National Human Rights Strategy Legislative Path

Did the House of Representatives Fulfill its Role in Achieving the Strategy's Goals?

Prepared by Ahmed Salah
Supervision and Review Ayman Okeil
Edited by Islam Fawqi

Issued by: Maat for Peace, Development and Human Rights
National Human Rights Strategy Legislative Path

Did the House of Representatives Fulfill its Role in Achieving the Strategy's Goals?

Prepared by: Ahmed Salah

Edited by: Islam Fawqi

Supervision and Review: Ayman Okeil

Issued by: Maat for Peace, Development and Human Rights
Contents

Introduction: .................................................................................................................. 3
Methodology: .................................................................................................................... 3
Legislative Development Path: .......................................................................................... 4
Evaluation of House of Representatives Focus on Human Rights Legislation: .................. 6
Political Parties Represented in House of Representatives Role in Implementing Strategy's Objectives........................................................................................................................................... 8
National Human Rights Strategy Priorities ........................................................................ 9
1. Legislation Promoting Civil and Political Rights................................................................. 10
2. Legislation to Promote Economic, Social, and Cultural Rights........................................... 10
3. Promoting Human Rights of Women, Children, People with Disabilities, Youth, and Elderly ................................................................. 10
4. Focus on Education and Capacity Building in the Field of Human Rights ................................ 11

Recommendations: ............................................................................................................. 11
Introduction:

Maat urges the House of Representatives to take the initiative and make the current session the "Session of the National Human Rights Strategy". All legislation related to the strategy must be brought before the House so that it can be completed before the start of the fifth and final session when parties and parliamentarians will be occupied with election preparations. In the upcoming parliamentary session, we call for collaborative efforts between Parliament, National Dialogue Secretariat, and the Presidential Pardon Committee to achieve nationally agreed-upon priorities.

In its ongoing monitoring of the implementation of the National Human Rights Strategy, Maat emphasizes the need to develop an executive action plan for the strategy. The absence of an action plan results in a slow implementation of the strategy's provisions by some relevant parties.

Methodology:

This study employs a methodology that measures the implementation of the "Legislative Path," which is one of the executive strategy's components. It aims to assess the responsiveness of the Egyptian Parliament, specifically the House of Representatives as the legislative chamber, to the targeted outcomes requiring the formulation or amendment of laws in the strategy's four axes. This is achieved by examining the activities of Parliament and identifying its interventions since the President of the Republic announced the launch of the National Human Rights Strategy.

The National Human Rights Strategy aims to issue and amend approximately 33 legislations that contribute to achieving the desired results in the four axes of the strategy. Therefore, this study examines the actions taken by the House of Representatives concerning these legislations, including proposals, discussions, drafting stages, and the laws that have been enacted. Through this analysis, we can evaluate the House of Representatives' success in fulfilling its role in achieving the objectives of the national strategy.

The study also evaluates the features and relevance of the legislation that Parliament has enacted since the launch of the National Strategy. It examines whether there were compelling reasons that led Parliament to prioritize these laws over those related to the National Strategy. Additionally, we provide recommendations to activate the legislative path for implementing the National Human Rights Strategy.
Legislative Development Path:

The National Human Rights Strategy aims to issue and amend around 33 pieces of legislation that contribute to achieving the desired outcomes, particularly in areas related to civil and political rights, economic and social rights, and the rights of women, children, youth, people with disabilities, and the elderly.

The figure above illustrates the House of Representatives' efforts in achieving the targeted outcomes of the National Human Rights Strategy regarding the legislative path. Regrettably, the House of Representatives has only accomplished 9% of the expected achievements in over two years, approving three pieces of legislation at a notably slow pace. Furthermore, the House of Representatives has initiated discussions on 10 other topics, representing 30% of the total targeted topics. However, approximately 61% of the legislations targeted have not been addressed, indicating a significant deficiency in the House of Representatives' performance in achieving the required goals.

The proposed amendments include provisions that strengthen controls on pretrial detention, reflecting the implementation of the first targeted outcome concerning personal freedom. Other draft laws discussed during the second year of the strategy, in preparation
for adoption of the "New Draft Labor Law," which incorporates crucial amendments to safeguard the rights of women and other vulnerable groups, such as children.

The First Law issued was the Law Establishing the Egyptian Intellectual Property Authority. This law partially contributes to the fulfillment of the fifth target outcome, which involves developing legislation related to the protection of intellectual property. This falls within the eighth sub-item on cultural rights under the economic, social, and cultural rights axis of the strategy. It is important to note that achieving this target outcome necessitates more than the enactment of a single law. The scope of legislation requiring amendment or approval concerning intellectual property cannot be limited to a single law.

The Second Law was approved to enable the appeal of rulings issued in felony cases by all types of courts. This law aligns with the priorities of the National Human Rights Strategy and is also a constitutional obligation. Article 96 of the Egyptian Constitution stipulates that the law should regulate the appeal of rulings issued in felony cases. Furthermore, Article 240 guarantees the provision of financial resources for appealing judgments in felony cases within ten years of the Constitution's entry into force.

