



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirty-ninth session

### Summary record of the 574th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 3 December 2024, at 3 p.m.

Chair: Ms. Diallo

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 73 of the Convention (continued)**

*Second to fourth periodic reports of Egypt (CMW/C/EGY/2-4; CMW/C/EGY/Q/2-4; CMW/C/EGY/RQ/2-4)*

1. *At the invitation of the Chair, the delegation of Egypt joined the meeting.*
2. **A representative of Egypt**, introducing his country's second to fourth periodic reports (CMW/C/EGY/2-4), said that Egypt was proud to have been the first State to accede to the Convention. Some 10 million foreigners – refugees, asylum-seekers and migrant workers – resided on national territory where they were treated on an equal footing with citizens. In fact, the Constitution and the law prohibited discrimination on any grounds and granted foreign residents the same duties and rights as nationals, with the exception of those deriving directly from citizenship. Thus, migrant workers and members of their families enjoyed legal protection and could, *inter alia*, own property, transact business activities and take legal action. Perpetrators of discriminatory acts against foreigners that impaired equality of opportunity or undermined social justice were liable to fines and imprisonment. Egypt was also a country of origin for migrant workers, and Egyptians abroad contributed to economic development, both in their countries of destination and in their homeland.
3. The Ministry of Justice, in cooperation with the Ministry of Labour and the International Labour Organization (ILO), had recently produced a guide for workers on labour rights, international labour standards and human rights treaties. The Ministry of Labour also distributed booklets in places of work which were intended to explain to migrant workers, including those in an irregular situation, how to regularize their position and how to access complaints mechanisms. Migrant workers, in fact, had the same rights as national workers to bring complaints before labour offices and labour courts. Workers who were in an irregular situation could apply for a work permit, and they were given the opportunity to regularize their position without having to leave the country.
4. Global migration patterns had altered vastly since the Convention had first been adopted by the General Assembly of the United Nations. Technology and ease of travel meant that migration had become a complex, global phenomenon. Egypt in particular, as one of the principal host countries in a region beset by political instability, faced great challenges, including irregular border crossings, migrant smuggling and human trafficking. The Government nonetheless recognized the importance of implementing the Global Compact for Safe, Orderly and Regular Migration, and continued to adhere to its policy not to detain migrants, refugees and asylum-seekers in camps but to integrate them into local communities and to provide them with healthcare, education and work on an equal footing with citizens.
5. Migrants benefited from healthcare coverage under the Comprehensive Health Insurance Act No. 2 of 2018, receiving screening and treatment for such conditions as anaemia, hepatitis C and cancer. The Act also envisaged free family planning services as well as special programmes for women's health and health in schools. The possibility of including refugees and migrants under comprehensive social health insurance was in the process of being examined.
6. The Government was seeking to improve conditions for migrants in Egypt who worked in the informal sector, particularly women. To that end it had, *inter alia*, set up a database of foreign workers, acted to integrate the informal economy into the formal sector, reduced the fees informal workers were required to pay in order to regularize their position and provided financial and administrative facilities to encourage small-scale entrepreneurship. The authorities also conducted checks on employers to ensure that they were not subjecting their foreign workers to exploitation or harassment. The National Council for Women had been vested with the authority to receive complaints from female migrant workers.
7. On a separate front, a new law regulating asylum in Egypt had recently been approved by the House of Representatives, which included provision for the creation of a standing committee to decide on asylum requests that reported directly to the Prime Minister. Under

the law, the committee was to give priority to applications from persons with disabilities, older persons, pregnant women, unaccompanied children and victims of torture and other forms of violence. The new law also envisaged support and protection for refugees, to be delivered in cooperation with international partners, and it recognized refugees' religious and property rights. The Government was also working with experts from ILO on new labour laws and laws to regulate domestic work.

