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Committee on Economic, Social and Cultural Rights

Fifty-first session

Summary record of the 45th meeting

Held at the Palais Wilson, Geneva, on Thursday, 14 November 2013, at 10 a.m.

Chairperson: Mr. Ribeiro Leão (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined second, third and fourth periodic reports of Egypt (E/C.12/EGY/2-4; E/C.12/EGY/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Egypt took places at the Committee table.*

2. **Ms. Hassan Abd El Latif** (Egypt) said that the State party had established specialized institutions to protect human rights and fundamental freedoms, in accordance with its international obligations, and had launched ambitious projects to promote human rights values and make those rights a reality for its citizens. For example, it had set up: national human rights monitoring networks which enabled the various participating entities to ensure that human rights were upheld; the National Council for Human Rights, which had been established pursuant to Act No. 94 of 2003 as an independent national institution in conformity with the Paris Principles; the National Council for Women; and the National Council for Childhood and Motherhood.

3. Civil society organizations constituted one of the pillars of the human rights system in Egypt. Thus, Act No. 84 of 2002 on associations now permitted the establishment of civil society organizations for the defence of human rights and the opening of local branches of international organizations. The number of human rights defence associations was rising. A bill regulating the activities of those organizations was being drafted, taking into account their concerns and comments.

4. In conformity with the still current 1971 Constitution, the Covenant was an integral part of Egyptian law. It could be directly invoked before the courts, as recommended in the Committee's general comment No. 3. Since promoting gender equality was among the Millennium Development Goals, a number of laws and decrees had been adopted during the period under review to promote such equality. Act No. 12 of 2003, on labour, enshrined the right to work and gave employers the right to recruit candidates of their choosing. It also set out penalties for infringing the right to work and guaranteed the right to unionize. Egyptian law also established the principle of health and safety in the workplace. The National Council for Wages had set the minimum wage of public service employees at 1,200 Egyptian pounds (LE).

5. The Government had adopted a range of social security programmes to meet the basic needs of low-income families. It also paid allowances for children with disabilities, widows and older persons. During the period 2010–2011, 6 million people had received social security benefits. In order for families to continue to play their part as the heart of society, the State had taken various protective measures, such as granting tax exemptions to working women and establishing family courts. It had also amended legislation to protect women, for example by raising the marriageable age and criminalizing female genital mutilation.

6. In order to guarantee people's right to an adequate standard of living, the State party had put in place policies to mobilize and develop the country's natural resources. It granted food subsidies and was seeking to increase the area of arable land and improve the country's food self-sufficiency. The Government strove to guarantee the right to housing, especially for low-income individuals, by building new homes and making it easier to obtain loans. Some 175,000 new social housing units would be built in 2013–2014. The public health sector's budget had grown by 5.3 per cent, totalling LE 27.4 billion for the

period 2012–2014. The State had spent LE 2.8 billion on medical treatment for the most underprivileged in 2012–2013, compared with LE 1.8 billion in 2010–2011.

7. The Government was continuing its reforms to implement the right to education, and the enrolment rate was 95.4 per cent at the primary level. The goal of current efforts was to improve school infrastructure, strengthen teachers' skills, and increase the use of information and communication technologies in education. The Government had also incorporated human rights into curricula and training programmes. To ensure equal opportunity and integrate persons with special-needs in the education system, the number of specialized schools and classes had increased in the provinces. In 2011, the decision had been taken to integrate special-needs children in mainstream schools. There were now 23 public universities, 27 private universities and 135 higher education establishments in Egypt. Every university had a department responsible for assessing the quality of teaching. The Government attached great importance to national culture and cultural diversity, and was striving to improve the population's access to culture by building libraries, theatres and auditoriums in the various regions.

8. **Mr. Dasgupta** (Country Rapporteur) requested further information regarding civil society participation in the preparation of the State party's periodic report. He wished to know whether the Covenant had ever been invoked before the courts. He asked whether there were plans to modify the status of the National Council for Human Rights so as to ensure that it was in conformity with the Paris Principles, and requested additional information regarding the Council's mandate and the appointment of its members. He would welcome an explanation of the drop in expenditure on health, education and food subsidies as a percentage of GDP.

9. He asked how the State party was fulfilling its commitment to ensure, within its available resources, that the population was able to exercise its economic, social and cultural rights. He enquired how decisions were taken regarding bilateral loans and international assistance, in particular aid from the International Monetary Fund and the World Bank. Had Egypt agreed to the Fund's conditions for lending its support? He wished to know whether the new constitution would prohibit all grounds for discrimination listed in the Covenant as well as all forms of gender discrimination, and whether it would guarantee equal rights between men and women. He also asked whether the Government intended to take affirmative action measures to benefit women, such as instituting a quota of female representatives in parliament.

