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Information presented by the National Council for Human Rights of Egypt*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the National Council for Human Rights of Egypt,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

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Annex

Statement of the National Council for Human Rights of Egypt

Follow-up Statement on the Interaction of the Egyptian Government with Countries' Recommendation within the Context of the Universal Periodic Review

This statement follows up on the interaction of the Egyptian Government with the countries' recommendations within the framework of the Universal Periodic Review in the Human Rights Council during its 15th Session held on 17 February 2010. It is based on the Report of the Working Group on the Universal Periodic Review for Egypt (Document R/HRC/WG.6/7L.16).

The focus of this follow-up is to discuss the position of the Egyptian Government with regards to the recommendations to which it had deferred its response (art 95) and to suggest to the Government to reconsider some of the recommendations that did not enjoy its support. This follow-up takes into consideration the recommendations of the National Council for Human Rights (NCHR) to the Egyptian Government as reflected in the Council's report to the Human Rights Council within the context of the Universal Periodic Review.

First: The recommendations which the Egyptian Government has agreed to consider and to respond to in due time. These include 25 recommendations and may be summed up as follows:

1. Two recommendations are concerned with the elimination of all legal provisions and policies that discriminate against adherents of religions other than Islam and the adoption of a unified law for places of worship.

In this respect, the National Council for Human Rights had submitted a set of recommendations which include, in addition to the proposed unified law for places of worship, the operationalization of the principle of citizenship as established by the Constitutional amendments in 2007 as well as the promulgation of a law on equal opportunities and the prohibition of discrimination and setting up a General Commissioner Office to oversee its implementation. The Council continues to call upon the Government of Egypt to adopt these recommendations.

2. Thirteen recommendations relate to the efforts to combat torture which include:

a. Amendment of articles 126 and 129 of the Penal Code to fall in line with the international Convention against Torture and to prevent impunity of perpetrators

b. Accession to the Optional Protocol against Torture

c. Extending an invitation to the Special Rapporteur on Torture to visit Egypt without delay

These recommendations are fully consistent with the recommendations of the National Council for Human Rights. The Council calls upon the Government to support these recommendations especially that it had already accepted some of them among other recommendations that enjoy its support.

3. One recommendation is related to the urgent release of persons detained or imprisoned for exercising freedom of expression on the Internet. This recommendation is in line with the recommendations of the National Council for Human Rights to eliminate imprisonment in court cases of opinion and the Council calls upon the Government to adopt it.

4. One recommendation is related to the ratification of the individual complaint mechanisms of the United Nations treaty bodies.

The Council calls upon the Government of Egypt to adopt this recommendation especially that the Government responds to individual complaints referred to it by the special procedures.

5. Three recommendations pertain to the ratification of the Rome Statute and the Optional Protocols to the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.

The Council recommends to the Egyptian Government to ratify the Rome Statute which it had previously adopted; to accede to the First Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

6. Four recommendations pertain to extending an open and standing invitation to all Special Rapporteurs and especially the Special Rapporteurs on the independence of the judiciary; on the situation of human rights defenders; on the freedom of religion and belief; on extrajudicial executions; on the sale of children and child exploitation and on arbitrary detention. This is in addition to the recommendation to allow the Special Rapporteur on the promotion and protection of human rights while countering terrorism free access to detention centers.

The Council also calls upon the Government of Egypt to endorse these recommendations. This is because in addition to indicating that the Government has nothing to hide, this endorsement would allow for the verification of the information and analysis of these experts; the examination of the validity of allegations; sharing of experiences; and clarifying the position of the Government with regards to the information that reaches them any way.

7. One recommendation pertains to the amendment of articles 11, 17 and 42 of the NGO Law Number 84 for the year 2002.

The Council calls upon the Government of Egypt to performs amendments to guarantee the activation of the freedom to establish organizations, facilitating their ability to obtain fund, abolishing dissolving organizations by administrative decisions and adopting their right to voluntary a judicial dissolution only. In addition, to prevent interventions, administrative obstacles, and expanding the democratic margin.

8. One recommendation pertains to the establishment of a fully independent electoral commission allowing for open participation of all political parties and the objective certification of election results.

The Council calls upon the Government to support this recommendation which would enhance the trust of voters and which is warranted in view of the limited voter turnout and the numerous appeals.

9. Two recommendations pertain to the withdrawal of all reservations to the Convention on the Elimination of All Forms of Discrimination against Women especially on articles 2 and 16 of the Convention;

Recommendations by the Council already call upon the Government to withdraw its reservations to the second article which is the essence of the Convention.

10. One recommendation pertains to expediting the provision of all official documents, in particular the identity documents, to all members of the Baha'i community.

This recommendation concerns availing these documents as soon as possible especially in light of the concerted efforts exerted by the Ministry of Interior to respond to the requests of the Council in this respect.

Second: The Council proposes to the Government to reconsider its decision in connection with some recommendations that did not enjoy its support

1. The recommendation related to reducing the number of offenses punishable by the death penalty: In its reply, during the interactive dialogue, to the recommendations concerning the death penalty, the Government of Egypt informed that the death penalty applies only to serious crimes and that here has been a decline in the number of court cases in which the death penalty is sentenced and applied. The National Council for Human Rights notes that crimes punishable by the death penalty are still numerous and are more than 70 crimes. The Government is invited, in the least, to reduce the number of crimes punishable with the death penalty.

2. The recommendations to repeal the state of emergency and to refrain from legislation that introduces provisions of the emergency law in the Constitution: The Council calls for the adoption of this recommendation and notes that implementing it should continue to be the goal for the State and the society towards ending the state of emergency and preserving rights and freedoms as protected by the Constitution.

3. A recommendation related to the release of bloggers and activists currently detained within the framework of emergency law. The recommendation of the Council to the Government to cease the detention of political activists.

The Council calls upon the Government to reconsider its stance concerning this recommendation, particularly after the late legislative amendments on the emergency law.