criminal procedure. NCHR designated one of its members to participate who regularly participate in the work of the said committee. He is a lawyer well versed in human rights. he oversees the adoption of a human rights approach to the new draft law, in line with international human rights standards. The Legislative Committee of the National Council for Human Rights has, moreover, prepared an integrated draft amendment to the law.

7. Policy papers and action plans:

8. The Standing Committee for Human Rights launched Egypt's first national strategy for human rights in Egypt, in the presence of the President of Egypt. It also issued its first report on the implementation of the strategy in a year since its launch.

9.

National mechanism for monitoring, the protection, promotion and, provision of human rights under the Paris Principles of 1993:

The National Council for Human Rights was established under Law No. 94 of 2003 and amended by Law 197 of 2017. NCHR is accredited status A by the Sub Committee on Accreditation of the "Global Alliances for National Human Right Institutions" GANHRI



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10. : NCHR's efforts to combat torture.

10/a- Since its inception in 2004, the National Council for Human Rights in Egypt has demonstrated a steadfast commitment to promote human rights standards and support state commitment to honor its obligation under human rights instruments. NCHR also monitors the implementation by the state of its commitment under such instruments including the harmonization of national legislation with international human rights standards. Egypt's ratification of CAT signals a responsibility of diligently adhering to its commitment under the Convention.

10/b Through its diverse array of activities, NCHR has consistently urged the Egyptian government to undertake effective measures aimed at eradicating this abhorrent crime, addressing its underlying causes, and providing redress for its victims.

10/c NCHR unequivocally affirms that the act of torture constitutes utter violation of human rights. It categorically rejects the use of any exceptional circumstances, including those related to counterterrorism operations, threats of war, and instances of instability, or any other state of public emergency, as justifications for committing torture. Moreover, directives issued by high-ranking officials or public authorities should not be used as a basis for resorting to torture.

10/d- In this report, NCHR presents an overview of its activities, endeavors and initiatives spanning nearly two decades with regard to combatting torture.

10/e- In acknowledgment of the issue's paramount importance and in accordance with the mandates and responsibilities conferred upon it by the Paris Principles for National Human Rights Institutions, as well as law 197 /2017(amending Law No. 94 of 2003) particularly its mandate to "contribute to the reporting process under CAT along with other human rights instrument, "while duly respecting their independence," NCHR report attempts to address comprehensively relevant measures pertaining to the crime of torture, whether at the legislative, policy, or practical implementation national levels. It addresses as well, the list of issues and concluding observations by the Committee against Torture..

10/f- In collaboration with the International Rehabilitation Council for Torture Victims (IRCT) in Denmark, the National Council for Human Rights (NCHR) organized a specialized training program on "Mitigating Torture within the Context of Counter-Terrorism Policies" from 18 to 20 November 2008. The program, held under the patronage of Dr. Boutros Ghali, the former President and founder of the NCHR, aimed to enhance the capacity of various stakeholders to prevent and combat torture in Egypt. The program brought together representatives from relevant governmental entities, such as the Ministries of Justice and Health, as well as from the House of Representatives (Parliament), the National Council for Women (NCW), and the National Council for Childhood and Motherhood (NCCM). Moreover, the program involved participants from several civil society organizations, including the Arab Organization for Human Rights (AOHR) and the Egyptian Organization for Human Rights (EOHR), among others. The program also



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benefited from the input of experts from the Complaints Committee and the Anti-Torture Unit of the NCHR.

10/g- The Council flagged and accorded paramount importance to combatting torture within its agenda and strategic framework. These endeavors have borne fruit in the establishment of a specialized unit dedicated to combatting torture. In 2009, the Council signed a protocol of cooperation with the Dutch Embassy in Cairo and the International Rehabilitation Council for Torture Victims (IRCT) with the overarching goal of advancing a culture that opposes torture.

10/h- An important achievement of the unit's endeavors pertains to the facilitation of collaborative workshops with relevant stakeholders engaged in the fight against torture in Egypt. This collaborative effort primarily targeted civil society organizations and governmental entities encompassing the Ministries of Interior, Justice, Social Solidarity, and Health. The overarching objective of these initiatives was to formulate a human rights based comprehensive framework to enhance awareness surrounding the imperative mission of combatting torture nationwide.

10/i- A significant milestone within these collective initiatives was the convening of an anti-torture roundtable on June 28, 2011, themed "Prospects for Combating the Phenomenon of Torture." Notably, this roundtable garnered participation from fifteen distinct national and international organizations that have been steadfastly committed to the cause of eradicating torture. This convergence of experts and stakeholders yielded a set of recommendations.

10/j- Foremost among these recommendations was a call to action emphasizing the multifaceted nature of anti-torture efforts, necessitating both immediate and long-term measures. The foundational prerequisite underscored the pivotal role of political will in instigating substantive action against torture. Furthermore, the recommendations underscored the expeditious implementation of the directive issued by the Attorney General, appointing an investigating judge to scrutinize past cases that had been prematurely closed without legal justification. This process, it was advocated, should be accompanied by the provision of comprehensive safeguards to preclude unwarranted closures.

10/k- It is of paramount importance to note that most of the recommendations that resulted from this roundtable have since been effectively translated into tangible actions. This encompassed the resolution of longstanding issues pertaining to prison facilities, their transformation into rehabilitative centers for incarcerated individuals, and the facilitation of access by local and international civil society organizations to penitentiary institutions. Additionally, the recommendations further contributed to bolstering the autonomy of forensic medicine in Egypt, securing requisite resources, promoting professional development, and aligning it with contemporary scientific advancements. This empowerment of forensic medicine has significantly enhanced its capacity to expose instances of torture and the evolving methodologies employed therein. (Attached herewith is a comprehensive statement encompassing the recommendations emanating from this roundtable).

10/l- The Council has been working to build solid and effective partnership with civil society organizations. As part of this effort, the Council has conducted a thorough research study using academic methods and tools. to create a common understanding between the Council and the human rights organizations on the issue of the Crime of Torture.”



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10/k- In cooperation with the Arab Organization for Human Rights NCHR a regional conference was held in 2019, aimed to review Egypt's criminal Code, especially provisions related to torture as a crime in the Egyptian legal system.

