

Egypt

Evaluation Report of the National Council for Human Rights

*Report submitted to the Sub-Committee on Accreditation of National Human Rights Institutions
as part of the re-accreditation of the Egyptian National Council for Human Rights (NCHR)*

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The Committee for Justice (CFJ) is a Geneva-based independent association of Human Rights Defenders established in 2015 to defend victims of Human Rights violations, with a focus on the MENA region.

Egyptian Front for Human Rights (EFHR) is an independent European organization established in Czech Republic in 2017. The Front works to improve the human rights situation in Egypt through research, advocacy and legal work, specifically in criminal justice.

MENA Rights Group is a Geneva-based legal advocacy NGO defending and promoting fundamental rights and freedoms in the Middle East and North Africa region.

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1. Introduction

In October 2006, the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) [accredited](#) the Egyptian National Council for Human Rights (NCHR) with Status A. Since October 2011, the re-accreditation of the NCHR was continuously deferred until May 2018, when its A Status was re-granted by the SCA while emphasizing that “NHRIs that have been accredited with A status will take the necessary steps to pursue continuous efforts at improvement and to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review”.

In June 2023, the Committee for Justice and MENA Rights Group published an [evaluation report](#) of the NCHR that was sent to the SCA. In October 2023, during the SCA’s Second Session of 2023, the Sub-Committee decided to defer the review of the Egyptian NCHR for 12 months (two sessions).

The present report aims at providing follow-up information that may serve to assist in the evaluation of the compliance of the NCHR with the Paris Principles. This evaluation report will first briefly introduce the recent human rights developments in Egypt before proceeding to address the compliance of the Egyptian NCHR with the Paris Principles, particularly the ones highlighted by the SCA in its [2023 recommendations](#). This report will thus respectively assess the following issues as listed by the SCA: the ability of the NCHR to address various human rights violations, its visits to detention centres, its independence, the encouragement of ratification or accession to international human rights instruments, the selection and appointment process, the financial autonomy of the NCHR, its annual reports, and the functional immunity from criminal and civil liability. Lastly, the evaluation will analyze the last published [Executive Summary](#) of the 16th annual report by the NCHR (2020/2023) in order to provide a more comprehensive picture of human rights violations in the country. Finally, the evaluation will close with a short conclusion and recommendations.

2. Recent Political and Human Rights Developments

Over the past two years, the Government of Egypt has been attempting to whitewash its human rights record by portraying itself as open to political dialogue with the opposition. This is particularly exemplified by the launching of the [National Dialogue](#) in 2022 and the [assertion](#) that 2022 would be the “Year of Civil Society”. Nevertheless, such purely exhibitory initiatives fall short of addressing the systemic repression of the past decade. In fact, the very purpose for which the presidential pardon committee was created (*i.e.*, reviewing cases of citizens detained for political reasons) continues to be systematically undermined by the [re-arrests](#) of political opponents as well as [ordinary citizens](#) with critical views of the government, thereby casting doubt

on the effectiveness of the measures the Egyptian authorities claim to be implementing to reduce repression.

The recent “presidential elections” which took place in Egypt from 10 to 12 December 2023, in which President Abdel-Fattah al-Sisi was appointed for a third term, have paved the way for an unprecedented crackdown against the Egyptian people and an environment in which no form of political participation from civil society is [tolerated](#). In fact, during the election period, major human rights violations, including arbitrary arrests, enforced disappearance, and reprisals against opposition members and their supporters were [committed](#) by National Security Forces in all impunity and in fundamental breach of the rights conducive to political participation.

The most recent episode of violent repression took place on 23 April 2024, when a group of Egyptian women activists who had organized a [demonstration](#) before the headquarters of the United Nations Women’s Agency in Cairo were subjected to [violent dispersal](#) by the Egyptian police, physical aggression, incommunicado detention and enforced disappearance. In May 2023, Egyptian security forces also [arrested](#) two students from Mansoura University after expressing pro-Palestinian views on campus. Similarly, on 30 November, four international activists [were detained](#) and held incommunicado for over 27 hours, following a pro-Palestine protest outside the Egyptian foreign ministry in Cairo. In October 2023, Egyptian security forces arbitrarily [arrested](#), detained and prosecuted dozens of peaceful protesters and activists in Cairo and Alexandria who had gathered to peacefully demonstrate in solidarity with Palestine and call upon the protection of civilians in Gaza. Between 20 and 24 October, security forces [detained](#) at least 72 peaceful protestors following pro-Palestinian demonstrations.

