



**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 51st MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 24 April 2007, at 10 a.m.

Chairperson: Mr. KARIYAWASAM

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 73 OF THE CONVENTION (continued)

Initial report of Egypt (continued) (CMW/C/EGY/1, CMW/C/EGY/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Egypt resumed places at the Committee table.
2. The CHAIRPERSON invited the Egyptian delegation to continue replying to the questions put to it by the Committee at the previous meeting.
3. Ms. ABDEL HADY (Egypt) said she wished to stress that Egypt had been the very first country to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which demonstrated Egypt's commitment to protecting migrants.
4. In response to a question about the sponsorship system for migrant workers, she said that her Government respected the domestic regulations of receiving countries and rules governing migrant workers. As a sending country, however, Egypt could not interfere in those countries' domestic affairs. The sponsorship system had been modified to enable migrant workers to change employers without being fined or otherwise penalized. Moreover, entry visas were now issued for two years rather than one.
5. The Ministry of Foreign Affairs and other ministries had investigated complaints about Egyptians being held in custody in Saudi Arabia, and had confirmed that they had indeed committed offences. It should be noted, however, that those were just a few cases, not a widespread phenomenon. Justice had to be enforced in line with the receiving country's rules and laws; nevertheless, Saudi officials should expedite legal proceedings and the Egyptians held in custody should be given access to legal counsel.
6. With regard to the issue of illegal migrant workers, she wished to highlight abuses by some companies attempting to recruit young Egyptians. To tackle such abuses, her Government was negotiating agreements with receiving countries. For example, it was in the process of implementing an agreement with Italy on the illegal migration of workers transiting through the Libyan Arab Jamahiriya on their way to Italy, as there had been cases of drownings and deaths as a result of the conditions imposed by Italian or Egyptian private companies. The agreement stipulated that the Egyptian Ministry of Labour would register, via a website, those workers wishing to travel to Italy. Workers could access the website themselves and post their curriculum vitae and additional information for potential employers. Her Government was working with Italian authorities to coordinate both countries' registries and set up an online clearing house to match workers' skills with employers' needs. The Ministry of Labour would be responsible for selecting the migrant workers who could apply for a given job. A training programme was being set up in Italy to help Egyptian migrant workers to study the Italian language and culture, to minimize the culture shock and to raise their awareness of the Convention and their rights and responsibilities. The first training course would take place in May 2007. Such agreements were

also being envisaged with other countries like Greece and Spain, and memorandums of understanding had been signed with Jordan and Morocco. The inclusion of the provisions of the Convention in agreements with other countries, regardless of their accession status, helped to promote the Convention.

7. Mr. GAMAL ELDIN (Egypt) said that while it was true that more accurate statistics could be provided on the migrant population, it was important to distinguish between the Sudanese population that had been residing in Egypt for decades and enjoyed all the rights, privileges and access to services that implied, and those who had come to Egypt as refugees or asylum-seekers in transit, mostly on their way to Western countries, stopping in Egypt because the regional office of the Office of the United Nations High Commissioner for Refugees (UNHCR) was located there.

8. The incidents of December 2005, in which a number of Sudanese refugees had died, had been the result of a cut in funding to UNHCR, which had affected the funds disbursed to asylum-seekers. That had exacerbated their already uncertain situation and the long waits for their files to be processed, and had led to their sit-in. The Government had been in an awkward position as it could neither send the group to third countries, which argued that the situation in the Sudan had stabilized, nor back to the Sudan, because of the principle of non-refoulement. The Egyptian Government and civil society had exerted pressure on the UNHCR regional office to resolve those problems. He stressed that it was the responsibility of all countries to help countries of transit like Egypt to address such inflows of refugees from countries facing civil war or other internal strife, including from Ethiopia and Somalia.

9. Ms. ABDEL HADY (Egypt) said that ensuring the political participation of Egyptians living abroad was important, in terms of both voting and standing for election to various posts. The welfare of Egyptian nationals abroad was important to the Government, as demonstrated by the new constitutional amendments.

