

Dear National Human Rights Institution,

With a view to assessing the role played by National Human Rights Institutions (NHRI) in promoting and protecting the rights of human rights defenders, the next report of the Special Rapporteur to the Human Rights Council in March 2013, will focus on the challenges faced by NHRIs in carrying out their work and will include recommendations as to what measures can be taken to ensure an enabling working environment for NHRI staff.

To this end, I would be grateful if you could answer the attached questionnaire, which will be used to inform my report. I have also requested information from member States and from civil society. The report will later be made public on my website:
<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/AnnualReports.aspx>.

- I would greatly appreciate receiving your responses at your earliest possible convenience, preferably no later than 22 October 2012. Responses received after this date will not be reflected in my 2013 report. Responses may be addressed to the Special Rapporteur at the Office of the High Commissioner for Human Rights (defenders@ohchr.org; fax: +41 22 917 90 06).

The English, French and Spanish versions of the questionnaire are attached below.

Yours sincerely,

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Questionnaire on National Human Rights institutions and human rights defenders

It would be greatly appreciated if responses were brief. They may be submitted in bulletpoint form if preferred.

Please note that responses to the questionnaire will be published on the website of the Special Rapporteur and will be used to inform her next report to the UN Human Rights Council in March 2013. If requested, the response from your Institution will remain confidential.

1. a) Please provide a brief overview of the legislative framework adopted to establish a National Human Rights Institution (hereafter 'the Institution') in your country. Please cite the names of any such laws or regulations in full.

- Law No. 94 of 2003

Promulgating the National Council for Human Rights

A council named "The National Council for Human Rights", under the auspices of the Shoura Council, shall hereby be established to further the protection, set the values, raise the awareness, and ensure the observance of human rights.

b) Please indicate how these laws and regulations comply with international human rights standards, and in particular, the Paris Principles].

- The Council shall have a legal personality; The Council shall independently perform its duties, activities and functions

c) Please indicate the current accreditation status of the Institution with the International Coordination Committee (ICC) and what measures, if any, have been taken to implement the recommendations highlighted at the most recent ICC Sub Committee on Accreditation meeting with a view to strengthening NHRI's compliance with the Paris Principles.

- The current accreditation of the National Council for Human Rights is A in 2011 but it shall be accredited again in November 2012.

Concerning the recommendations by the ICC:

NCHR regards amending Law No. 94 (2003), establishing the Egyptian National Council of Human Rights, as a crucial step in enhancing its mission in defending human rights and implementing the Paris Principles and other International Standards applicable. Furthermore, the amendments proposed by the Egyptian National Council of Human Rights have been developed in accordance to the objectives of the Council and a thorough analysis of the challenges encountered in some aspects of its activities as well as the solutions proposed to overcome these challenges.

The proposed amendments for the founding law shall ensure the administrative and financial independent of the Council,

Shall give the NCHR the right to file legal complaints, or to intervene in cases that require intervention in the defense of human rights, NCHR shall have the right to visit prisons and other detention centers, according to the standards implemented by the International Red Cross.

2. a) Please provide details outlining the mandate adopted by the Institution in relation to the protection and promotion of human rights in accordance with the range of competencies and responsibilities specified in the Paris Principles.

- Receive and examine complaints concerning protection of human rights, refer, at its discretion, any such complaints to the competent bodies and follow-up with them, advise the parties concerned with the matter of the legal procedures to be followed and assist them in such regard, or settle such complaints with the relevant bodies.

- Monitor the application of international human rights agreements and conventions, as well as provide the concerned authorities with the proposals, notes, and recommendations necessary for the proper application of such agreements and conventions.

- Provide competent bodies with recommendations and advice on all means to protect further and promote human rights.

- Issue reports on human rights conditions, and developments made by the Arab Republic of Egypt in such regard at governmental and community levels.

- Dispatch fact findings missions to the hot spots areas in order to observe and detect human rights violations on the ground, and prepare reports on them.

- Visit the prisons and detention places to guarantee that International human rights standards are being applied in the prisons.

b) Please indicate whether the Institution is mandated to consider and/or adjudicate individual complaints of human rights violations.

Yes

c) If relevant, please indicate whether the mandate is limited to specific rights or whether complaints against the Government, the police and/or the military are permitted and how they are dealt with.

