



Economic and Social Council

Distr.: General
13 December 2013

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the combined second to fourth periodic reports of Egypt*

1. The Committee on Economic, Social and Cultural Rights considered the combined second to fourth periodic reports of Egypt on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/EGY/2-4) at its 45th and 46th meetings, held on 14 November 2013 (E/C.12/2013/SR.45-46), and adopted at its 68th meeting, held on 29 November 2013, the following concluding observations.

A. Introduction

2. The Committee appreciates the submission of the combined second to fourth periodic reports of Egypt (E/C.12/EGY/2-4), noting, however, that the delay in its submission following the report considered in 2000 had prevented the Committee from maintaining a regular dialogue with the State party. While also appreciating the replies to the list of issues (E/C.12/EGY/Q/2-4/Add.1), it regrets that the State party did not submit this within the deadline required.

B. Positive aspects

3. The Committee welcomes the State party's ratification of the following instruments since the last dialogue in 2000:

(a) Accession to the Convention on the Rights of Persons with Disabilities, in 2008;

(b) Ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2007; and

(c) Ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2002.

4. The Committee notes with appreciation the State party's efforts to promote the implementation of economic, social and cultural rights, which have included the:

(a) Adoption of a National Programme to reduce disabilities in 2009;

* Adopted by the Committee at its fifty-first session (4-29 November 2013).



- (b) Adoption of Law No. 71/2009 providing for care of psychiatric patients; and establishment of regional councils for mental health;
- (c) Criminalization of female genital mutilation under Law No. 1266/2008 and art. 242 bis of the Penal Code;
- (d) Amendment of the nationality law, which allows for Egyptian nationality to be granted to the children of an Egyptian mother married to a foreigner, in 2004; and
- (e) Adoption of the Labour Act of 2003 which seeks to protect the right to work.

C. Principal subjects of concern and recommendations

5. The Committee is concerned about current uncertainties regarding safeguards for the State party's National Council for Human Rights to maintain full compliance with the Paris Principles relating to the status of national institutions including with regard to the selection and terms of reference of its members.

The Committee urges the State party to ensure that the legal provisions governing its National Council for Human Rights fully comply with the Paris Principles, particularly with regard to the selection, appointment and removal of members, access to places of detention and confinement and its mandate to promote and protect human rights. In doing so, the State party is also urged to ensure adequate human, technical and financial resources to the National Council for Human Rights to enable it to effectively discharge its mandate in full conformity with the Paris Principles. In this light, the Committee refers the State party to its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

6. The Committee is concerned that the reduction in the proportion of budgetary resources allocated for health, education and housing has resulted in retrogression in the effective enjoyment of the rights enshrined in the Covenant, disproportionately impacting disadvantaged and marginalized individuals and groups. The Committee is also concerned at the increasing recourse to regressive indirect taxes without prior assessment of their potentially severe human rights impacts and careful consideration of more equitable revenue collection alternatives (art. 2, para. 1).

The Committee recommends that the State party increase the proportion of its budget allocated to sectors directly related to the Covenant rights, particularly health, education, housing and food. In doing so, the State party should ensure a budget formulation process that allows for meaningful inputs of stakeholders, including civil society. The Committee also reiterates its previous recommendation (E/C.12/1/Add.44, para. 28) and urges the State party to ensure that obligations under the Covenant are taken into account in all aspects of its negotiations with international financial institutions, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined. The Committee also draws the attention of the State party to its general comment No. 3 (1998) on the nature of States parties' obligations and general comment No. 19 (2007) on the right to social security.

7. The Committee is deeply concerned about corruption in the State party and the inadequate implementation of measures to combat it, which has adversely affected the State party's ability to mobilize available resources to the maximum extent (art. 2, para. 1).

The Committee recommends that the State party step up its efforts to strengthen its national legislation to combat corruption at national, governorate and municipal levels. The Committee also recommends that the State party ensure that the legislation

is effectively implemented, including through allocating sufficient human, technical and financial resources. In doing so, the Committee further urges the State party to ensure commensurate sanctions, including criminal sanctions, for perpetrators of corruption.

8. The Committee is concerned that the State party's legislation fails to provide full protection against discrimination on all the grounds prohibited by the Covenant (art. 2, para. 2).

The Committee urges the State party to adopt comprehensive legislation on non-discrimination to eliminate formal and substantive discrimination. It also calls on the State party to ensure that its laws effectively prohibit and provide sanctions for discrimination in all fields of economic, social and cultural rights, in line with the Covenant provisions. The Committee further refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

9. The Committee is concerned about the serious widespread discrimination against women, particularly with regard to their low representation in the workforce, disadvantageous wide wage gap, and prevalence of employment in the informal sector. The Committee is equally concerned that there continue to be laws that discriminate against women in the context of divorce and inheritance. Furthermore, the Committee is concerned about the low number of women in decision-making positions and the withdrawal of reservation of seats for women in parliament (art. 3).