8. Thanks to investments in large-scale infrastructure projects, unemployment had fallen from 13 per cent in 2013 to 6.5 per cent in 2023, while wages had risen in both the public and private sectors. Nonetheless, Egypt still faced considerable challenges due notably to political instability in neighbouring States, climate change and water and food scarcity. Although it strove to provide migrants with basic health, education and employment services, the country lacked the financial and human resources to meet the challenge alone, and the support it received from United Nations organizations and the international community was inadequate. Without further assistance, it would be difficult for Egypt to take in any more migrants.

9. **Mr. Babacar** (Country Rapporteur) said that he wished to know if the State party intended to ratify the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the ILO Migration for Employment Convention (Revised), 1949 (No. 97). He would also be interested to hear about plans to ratify other ILO conventions that had a bearing on migrant labour, notably the ILO Occupational Safety and Health Convention, 1981 (No. 155); the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); the ILO Employment Policy Convention, 1964 (No. 122); and the ILO Domestic Workers Convention, 2011 (No. 189).

10. Since Egypt had ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), it would be interesting to hear if a plan of action for the enforcement of that Convention had been put in place. Labour inspectors constituted the first line of defence for the rights of workers in general, and those of migrant workers in particular. In that regard, he wished to know if inspectors had been vested with a status and conditions of service that guaranteed their independence and impartiality, as envisaged in the ILO Labour Inspection Convention, 1947 (No. 81), which Egypt had also ratified. He hoped the delegation could provide statistics about the structure, staff and geographical distribution of labour inspection offices.

11. **Ms. Gahar** (Country Rapporteur) said that Egypt played a vital role as a guarantor of regional peace and stability. The legal framework regulating asylum – which included Act No. 111 of 1983 and the recently enacted asylum law – was an expression of the country's enduring commitment to promoting human rights and to improving conditions for refugees, migrants and members of their families.

12. She was concerned that, under article 97 of the Children's Act, children in street situations were to be considered as being "at risk of delinquency", and she wished to know if those provisions also applied to the children of migrant workers or unaccompanied migrant children, particularly those who were fleeing armed conflicts. She also wished to know if the Act was consistent with the joint general comment No. 4 (2017) of the Committee and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return. She hoped the delegation could inform the Committee about any strategies in place to protect Palestinian, Syrian and Sudanese migrant children.

13. She wished to know what strategy was in place to prevent the detention of migrants with irregular status, how many such migrants had benefited from legal provisions protecting them from sanction and what alternatives to detention had been employed. Specific examples would be welcome in that connection. It would also be interesting to hear about any strategies to protect child asylum-seekers and what technical procedures, including telephone assistance, were followed by national human rights bodies that received reports of rights violations, particularly trafficking in persons. How was the relevant guidance disseminated among professionals and victims?

14. Information would be welcome on the effect of the bilateral and multilateral agreements into which the State party had entered and their consequences for migrants'

rights. In particular, she wished to know whether those agreements guaranteed the portability of workers' rights and how vocational training was addressed in the State party's agreements with the Governments of Germany and Italy. She would also appreciate details about the programmes in place to combat migrant smuggling and trafficking in human beings and to strengthen border management, while also protecting migrants' and refugees' rights through a comprehensive approach to migration that was linked to development. She would welcome details of the regional treaties on migration and employment that the State party planned to ratify and an update on any progress made in that regard.

15. It would be interesting to know what specific policies under the Egypt Vision 2030 strategy addressed migrant workers' rights, what financial resources had been allocated to them and what the anticipated outcomes were. She would also welcome information on any mid-term evaluations that had been undertaken. She wished to know what the strategic priorities of the Supreme Standing Committee for Human Rights were and how work by civil society and other institutions to promote migrants' rights was coordinated.

16. The delegation was invited to provide details of the efforts undertaken by the National Council for Human Rights to protect the rights of migrants and their families, and to confirm whether a commission dedicated to migrants had been established and what activities had been undertaken to promote their rights and disseminate the Convention. She would also welcome details about the National Council's mechanism for complaints concerning Egyptian migrant workers. In addition, she would like to have information on the work carried out by the Climate and Development Committee in relation to migration, on the training on the Convention and arbitrary detention given to judges and the security forces and on the training on regulations relating to foreign and migrant workers given to private-sector human resources managers. The Committee would welcome details of the communication channels and tools used to disseminate legal guidance on international standards relating to migrant workers and of specific strategies to protect migrant women and girls from violence and harmful practices and to enable them to report such incidents safely and receive appropriate psychological support.

