



**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

Sixth session

SUMMARY RECORD OF THE 50th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 23 April 2007, at 3 p.m.

Chairperson: Mr. KARIYAWASAM

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 73 OF THE CONVENTION (item 3 of the provisional agenda) (continued)

Consideration of the initial report of Egypt (CMW/C/EGY/1, CMW/C/EGY/Q/1 and
CMW/C/EGY/Q/1/Add.1)

1. The CHAIRPERSON welcomed the Egyptian delegation led by Ms Aisha Abdel Hady, Minister for Labour and Migration of the Arab Republic of Egypt, and recalled that Egypt was the first State to have ratified the Convention. Egypt, which was a sending, transit and destination country for migrants, was an excellent example of how implementation of the Convention could resolve the many problems confronting migrants. Given the specific circumstances of the country, consideration of the report and the conclusions to be issued by the Committee were particularly important for the other parties to the Convention. Recalling that a convention could only be effective if translated into concrete action, the Chairperson invited Ms. Abdel Hady to take the floor.
2. Ms. ABDEL HADY (Minister for Labour and Migration of the Arab Republic of Egypt), having introduced the members of the Egyptian delegation, said that because Egypt was convinced of the necessity of protecting the rights of migrant workers, who numbered 200 million throughout the world, it had always advocated universal ratification of the Convention. Situated at the crossroads between East and West, for centuries, Egypt had witnessed many waves of migrants, who had shaped Egyptian society, a society characterized by a culture of tolerance and respect for others, and accustomed it to accepting novelty and change, while preserving its moral values.
3. With around 4.7 million of its nationals abroad, Egypt was particularly concerned by the humanitarian dimension of migration. In its view, host countries must take a holistic approach to respect for the human rights of migrant workers. Egypt urged those countries, by refusing to reduce migrants to mere means of production, to facilitate their integration into society. It also considered that priority should be given to providing full protection to children of migrants, as the most vulnerable group, and to female migrant workers, who were particularly exposed to violence.
4. After briefly reviewing the main information contained in the initial report of Egypt (CMW/C/EGY/1) and in the written replies of the Egyptian Government to the list of issues to be taken up (CMW/C/EGY/Q/1/Add.1), Ms. Abdel Hady stressed that the exceptional measures provided for under the Emergency Act applied solely to the suppression of terrorism and drug trafficking. She recalled that the Government had set up an interministerial committee to prepare a draft counter-terrorism law which, once promulgated, should allow for lifting of the state of emergency. She further explained that the Government's proposal on amending several articles of the Constitution had been approved by a referendum on 26 March 2007.

5. Ms. Abdel Hady then described the major challenges now facing Egypt: on the one hand, the regrettable consequences for employment of the shift to a market economy (a 9 per cent unemployment rate) and, on the other, the tensions and armed conflict in the region, which triggered a growing influx of refugees and asylum-seekers, attracted by the stability of Egyptian society. She stressed the importance, in that regard, of avoiding any confusion between the situation of the 2 to 5 million Sudanese nationals who had long been settled in the country and that of recent Sudanese refugees who were arriving in growing numbers, because of the situation in the Sudan, and passing through, or remaining in, Egypt. Those two very different situations were governed by different international agreements.

6. With regard to Egyptian workers living abroad, the Egyptian authorities were looking at ways of strengthening their ties to Egypt by, for example, allowing them to participate in the country's public affairs, including through arrangements to enable them to vote in future elections and referendums. The Egyptian Government was also making endeavours to conclude bilateral agreements with neighbouring countries to control and regulate migration of Egyptian workers and examine new employment opportunities. The loss of skills that migration represented for the country could not however be ignored. Ms. Abdel Hady cited the many measures taken by her Government to protect the rights of Egyptians abroad, including, inter alia, convergence between migration policies and national economic and social development goals; improvement of manpower training programmes; sensitizing young persons to the dangers of illegal migration; the creation, in Egyptian embassies, of the post of labour attaché; regular visits by Egyptian ministers to receiving countries in order to review the situation with the competent authorities; and the establishment of an assistance fund for Egyptian workers abroad.