The failure of the NCHR to act upon these violations and to prompt State accountability raises serious questions with regards to its ability to fulfill its role as an independent and impartial human rights mechanism. In fact, the hostile takeover of the Egyptian Government over the National Council for Human Rights through the overwhelming presence of politicians within the decision-making body, as pointed out in our previous report, has earned the NCHR the label of a “quasi-governmental body” and therefore, an institution that does not meet the requirements set out by the Paris Principles.

3. Compliance with the Paris Principles and the SCA Recommendations set out in 2023

A. Addressing Human Rights Violations

The National Council for Human Rights which serves as Egypt’s National Institution for Human Rights (NHRI) since its establishment in 2013, has been operating in an environment marred with grave human rights violations. Concerns regarding its effectiveness in dealing and curbing those

serious abuses are not new and continue to plague the country. In fact, and as detailed in the introduction, over the past decade countless violations have been taking place in Egypt, signaling a dangerous race to the bottom, from a bleak human rights situation, to one that is even bleaker. Since its inception, CFJ documented 14,522 cases of human rights violations in the country, out of which, 13,724 (90%) pertain to the arbitrary deprivation of liberty. These numbers serve as indisputable evidence of the Egyptian authorities' reluctance to loosen their grip on civic space. Hence, the NCHR's claims that it has been undertaking various actions to address serious human rights violations in Egypt seem, if not devoid of reality, then inconsequential and yielding no fruit.

Following the last review, the SCA encouraged the NCHR to strengthen its efforts to address all human rights violations pointing out concerns regarding “the effectiveness of the NCHR in dealing with serious human rights issues, including torture, enforced disappearances, conditions of detention and detainees, situation of human rights defenders, fair trial rights and due process, as well as freedom of expression, peaceful assembly, and association”¹. CFJ notes no significant progress has been made since. In fact, the hundreds of complaints submitted to the NCHR, including cases of enforced disappearance and arbitrary detention, continue to be ignored. This leads CFJ to conclude that the NCHR is not an effective mechanism for State accountability or redress for victims of human rights violations.

The NCHR claimed having received “3,000 complaints of human rights violations and that these complaints are being addressed or referred to the relevant authorities”. Nevertheless, this conflicts CFJ's monitoring efforts as our team has documented thousands of cases whereby the families of victims of enforced disappearance and arbitrary detention sent telegraph complaints to the NCHR inquiring about the whereabouts of their loved ones to no avail.

In 2021, the NCHR adopted a four-year strategy aimed at addressing new human rights challenges, taking into account the various developments since June 2013. The strategy touched upon the Covid-19 pandemic, parliamentary changes, social and economic rights, civil and political rights, climate change and the fight against discrimination. Nevertheless, no mention was made to the intensified crackdown against civil society, the systemic practice of torture in prisons and other unofficial places of detention, or the notorious malpractice of legal recycling², amongst other grave abuses. Furthermore, the NCHR has expressed its appreciation for the National Strategy for

¹ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 23-27 October 2023, p.36 <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/SCA-Report-Second-Session-2023-EN-new.pdf>, (accessed on 29 May 2024).

² Case “recycling” essentially implies that the prosecution brings a new case, often using the same accusations, against a detainee who has just completed or is still in the process of serving their sentence for another case. This practice has created a pathway for circumventing the two-years legal limit of pretrial detention as prescribed by article 143 of the Code of Criminal Procedures by arbitrarily activating new ill-founded charges against accused – with no regard for legality.

Human Rights, launched by President al-Sisi, despite the immense amount of [criticism](#) by civil society actors, both locally and in the diaspora. It is important to note that Egypt's official discourse on the issue of human rights is the result of international pressure. The steps taken by Egypt in this regard came after 31 countries of the United Nations – headed by Finland – signed a [statement](#) on 12 March 2021, condemning human rights abuses in Egypt.