Articles 1 to 5 of the Covenant

10. **Mr. Tirado Mejía** enquired about the current status of NGOs in Egypt. Noting that the members of the National Council for Human Rights had been appointed by presidential decree on 22 August 2013, he asked how independent the institution was. Regarding women's rights, he wished to know whether the divorce law was still in force and whether it guaranteed equal treatment of men and women. He asked whether anyone had been convicted pursuant to the act prohibiting female genital mutilation and whether awareness-raising campaigns had been carried out on that topic. He wished to know why there was no minimum representation of women in the People's Assembly. He expressed concern at the large number of rape victims among members of civil society organizations and requested further details. He asked about progress achieved in the policy to combat discrimination against Copts.

11. **Mr. Schrijver** asked why Egypt had submitted its periodic report so late. Pointing out that the core document did not refer to the rights enshrined in the Covenant, he invited the State party to update it. He asked whether the Government took an approach based on economic, social and cultural rights when allocating the considerable foreign aid Egypt received.

12. **Ms. Shin** asked whether civil society, particularly NGOs working in the field of economic, social and cultural rights, was consulted regularly. She requested additional information regarding the law on NGO activities and asked whether the draft constitution prohibited violence against women.

13. **Mr. Atangana** asked what measures were being taken to reduce the country's external debt.

14. **Mr. Abashidze** asked what measures were being taken to ensure that the population could exercise their economic, social and cultural rights during a period of political instability. He asked whether workers had ever lost their jobs for political reasons.

15. **Ms. Bras Gomes** asked how the authorities took care not to adopt regressive measures and what procedures were in place to guarantee the involvement of the public in the preparation of the various plans and programmes. She asked whether the authorities intended to adopt a far-ranging anti-discrimination law.

16. **Mr. Sadi** said that the delay in submitting periodic reports gave the impression that the State party did not pay due attention to the Covenant. He invited the delegation to explain how the authorities planned to include the provisions and principles of the Covenant in the new constitution and to reconcile the principles of sharia law with the principles of equality enshrined in international instruments.

17. **Mr. Mancisidor** asked how the governance of the organizations grouping the 11 Nile basin countries could be improved.

18. **Mr. Kerdoun** asked the delegation to explain how the commission charged with drafting the new constitution worked and whether its members consulted civil society. He asked whether the new constitution would be adopted by parliament or by referendum and whether human rights, especially economic, social and cultural rights, would be included.

Articles 6 to 9 of the Covenant

19. **Ms. Shin** asked what steps were being taken to reduce the high youth unemployment rate, especially among women, and what measures were being considered to keep the proportion of women in the informal sector from growing. She enquired whether there was a minimum wage in the private sector. She encouraged the Egyptian authorities to ensure that human rights were taken into account in their negotiations with the international financial institutions. She noted with concern that only one union was authorized per sector and that Act No. 12 of 2003 and article 124 of the Criminal Code severely curtailed the right to strike. She asked what complaints mechanisms were available in case of violations of article 8 of the Covenant.

20. **Mr. Schrijver** asked what specific programmes of action the authorities could undertake, perhaps with the help of the International Labour Organization (ILO), to counter youth unemployment, and how many people were members of a union.

21. **Ms. Bras Gomes** asked whether the authorities intended to adopt a national employment plan, including measures for the most underprivileged groups, and to fix a social protection floor, as defined by ILO. Noting that article 14 of the Constitution linked wages to productivity, she asked how the minimum wage could guarantee a minimum decent standard of living and she had questions about the cap on contributions to the social security scheme and about how the authorities ensured that social assistance reached those who needed it most.

22. **Mr. Sadi** said he wished to know how many Egyptians earned enough to ensure a decent standard of living, which sectors were targeted by the restrictions on the right to strike and what measures were planned to combat child labour.

23. **Mr. Martynov** asked how the authorities ensured that job creation was included in the assistance programmes and projects offered by other countries and financial institutions. He also asked whether the authorities were planning to review legislation, especially the Labour Code, once the new constitution was adopted and whether the State party had an adequate data-collection system for informed decision-making regarding economic, social and cultural rights.

The meeting was suspended at 11.45 a.m. and resumed at 12.05 p.m.