10/L- On September 27th, 2023, the Council convened a workshop aimed at addressing effective measures to combat the crime of torture and strategies to mitigate inhuman and degrading treatment. This workshop saw the participation of a range experts, judges, legal scholars, in addition to representatives from various civil society organizations. The workshop culminated in the formulation of a series of recommendations encompassing legislative, procedural, and awareness-raising dimensions in the ongoing efforts to combat torture.

11. NCHR's role in addressing torture allegations and grievances.

11/a- Over the course of nearly two decades, NCHR has managed an effective and efficient system for handling complaints and grievances related to human rights violations. It has benefited from the support of international development partners in building and enhancing the capacities of the teams responsible for receiving and addressing complaints, as well as developing relevant work systems.

11/b- The Council operates within the framework of its jurisdiction as established by Law No. 197 of 2017 (amending Law No. 94 of 2003). This jurisdiction is explicitly outlined in sections 2, 6, and 16 of Article 3 of the said law, encompassing the Council's mandate to examine allegations of human rights violations, determine its justiciability, refer qualifying cases to the appropriate executive entities, track case resolution, provide guidance on the required legal procedures to relevant parties, assist in their execution, and facilitate the resolution of complaints with the relevant authorities. Additionally, the Council conducts official visits to correctional facilities, detention centers, rehabilitation institutions, and medical establishments to engage with inmates and detainees, ensuring their proper treatment and the safeguarding their rights.

11/c- In early 2022, NCHR's new cohort has placed special emphasis on enhancing the efficacy and efficiency of the complaints mechanism. It is considered as a viable and transparent "dynamic lens" for monitoring the actual human rights situation, identifying gaps, guiding policies, and enhancing performance in addressing allegations of violations. NCHR's technical Committee, in charge of Complaints ensures the most efficient and effective functioning of the complaint's mechanism.

11/d- NCHR has prioritized the development as key components of implementation of Egypt's first ever National Human Rights Strategy, launched in September 2021. NCHR's approach to this endeavor is grounded in three fundamental pillars:

- 11/e- Reconfiguring the operational framework of the complaints' mechanism in alignment with the legal mandates of the Council as per its statute Law No. 197 of 2017 (amending Law No. 94 of 2003) and in accordance with the Paris Principles. The objective is to improve and expedite resolution of complaints, as well as, to better reflect the aims and



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expected results of the National Human Rights Strategy. This entails incorporating the findings of the complaint's mechanism as a central component in the planning of the Council's activities and its various standing committees. This integration involves the activation of the referral system to relevant authorities and to the Council's other committees. In doing so, each committee can strategize its interventions based on statistical data generated from the complaints mechanism's findings, with a particular focus on issues directly tied to the specific outcomes delineated in the strategy.

- 11/f- Implementing a coordination and referral mechanism to engage with other complaint systems and public service providers, as well as relevant stakeholders, in instances where the established criteria do not apply. For instance, cases such as non-discriminatory medical appeals, complaints regarding the inability to access employment opportunities, financial support, or basic nutritional needs. This coordination involves collaboration with a consortium of civil society entities actively involved in these specific areas.
- 11/h- Instituting a centralized database through the digitalization of the Council's complaints mechanism and harmonizing database structures. This endeavor is geared towards advancing the governance of the complaints mechanisms, aligning them with pertinent international standards, and strengthening the Council's ability to enact evidence-based policy and legislative reforms at the public policy level.
- 11/i- The activities of the complaints system during the reporting period encompassed the reception, monitoring, and resolution of complaints concerning diverse classifications of human rights violations. Moreover, these endeavors entailed engagement in visits to rehabilitation facilities and correctional institutions, alongside the establishment of a mobile complaints mechanism to facilitate access for vulnerable demographics to the NCHR's Complaints Committee.

11/j- The report in this chapter addresses the core aspects of the Complaints Committee's activities through the following focal points:

- a- The status of complaints received by the Council during the reporting period and an evaluation of the level of coordination with relevant entities and stakeholders.
- b- NCHR's visits to prisons.
- c- Mobile complaint units.

11/k- Pillars I: Status of complaints received during the reporting period and an evaluation of the level of coordination with relevant entities and stakeholders:

From December 1, 2020, to May 30, 2023, the Council received a total of 9,521 complaints and requests, averaging 1,420 complaints and requests per month from December 2020 to December 2021, and 2,756 complaints and requests from January to the end of May 2023. Additionally, 5,067 requests for clemency were forwarded to the Presidential Pardon Committee during this period. Furthermore, the Council retained 286 complaints for reasons such as unclear data and addresses provided by complainants, issues falling outside the Council's jurisdiction, and to offer guidance and advice to complainants regarding the necessary legal procedures with relevant authorities.



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With regard to the categorization of complaints received by NCHR, based on gender (male-female), the Council received 8,399 complaints from male individuals and 990 complaints from female individuals. Moreover, there were 132 complaints and requests that pertained to various citizen groups.

As to the extent of engagement by relevant authorities with reports submitted to the Council concerning complaints and grievances from citizens, the Council, during the same period, processed a total of 4,168 such reports. This includes 1,420 reports received from December 2020 to December 2021, and 2,756 reports from January to May 2023. It is noteworthy that certain complaints necessitated notifications to multiple entities, such as the Public Prosecutor's Office and the Ministry of Interior, and some reports encompassed more than one complaint.

Throughout this reporting period, the Council received responses to 2,059 of these reports, constituting a 49.4% response rate among the referred reports.

Statistics indicate an increase in the response rate to reports submitted during the period from January to the end of May 2023 compared to the previous period (December 2020 to December 2021), with response rates of 52.9% and 42.2%, respectively.

These data indicate that, during the reporting period, the entities most responsive to the Council's reports were the Ministry of Interior, followed by the Public Prosecutor's Office, followed by the Ministry of Social Solidarity. The National Authority for Social Insurance and the Ministry of Higher Education also exhibited notable response rates. However, responses from other entities remained exceptionally low.