Despite the authorities' [move](#) to reactivate the Presidential Pardon Committee and the National Dialogue Committee, and to conduct legal reviews to release 814 defendants from pre-trial detention, along with expanding the conditional release decisions in favor of 20,000 inmates, CFJ's field work in 2022 indicates that the authorities violated the rights to liberty of 6,612 citizens, and forcibly disappeared 7,283 citizens in unofficial detention facilities. In the same year, CFJ's Justice Watch Archive also documented 55 cases of extrajudicial killings, of which 46 died while the victims were imprisoned in connection with cases of a political nature; and eight deaths of prisoners held in connection with criminal cases. The violations that led to death were as follows: poor conditions of detention (45 cases), deliberate denial of health care inside detention facilities (43), arbitrary pre-trial detention (22), torture inside detention facilities (16), in addition to the deaths of seven detainees during their enforced disappearance, and the execution of seven others after unfair sentences were issued against them in extraordinary courts.

Although the Egyptian government claimed that one of its [achievements](#) during 2022 was to formalize the registration of 34,206 associations, most of which are charitable and civil society associations, 2022 was a terrible year for civil and human rights organizations that were unable to formalize their status due to the intransigence of the authorities in accepting their registration, even after establishing the right of associations to be established by notification. At the same time, hundreds of lawyers and human rights defenders have been subjected to many violations because of their work in cases of a political nature and their defense of prisoners of conscience, as the authorities targeted them with enforced disappearance, arbitrary arrest, freezing funds, including them on terrorist lists, and banning them from traveling.

B. Visits of places of deprivation of liberty

Article 3 (16) of Law No. 197 of 2017 mandates the NCHR to visit prisons and all places of detention, interview inmates, and submit its reports to the Public Prosecutor and House of Representatives. Nevertheless, the law is silent on whether prior notice is required in conducting these visits. Following an inquiry by the SCA, the NCHR confirmed that prior notice to the Ministry of Interior is necessary, which has the power to grant or deny the visit permission. If allowed, visits to places are rearranged, thereby disabling unhindered access or confidential interviews with detainees. In 2018, the SCA emphasized that “an NHRI should be mandated to conduct ‘unannounced’ visits to all places of detention within its jurisdiction as this limits opportunities for detaining authorities to hide or obscure human rights violations and facilitates

greater scrutiny”³. Not being able to conduct unannounced visits severely affects the effectiveness of detention visits”.

In its 16th annual report, the NCHR argued that “joint visits, involving human rights delegations, media representatives, and local and international correspondents, were conducted at the Borg El Arab and Damietta Prisons in Fayum in 2021”⁴. Nevertheless, the several official requests for invitation to visit Egypt of the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment have been refused on several occasions, including in 1996 and again in 2007, and 2021. This discrepancy between discourse and practice raises concerns regarding the authenticity of these visits which do not allow for unhindered access or confidential interviews with detainees.

During the 3rd cycle of the Egypt’s UPR, several States called on the Egyptian authorities to strengthen the independence the National Council for Human Rights by allocating it a sufficient budget. On this occasion, the Egyptian delegation did not specify whether prison visits conducted by the IHCHR were unannounced, while it stated that the Public Prosecution was authorized to conduct “surprise visits”.

In its 2023 [Concluding observations](#) on the fifth periodic report of Egypt, the Committee against Torture raised with concern the “numerous and consistent allegations of systematic use of torture and ill-treatment” by Egyptian authorities, emphasizing the deeply concerning “lack of accountability contributing to a climate of impunity”⁵. The Committee also underscored that various human rights abuses in Egypt are “widespread” including “prolonged pretrial detention [...] especially of critics of the Government”, “the use of incommunicado detention”, and “gender-based violence against women and girls”. Furthermore, the Committee found several shortcomings relating to the NCHR’s monitoring of detention facilities:

While noting the information provided by the State party that regular inspections of prison facilities and other places of deprivation of liberty are conducted by the Office of the Public Prosecutor and parliamentary committees, as well as by the National Council for Human Rights, the Committee is concerned about the lack of information on any unannounced visits to places of deprivation of liberty by independent mechanisms and on the measures taken to implement the recommendations put forward by monitoring bodies. It also notes with concern that, as the mandate of the Council does not allow it to conduct unannounced visits to places of deprivation of liberty, its visits are allegedly prearranged and do not allow for unhindered access or confidential interviews with detainees.

³ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, May 2018, p.22, https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA_Report_May_2018-Eng.pdf, (accessed on 29 May 2024).

⁴ The National Council for Human Rights, *The National Council for Human Rights Sixteenth Annual Report*, p.88, <https://nchr.eg/Uploads/publication/en/NCHRannualreport161699893174.pdf>, (accessed on 29 May 2024).

⁵ Concluding Observations, Section 35.

The Committee urged the government of Egypt to “ensure that monitoring bodies with a mandate to visit places of deprivation of liberty, including the National Council for Human Rights, are able to carry out regular, independent and unannounced visits to all civilian and military places of deprivation of liberty in the country and to speak confidentially to all detained persons.”

The NCHR [reported](#) that it regularly conducts announced visits places of detention and that these visits are facilitated by the Minister of Interior who helps them in accessing detainees’ records as well as providing immediate relief to detainees that may be required. In its [16th annual report](#), it indicated the closure of twelve prisons, constituting 25% of Egypt's total general prisons, to showcase “ongoing commitment to monitor prison conditions, [...] in line with international standards”⁶. Nevertheless, in March 2023, the Ministry of Interior opened **three new** prisons in the governorates of Cairo, Sharqia and Sohag and in September 2021, a new prison was opened, the infamous Badr 3 Prison.

Badr Prison Complex is a relatively new detention facility located 70 kilometers northeast of Cairo and opened by Egyptian authorities in late 2021, in a move to tame international criticism relating to Egypt’s human rights record. Nevertheless, according to several reports published by prominent rights organizations¹. Detention conditions in Badr Prison are horrific and may even outcompete those consistently documented at Egypt’s notorious Tora Prison Complex. In fact, since November 2022, at least four prisoners have died in Badr prison, and in at least three of these cases, the authorities ignored calls to provide adequate medical assistance². CFJ and its partners have also received leaked detainees’ letters detailing the cruel and inhuman detention conditions. In those messages, it was revealed that many prisoners have attempted to commit suicide, in part, as a result of their appalling detention conditions. The Egyptian authorities have so far failed to open investigations into the deaths of these detainees and the allegations of ill-treatment and torture, including the cruel detention conditions that have led to suicide attempts by prisoners. As such, despite PR attempts to portray Badr as being a modern alternative to traditional old prisons, it has, on the contrary, become a human slaughterhouse where the most severe violations are committed. Many detainees in Badr prison on the outskirts of Cairo had been moved from Tora, an older facility in a southern suburb of the city that held prisoners including leaders of the outlawed Muslim Brotherhood and other political activists. Badr 3 prison also witnessed more than seven other suicide attempts, including the detainee Abdullah Omar, who attempted suicide for the second time on 17 February 2022, and an attempted suicide by Ahmed Sami, from the city of Hurghada, who had been acquitted in the Ansar Al-Sharia case after several years of imprisonment in the Scorpion prison, but he was added on a new case called Sinai Province organization immediately after his acquittal, and referred for trial again.

Not once has the NCHR mentioned widespread deaths in custody. Since 2013, CFJ documented 1,232 deaths in custody. Horrific prison conditions, including prolonged solitary confinement,

⁶ *Ibid*, p.89.

coupled with the deliberate denial of adequate health care, and physical and psychological abuse have contributed or led to multiple deaths in Egypt's prisons. Furthermore, despite allegations of periodic visits to detention centers, the SCA has not received substantive evidence of actions and follow-up by the NCHR regarding human rights violations in these facilities. The authoring organizations reiterate SCA's call for authorizing "unannounced and free access to inspect and examine any public premises, documents, equipment, and assets without prior written notice"⁷.