24. **Mr. Khalil** (Egypt) said that international treaties were ranked with national legislation and could therefore be directly invoked before the courts. In fact, some railway workers who had been dismissed pursuant to a criminal provision prohibiting the right to strike had won their case by invoking the Covenant, which had been ratified later. Moreover, following the consideration of Egypt's initial report, his Government had called for the right to strike to be enshrined in legislation and the procedures for its exercise to be spelled out. A number of recent Constitutional Court decisions had upheld the right to equality and broadened the scope of the principle of non-discrimination by defining additional grounds for discrimination.

25. Corruption was a serious problem which hindered the country's development by depriving it of vital resources. It was, therefore, of major concern to the Government which had secured the adoption of laws regulating financial and banking transactions, among other things. A national anti-corruption committee had been established, a national programme of action had been put in place to prevent and punish corruption, and many cases had been brought before the Public Prosecutor's Office, some electronically. The Government had also concluded international agreements and set up mechanisms to recover embezzled funds invested abroad.

26. All forms of violence against women, harassment of women in the workplace, kidnapping, murder and the gang rapes which had occurred during the 2011 demonstrations were at the heart of the Government's concerns. Accordingly, it had ensured that those acts incurred heavier penalties, including capital punishment. The bill on violence against women, which NGOs had helped draft, covered all types of harassment, domestic violence and pornographic exploitation of women and protected both victims and witnesses of such violence. In response to the Committee's recommendations following the consideration of Egypt's initial report, the law had been amended in 2004 to permit Egyptian women to transmit their nationality to their children born to foreign fathers.

27. In accordance with another of the Committee's recommendations, female genital mutilation had been criminalized and had been prohibited by the Muslim and Christian religious authorities, while awareness-raising campaigns had been conducted on its harmful effects. Although some provinces and villages were free of the practice, the same could not be said of remote rural areas. Divorce was governed by the civil status law of each of the three main religions, namely, Catholicism, Judaism and Islam. Under Muslim law, women could file for divorce if they considered that their marriage had broken down but had to return the bride price to their ex-husbands. Those provisions did not affect the rights of children, and mothers continued to receive alimony.

28. An entire chapter of the draft new constitution, namely, chapter 4, was devoted to economic, social and cultural rights and included the principles of human dignity, social justice, human rights and democracy. The criminalization of corruption, as well as the obligation to combat corruption and also racial discrimination, might also be included in the new constitution. Once the basic Act was submitted to a referendum and adopted, the corresponding rights would become constitutional rights and all legislation would be revised accordingly.

29. **Mr. Ezzat** (Egypt) said that female circumcision was an African cultural and social tradition dating back to the Pharaohs. Nevertheless, pursuant to Act No. 126/2008, as amended by Act No. 242 bis of 2008, perpetrators of the practice were liable to criminal action and a penalty ranging from a fine of LE 1,000 to 5 years' imprisonment. The National Council for Childhood and Motherhood had run an awareness-raising campaign in the press, on radio and on television and had set up a dedicated helpline for victims of violence, 65 per cent of whom reported genital mutilation.

30. **Ms. Hassan Abd El Latif** (Egypt) agreed that the situation of women had deteriorated sharply in 2012 — owing to the belief of extremists that women belonged in the home — and said that the Government was pressing the “Committee of 50” to include women’s rights and the principle of gender equality in the new constitution. The Government was aware that Egyptian women were independent-minded and played a leading role in society, as demonstrated during the recent popular uprisings; it had therefore set up training sessions to give women the means to run for office. There were currently 3 female ministers and there had been 12 female members of parliament in 2012. Inheritance matters were usually governed by custom rather than religion. It could happen that, in keeping with sharia law, women received only half the amount inherited by men, but that was not systematic and depended on the situation.

31. Regarding sociocultural matters, various projects were under way to improve the access of residents of informal settlements to health and social services, drill wells for drinking water, expand the sewer system and fight female illiteracy. In addition, family assistance units had been set up in 21 governorates to combat female diseases, such as breast cancer. Although the goal was to increase the representation of women in all social spheres, the concept of quotas had been rejected as discriminatory.

Articles 10 to 12 of the Covenant

32. **Mr. Tirado Mejía** said he understood that there were nearly 3 million child workers, 84 per cent of whom were employed in agriculture, and asked whether the State party intended to run campaigns to rectify the situation. In the light of the housing shortage, the existence of informal settlements, the fact that many people had been forcibly evicted from their homes and relocated in unsanitary housing far from their place of origin and the fact that many people had settled in cemeteries, he requested further information on the Government’s plan to develop urban areas.

The meeting rose at 1 p.m.