17. **Mr. Ceriani Cernadas** (Country Rapporteur) said that he wished to know what measures had been adopted in response to reports of collective expulsions on the State party's southern border, including whether investigations had been conducted and, if so, what follow-up had been given to the outcomes, and whether the National Council for Human Rights or any other body had intervened. Clarification was required as to whether persons with irregular migration status could be detained. If so, he would like to know where they were held and in what conditions; whether the National Council for Human Rights, civil society organizations and detainees' families had access to those facilities; which body made the decision to arrest them and how long their detention lasted. He wished to know what steps the State party was taking to counter anti-migrant and anti-refugee discourse.

18. It would be useful to know why Egyptian nationals were given priority over foreigners in access to specific jobs and what the impact of prioritizing them in that way had been. How was the principle of reciprocity applied in that regard, also in the light of the fact that reciprocity was inapplicable under international human rights law? He would welcome clarification as to the number of work permits issued to foreigners. In fact, while the State party had welcomed millions of persons fleeing conflict in neighbouring countries, the number of work permits issued to them numbered only in the thousands. He wished to know how foreigners without work permits earned a living and whether the decision not to grant such permits benefited the State party's economy and development.

19. The Committee would like to know the scope and impact of the State party's regularization efforts and the reasons why some migrants had been unable to regularize their status. Clarification of the cost of that procedure and the possibility of waiving it for vulnerable persons would be welcome, along with details of further measures adopted or planned to facilitate regularization. He would like to know to what extent persons fleeing the conflict in Gaza and other parts of the occupied Palestinian territories were able to enter the State party, what requirements they needed to fulfil, what status was granted to them, whether they were permitted to work and had access to social security and what protection was afforded to unaccompanied minors among them.

20. It would be interesting to know how the State party's new asylum legislation aligned with the Convention and the 1951 Convention relating to the Status of Refugees, particularly with regard to the right to appeal asylum decisions. He would welcome confirmation that the new legislation envisaged sanctions for persons who employed asylum-seekers without the necessary permits. He wished to know what specific measures would be implemented under the State party's agreement with the European Union, particularly with regard to the protection of rights. He would also like to know to what extent civil society organizations participated in migration policy, whether there was ongoing dialogue with them, whether forums for such dialogue could be established and whether those organizations could submit recommendations and criticism. Lastly, he wished to know whether migrants continued to be subjected to HIV testing, what was the justification for such testing and what procedures must be followed by migrants who tested positive and wished to enter the State party and request work permits.

21. **Mr. Charef** said that he would like to know why the figures provided by the State party were not disaggregated and what steps it was taking to address that shortcoming. He would welcome an assessment of the work of the National Coordinating Committee to Combat and Prevent Irregular Migration and Human Trafficking and details of how the State party prevented the migration of children.

22. **Mr. Corzo Sosa** said that he would welcome information on the assistance and protection provided to the Egyptian diaspora, including through the State party's embassies and consulates, and on the measures adopted to discourage migration by Egyptian citizens. He wished to know what had contributed to the success of appeals Nos. 428 and 11776 before the Supreme Administrative Court, which had overturned deportation decisions, and appeal No. 2476, which had reversed a decision to deny Egyptian nationality to the child of a migrant worker married to an Egyptian woman. In particular, he wished to know which rights the Court had upheld in those rulings and whether it had cited the Convention.

23. He wished to know what impact the Irregular Migration and Migrant Smuggling Act had had and whether the authorities could provide any statistical information on irregular migration and migrant smuggling. He wished to know, too, whether there were data on migrants with disabilities and migrant domestic workers. In that connection, he wondered whether the bill on the regulation of domestic labour had been made law and, if not, when it would be.