10. Mr. SHEHATA (Egypt) said that it was a highly significant development that Egyptians abroad could now participate in the political process in Egypt. As Egypt had moved from the one-party system of the 1970s to an open, multiparty system, it was important to enhance Egypt's democratic culture and the political awareness and involvement of its population. That was true even within Egypt, where voter turnout in the most recent election remained much too low. Unfortunately, voter registration for Egyptians abroad was also low.

11. There was a need for accurate statistics on, and improved registration of, the Egyptian expatriate community. In that regard, through the consulates, the Ministry of Foreign Affairs had been holding formal and informal meetings with representatives of Egyptian expatriates to encourage expatriates to register, since their right to vote could not be guaranteed if they were not properly registered on the list of voters. Various ministries were in the process of drawing up guidelines and amending regulations in order to redress that situation before the next election.

12. Ms. ABDEL HADY (Egypt) said that the Union of Egyptians Abroad would have a vital role to play in registering Egyptian nationals residing in foreign countries. Consular staff had been requested to meet with Egyptian nationals in order to enable them to choose their representatives and to facilitate their participation in the political life of Egypt.

13. She denied the allegation that the delay in issuing travel documents to the illegal migrant workers detained in Israel had been motivated by discrimination on ethnic or similar grounds. All Egyptian citizens were equal before the law and no discrimination on any grounds was tolerated.

14. Mr. GAMAL ELDIN (Egypt) said that no distinction was made between Bedouins and the rest of the population on the groups of ethnic origin. However, since Bedouins frequently crossed borders, their country of origin was often difficult to determine. In addition, the Egyptian consular staff had examined the case in question very carefully since several of the Bedouins concerned had been involved in serious crimes and had denied their Egyptian nationality in order to avoid prosecution. He stressed that the Egyptian consular staff supervised, visited and provided assistance to every Egyptian national detained in Israel and reported to the Government on each individual case.

15. Ms. ABDEL HADY (Egypt) acknowledged the need to correct the data on migrant workers contained in the initial report, but said that the Government would need international technical and financial assistance in order to establish a reliable database on migrant workers.

16. Mr. ABDEL WAHHAB (Egypt) said that, under the Constitution, every Egyptian had the right to enrol in State schools. Under a ministerial decision of 1992, that right had been extended to foreign children, although there were some exceptions to the rule. The Minister of Education could grant permission to attend State schools and exempt pupils from the obligation to pay school fees.

17. Nothing in the law prevented workers legally residing in Egypt from bringing their family members to the country. However, no provisions were in place to allow illegal migrant workers to bring their family members to Egypt. The Government would provide the Committee with detailed written information on the issue of family reunification at a later date.

18. Ms. ABDEL HADY (Egypt) said that family reunification was a matter of highest priority for the Egyptian Government. Under the Labour Code, an Egyptian worker posted abroad had the right to be accompanied by his or her spouse, without any distinction based on gender. The provision applied to both the public and the private sectors.

19. Steps were being taken to raise awareness about the Convention and to incorporate its provisions into bilateral agreements with other countries. The Convention would be posted on the Government's website. A project was being conducted in cooperation with the International Labour Organization (ILO) with a view to raising awareness among young people of their rights and duties under the Convention and preventing them from leaving the country without reliable employment contracts. A special weekly television programme informed young people about ways of contacting Egyptian authorities abroad and the risks of illegal immigration. The issue had also been raised in a number of other programmes and round-table discussions.

20. She stressed that Egypt was not a safe haven for prostitution and rejected the accusation that it smuggled prostitutes into neighbouring countries. Egypt was neither a country of origin of nor a country of destination for victims of trafficking. However, it was a transit point for women trafficked from Eastern Europe, who entered the country on tourist visas. Legal measures were taken against people who used their tourist visas for criminal purposes.