C. Independence

Concerns regarding the independence of the NCHR is exacerbated due to the composition of its leadership. [In fact](#), both the President and Vice-President of the NCHR, appointed in 2021 for a four-year term, are former Egyptian officials. The Vice-President of the NCHR, Mahmoud Karem, served as the presidential [campaign coordinator](#) for President Al-Sisi. According to the SCA's last review, "the pluralistic composition of the NHRI [is] fundamentally linked to the requirement of independence, credibility, effectiveness, and accessibility"⁸. The presence of politicians within the decision-making body of the NCHR is not a demonstration of the pluralistic representation of the Egyptian society but rather, represents clear evidence of political bias and lack of independence with strong repercussions on its ability to carry out its mandate impartially and independently. The very composition of the NCHR therefore represents a clear violation of a fundamental requirement of the Paris Principles that "an NHRI is, and is perceived to be, and able to operate independent of government interference"⁹. The very consequence of this is the NCHR's failure to address major human rights violations, including arbitrary arrests and enforced disappearances. It also contributes to the underreporting and misrepresentation of the extent of rights abuses in Egypt. Without accurate documentation, the true scope and severity of human rights violations are obscured, with grave consequences on creating a culture of impunity.

D. Encouraging ratification or accession to international human rights instruments

The SCA rightly expressed concern that Law No. 197/2017 does not "explicitly provide the NCHR with a mandate to encourage ratification or accession to international human rights instruments,"¹⁰ even though this is a key function of any NHRI. Thus, the SCA encouraged the NCHR "to advocate for amendments to the enabling law to provide it with an explicit mandate to encourage ratification or accession to international human rights instruments"¹¹.

⁷ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 23-27 October 2023, p.38 <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/SCA-Report-Second-Session-2023-EN-new.pdf>, (accessed on 29 May 2024).

⁸ *Ibid*, p.23.

⁹ [Paris Principles](#), Methods of Operation, para. 1.

¹⁰ GANHRI Sub-Committee on Accreditation, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, May 2018, p. 23.

¹¹ *Ibidem*.

No effort has thus far been made from the NCHR in that regard, including in the latest [report](#) submitted during Egypt’s last cycle of the Universal Periodic Review¹². The NCHR could have encouraged the Egyptian authorities to ratify and adhere to the international conventions and treaties relating to Human Rights, such as the Convention on Enforced Disappearances and the Additional Protocol to the Convention Against Torture. Instead, it simply draws a listing of Egypt’s latest ratifications without recommending any substantial change.

E. Selection and appointment

The Paris Principles on the composition and guarantees of independence and pluralism hold that: “the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (...)”¹³

In its last review of the Egyptian NCHR, the SCA highlighted the critical importance to “ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI’s decision-making body in relevant legislation, regulations, or binding administrative guidelines, as appropriate”¹⁴. On 29 December 2021, President al-Sisi issued [Decree No. 616 of 2021](#), reconstituting the NCHR, for a period of four years. Ambassador Moushira Mahmoud Khattab was nominated as Chair of the NCHR and Ambassador Mahmoud Karem Mahmoud as Vice-President¹⁵. Civil society was not involved in the nomination process. The authoring organizations are extremely concerned over the fact that Ms. Khattab is the former Minister of Family & Population of Egypt, former Assistant Minister of Foreign Affairs, and Egyptian diplomat. Similarly, Mr. Mahmoud is also a former Egyptian diplomat who served as the coordinator of Al-Sisi’s presidential campaign in 2014 and 2018, demonstrating a lack of independence from the executive and violating the Paris Principles of ensuring “merit-based

¹² NCHR, *Submission Of the National Council for Human Rights To the Universal Periodic Review Mechanism 2014*, March 2019, available at: <https://nchr.eg/Uploads/publication/ar.pdf> (accessed 1 June 2023).

¹³ [Paris Principles](#), Composition and guarantees of independence and pluralism, para. 1.

¹⁴ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 23-27 October 2023, p.39 <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/SCA-Report-Second-Session-2023-EN-new.pdf>, (accessed on 29 May 2024).