As to NCHR involvement in capitalizing on the President's initiative for pardoning prisoners and releasing individuals held in pretrial detention due to certain cases involving legal conflicts related to the exercise of specific political and civil rights, the Council received a total of 5,067 requests for inclusion in the pardon and release lists during the period from April to the end of May 2023.

Following a comprehensive assessment to ascertain the applicability of the initiative's conditions, these 5,067 requests were shared with the pertinent judicial and law enforcement authorities, as well as the Presidential Pardon Committee. The judicial and law enforcement entities subsequently processed these requests within their respective legal mandates.

NCHR also focused on the welfare of specific vulnerable groups, receiving 46 complaints related to the rights of children and persons with disabilities. Although the response rate to these complaints was notably low, one of the most significant cases the Council addressed in this regard involved coordination with the Ministry of Social Solidarity to halt widespread violations of children's rights in orphanages. Specifically, the Council received a complaint regarding an orphanage in Giza Governorate where children were reportedly subjected to severe violations. NCHR championed a mega shift return of Shenouda, a 5 year old child, to his adoptive family.



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NCHR coordinated with the Ministry of Social Solidarity, the overseeing and supervisory authority for such facilities, to take swift and comprehensive measures to investigate the veracity of the complaint. Subsequently, urgent actions were taken, including the dissolution of the orphanage's board of directors, the replacement of its executive management, and the initiation of extensive investigations into the practices that had been occurring. Furthermore, the course of these complaints and their implications prompted relevant authorities to enhance oversight and inspection of all care facilities nationwide to ensure the prevention of similar violations.

11/L- Pillar II: Mobile complaint units

In alignment with the Council's commitment to bolstering and safeguarding actual enjoyment of human rights values and principles, and as part of the strategy to enhance the Council's complaints mechanism, NCHR has reinitiated the deployment of mobile complaints units under the aegis of the Complaints Committee. These units have been reactivated to travel across various governorates, cities, districts, and villages. Their mission is to reach out to far, remote and deprived areas, and gain a comprehensive understanding of the prevailing conditions concerning the provision of services to priority groups in need of care and those exposed to vulnerabilities. This initiative holds particular significance within the framework of the National Human Rights Strategy's first pillar, which focuses on civil and political rights and encompasses objectives aimed at strengthening the protection of residents within care institutions, rehabilitation centers, and addiction treatment facilities from any violations.

These visits were undertaken with the objective of fundamentally reshaping the approach to handling citizens' complaints, grievances, and appeals. Instead of passively receiving these complaints, the new approach encompassed comprehensive field visits to various service institutions within the respective governorates. The primary goal was to assess their operational status and mechanisms for delivering services to the local population while establishing working relations between these institutions and the types of complaints channeled through the Council's complaint system. Furthermore, these visits served as a platform for promoting awareness and acquainting stakeholders with the Council's mission and objectives pertaining to the receipt and resolution of complaints.

The initiative encompassed six visits to the following governorates: Sohag, Asyut, Suez, Ismailia, Beni Suef, Fayoum, and Aswan. Each visit, facilitated by the mobile complaints unit within the Council's complaint system, involved on-site assessments of the governorate's central administration offices, meetings with the governors, their deputies, and local leadership, visits to municipal units in urban and rural areas, and inspections of centers providing technological services to citizens. Furthermore, medical establishments, addiction treatment centers, psychiatric hospitals, childcare institutions, and facilities catering to the elderly were also included in the itinerary.



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These visits additionally encompassed substantive engagement with citizens and relevant stakeholders to gain profound insights into the nature of their complaints while evaluating the human rights dimensions related to the provision of public services to the citizens.

NCHR's Complaints Committee attaches paramount importance to complaints pertaining to violations of the right to physical integrity. It urges the competent authorities to conduct thorough investigations into such complaints and, if substantiated, to take decisive measures against the perpetrators. Within the scope of this mandate, the Council has addressed numerous complaints during the reporting period concerning allegations of infringements on the right to physical safety, many of which transpired in various detention facilities.

The number of complaints has exhibited fluctuation over the years, contingent upon their originating locations. On certain occasions, the figures originating from police departments have surpassed those emanating from correctional facilities, whereas at other times, complaints from the latter have predominated. However, the ultimate summation underscores a relatively equitable distribution of complaints between correctional facilities and law enforcement agencies.

Considering the characteristics of the complaints addressed by the Council, with a focus on violations of physical safety, it becomes evident that these complaints encompass a spectrum of allegations. These allegations range from assertions of physical assault, mistreatment, harassment, isolation, and restrictions on communication with the families of detainees. Predominantly, these complaints originate from inmates themselves and involve claims of torture purportedly committed by personnel working in various detention facilities, in addition to reports of abusive conduct. Some complaints also raise concerns about police officers subjecting detainees to ill-treatment. The information provided by the relatives of detainees to the Council is often fragmentary, rendering its credibility susceptible to scrutiny, especially when the source of information is not the affected party but rather another detainee who communicates such details during periodic visits with relatives.

Examining the collective body of complaints, it becomes evident that they fall within the context of suffering from ill-treatment, isolation, which includes solitary confinement as a form of punishment within prisons, as well as deprivation of exercise and certain basic necessities of life for the inmates.

Based on the Council's diligent monitoring and ongoing assessment, it is noteworthy that the classic manifestation of torture, characterized by the use of specific tools and systematic methodologies for inflicting harm, has become considerably less prevalent. Instead, isolated instances of practices within certain detention facilities have been identified, falling short of compliance with established human rights norms. These practices primarily encompass actions such as depriving inmates of their right to communication and withholding essential necessities.

The Council has duly observed a conscientious approach taken by relevant authorities in addressing torture-related complaints forwarded to the Council. These authorities have



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demonstrated a commitment to initiating requisite legal proceedings, involving both the Office of the Public Prosecutor and the Ministry of Interior. Numerous instances of such responsive actions have been prominently featured in the Council's annual reports.