24. He would welcome a comment on the serious concerns recently expressed by the Committee on the Rights of the Child, which had noted that asylum-seeking and migrant children and families with children were detained for prolonged periods of time, that unaccompanied and separated children were deported without assessments of the risk of irreparable harm and that asylum-seeking and migrant children had limited access to public healthcare facilities and the health insurance system ([CRC/C/EGY/CO/5-6](#), para. 40 (a)-(c)). He would likewise welcome information on the steps taken by the State party to ensure that, as had been recommended by the Committee against Torture ([CAT/C/EGY/CO/5](#), para. 48 (d)), asylum-seekers and undocumented migrants were detained only as a last resort. Lastly, it would be helpful to learn what progress had been made towards resolving disputes arising from *kafalah* in the States that used that system.

25. **Mr. Kariyawasam** said that he would like to hear more about the special measures taken by the State party to help Palestinian and Sudanese refugees. He wished to know, too, what support was provided for the reintegration of Egyptian migrant workers who returned after long years of work abroad, not infrequently as mid-level public servants in States members of the Gulf Cooperation Council such as Saudi Arabia. He wondered whether such returning workers, who could usually not become citizens of the countries in which they had spent their careers, were, for example, entitled to tax benefits, customs privileges or preferential access to housing or land.

26. It would also be helpful to learn more about the State party's labour inspectors. He wished to know in particular how many inspectors there were, how many of them were female, what sort of training labour inspectors received, whether they were familiar with international human rights instruments, including the Convention, and what ministry or other public institution oversaw the inspectors' work. Lastly, he wondered whether the

international community, including United Nations agencies, provided support for the training of the State party's labour inspectors and, if not, whether the State party intended to seek such support.

27. **Ms. Poussi** said that, although she had read that the State party was a country of origin of migrant workers and, at one and the same time, a country of transit and destination, she wondered whether one of those qualifiers was more fitting than the others. What measures were being taken to address the challenges the State party faced in all three of those roles? She wished to know whether the National Strategy for the Empowerment of Egyptian Women (2016–2030) also envisaged measures for the empowerment of female migrants. She wished to know, too, what the outcome of the steps taken in the framework of the National Strategy to Combat Human Trafficking (2016–2021) had been, in particular as it pertained to migrant workers and members of their families. Why, moreover, if the Strategy had concluded in 2021, had mention been made only of a midterm report on the Strategy?

28. **Mr. Ünver**, noting that diasporas played an important role in international relations, said that he would welcome an account of the authorities' approach to the Egyptian diaspora. He wondered, for instance, whether diaspora support was a familiar concept and whether diaspora communities were involved in efforts to establish diplomatic or other relations in host countries.

29. **Mr. Frasherí** said that the Committee, which should be viewed as a resource to be drawn on, would like to hear not just the answers to its many questions but also what support – capacity-building assistance, for example – the State party might need from the international community.

30. **The Chair** said that she would welcome an account of the measures that had been taken to ensure that the newly adopted refugee legislation was compatible with international standards for the protection of the human rights of refugees. She wondered whether having performed military service was still a prerequisite for anyone wishing to occupy a position of leadership in a trade union and, if so, how migrant workers in the State party could occupy such positions. In addition, she wondered whether the approximately 4,000 asylum-seekers a year who, according to the State party (CMW/C/EGY/2-4, para. 21), had in recent years resettled in third countries after arriving in Egypt had done so voluntarily and what forms of support they had received from the Egyptian Government.

*The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.*

31. **A representative of Egypt** said that migrant smuggling had been an issue of concern to the authorities for nearly twenty years. Egyptian migrant workers and foreign migrant workers in Egypt were alike vulnerable to exploitation. Under the Irregular Migration and Migrant Smuggling Act, migrants who had been smuggled were considered to be victims, not lawbreakers. Stiffer penalties for migrant smuggling had been introduced in 2022. The National Coordinating Committee to Combat and Prevent Irregular Migration and Human Trafficking brought together a wide range of institutions and was overseen by the Prime Minister's Office. That arrangement attested to the importance her country attached to combating irregular migration and trafficking in persons. Awareness-raising, training and prevention were but some of the areas in which the Coordinating Committee was active. A midterm assessment of the Third National Strategy on Combating and Preventing Trafficking in Persons (2022–2026) would be completed shortly.