7. Egypt had improved its human rights defence apparatus by creating specialized, independent national councils (the National Council for Human Rights, the National Council for Protection of Mothers and Children, the National Women's Council) and establishing specialized departments within the ministries concerned. Much remained to be done, however, and the Government spared no effort to overcome the obstacles. It was therefore designing plans and programmes to update legislation in conformity with obligations arising from ratification of human rights treaties, to modernize the institutional infrastructure for human rights, to promote civil society institutions that advocated respect for others, the values of tolerance and peace, and the rejection of violence, and to raise awareness of human rights among members of the police and journalists.

8. Ms. Abdel Hady concluded by assuring the Committee that, in a spirit of cooperation and constructive dialogue, the Egyptian Government would give due consideration to the observations and recommendations made, and she encouraged the Committee to pursue its efforts to secure universal ratification of the Convention.

9. Mr. SHEHATA (Egypt) said that the events of 11 September 2001 had changed the international order and that the globalization of terrorism affected countries sending and receiving migrants. While the international context was totally different from the one in which the Convention had been signed, States' obligations under international human rights instruments still obtained. Egypt was a melting pot, where thousands of migrants had always lived in peace and the values of tolerance and respect had always been very strong. Domestic

laws applied to all, without any distinction, and international human rights instruments were duly incorporated into domestic law. The principles of transparency, accountability and dialogue guided the implementation of the Convention.

10. While Egypt spared no effort to provide food and medicine to incoming migrants, it had enormous difficulties maintaining security and guaranteeing protection to all. With regard to the tragedy in which 27 Sudanese refugees had lost their lives in December 2005, he explained that it had been an accident for which the police could not be held responsible. The Egyptian Government had asked for help to resolve the situation and help had come too late. Egypt made a general appeal to donors to help it to build its capacities in the areas of elaboration of statistics and acceleration of political and economic reforms.

11. Mr. EL JAMRI (Rapporteur) noted that Egypt was the first Arab country to have ratified the Convention and to have submitted a report to the Committee. He welcomed the State party's willingness to engage in dialogue and the abundant written and oral information which the Egyptian delegation had supplied. He noted, however, that the report under consideration and the replies to the list of issues (CMW/C/EGY/Q/1) emphasized the theoretical aspects, as opposed to the practical implementation, of the Convention. As a general rule, the delegation should report on the concrete difficulties encountered with implementation of the Convention. A number of points needed clarifying, including: the impact of the state of emergency declared in 1981 on migrants' fundamental rights; the situation of Egyptians working in the Gulf States, in particular those allegedly subject to slavery; the status and number of Sudanese nationals in Egypt and, more particularly, the reasons why some had applied for refugees status, even though, according to the State party, Sudanese migrants had the right to work and to freedom of movement in the country; the cases of ill-treatment and arbitrary detention reported by non-governmental organizations (NGOs); the assistance given to Egyptian migrants abroad, in particular clandestine migrants detained in Israel; and participation by Egyptians abroad in the political life of their country of origin.

12. Mr. ALBA said that it was regrettable that the statistics provided by the State party failed to give a clear picture of migration flows in the country; he urged the Egyptian authorities to remedy that failing. He asked for clarification of the written response to question 20 of the list of issues, indicating that non-Egyptian children whose parents were in an irregular situation could not exercise their right to a basic education, which was a breach of the Convention.

13. Mr. TAGHIZADET deplored the poor quality of the figures provided in the reply to question 1 of the list of issues. He asked whether Egypt had collected data on jurisprudence and penalties for employers who had breached the Convention, as indicated in the replies to question 14. Finally, he asked what the State party was doing to guarantee participation by Egyptians living abroad in legislative and presidential elections.

14. Mr. SEVIM asked if the State party had concluded readmission agreements with other countries and if it authorized the export or import of social security benefits. On the subject of political integration, to which the delegation had referred, he wondered whether family reunification was subject to conditions such as age limits, a minimum income or language proficiency. Finally, noting that the Convention had the same legal value as domestic law, he wanted to know what courts did if its provisions contradicted a domestic law.