As for the Council's communication with relevant authorities regarding complaints of alleged torture, the Council promptly initiates communication with the Office of the Public Prosecutor and the Ministry of Interior concerning the complaint. In these communications, the Council urges an investigation into the alleged violation and the necessary actions to address it. The majority of responses received by the Council on this matter primarily revolve around conducting a medical examination of the detainee to assess their health status and the presence of any visible injuries. Subsequently, the detainee is questioned about the complaint, whether they have been subjected to any violations, and the individuals involved in the alleged misconduct.

In most responses, the results indicate the detainee's physical well-being, the absence of visible injuries indicative of assaults, and the detainee's denial of experiencing any transgressions. Many detainees attribute their complaints to various factors, such as deteriorating mental health due to imprisonment, using the complaint as a means to pressure the prison administration to meet specific demands (e.g., transfer to another facility or obtaining privileges), or denying that they were the ones who filed the complaint due to concerns for their safety. These concerns often arise from misinformation conveyed to their families or due to visitation restrictions. Consequently, the overwhelming majority of responses regarding complaints of alleged torture affirm the absence of any violations.

12. Specific issues that the Council prioritized for monitoring

- Death under detention

The NCHR has received numerous complaints pertaining to incidents of fatalities occurring during detention, with some cases raising suspicions of torture involvement. These complaints were subjected to thorough investigation, and requisite measures were implemented. Communication was established with the Public Prosecution to relay the content of these complaints. Subsequently, certain individuals were prosecuted and received judgments against them for their involvement in the demise of detainees due to physical assaults.

The NCHR has reiterated its call to the authorities, urging them to amend the legal framework concerning the criminalization of torture and ill-treatment within the Penal Code. The primary objective of this amendment is to impose harsher penalties upon those found guilty of perpetrating acts of torture. NCHR has emphasized that clemency should not be admissible in diminishing the severity of these penalties. Furthermore, it has underscored the vital importance of enforcing supplementary penalties, which mandate the removal of public officials from their positions upon conviction.

Continuing its commitment to human rights, the Council maintains vigilant oversight and intervention in all complaints received via its established complaint mechanism. This also extends



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to cases disseminated through various communication channels, particularly those alleging fatalities resulting from acts of torture. Such actions align with the provisions of the Constitution, specifically Article 99, and the Council's governing legislation, found in Article 3, paragraph 17.

- **13- Ensuring Justice and Compensation for Victims of Torture and Arbitrary Detention**

In certain cases, the Council has diligently observed instances where individuals who have endured violations such as torture or arbitrary detention have been granted compensation through judicial verdicts. Within the Egyptian legal framework, numerous compensation judgments pertaining to torture cases have been issued, including the following notable examples:

1. On July 19th, the South Cairo Court delivered a judgment in case number 15358/2003, awarding compensation in the amount of EGP14,000 to Mustafa Ibrahim Amin. This compensation was granted for the suffering he endured due to torture during his detention from July 7, 1993, to July 6, 1995. It is worth noting that this individual had been subjected to multiple instances of arbitrary detention prior to his eventual release on October 10, 2003.
2. Furthermore, on January 29th, the South Cairo Court issued a ruling in case number 24245/2003, whereby a compensation of EGP15,000 was granted to citizen Tarek Abdel Sattar Ahmed Murad for the torture he had been subjected to.

- **14- Individual Practices of Extracting Confessions under Torturous Conditions**

The council has meticulously recorded several isolated instances in which confessions were obtained through the use of torture, leading to subsequent prosecutions based on these coerced admissions. Over time, it has become evident that many of these individuals were, in fact, innocent. This revelation often occurred due to the identification of the actual perpetrators of the crimes or the judicial dismissal of these forced confessions. Notably, in various criminal cases, some previously convicted individuals have been exonerated following the emergence of the true culprits, who subsequently admitted their culpability. This outcome can be attributed to the exceptional skills and ethical conduct of certain officers involved in these investigations, who employed their expertise while strictly adhering to legal principles.

15- NCHR's visits to various places of detention

Since its inception, NCHR has diligently carried out one of its mandated tasks in line with the Paris Principles, which form the foundation of its establishment law. This task involves conducting visits to places of detention, whether they are public prisons or police facilities. The council has conducted a total of forty-three visits since its establishment in 2003, including thirteen visits during the past year. These visits encompassed a variety of correctional and rehabilitation centers. As a result, the council has produced comprehensive reports for each of these visits, which include



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detailed observations and recommendations. These findings have been consistently integrated into the council's successive reports.

These visits can be categorized into three distinct types: periodic visits, visits initiated in response to complaints received through the council's grievance system, which may include allegations originating from these centers, and personal visits undertaken in response to specific complaints directed to the council. In some instances, repeated reports have shed light on ongoing violations within these centers.

One of the key drivers behind the council's periodic visits is to assess the availability of conducive living conditions for detainees and to oversee the advancement of prison infrastructure, with a focus on ensuring the implementation of fundamental minimum human rights standards for prisoner treatment. Over the course of the past two years, the council has directed its attention towards conducting visits to rehabilitation and correctional facilities. The primary objective of these visits is to gain a close understanding of the development plans for penal institutions, prisons, and detention centers. This strategic approach aims to harmonize these facilities more closely with human rights standards while effectively addressing the issues that have been the subject of numerous complaints received by NCHR.

Furthermore, the council has undertaken the comprehensive task of compiling a guide encompassing the minimum standards for the treatment of detainees and persons deprived of their liberty, known as the "Nelson Mandela Rules." In addition, the visits have entailed the initial assessment of core infrastructure, amenities, and operational procedures within the newly established models of penal institutions. These innovative models, initiated by the Ministry of Interior since 2021, are carefully scrutinized to gauge their alignment with the rights of prisoners and detainees, ensuring conformity with pertinent international benchmarks. Concurrently, these visits provides an opportunity to monitor the ongoing endeavors of the Ministry of Interior to replace old prisons by new correctional and rehabilitation centers, and continuing enhancement of the existing prison facilities.

The Ministry of Interior has undertaken a series of 47 training courses for its personnel spanning from January 2019 to June 2023. These training endeavors have been diligently organized in collaboration with prominent international entities, including the International Committee of the Red Cross, the United Nations Office on Drugs and Crime (UNODC), and the Office of the United Nations High Commissioner for Human Rights. The comprehensive training initiatives have addressed a spectrum of critical domains, encompassing human rights, the prevention of violence against women, enhancement of healthcare provisions in rehabilitation and correctional centers, and the faithful implementation of the Nelson Mandela Rules, serving as a benchmark for detainee treatment standards within these facilities.