32. Egypt had become a country of destination for migrants as the number of arrivals in the country far exceeded the number of departures. No boatloads of migrants in an irregular situation had left the country's shores for years. The authorities worked with civil society organizations to raise awareness of the risks of irregular migration, including its links to organized crime.

33. Considerable efforts were made to communicate with migrants in languages they understood. A keychain with contact information for the Coordinating Committee, to which complaints could be submitted, was widely distributed. Shelters were accessible to both foreign nationals, documented or not, and Egyptian nationals. The bill on the regulation of domestic labour had not yet been signed into law, but she travelled the country giving talks

in which she highlighted the importance of protecting the rights of domestic workers. Data on training for relevant stakeholders would be provided in writing in due course.

34. **A representative of Egypt** said that Egypt had ratified 65 ILO conventions, including 8 that were considered fundamental. With support from ILO, Egypt was undertaking studies with a view to the possible ratification of the ILO Occupational Safety and Health Convention, 1981 (No. 155); the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the ILO Employment Policy Convention, 1964 (No. 122). It was also taking steps towards the ratification of other ILO conventions relating to migrant workers, such as the ILO Domestic Workers Convention, 2011 (No. 189) and the ILO Private Employment Agencies Convention, 1997 (No. 181).

35. Egypt had signed 38 bilateral agreements with States that hosted large numbers of Egyptian workers. Some were general framework agreements; others focused on ensuring workers' enjoyment of their rights. The *kafalah* system was an internal arrangement in the countries where it existed and could not be addressed through bilateral agreements. Such agreements did, however, address matters such as the importance of a contractual relationship, the non-confiscation of workers' passports and workers' freedom to leave the host country at the end of their contracts.

36. The independence of labour inspectors in the performance of their duties was provided for by law. Of the more than 1,500 labour inspectors in Egypt, 40 per cent were women. The Ministry of Labour, in coordination with the National Coordinating Committee to Combat and Prevent Irregular Migration and Human Trafficking, provided training to inspectors on how to raise awareness among migrant workers about their rights and the procedures for obtaining work authorizations.

37. A new labour code had been adopted following broad consultations with workers', employers' and civil society organizations and was designed to bring the country's laws into line with international conventions, particularly the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the ILO Labour Inspection Convention, 1947 (No. 81). The bill to regulate domestic work, which had been drafted in coordination with representatives of employers' and workers' organizations and other stakeholders, was expected to be adopted in late 2025, following a period of social dialogue.

38. **A representative of Egypt** said that Egyptian embassies and consulates offered a range of services to Egyptian citizens abroad, including the delivery of identity documents, passports, birth certificates, powers of attorney and marriage and divorce certificates; legal assistance; assistance in regularizing individuals' migration status; and the repatriation of the remains of Egyptian citizens who died abroad, which was done at the State's expense in cases of financial need. Further assistance was provided by labour attachés posted in embassies in countries with a large number of Egyptian workers.

39. The Government had evacuated some 77,000 Egyptian citizens from countries with a high incidence of the coronavirus disease (COVID-19) during the COVID-19 pandemic, in coordination with those countries, and had organized charter flights for Egyptians who had been stranded abroad. The Ministry of Foreign Affairs had coordinated the evacuation of citizens of various nationalities from places in crisis, such as the Gaza Strip and the Sudan, and had helped them return to their countries of origin, in coordination with those countries and with international organizations. Egyptians living abroad were able to open foreign currency accounts and use foreign currency to invest in certain savings schemes in Egypt. Tax and customs exemptions were available to Egyptians returning to Egypt with their personal vehicles.