¹⁵ Other members nominated were: Dr Mohamed Anas Qassem Youssef Jafar; George Ishak Gerges; Dr Mohamed Sameh Ahmed Mohamed Amr Bandar; Dr Huda Ragheb Awad; Dr Nevin Abdel Moneim Massad; Dr Noha Ali Bakr; Abdul Jawad Ahmed; Abdul Hamid Ahmed; Rabha Fathi Shafiq Mohammed; Nihad Lutfi Sayed Mohammed Abu Al-Qomsan; Hani Ibrahim Fahmy Ibrahim; Dr Walaa Jad Al-Karim Mahmoud Othman; Ghada Mahmoud Hammam Mahmoud; Mohammed Mamdouh Jalalal Abdul Halim; Alaaa Sayed Kamel Shalabi; Ezzat Ibrahim Mikhail Youssef; Noha Talaat Abdulq Al-Sayyed Abdullatif; Mahmoud Mohamed Saad Metwally Bassiouni; Samirah Luqa Daniel Absakhrun; Dr Wafa Biny Basta; Issamuddin Ahmed Tah Sheeha; Mohammed Anwar Esmat; Dina Hamesh Mohammed Abbas; Saeed Saeed Saeed Ismail Ismail Ismaa; Dr Ayman Jaaman Ahmed.

selection and pluralism” as necessary requirements to guarantee “the independence of, and public confidence in, the senior leadership of an NHRI”¹⁶.

The SCA asked the NCHR to “advocate for formalization and application of a uniform process that includes requirements to: publicize vacancies broadly; maximize the number of potential candidates from a wide range of societal groups and educational qualifications; promote broad consultation and/or participation in the application, screening, selection, and appointment process, and; assess applicants based on pre-determined, objective, and publicly available criteria”¹⁷. No progress has been made in that regard.

Despite factual evidence of lack of representativeness, the NCHR still claimed in its report that “the council has a diverse and rich representation of civil society, with nearly half of the members coming from civil society organization”¹⁸. This purely exhibitory rhetoric around the progressiveness of the NCHR and its political opening seem to contradict the reality of the institution’s composition. Furthermore, only “societal development” work aligned with the government’s plans is authorized and that is usually conducted by GONGOs, governmental NGOs. On the other hand, any civic work that authorities deem to be “political,” or violating “public order” or “morals”, is simply forbidden.

F. Financial Autonomy

The authoring organizations note with concern the continued lack of financial independence of the NCHR *vis-à-vis* the executive branch. While Article 1 of [Law No. 197/2017](#) Amending Provisions of Law No. 94/2003 provides that the Council “shall enjoy technical, financial and administrative independence in the exercise of its functions, activities and competences”, the NCHR remains in practice State-funded. In fact, the NCHR Law continues to require the Parliament to approve any grants and donations received by the NCHR from a foreign body. This contradicts the requirements of an NHRI as they “should not be required to obtain approval from the State for external sources of funding, as this requirement may detract from its independence”¹⁹.

Despite the SCA’s recommendation for an amendment of the NCHR law “to remove the requirement for Parliament’s approval before receiving external funding”²⁰, no progress has been

¹⁶ [Paris Principles](#), Composition and guarantees of independence and pluralism.

¹⁷ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 23-27 October 2023, p.39, <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/SCA-Report-Second-Session-2023-EN-new.pdf>, (accessed on 23 May 2024).

¹⁸ The National Council for Human Rights, *The National Council for Human Rights Sixteenth Annual Report*, p.1, <https://nchr.eg/Uploads/publication/en/NCHRannualreport161699893174.pdf>, (accessed on 29 May 2024).

¹⁹ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 23-27 October 2023, p.40 <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/SCA-Report-Second-Session-2023-EN-new.pdf>, (accessed on 23 May 2024).

²⁰ *Ibid*, p.41.

made in that regard. As noted by the SCA in its last review, “to function effectively, national human rights institution must be provided with an appropriate level of funding in order to guarantee its independence and its ability to freely determine its priorities and activities”²¹.

G. Annual Report

The authoring organizations welcome the publishing of the NCHR’s first annual report since its last report in 2020, as publications like these are a crucial part of executing their mandate effectively and independently (Article 3 (13) and (14) of Law No. 197/2017).