15.a Outcome of NCHR's visits to rehabilitation centers:



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NCHR recognizes the advanced model of rehabilitation centers, exemplified by facilities such as Wadi El Natrun and Badr, as a standard for the optimal infrastructure that correctional institutions in Egypt should aspire to. These centers encompass all the necessary components required to enable law enforcement agencies to uphold human rights values and principles when it comes prisoner treatment with dignity. They ensure the provision of inmates' rights in areas including education, recreation, entertainment, training, worship, and medical care, as well as the rights of their families and visitors when engaging with them in a friendly environments that uphold their dignity. This entailed designated visitor entry spaces, visitation halls, accommodation quarters, healthcare and rehabilitation facilities, and nutrition facilities.

Furthermore, the operation of these advanced centers and the conduct of police officers and personnel within are characterized by a commitment to respecting the rights and dignity of detainees. These centers are also highly equipped to provide rehabilitation to prisoners and facilitate their reintegration into society. They achieve this through a comprehensive set of training facilities and well-organized productive projects that adhere to high standards of professionalism. Additionally, the Council has closely monitored the implementation of the new surveillance system in rehabilitation and correctional centers to ensure that it respects the privacy of inmates.

The Council takes note of the Ministry of Interior's announcement regarding the new rehabilitation centers, which play a pivotal role in the full demolition of older rundown prisons, all of which lacked the fundamental infrastructure necessary for the adequate implementation of human rights standards for incarcerated individuals.

NCHR acknowledges and appreciates the information provided by the Community Protection Sector within the Ministry of Interior regarding the achievement of a 100% vaccination rate among inmates in prisons and detention centers, with the prescribed two doses administered, as well as the initiation of booster shots for select inmates in response to the COVID-19 pandemic.

During its visit to the Wadi El Natrun and Badr correctional facilities, NCHR's delegation noted significant improvements in addressing the concerns of inmates' families and the resolution of longstanding issues related to the inadequacy of waiting areas, which had previously generated numerous complaints received by the Council. In alignment with this approach, the Council proposed to the Ministry of Interior the construction of pedestrian bridge across the highways leading to these facilities, with particular emphasis on the desert road adjacent to the Wadi El Natrun Rehabilitation Center. This proposal aims to enhance accessibility for the families of inmates, including those who are compelled to traverse the road on foot.

The Council has urged the Ministry of Interior to implement appropriate "institutional mechanisms" aimed at ensuring the sustained quality and continuity of the existing facilities and maintenance systems at the Wadi El Natrun Rehabilitation Center, the Badr Correctional Center, and other similar institutions.



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The Council, in cooperation with the Ministry of Interior and the Public Prosecution, undertook visits to detention facilities beyond public prisons. These visits spanned the years 2014 and 2015 and aimed to bolster human rights conditions and ensure the exemplary treatment of detainees. Moreover, the Council deployed specialized researchers to inspect various police departments. In this context, the Council visited multiple police departments and centers in Cairo and Giza, such as the Nasr City Police Department (2nd precinct), Dokki Police Department, Giza Police Department, Sheikh Zayed Police Department (3rd precinct), and 6th of October Police Department (3rd precinct).

During these visits, the Council made several observations, which were subsequently conveyed to the Ministry of Interior. The Ministry integrated these insights into its strategy for enhancing detention facilities and upgrading the infrastructure of police departments. Over the past two years, significant advancements have been achieved in the development of most police departments. New departments have been established to accommodate detainees adequately while ensuring the provision of essential amenities within their confinement areas.

16- NCHR's role in measures aimed at preventing all forms of violence against women

The role of NCHR to insure the promotion, protection and promotion of the rights of children and women has been strongly boosted with the new cohort. The new president of NCHR Moushira Khattab. PHD (<https://www.moushirakhattab.com>). She has a long standing record of achievements on the ground in this domain, be it combating FGM, child marriage, child labour etc. NCHR unit on the rights of women and children is revamped. Cooperation with the National Council for Childhood and Motherhood NCCM is at its highest level. NCHR currently implements a co-financed cooperation program with the European Union. It includes a strong component of activities to cement the human rights of such population.

NCHR closely monitored the establishment of a specialized unit within the Ministry of Interior dedicated to combating violence against women and its prevention. This unit operates under the supervision of the Minister of Interior and the Human Rights Sector, starting in 2014. It includes officers from various disciplines and serves as a nucleus for the enhancement of police work. There are plans to extend its implementation to directorates and police departments throughout the country.

Regarding the government's response to the issue of sexual harassment, significant legal amendments were enacted on August 15, 2021, through Law No. 141 of 2021. These amendments aimed to intensify penalties for sexual harassment, elevating it to a criminal offense. The minimum sentence was increased from six months to seven years of imprisonment, along with raising the minimum fines. Additionally, a provision was added that allows for repeat offenders to face sentences of up to twice the length of imprisonment.



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On April 28, 2021, the President of Egypt approved significant legislative amendments to enhance the penalties associated with female genital mutilation (FGM). These amendments raised the minimum sentence from a range of one to fifteen years of imprisonment to a range of five to twenty years in prison. Moreover, the "medical exception" clause within the law was eliminated, and strict prohibitions were placed on medical service providers and medical institutions, preventing them from offering medical services to those involved in this crime for a specified period. The scope of criminal liability was also broadened to encompass individuals who provide support to this criminal act, including family members of the victim.

The Council conducted a comprehensive fact-finding mission to the Women's Inmates Center located in the Tenth of Ramadan. This visit aimed to substantiate claims circulating on social media platforms concerning the alleged presence of surveillance cameras within the inmates' quarters. After thorough room inspections, no concrete evidence of camera installations was discovered. It was observed that cameras were strategically positioned within the facility's corridors to ensure the safety and security of the female inmates. Furthermore, the Council diligently assessed the attached nursery facility, verifying its adherence to established human rights standards, with a particular focus on upholding children's rights to education, recreation, cultural activities, and sports.