15. Mr. BRILLANTES welcomed Egypt's report, which he viewed as a real argument in favour of the Convention, and expressed concern at reports that it had been drawn up without the participation of NGOs. He wanted to know whether measures had been taken to facilitate the reintegration of returning Egyptian migrants, and in which category Egypt had been placed among the countries on the "watch list" of the United States Department of State on human trafficking. Finally, he wanted to know whether Egypt capitalized on its dominant position in the Arab world to encourage other receiving countries to accede to the Convention.

16. Mr. CARRION-MENA, acknowledging that it was very difficult to gather precise data on migrants, asked about the reliability of the statistics provided. In particular, the figure in the written replies on migrants from Egypt seemed low. He was also surprised, given the large number of Egyptian émigrés, that the State party had only concluded five bilateral treaties on migration between 1966 and 1988.

17. He said that he would welcome clarification on the press regulatory body mentioned in the reply on complaints mechanisms available to migrants (question 10). Finally, he would be interested to know what impact the state of emergency, which was still in place, had on migration flows.

18. The CHAIRPERSON added that even though most destination countries were not parties to the Convention, countries of origin should facilitate reintegration of their nationals upon their return. Egypt honoured that obligation in an exemplary manner, particularly given its circumstances. Clarification would nonetheless be welcome on the measures taken or envisaged to guarantee the welfare of returning migrants.

The meeting was suspended at 4:35 p.m. and resumed at 5.09 p.m.

19. The CHAIRPERSON invited the delegation to reply to the Committee's questions.

20. Mr. SHOUKRY (Egypt) recalled that the Egyptian Government had the political will to guarantee the fundamental rights of the Egyptian population and constantly improve protection of those rights. It was making efforts, for example, to create appropriate mechanisms, train civil servants, and promote those rights, including through schools and the media. Moreover, every instrument which Egypt ratified on the protection of human rights became an integral part of domestic law and could therefore be applied by the courts in the same manner as domestic laws.

21. Political reform was not a one-off process, but an ongoing task, the speed of which depended on domestic circumstances and national consensus. Egypt was advancing steadily towards democracy, but at its own pace. In 2005, civil society had participated as an observer in the first ever multiparty presidential election and in the legislative elections, and all political forces were now represented. In March 2007, the population had voted on 34 amendments to the Constitution. The purpose of that important constitutional reform was to better reflect the state of affairs in the country, to strengthen citizens' equal rights, to encourage women's participation in public affairs, and to suppress religious parties. In addition, a counter-terrorism law was being drafted with the assistance of the United Nations and other countries. Once the text had been adopted, the state of emergency would be lifted.

22. In conclusion, Mr. Shoukry affirmed that the Government was very eager to strengthen the National Council for Human Rights. That independent body, created in 2004, was tasked with protecting and promoting human rights. It followed up on individual complaints and published an annual report, which received careful consideration and in-depth replies - circulated to the public - from the Government. The Government had also reviewed the plan of action for human rights which the Council had proposed with a view to integrating it into the national development plan for the period 2007-2012. Finally, a mediator's post would be created, at the Council's initiative, with the support of foreign countries.

23. Mr. WAHHAB (Egypt), replying to Mr. Sevim's question about the status of international treaties in Egypt, explained that once a treaty had been ratified, it became part of domestic law and acquired an intermediate status between the Constitution and the laws. If treaty provisions conflicted with applicable domestic legislation, the latter would not apply and the treaty would prevail. Moreover, if a law adopted after ratification of an international instrument ran counter to that instrument, the matter could be referred to the Constitutional Court. As an illustration of the principle of the primacy of international law, Mr. Wahhab mentioned the case of railway workers who had been prosecuted for going on strike. Their lawyer had argued that, since Egypt had ratified the International Covenant on Economic, Social and Cultural Rights, which recognized the right to strike, the provisions of the Egyptian Criminal Code which conflicted with the Covenant could not be applied. The Court had therefore acquitted the workers in conformity with the Covenant.