The NCHR’s sixteenth annual report on the civil and political rights situation of Egypt submitted to the Human Rights Committee in June 2023 is characterised by a focus on the alleged achievements of the Egyptian government including advancements in women’s rights, the presidential decision not to extend the state of emergency, and the launching of a national dialogue “that leaves no one behind and without discrimination”²².

Nevertheless, the authoring organizations regret that this the report is marred by an absence of any analysis of human rights violations, critical statements, or advocacy for the respect, protection, and promotion of Egypt’s human rights obligations. These alleged improvements are in stark contrast with the [Concluding Observations](#) of the Human Rights Committee issued in April 2023 as well as observations from civil society organizations.

To provide one concrete example of these double standards between rhetoric and practice, appointing a woman as Chair of the NCHR does not imply that the condition of women in Egypt has improved. CFJ has recently submitted a report on the troubling reality of women and girls are often pushed into prostitution not by choice, but by economic hardship and limited opportunities. Their fate is further exacerbated by the unprecedented economic crisis which has plunged many Egyptians, from all social strata, well below poverty line. The narrow view equating Ms. Moushira Khattab’s personal success with the condition of Egyptian women is truly perplexing and lacks critical depth which, once again, demonstrates the NCHR’s government bias despite its proclaimed independence which has no factual ground.

H. Protection from criminal and civil liability for official actions and decisions undertaken in good faith.

Functional immunity is a crucial component to safeguard an independent and efficient NHRI. While Article 2 (14) of the Egyptian Constitution is sufficient to provide functional immunity, the

²¹ *Ibid*, p.21.

²² The National Council for Human Rights, *The National Council for Human Rights Sixteenth Annual Report*, p.1, <https://nchr.eg/Uploads/publication/en/NCHRannualreport161699893174.pdf>, (accessed on 28 May 2024).

SCA noted in its review that Laws No. 93/2003 and No. 197/2017 are silent on whether and how members are protected from criminal and civil liability for official actions and decisions taken in their official capacity in good faith. In fact, Article 10 *Bis* of [Law No. 197/2017](#) provides that “the competent investigative authority shall inform the National Council for Human Rights and the House of Representatives of the arrest or detention of any member of the Council, with a detailed statement of the incident”. The SCA noted that “this provision does not provide protection for criminal and civil liability for actions undertaken in good faith by the members and staff of the NCHR.” In its last review, the SCA encouraged the NCHR to “continue to advocate for amendments to its enabling law to explicitly provide protections from civil and criminal liability for official actions undertaken in good faith”²³. It appears, however, that the enabling legislation has yet to be amended so as to ensure that members are protected from criminal and civil liability for official actions and decisions taken in their official capacity.

On 1 November 2018, former member of the Egyptian National Council for Human Rights, Hoda Abdel Moneim Abdel Aziz Hassan (هدى عبد المنعم عبد العزيز حسن) was arrested in retaliation for her Human Rights work. Hoda Abdel Moneim is a 63-year-old human rights lawyer. She was a member of the Egyptian Parliament from 2012-2013 and a member of the NCHR. Following the completion of an arbitrary and unjust five-year prison as documented by the United Nations Working Group on Arbitrary Detention, which **was supposed to end on 1 November 2023**, Ms. Hoda’s detention continues to be systematically renewed. She is currently being held in pretrial detention at Qanater prison.

4. Conclusion

Egypt’s National Human Rights Institution does not meet minimal standards. In order to be considered credible and to operate effectively, NHRIs must be independent from the government, represent and cooperate with civil society, and effectively promote human rights by monitoring violations and addressing them. Egypt’s NCHR falls short of meeting these international legal standards. As such, CFJ has reasonable grounds to argue that the Egyptian NHRC does not meet the necessary requirements to be granted A status. The SCA should therefore consider demoting the NHRC to B status until the institution can credibly and effectively tackle its significant shortcomings.

²³ GANHRI, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 23-27 October 2023, p.41, <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/SCA-Report-Second-Session-2023-EN-new.pdf>, (accessed on 23 May 2024).