17- NCHR's cooperation with the Ministry of Justice:

In implementation of the memorandum of understanding (MoU) signed between the Minister of Justice and the President of the National Council for Human Rights, a comprehensive program has been devised to systematically integrate human rights principles into the legislative framework. This program encompasses activities aimed at facilitating the incorporation of human rights considerations throughout the entire legislative process, from the proposal of legal amendments to their enactment, as well as the issuance of recommendations and proposals in this domain. Notably, this initiative is embodied in the National Human Rights Implementation Program, which is being actively implemented through a series of consultative and brainstorming sessions. These sessions are expertly conducted and feature the participation of judges representing diverse fields of specialization, alongside representatives from the public prosecution.

17a. The sessions encompassed the following topics:

1. Examination of constitutional guarantees as per Egypt's 2014 Constitution, specifically those related to human rights, as well as constitutional provisions binding Egypt to legal commitments under human rights conventions it has ratified.
2. Diligent implementation of constitutional mandates concerning the National Council for Human Rights, in strict accordance with the legislative framework governing its establishment and subsequent amendments law 94/2004 amended by law 197/2017.
3. Collaborative activities with specialized bodies responsible for safeguarding the rights of certain demographic groups, including but not limited to the National Council for Women,



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the National Council for Childhood and Motherhood, and the National Council for Persons with Disabilities.

4. Synergistic efforts aimed at realizing the objectives outlined in the NCHR action plan and the National Plan for Human Rights, with an unwavering commitment to secure the requisite financial resources for this purpose.
5. Active engagement with civil society organizations, as valued partners to protect, promote, provide and monitor the implementation of human rights without any discrimination.
6. Prioritize and strengthen international cooperation, assessing its potential impact and opportunities.
7. The establishment of measurable indicators KPI's to gauge the advancement and efficacy resulting from this collaborative approach.

17b. Methodology and agenda:

The consultative sessions, also referred to as brainstorming sessions, are designed to facilitate a participatory approach. These sessions encourage active participation from individuals with various legal and judicial backgrounds. Participants are invited to contribute their ideas and proposals, all with the overarching goal of promoting a human rights-oriented approach within Egypt's judicial and legal frameworks.

The aforementioned activities were undertaken following the approval of the training material by both sides,

The brainstorming sessions are anchored in the principles of the Egyptian Constitution, Egyptian legislation, and international human rights treaties ratified by Egypt.

18- Monitoring the state's endeavors to address the crime of torture

The Council has diligently observed and tracked the procedures associated with pardons and parole since the year 2016. This initiative commenced with the establishment of the Presidential Pardon Committee, convened by the President of the Republic. Subsequently, in January 2018, this committee's framework underwent a substantial reinforcement through a presidential decision. Remarkably, during the Egyptian Family Iftar event in April 2022, the President declared his decision to restructure and revive the Presidential Pardon Committee. Notably, in the year 2022 alone, this committee issued a total of 14 presidential pardon decrees. It is noteworthy that NCHR has actively engaged in collaboration with the Pardon Committee in the formulation of lists pertaining to presidential pardons.

NCHR diligently monitored the evolving circumstances related to the COVID-19 pandemic and its consequential impacts on communication channels between detainees and the external world. Commencing on March 19, 2020, there was a suspension of visitations to various human rights institutions and detainee family members. The government subsequently implemented advanced



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protocols to regulate prison visitations. This was achieved through the scheduling of appointments for families of inmates, facilitated by an electronic application, alongside the provision of dedicated telephone lines for appointment bookings.

Notably, the Public Prosecution took into careful consideration the unique challenges posed by the COVID-19 pandemic when issuing detention orders. This included the expanded implementation of Article (201) of the Criminal Procedures Law, which mandated that accused individuals refrain from leaving their designated residence or domicile. It further required them to present themselves to law enforcement authorities at specified intervals while imposing restrictions on visits to specific locations.

In 2020, the International Cooperation, Execution of Judgments, and Care of Prisoners Department at the Office of the Public Prosecutor proactively engaged with the Social Protection Sector of the Ministry of Interior. This engagement aimed to establish essential measures and protocols to be adhered to within correctional facilities, with the paramount objective of safeguarding the well-being of prisoners. In parallel, the Public Prosecution diligently exercised its oversight role in accordance with legal frameworks pertaining to prisons and detention facilities.

Furthermore, the International Cooperation, Execution of Judgments, and Care of Prisoners Department at the Office of the Public Prosecutor entered into dialogue with the Social Protection Sector of the Ministry of Interior. These discussions centered on the broadening application of Article (64-bis) of the Executive Regulations of the Prisons Organization Law. This was particularly focused on prisoners' telephonic communications with their families during the COVID-19 pandemic. Additionally, considerations encompassed the commitment to administering COVID-19 vaccines to incarcerated individuals.

In relation to the assurance of detainees' rights during regular family visits, it is noteworthy that as of March 10, 2020, visits to all reform and rehabilitation centers and juvenile facilities were temporarily suspended as a precautionary measure to safeguard public health due to the outbreak of the COVID-19 virus. These visitations were subsequently reinstated on August 22, 2020, and were conducted in accordance with the following protocols:

1. **Appointment Scheduling:** Visits to inmates at reform and rehabilitation centers were meticulously organized, following an alphabetical arrangement based on the detainees' names and the visitation hall's capacity. Stringent adherence to social distancing measures was enforced, allowing for a single visitor per inmate, with each visitation lasting for a maximum of 20 minutes, and occurring once a month.
2. **Communication Channels:** The Ministry of Interior took the initiative to publish a list of 118 mobile phone numbers designated specifically for reform and rehabilitation centers on its official website. These numbers were designated for inquiries related to visitation appointments, contingent upon the eligibility of the respective inmates. Additionally, an electronic application was developed and made available on the ministry's website to empower the families of inmates to independently schedule visitation appointments.