According to the Constitution, there is a deadline for approving legislation to appeal criminal court rulings and it is intended to comply with international agreements and charters on human rights, which establish the principle of a two-level litigation system for felonies. This principle recognizes that no matter the guarantees in place, the opportunity to review initial rulings is crucial to minimize errors and ensure a fair trial for the accused.

Despite the Constitutional obligation to approve this Law within the specified ten-year period, it was only passed on January 16, 2024, just one day before the deadline on January 17, 2024. This significant delay in approving the law reflects a severe slowdown in the House of Representatives performance in discussing and approving legislation related to human rights. Nevertheless, we commend the passage of this crucial law that ensures a fair trial.

Furthermore, amendments have been made to the Penal Code to consider harassment of women in public transportation or the workplace as an aggravating circumstance for the crime. This amendment partially contributes to the promotion of women's rights, which is one of the goals outlined in the third axis of the National Human Rights Strategy, specifically regarding the advancement of women's and children's rights, and the rights of persons with disabilities, youth, and the elderly. However, it should be noted that amending the Penal Code to impose stricter penalties for harassment of women only partially achieves the targeted results in this area. The strategy initially called for
Maat believes that despite the discussion of previous draft laws, the House of Representatives should accelerate the pace of deliberating, drafting, and enacting laws that align with the targeted outcomes of the National Human Rights Strategy. However, it appears that the Council is prioritizing other legislation. This is evident in the approval of 188 draft laws by the House of Representatives, particularly during the third session of the second legislative term, which took place from October 2022 to July 2023. While this number may give the impression of parliamentary efforts, there are concerns that only a very limited number of these projects addressed the results targeted by the National Human Rights Strategy.

**Evaluation of House of Representatives Focus on Human Rights Legislation:**

During the third session, which concluded in July 2023, the House of Representatives successfully fulfilled its legislative and oversight role by approving 188 draft laws, comprising a total of 1,774 articles, and ratifying 51 international agreements. Additionally, numerous oversight tools were employed. During the same period, ministers received approximately 1,500 tools, including questions, briefing requests, and requests for general discussion. The House of Representatives conducted 51 plenary sessions, amounting to 185 working hours, with 525 speakers making interventions totaling about 3,600.¹

While some of this legislation contributes to the achievement of general goals outlined in the National Human Rights Strategy, there has been a lack of focus on the draft laws explicitly stipulated in the strategy that directly aim to promote human rights. Out of the 188 draft laws approved by the House of Representatives during this period, only one law passed or amended was directly related to the objectives of the National Human Rights Strategy, accounting for less than 1% of the total legislation approved by the House of Representatives during that time.

¹ حصاد مجلس النواب، متاح على الرابط التالي: [https://2u.pw/Q11F4dG](https://2u.pw/Q11F4dG)
The House of Representatives commenced the fourth session of the second legislative term on October 1, 2023. After nearly four months, only one piece of legislation related to the national strategy has been approved, specifically, the amendment of the Code of Criminal Procedure to allow the appeal of rulings issued in felony cases from all types of courts.

In terms of oversight by House of Representatives, certain committees, particularly the Human Rights Committee, have taken some actions. Additionally, some representatives have utilized their oversight tools to address the implementation of the National Human Rights Strategy. However, these actions have not translated into tangible outcomes, such as the advancement of draft laws or effective follow-up on the strategy's implementation.

While the Human Rights Committee prioritizes the National Human Rights Strategy in its work, the interest from other parliamentary committees in discussing the laws outlined in the strategy is lacking. Furthermore, there is a lack of clear action from the Parliament and its members to adopt the outcomes of the national dialogue, which were endorsed by the President of the Republic and require legislative effort for implementation.
The political parties represented in the House of Representatives play a significant role in implementing the strategy's objectives. Currently, there are 13 parties in the House, which increases to 15 parties in the Senate. The number of representatives affiliated with parties in the House totals 475 seats, representing 83.77% of the total elected seats. This demonstrates the substantial representation of parties within Parliament and their ability to influence the legislative and oversight processes, as well as express the citizens' aspirations.
The above figure highlights the underperformance of parties within the House of Representatives concerning the legislative agenda of the National Human Rights Strategy. Although the House of Representatives as a whole has shown interest in a limited number of legislations included in the strategy, 77% of these legislations were submitted by the government, while an independent female representative submitted 15% of them. Furthermore, only one party submitted one draft law, accounting for 8% of the total legislation discussed.

However, despite the majority of political parties in the current composition of the House of Representatives, there is a deficiency in their performance concerning the legislative path outlined in the National Human Rights Strategy.

The Permanent Supreme Committee for Human Rights and the House of Representatives Human Rights Committee have had coordination and cooperation even before the launch of the National Human Rights Strategy in September 2021, and aimed to consult on the Strategy's launch. However, coordination significantly declined after the strategy's launch. Communication primarily takes place between the Permanent Supreme Committee and the Human Rights Committee of the House of Representatives, while other committees, notably the Legislative Committee, which considers many legislations, lack communication with the Supreme Permanent Committee. This hinders effective follow-up on the legislative path to achieve the targeted outcomes of the National Human Rights Strategy.