24. Ms. ABDEL HADY (Egypt) added that the Labour Code had been amended to include the provisions of the Covenant. As for Mr. Sevim's question about social benefits for workers returning to the country, the Minister for Foreign Affairs and the Minister of Labour worked together on that issue. Based on the experience of Morocco and Tunisia, a unit had been established to assist Egyptians abroad. There were two ways for migrant workers to have access to social benefits: firstly, the Social Insurance Acts allowed them to pay into a pension fund, whether they worked abroad permanently or temporarily, pending their return to the country; secondly, the Minister for Foreign Affairs and the Minister of Labour had created a compensation scheme, in the form of an insurance policy, that could be part of the contract between the migrant worker and the host country. Egypt accorded great importance to the issue and hoped to benefit from the experience of neighbouring States in that regard.

25. Mr. EL JAMRI (Rapporteur) asked for clarification of Egypt's reservations to the expression "family members" and to paying compensation in the event of a judicial error (question 7). He asked about the status of those reservations, since the President of the Republic, in a document of 1991, had approved ratification of the Convention subject to those reservations, while a document from 1994, on the publication of the Convention in the Official Gazette, made no mention of them. There was also a contradiction in the fact that no reservations had been made to the International Covenant on Civil and Political Rights, which Egypt had also ratified and which also contained a paragraph on compensation in the event of a judicial error.

26. With regard to question 8, he noted that one of the instruments used most frequently to inform Egyptian migrants of their rights and obligations was the Internet site with the address www.emigration.gov.eg, on which there was no mention of the Convention. As for question 11,

concerning reports that women, in practice, still needed permission from their husbands to obtain a passport, some NGOs had affirmed that the practice still obtained, while the Government maintained that it had been abolished. The Rapporteur would welcome a confirmation or denial of those reports.

27. With regard to question 17, that it was not a question of reciprocity in the Convention, but of treatment of migrant workers that was “not less favourable than that accorded to nationals of the employing state” (art. 25), whether or not an agreement existed between two States. In that connection, he would like the Egyptian delegation to identify the many international instruments which, in its view, recognized the principle of reciprocity.

28. Egypt’s reply to question 18 seemed to indicate that everything had been done to guarantee equality of treatment, including for workers in an irregular situation, and that the relevant checks were conducted in enterprises. That response would, however, be more concrete, if backed up by statistics (number of checks made, breaches identified, and penalties imposed). With regard to question 20 on the right to education of children of migrants, the decree transmitted to the Committee (which appeared incomplete) implied that it was easier to gain access to private education than public education and that the nationals of certain countries (Jordan, Libya, Palestine and the Sudan) benefited from measures of positive discrimination. The Rapporteur asked the Egyptian delegation to confirm that the children of migrants really did have access to public education, since, according to some NGOs, that was not always the case.

29. Mr. El Jamir asked what seasonal employment consisted of (question 26), what categories of migrants were involved, and what the scale of such employment was. He also asked for details about consular protection for Egyptian workers and their family members, since Egypt’s reply to question 27 referred to migrants in Egypt, while the question was about Egyptian émigrés. Egypt had given a theoretical response to question 28, on the subject of human trafficking. The utmost vigilance was required on that point, because, even if there was no trafficking in Egypt, the phenomenon was on the rise in the region. For example, Egypt was a transit zone for prostitutes bound for the Gulf States, and many Indonesian domestic workers arriving from Jordan to work in Egypt came through legal channels. Finally, “summer marriages” (lasting only for a summer) also represented a form of trafficking. Mr. El Jamir asked whether Egypt had specific legislation on the suppression of trafficking. He also wanted to know whether the Higher Committee for Emigration was in fact in operation and, if so, what its functions were.

30. Mr. ALMA wanted to know, with regard to the reply to question 25, if most workers were handled by specialized agencies licensed to export manpower, if those agencies complied with the law, and whether complaints had been brought against them. He also asked whether the tasks of the Higher Committee for Emigration, as described in article 5 of Act No. 111 1983, were only proposals, or had actually been implemented.

The meeting rose at 5.55 p.m.