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3. **Sanitization and Safety Measures:** Prior to each visitation session, visitation halls underwent rigorous cleaning and sanitization procedures. Furthermore, wire barriers were strategically installed within the visitation halls to ensure the maintenance of safe distances between inmates and visitors. Both visitors and inmates were provided with masks to wear throughout the visitation process.

Furthermore, it is important to highlight that, following the stabilization of the situation, numerous civil society organizations, local and international media outlets were granted access to these facilities. The National Council for Human Rights facilitated these visits to the newly established reform and rehabilitation centers, with active participation from council members and its technical secretariat. These visits offered an invaluable opportunity to solicit feedback from the families of inmates and assess the adequacy of services within these centers.

19- NCHR's role in measures aimed at addressing human trafficking

In 2014, the National Council for Human Rights established “Anti-Human Trafficking Unit”. This specialized unit has been entrusted with a range of responsibilities, including the development of a comprehensive strategy in collaboration with the National Coordinating Committee for Combating illegal migration and Preventing Human Trafficking along with relevant authorities. Its mandate extends to organizing seminars aimed at raising awareness about the gravity of this phenomenon in alignment with the international treaties ratified by Egypt. Moreover, the unit is authorized to enter into cooperation agreements with entities capable of supporting NCHR in the implementation of its action plan to combat human trafficking. Furthermore, it has convened a series of deliberative sessions dedicated to examining the various social, psychological, and legal dimensions of this issue.

The unit organized a series of workshops and conferences in partnership with relevant international organizations, including the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC) Regional Office. The primary objective of these gatherings has been to draw attention to the matter of irregular migration, its inherent hazards, countermeasures, and opportunities for international collaboration in combatting migrant smuggling. It is noteworthy that migrants constitute one of the most susceptible groups to exploitation and human trafficking.

The unit has been actively engaged in the development of legislation aimed at addressing human trafficking, in cooperation with relevant ministries and all relevant national authorities. Moreover, it has implemented a comprehensive program focused on the protection and reintegration of victims of human trafficking into society.

The National Council for Human Rights also actively participated in the launch of the national campaign titled "**Collective Action against Human Trafficking**." This campaign was launched in line with the objectives outlined in the National Strategy to Combat Human Trafficking (2016-2021) and in response to presidential directives emphasizing the enhancement of protection for



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victims of this crime. The campaign was executed through a collaborative effort with the International Organization for Migration's Cairo office and received support from the governments of the Netherlands and Denmark.

The campaign's centerpiece is a televised announcement designed to encourage citizens to report instances of human trafficking. Citizens may report the relevant instances via dedicated hotlines provided by several councils, including the National Council for Childhood and Motherhood (hotline number: 16000), the National Council for Women (15115), and the National Council for Human Rights (15508).

20- Legislative gaps in the Egyptian domestic laws

a. The measures taken to address torture in the Egyptian legislative system

These measures constitute a significant milestone across various dimensions, with a primary focus on the provision of legal safeguards aimed at enhancing the respect for and protection of human rights. It is noteworthy that the constitution mandates the state to uphold the dignity of every individual, unequivocally criminalizes torture in all its manifestations, and categorizes it as an offense not subject to the statute of limitations. Moreover, the constitution ensures the equal treatment of all citizens in terms of their rights, responsibilities, and public liberties, and explicitly condemns discrimination and the promotion of hatred as criminal acts subject to legal penalties.

Furthermore, the constitution underscores the humane treatment of individuals detained or deprived of their liberty, explicitly prohibiting any form of torture or intimidation. It necessitates that detention facilities adhere to standards that uphold human dignity and be subject to judicial oversight. These fundamental principles are not only enshrined in the nation's constitution but also deeply embedded in its domestic legal framework, including the Penal Code and the Criminal Procedure Code.

The domestic laws have addressed the issue of torture by enacting legal provisions that establish the offense, define its elements, and establish penalties for those found guilty of committing it. It is important to note, however, that these domestic legal definitions and penalties may not always fully align with the precise requirements outlined in the Convention Against Torture.

The absence of a comprehensive and universally applicable definition of torture within domestic laws has, on occasion, resulted in instances where perpetrators have evaded significant punitive measures, thereby undermining the deterrence factor.

In cases involving law enforcement personnel, charges are typically brought under specific legal provisions, such as Article 126, which explicitly criminalizes acts of torture, Article 129 addressing the use of excessive force, and Article 282, which prescribes penalties for wrongful detention and threats of violence or physical torture without legal justification. These legal provisions are intended to address various aspects of the crime but may not always align perfectly with the standards outlined in international agreements, including the Convention Against Torture.



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As such, there remains a need for ongoing legal reforms and alignment with international human rights standards to ensure the full protection of individuals against torture and ill-treatment.

Egyptian criminal law recognizes torture as a criminal offense pursuant to Article 126, the statutory definition of torture within Egyptian legislation is, nevertheless, not harmonized with in Article 1 of the Convention Against Torture concerning the definition of torture. It displays notable deficiencies in conforming to international norms. This definition fails to encompass certain facets delineated by CAT.

Article 126 delineates torture as encompassing physical harm, with a stipulation that the victim must either be a "suspect" or that the act of torture must be executed with the intent of extracting confessions through coercion. Nevertheless, governmental authorities may employ torture for purposes extending beyond the extraction of confessions, such as punishment or intimidation of the victims. Furthermore, this restricted definition omits mental and psychological transgressions, in addition to scenarios wherein torture is inflicted upon individuals other than "suspects," such as prospective witnesses. This incongruity engenders concerns pertaining to the comprehensive coverage and safeguarding of individuals against torture and inhumane treatment in accordance with established international standards.

Furthermore, it should be noted that there are inadequacies in the Egyptian Penal Code when it comes to addressing certain violations. Specifically, some offenses are classified as misdemeanors rather than felonies. For instance, while the law does classify acts such as torture and actions that result in fatalities as felonies, it designates actions like arbitrary detention (as per Article 280), the use of force by public officials (as per Article 129), and specific forms of assault as misdemeanors. This results in a deficiency in prescribing appropriate penalties when establishing the accountability of public officials for such offenses.