Regarding the meetings between the Permanent Supreme Committee and the Human Rights Committee to monitor the strategy's implementation, only one meeting has taken place so far. This meeting, held on January 3, 2024, discussed the first annual report of the National Strategy for Human Rights issued by the Permanent Supreme Committee. However, the second report to monitor the implementation of the National Human Rights Strategy by the Permanent Supreme Committee is yet to be issued.

### National Human Rights Strategy Priorities

In light of the global changes taking place, Egypt is focused on enhancing stability at all levels, particularly after the recent presidential elections, which resulted in President Abdel Fattah El-Sisi winning a new six-year term. During this period, the president aims to establish the foundations of the new republic, making it a strategic priority. One of the key elements of this strategy is the National Center for Human Rights, which requires all state
institutions to activate the strategy and prioritize its legislation, intending to fully implement it by the scheduled date of September 2026.

1. Legislation Promoting Civil and Political Rights

Addressing the issue of pretrial detention is a crucial priority within the National Human Rights Strategy. The Strategy explicitly emphasizes the importance of amending pretrial detention legislation and has incorporated this objective into the national dialogue as well. The goal is to ensure that necessary amendments are made to protect the rights of individuals held in pretrial detention.

2. Legislation to Promote Economic, Social, and Cultural Rights

The National Human Rights Strategy has proposed several pieces of legislation aimed at enhancing economic, social, and cultural rights. However, these proposals have yet to be considered by Parliament. Notable among these proposals are legislation to regulate the conditions of domestic service workers, updates to legislation and regulations ensuring the safety and quality of local and imported food products, and the development of quality standards and specifications for various agricultural products. Furthermore, the strategy seeks to strengthen the capabilities and role of the National Food Safety Authority.

Given the economic challenges faced by the country, there is a pressing need for increased parliamentary attention to implement the outcomes outlined in the National Human Rights Strategy, particularly in relation to economic and social rights. This approach is crucial to effectively address the growing challenges faced by citizens.

3. Promoting Human Rights of Women, Children, People with Disabilities, Youth, and Elderly

The National Human Rights Strategy includes several laws aimed at promoting the rights of women, children, people with disabilities, youth, and the elderly. These laws are currently awaiting approval within the plans of the House of Representatives. The proposed legislative interventions include amendments to enhance women’s rights, safeguard the best interests of the child, and facilitate women’s access to their rights and those of their children without unnecessary delays.

Additionally, there is a need to pass a law to prevent child marriage, strengthen measures to combat forced and temporary marriages, and consider amendments to Chapter Two of the Children's Law, specifically the section on Social Welfare to ensure that children, regardless of their parentage or circumstances, enjoy all their rights, particularly in terms of
health and education. Furthermore, comprehensive legislation is being developed to promote the rights of older people.

4. Focus on Education and Capacity Building in the Field of Human Rights

Parliament can play a significant role in implementing this aspect by prioritizing human rights legislation and demonstrating a genuine interest in the subject. It is crucial to affirm the importance of human rights and give it the necessary attention in the work of Parliament.

Furthermore, the promotion of a culture of human rights necessitates the inclusion of citizenship, tolerance, and non-discrimination as fundamental pillars in educational curricula and methodologies. Concrete steps should be taken to integrate human rights concepts and principles into pre-university education curricula through collaboration between Parliament, the government, and civil society organizations.

Recommendations:

- Announce the fourth session of the House of Representatives, titled "National Strategy Session," to finalize most of the legislation related to the strategy.
- Give priority to completing essential legislation in the area of civil and political rights during the fourth session of the House of Representatives. This includes laws such as the Freedom of Information, Statistics, and Official Data Law, Whistleblower and Witness Protection Law, a comprehensive law to combat all forms of violence against women, and necessary amendments to the Code of Criminal Procedure to address issues related to pretrial detention.
- Parliament shall exercise effective oversight by monitoring the implementation of the national strategy by all relevant executive institutions. At the end of the fourth session, a comprehensive report shall be issued, evaluating the strategy's implementation in all its aspects.
- Foster cooperation between the House of Representatives, the Permanent Supreme Committee for Human Rights, and civil society organizations to develop an executive action plan for the strategy. This plan shall outline the roles assigned to each party in achieving the targeted outcomes of the strategy within specified time frames, ensuring timely implementation.
- Facilitate coordination between House of Representatives and General Secretariat of the National Dialogue to translate the objectives of the national strategy, as agreed upon in the outcomes of the National Dialogue, into legislative measures and tangible outcomes.
- Encourage Parliament's engagement in educational and capacity-building initiatives to promote human rights. This can be achieved by organizing joint events with
government institutions and civil society organizations to disseminate a culture of human rights and foster respect for them.

Establish a new ministerial portfolio dedicated to human rights for coordinating efforts among various ministries and agencies in Egypt to advance human rights and oversee the implementation of national human rights plans, including the goals outlined in the National Human Rights Strategy.