- The mandate is not limited to specific rights it incused all rights, and against all governmental bodies, where the Council Receives and examines complaints concerning protection of human rights, refers, at its discretion, any such complaints to the competent bodies and follows-up with them, advises the parties concerned with the matter of the legal procedures to be followed and assists them in such regard, or settles such complaints with the relevant bodies

d) In this regard, please indicate whether the Institution is empowered to carry out protection related functions including providing remedies to victims of human rights violations, witness protection mechanisms and conducting visits to detention facilities.

No

3. a) Please indicate what mechanisms, if any, are in place within the Institution to ensure that human rights defenders at risk are protected (e.g. through protection programmes, early warning systems or by submitting complaints to regional bodies on specific cases).

I Principles relating to the Status of National Institutions (The Paris

Principles), adopted by UN General Assembly resolution 48/134 on 20

December 1993

2 At the 22nd Meeting of the International Coordinating Committee of

NIIUs (ICC), held in Geneva from 23 - 27 March 2012, the Organization's Sub-Committee on Accreditation presented three new General Observations developed at its November 2008 session.

b) Please indicate whether any obstacles or challenges exist with regard to the effective protection of human rights defenders through these mechanisms, and how the Institution addresses them.

- The main Obstacle is the continuation of the emergency status in the former regime that gave the right to authorities to arrest any citizen.. the NCHR in this regard called upon ending the emergency status immediately in its annual reports.

4. a) Please describe the working relationship between the Institution and civil society, including human rights defenders, in accordance with the Paris Principles.

- The relation between the NCHR and civil society organizations is very good , where the council cooperates with the NGOs in organizing conference and forums, the council also signed a number of protocols with many NGOs, receiving complains from the NGOs in case if they face any problems with the government , finally the NCHR prepare a draft law to amend the NGOSs law number 84 for the year 2002 to enable them to work effectively.

b) Please indicate whether any challenges or obstacles exist that may prevent interaction and cooperation with civil society and/or human rights defenders and how the Institution seeks to address them.

NCHR didn't have any obstacles to work or cooperate with NGOS

5. a) Please indicate whether any member of the Institution's staff has ever been the victim of threats, or other kind of harassment, as a result of work carried out on behalf of the organization.

No

b) Please specify what mechanisms, if any, are in place to protect Institution members investigating human rights violations. If applicable, please specify what mechanisms at the institutional, national, regional and international level have been employed to protect Institution members.

The NCHR it's endeavors to amend its founding law proposes that the President and Vice President of the Council, as well as its members, shall be immune to legal accountability for fulfilling their duties in accordance with the provisions of this law.

c) Please indicate whether the Institution has ever been subjected to an unannounced visit by representatives from the police or state authorities, or if it has otherwise been subject to interference or threat that may jeopardize its independence as a national human rights institution under the Paris Principles.

No

6. a) Please indicate the main sources of funding for the Institution.

The Council's resources shall consist of:

1. Funds allocated in the general budget of the state to the Council.
2. Grants, donations, and allowances that the Council accepts by a majority vote of at least two-thirds of its members.
3. State allocations including grants and allowances that are directed to human rights fields and pursuant to international agreements concluded with the Arab Republic of Egypt.

b) In this regard, please indicate whether any challenges exist, particularly in relation to the functional autonomy of the organisation and how this impacts on the work of the Institution.

7. a) Please describe the procedures in place relating to the selection and appointment of members of the governing body.

-The Shoura Council(the Upper Chamber of the parliament) shall select the members of the Council from the public figures who are well known for their experience and interest in human rights' issues, or for their distinguished performance in this field.

b) Please indicate what mechanisms are in place to ensure independent scrutiny of candidates and security of tenure for members of the governing body.

-The independence of the NCHR is set forth by its establishing Law; as in Article 1 it stipulates the following "the NCHR shall enjoy independence in exercising its functions, activities and competence.

- The NCHR has a legal personality and It is not subject to the authority of the state or its agencies.

The most recent proposed amendments to the NCHR Founding Law in 2012 included the following:

-Emphasizing the NCHR independence by inserting a clause asserting its financial and administrative independence and shielding its activities by guarantees which reaffirm said independence

- Stressing the independence of the NCHR members by inserting a clause which characterizes members as well-known for their independent minds.

-The NCHR President, Vice President and members enjoy immunity from legal accountability, due to their performance of their work and duties pursuant to the provisions of the Law. The NCHR Executive Committee may lift immunity from its members at the request of competent legal bodies.

-Members' selection shall be carried out through nominations which are reviewed by a competent Parliamentary Committee.

-A clause shall be inserted to exclude government and public employees from running for the Council membership.