Although the Egyptian Penal Code explicitly asserts that compliance with presidential orders cannot serve as a legal defense for committing a crime, and Egyptian courts have acknowledged that torture, in its essence, constitutes an unlawful act without any dispute, Article 63 of the aforementioned legal framework stipulates that "no criminal offense shall be deemed to have occurred if the act is perpetrated by a government official in the execution of an order issued to them by a superior authority, an order they are obliged to follow or believe they are obliged to follow, provided that their intent is benign and the act is carried out in accordance with statutory directives or actions deemed to fall within their jurisdiction."

Articles 63 and 232(2) of the Criminal Procedure Code grant the Public Prosecutor's Office exclusive authority to investigate allegations of torture and ill-treatment, even in the absence of an official complaint. Members of the prosecution possess discretionary power to either refer cases to the court or formally close investigations by deciding that "there is no basis for prosecution."

In accordance with Articles 210(1) and 232(1) of the Criminal Procedure Code, individuals who lodge complaints against law enforcement officers for alleged acts of torture or ill-treatment are



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precluded from challenging any determinations rendered by a member of the prosecution office before any independent judicial body. Their avenue for appeal is solely restricted to higher prosecutorial echelons, where the ultimate decision rests with the Attorney General. Consequently, the exclusive recourse to reopen an inquiry in instances involving transgressions committed by public officials is through a grievance lodged at a superior prosecutorial tier. The Attorney General is obligated to render a conclusive verdict within a three-month period following the submission of the appeal. Should the Attorney General opt to pursue the case further, it is delegated to another member of the prosecution office to conduct the investigative proceedings.

- b. NCHR has previously compiled a comprehensive list of proposed amendments of Articles 126 and 129 of the Egyptian Penal Code. This proposal encompasses provisions aimed at expanding the range of offenses, enforcing stricter penalties, and granting the prosecution direct authority to pursue civil claims against individuals accused of perpetrating such offenses. Furthermore, NCHR recommends the endorsement of the outlined modifications to the Criminal Procedure Code, which address issues related to pretrial detention. These amendments establish a universal timeframe for maximum pretrial detention across all categories of offenses and address challenges linked to prolonged trial durations. Additionally, the Council underscores the significance of providing compensation to individuals subjected to pretrial detention when their innocence is substantiated.

NCHR continues to advocate for a reassessment of the proposed amendments, which encompass 54 provisions within the Criminal Procedure Code. These revisions hold particular significance as they emanate from the outcomes of a comprehensive societal dialogue facilitated by the Supreme Committee for Legislative Reform during the General Conference for Amending the Criminal Procedure Code, which took place at the close of 2016 and the onset of 2017. The Council actively collaborated in this conference alongside numerous human rights organizations.

NCHR maintains representation within the Legislative Committee of the House of Representatives (Parliament). Its role involves diligent monitoring and active participation in the measures undertaken by the committee for the amendment of the Criminal Procedure Code. It is pertinent to highlight that the committee is in the concluding stages of formulating the necessary amendments, which are anticipated to receive approval during the upcoming legislative session.

21- RECOMMENDATIONS

1. The Council earnestly appeals to the parliament to consider revising Articles 126 and 129 of the Egyptian Penal Code, specifically addressing the offenses related to torture and mistreatment of individuals. It is noteworthy that the Council has previously presented a comprehensive proposal regarding this matter. This proposal aims to broaden the scope of criminalization, intensify penalties, and permit civil prosecution directly against individuals accused of engaging in these transgressions.
2. Underline the imperative to notify pertinent entities for the revision of the Penal Code, originally enacted in 1937, akin to the constructive endeavors observed during the General Conference for the Amendment of the Criminal Procedure Law in early 2017. It is of



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utmost importance to scrutinize the intricacy of provisions culminating in capital punishment and to fortify the legal proscription and condemnation of torture and ill-treatment.

3. The council recommends an ongoing and periodic disclosure of the accountability, judicial, and disciplinary measures taken by authorities against individuals accused of violating human rights.
4. Expand the plan for the renovation and development of prison facilities and the living conditions and care of inmates is essential. Furthermore, enhanced coordination between the Council, the Ministry of Interior, and the Public Prosecution is required to intensify visits to prisons and detention centers.
5. The Council advocates for alignment with new legislative developments, the language embraced by the law, and the underlying philosophy of the Ministry of Interior's modernization plan. This alignment should prioritize ongoing training for officers and personnel responsible for managing old and new correctional facilities. This training is instrumental in maintaining the quality of infrastructure and increasing adherence to human rights practices, while firmly denouncing any violations.
6. Encourage the acceleration of amnesty and the release of detainees, unless they have been involved in acts of violence or incitement to violence and working towards their reintegration into society.
7. Participate in the design and execution of capacity-building programs for law enforcement officers.
8. Enhance public awareness within the society about the merits of an anti-torture culture, whether through mainstream media or dedicated programs, while strengthening civil society's capacity to combat torture.
9. Maintain efforts to incorporate human rights principles and values into educational programs at all levels.
10. Support forensic medicine with the necessary technical resources to enhance its diagnostic accuracy and strengthen its human resources to enable the timely issuance of reports. This should also extend its presence to areas lacking forensic facilities.
11. Sustain support for and strengthening judicial oversight, as well as oversight by members of the Public Prosecution, over prisons, police departments, and various detention facilities.
12. Activate alternative sanctions system for minor offenses and alternatives to pretrial detention, with a reconsideration of its application limited to specific offenses as per the law. This should be accompanied by a legal provision to prevent exceeding statutory periods of pretrial detention and to document the reasons for its renewal.
13. Urge the government to ratify the Optional Protocol to the International Convention against Torture.
14. Develop a specific protocol for the interrogation process, emphasizing that the purpose of interrogation is truth-seeking, professionalism, adherence to legal rules during the investigation, and the utilization of modern scientific and technological methods in detention, interrogation, and investigation.
15. Employing modern scientific applications in detention and investigation processes, such as genetic fingerprinting, the documentation of the detention and investigation process through cameras, and the application of artificial intelligence. These measures will reduce human intervention, consequently decreasing error rates, as human factors can be



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influenced by external factors such as the cultural framework of law enforcement personnel or unsuitable working environments.



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