21. Mr. GAMAL ELDIN (Egypt) said that steps would be taken to raise awareness among migrants, refugees and asylum-seekers in Egypt of the legal remedies available to them. All complaints received were examined and steps were taken to provide additional training to law enforcement agencies and to education and health staff.
22. Egypt had ratified the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Efforts were being made to combat trafficking, in cooperation with other countries. A proposal was currently being considered to set up an inter-ministerial task force that would address the problem of trafficking and consider amendments to legislation. In order to prevent trafficking without harming tourism, border police officers were being trained to identify victims of trafficking among the millions of tourists who visited Egypt.
23. Ms. ABDEL HADY (Egypt) said that young women who were trafficked for prostitution were victims of poverty and globalization, unable to get proper education and employment in their countries. The industrialized countries should provide more financial assistance to developing countries in order to alleviate poverty.
24. Mr. GAMAL ELDIN (Egypt), referring to the incorrect figures in the written documentation supplied to the Committee, said that all figures would be checked subsequently and corrected if necessary.
25. Mr. SHEHATA (Egypt) drew attention to the Protection Project run by Johns Hopkins University, which published papers on the smuggling of migrants, human trafficking and prostitution in all countries of the Middle East. Egypt had not been cited in any of those papers as a country where such problems occurred.
26. As for the role of the press in dealing with human rights complaints, he said that the multiparty system in Egypt promoted the democratic exchange of ideas. Egyptian media - whether independent, party-affiliated or State-owned - played a crucial role in addressing human rights grievances. Going beyond the role of "Fourth Estate" assigned to it by the Egyptian Constitution, the Egyptian media uncovered violations of the rights of migrant workers and focused attention on transparency and accountability in dealing with such violations. The media's work complemented that of administrative mechanisms, the National Council for Human Rights and civil society organizations. The Government appreciated the role played by the media in the promotion of the democratization process in Egypt and the observance and protection of human rights.
27. Ms. ABDEL HADY (Egypt) said that Egypt had concluded many agreements in the field of migrant workers in addition to the agreements she had mentioned earlier. Memorandums of understanding had been signed with Jordan and the Libyan Arab Jamahiriya, for example. However, Egyptian migrant workers continued to be denied an entry visa in some countries, while in others they were harassed by police, though not as a matter of official policy.
28. Egypt had concluded the Four Freedoms Agreement with the Sudan to guarantee freedom of movement, residence, work and property ownership. The agreement provided for the establishment of a joint system by the ministries concerned in order to organize the movement of manpower, and codification work was being carried out to that end. A similar

agreement concluded with Italy had led to the creation of 10,000 jobs in that country, and it was hoped that similar arrangements could be made with other countries. Under the memorandums of understanding, it was agreed that all recruitment of manpower - at all levels - would take place through the Ministry of Labour and approved employment agencies. The objective was twofold: to protect the dignity of Egyptian migrant workers and guarantee their rights, and to build up a database to provide accurate and periodically updated figures.

29. Mr. ABDEL WAHHAB (Egypt) pointed out that before an international convention could be ratified by Egypt it must be approved by parliament, in line with article 150 of the Egyptian Constitution; the Committee would be provided with a detailed written reply on that issue. With regard to the reservation entered by Egypt to article 18, paragraph 6, of the Convention, concerning miscarriages of justice, he said that all individuals subjected to a miscarriage of justice were able to seek redress. They also had the possibility of recusing a judge. Egyptian law for the purposes of prosecution, did not differentiate between Egyptians or foreigners, or between legal and illegal residents. Egypt was currently reviewing the issue of compensation in the event of miscarriages of justice.

30. With regard to the legal requirement for a woman to obtain her husband's permission before being granted a passport, he said that following a judgement of the Supreme Constitutional Court - whose decisions were binding - the relevant law had been amended.

31. With regard to the issue of the citizenship of children of migrants, he said that the Egyptian Citizenship Act was based on jus sanguinis, not jus soli. Under Egyptian law all individuals, including migrant workers, were entitled to register the birth of a child.

32. Ms. ABDEL HADY (Egypt) said, in reply to the question concerning the involvement of non-governmental organizations in the preparation of the State party's report, that while her Government respected the independence of non-governmental organizations, and had discussed relevant issues with them informally, the report reflected the point of view of the Government. Non-governmental organizations had been given full freedom to present their own report. The State party's report had taken into account questions and complaints received by bodies such as the National Council for Maternal and Child Welfare, the National Council for Women and the National Council for Human Rights.