The Committee recommends that the State party take steps to enhance the participation of women in the labour force. The Committee also recommends that the State party ensure adequate legislation to guarantee employment conditions and fair and equal remuneration for women that is in compliance with the Covenant. In doing so, the State party should place particular emphasis on addressing these issues in the informal employment sector. Furthermore, the Committee recommends that the State party consider adopting temporary special measures for promoting the substantive equality of women and men in all areas, in particular in the areas of employment, and participation in political and public life, including in parliament.

10. The Committee is concerned that the unemployment rate is very high and continues to rise, particularly for women and youth. In this context, it is also concerned about the lack of a national plan to effectively promote job creation and realize the right to work (art. 6).

The Committee urges the State party to develop, in consultation with civil society, a coherent labour market policy for addressing unemployment and to include information in its next State party report on the progress achieved. The Committee also recommends that the State party increase its efforts to combat unemployment through specifically targeted measures, in particular aimed at women and youth, including by addressing imbalances between education and labour markets by improving the quality of technical and vocational training and education.

11. The Committee is concerned that the legal minimum wage does not guarantee a decent standard of living and is not linked to inflation rates. Furthermore, the minimum wage only applies to public sector workers (art. 7).

The Committee recommends that the State party ensure that the national minimum wage applies to both the private and public sector and is set at an adequate level which is linked to inflation rates and subject to periodic review, to provide all workers and their families with a decent standard of living, and strengthen its efforts towards the progressive increase of the minimum wage.

12. The Committee is concerned about the high percentage of workers employed in the informal sector without adequate safeguards and especially vulnerable to violations of the right to just and favourable conditions of work (art. 7).

The Committee recommends that the State party take steps to ensure the compliance of its labour law with the provisions of the Covenant and extend the application of its labour law to all workers, including to those working in the informal sector.

13. The Committee is concerned that the State party's legislation allows only for limited union and syndicate freedoms. Moreover, the Committee is concerned that, pursuant to Law 35/1976 of the State party, the Egyptian Trade Union Federation (ETUF) is the sole trade union structure mandated under law and that Decree 97 of November 2012 further undermines trade union activities by empowering the Ministry of Manpower with the authority to appoint replacements to vacant trade union offices. The Committee is also concerned that persons criticizing ETUF have been subject to criminal prosecution. Furthermore, the Committee is concerned that the State party's legislation, including its Penal Code and Labour Law, imposes disproportionate restrictions on strikes (art. 8).

The Committee recommends that the State party amend legislation on the right to association to ensure compliance with the Covenant, particularly with regard to the recognition of independent labour unions. Furthermore, the Committee recommends that the State party amend section 19 (f) of the Trade Union Act No. 35 of 1976, as amended by Act No. 12 of 1995, to allow workers the freedom to join and form unions of their choice, including in the same work sector, in accordance with the provisions of the Covenant. The Committee also recommends that the State party strengthen legal provisions protecting striking workers from reprisals.

14. The Committee is concerned that the majority of the population, particularly those employed in the informal sector, is not adequately covered by social security. Furthermore, the Committee is concerned at the insufficiency of social assistance and support programmes for socioeconomically disadvantaged individuals and families (art. 9).

The Committee recommends that the State party take steps to adopt national legislation and establish an implementation strategy to ensure universal access to social security, providing for a minimum essential level of benefits to all individuals and families, including access to health facilities. The Committee also recommends that the State party ensure that the strategy is effectively implemented, including through allocating sufficient human, technical and financial resources and monitoring its implementation through the regular collection of disaggregated statistics.

15. The Committee is deeply concerned at the high incidence of sexual violence against women, including gang rapes of women participating in demonstrations and protests. Moreover, the Committee is concerned at the lack of effective preventive measures and accountability measures taken by the State party to address this grave situation (art. 10).

The Committee recommends that the State party take concrete legislative and enforcement measures to eliminate all forms of violence against women, including marital rape, and sexual violence against women participating in protests and demonstrations. In doing so, the State party should ensure effective and accessible reporting channels and protection measures that are sensitive to victim needs and confidentiality. The State party should also ensure the enforcement of appropriate criminal sanctions against perpetrators of violence against women, including by monitoring the number of prosecutions and convictions in this regard.

16. The Committee is concerned that female genital mutilation continues to be widely practiced, including on so-called medical grounds, and the criminalization of the practice has not been followed up with prosecutions (art. 10).

The Committee recommends that the State party take concrete measures to ensure the effective implementation of its legislation criminalizing female genital mutilation. The Committee also recommends that the State party enhance its awareness-raising campaigns to address the sociocultural tolerance or acceptance of this harmful practice.

17. The Committee is concerned that child labour is widely prevalent, in particular in rural areas. The Committee is concerned that the State party does not have legislation that clearly stipulates a minimum age for employment that is in compliance with the Covenant (art. 10).