40. **A representative of Egypt** said that protection mechanisms in Egypt were equally available to all children in the country, including the children of migrant parents and unaccompanied children. Members of the public prosecution service were impartial, independent and irremovable. The mandate of the child protection bureau established in 2020, which worked with children of all nationalities in Egypt, had been expanded in 2024 to include protection of persons with disabilities and older persons. The "16000" child protection hotline could be used by anyone, including child victims, and all reports received were immediately referred to the public prosecution service which, having verified the

reports, took immediate protection measures. Complaints could also be made using social media.

41. Child victims could receive legal and psychosocial assistance through the Ministry of Social Solidarity and the National Council for Childhood and Motherhood. Child protection cases handled by the public prosecution service included, for example, one in which five children from the Sudan who had lost contact with their family had been accommodated in a centre for unaccompanied children, and another in which prosecutors had intervened to stop the sexual abuse by a Sudanese national of his children, which had been reported by the children's mother, also a national of the Sudan.

42. The public prosecution service could order that identity documents be issued to children in cases where their lack of documents posed an obstacle to their protection. In June and July 2024, the public prosecution service had visited 290 children's institutions to ensure that the children there were well treated and had decent living conditions. Unaccompanied children whose relatives the public prosecution service could not trace were placed with a foster family or in an institution. Such children would remain in Egypt if it was found that they would be at risk if they returned to their country of origin. A manual on working with migrant children, prepared jointly by the United Nations Children's Fund (UNICEF), the public prosecution service and the National Council for Childhood and Motherhood, had been published in 2021 and was available online. Complaints concerning any form of abuse or violence against women could be made through the "15115" hotline of the National Council for Women. The complaints were then referred directly to the competent authority and investigated immediately.

43. **A representative of Egypt** said that contributions from Egypt accounted for some 70 per cent of the humanitarian assistance provided to Palestinians in Gaza and Egypt. The Al-Azhar Foundation and churches in Egypt ran awareness-raising campaigns promoting solidarity with refugees. Hate speech had been addressed under Decree No. 22 of 2022 of the Supreme Media Regulatory Council and in article 2 of Act No. 138 of 2017 on the Supreme Council for Culture. Article 53 of the Egyptian Constitution made discrimination and incitement to hatred crimes punishable by law.

44. **A representative of Egypt** said that Egypt Vision 2030, which had been launched in 2016 and updated in 2023, emphasized human-centred sustainable development. It set out a number of objectives and sought, for example, to address the challenges posed by climate change and its impact on employment, increase access to decent work, increase job opportunities for women, young persons and persons with disabilities and ensure access to healthcare and social services for foreign nationals working in Egypt and Egyptians working abroad. Quantitative and qualitative implementation targets had been set for 2025 and 2030.

45. **A representative of Egypt** said that the asylum bill, which had been prepared following extensive consultations with stakeholders and international refugee organizations, reflected all the rights set out in the 1951 Convention relating to the Status of Refugees. It provided for rights such as those to property, housing, education, healthcare and freedom of assembly and association, as well as an entitlement to apply for Egyptian citizenship and to engage in professional work and entrepreneurial activities.

46. The bill also envisaged the establishment of a standing committee for refugee affairs that would be the competent national authority in all refugee-related matters and have responsibility for reviewing asylum applications and coordinating with other government authorities. That review process was currently being conducted on behalf of the Government by the Office of the United Nations High Commissioner for Refugees (UNHCR). In order to guarantee the rights of refugees, the new committee would initially coordinate with UNHCR and other international organizations until it could carry out its role independently. Unsuccessful asylum applicants would have the right to appeal under article 35 of the bill. The provisions of the bill that criminalized the employment of asylum-seekers who had not regularized their status were intended to serve as an incentive for those persons to register with the competent authorities.

47. **A representative of Egypt** said that his country had only one report outstanding to a United Nations human rights treaty body. That was its report to the Committee on the Elimination of Racial Discrimination, which it expected to submit in January 2025.

*The meeting rose at 6 p.m.*