The Committee recommends that the State party take steps to strengthen its national legislation prohibiting child labour in accordance with International Labour Organization (ILO) Convention No. 138 (1973) concerning Minimum Age for Admission to Employment and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in all sectors, including in agriculture, domestic service, family farms and businesses. The Committee also recommends that the State party ensure that the implementation of legislation pertaining to child labour is effectively monitored and enforced, including through labour inspections in agriculture and the informal sector, ensuring that perpetrators of child labour are held accountable and that victims of child labour are rehabilitated and ensured access to education. The Committee recommends that the State party undertake awareness-raising campaigns with a view to eradicating child labour.

18. The Committee is concerned at the increased rates of food insecurity, particularly in rural areas and among families in vulnerable situations. The Committee is concerned that retrogressive measures, such as the reduction or removal of subsidies, without adequate alternative support measures, disproportionately impact vulnerable and marginalized groups (art. 11).

The Committee urges the State party to expeditiously assess the human rights impact of the reduction in food subsidies and undertake immediate measures to address the retrogression in the right to adequate food.

19. The Committee is concerned at the high proportion of the population, particularly those in rural areas, that does not have adequate access to safe drinking water and sanitation (art. 11).

The Committee recommends that the State party take effective measures to ensure access for all to safe drinking water and adequate sanitation, including by ensuring legal recognition of the right to water and adequate sanitation. In doing so, the Committee recommends that the State party develop and implement a national plan to ensure access for all to safe drinking water and adequate sanitation. Adequate human, technical and financial resources should be allocated to it and its implementation monitored through the regular collection of disaggregated statistics. The Committee also refers the State party to its general comment No. 15 (2002) on the right to water and the recommendations of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation from her mission to the State party in 2009 (A/HRC/15/31/Add.3/Corr.1).

20. The Committee is concerned at inadequate investment of the State party in affordable housing resulting in a high percentage of the population living in informal settlements which do not have adequate infrastructure or facilities. It is also concerned about widespread forced evictions due to the lack of secure tenure (art. 11).

The Committee recommends that the State party take steps to ensure that ownership of houses and land is formally registered, and that the State party actively raise awareness among affected groups of the population, including through the dissemination of knowledge, on relevant legal provisions and registry procedures. It recommends that the State party establish legal definitions for, inter alia, adequate housing, informal settlements and security of tenure, including with regard to the Egypt 2052 Plan, that are in compliance with the Covenant. Moreover, the Committee recommends that the State party ensure that persons affected by forced evictions have access to an adequate remedy, restitution of their property and compensation, as appropriate, taking into account the Committee's general comment No. 7 (1997) on the right to adequate housing: forced evictions. The Committee also draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing.

21. The Committee is concerned that health-care expenditure as a percentage of the budget of the State party has declined significantly; resulting in a fragmented and increasingly privatized health-care system. It is also concerned that this results in a large percentage of the population, particularly those in vulnerable situations, being excluded from health insurance and deprived of access to health facilities, goods and services. Moreover, the Committee is concerned that the highly fragmented structure of the State party's health-care system is exacerbating the resource scarcities that are resulting in poorer health outcomes for the population which, inter alia, include increased maternal mortality rates and decreased rates of vaccination (art. 12).

The Committee recommends that the State party increase public spending on health with a view to providing health insurance for all, non-discriminatory access to health facilities, goods and services, provision of essential medicines, access to reproductive, maternal and child health care and immunization against major infectious diseases. Furthermore, the Committee recommends that the State party undertake measures to ensure effective intersectoral coordination on health programmes and policy, particularly with regard to addressing geographic disparities in the provision of health care.

22. The Committee is concerned that the State party has decreased the budgetary share of its expenditure on education, resulting in poor quality public education, particularly in rural areas and informal settlements, and exacerbating the problem of unequal access to education for children in vulnerable situations (arts. 13-14).

The Committee recommends that the State party increase its expenditure in education. In doing so, the Committee recommends that the State party prioritize educational reforms that ensure the equitable provision of free and quality education for children in rural areas and/or situations of socioeconomic vulnerability and ensure the regular review of quality of teaching and school conditions.

23. The Committee is concerned that the destruction of churches by violent rioters has resulted in hindrances to the full enjoyment of cultural life by Copts, including freedom of worship (art. 15).

The Committee urges the State party take steps to ensure the full and unrestricted enjoyment by all persons, including the Copts, of their right to take part in cultural life, including through the protection of places of worship. It also invites the State party to facilitate the reconstruction of damaged places of worship. The Committee also refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

24. While appreciating the State party delegation statement that the Covenant had been directly invoked in the case concerning a strike by railway workers, the

Committee recommends that the new Constitution currently under preparation should guarantee the direct applicability of the Covenant in the domestic legal order.

25. The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

26. The Committee encourages the State party to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

27. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report.

28. The Committee encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion of the present concluding observations at the national level and facilitate their participation prior to the submission of its next periodic report.

29. The Committee requests the State party to submit in a timely manner its fifth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 November 2018.