33. With regard to the question raised concerning seasonal migrant workers, she clarified that seasonal manpower concerned Egyptian workers, not foreign workers.

34. Mr. GAMAL ELDIN (Egypt) said that membership of the inter-ministerial committee responsible for the preparation of the State party's report included members of the three national councils previously cited. The councils were not part of the executive, and their members included representatives of civil society, which the Government considered as a partner. Proposals were currently being examined concerning the broad dissemination of the State party's report, together with the Committee's concluding observations, to society in general, including civil society.

35. Mr. CARRIÓN-MENA said that the question of how the continued state of emergency affected the application of the Convention had not yet been answered.

36. Mr. EL JAMRI (Country Rapporteur) said that none of the Committee's comments should be construed as passing judgement in any way on what was happening in Egypt. The Committee members had only requested clarification from the Government in respect of information that they had received through channels such as the press, civil society and international bodies. The question relating to trafficking was nothing more than an attempt to shed light on the activities of organized crime.

37. The report put forward an estimate of over 2 million Egyptian migrants working in other countries. The delegation had reported that just 10 per cent of such migrants registered to vote at consulates. What was the source for such statistics? The delegation had referred to the system of sponsorship for Egyptian migrants working in certain host countries, and had said that any intervention on their behalf would be considered interference in the domestic affairs of the host country. However, all sovereign States had the duty to defend the rights of their citizens when their basic rights were violated. One way for the Egyptian Government to do so would be by accepting the competence of the Committee to consider communications, as set out in articles 76 and 77 of the Convention. Lastly, he asked if foreigners in Egypt had the right to work as domestic workers.

38. Mr. ALBA asked about the specific difficulties faced by persons born to non-citizens in Egypt.

The meeting was suspended at 12.10 p.m. and resumed at 12.30 p.m.

39. Ms. ABDEL HADY (Egypt) said that the state of emergency had not had any impact on the implementation of the Convention. The state of emergency was applied only to combat terrorism, which was responsible for the death of many Egyptians, undermined the country's social peace and, by deterring tourism, caused severe economic hardship, and also to combat drug trafficking, which was sapping Egypt's youth. A number of non-governmental organizations and political parties had called for the termination of the state of emergency, and a constitutional amendment and bill were currently under discussion aimed at providing a legal framework within which the State could fight terrorism while ensuring the protection of human rights and civil liberties. The Committee would receive a copy of the bill so as to ensure that its provisions would be consistent with the Convention.

40. The International Migration Programme of the International Labour Organization (ILO) had recently responded favourably to an Egyptian request for an assistance project to help compile more accurate statistics on Egyptian workers in other countries, on the basis of a questionnaire. While the sponsorship system was an internal matter for the host countries, the Government recognized that it had a duty to take action to protect its citizens when their rights were in question, and it looked into all complaints relating to that system. For example, during a recent visit to Saudi Arabia, she had herself intervened with the Ministry of Labour to defend the rights of an Egyptian nurse who had been a victim of harassment by her employer; in the end, the Saudi Ministry of Labour had authorized the nurse's transfer to another job.

41. Domestic work was not covered by labour law, and labour inspectors were not allowed to enter homes, out of consideration for privacy. In large part because of the low esteem in which domestic workers were held, there was a shortage of Egyptians in that field, and many foreigners

were hired to fill the gaps. The Government was looking into ways of modifying the Labour Code to enhance the status of domestic workers, to give them more dignity and to provide a formal framework for such work.

42. Mr. ABDEL WAHHAB (Egypt) said that Egyptian law recognized the right of persons born on Egyptian soil to have the citizenship of their parents. If the parents were undocumented, Egypt did not recognize any right to Egyptian citizenship. Egypt was not alone in that respect; between 60 and 70 per cent of countries followed the rule of jus sanguinis.

43. Mr. EL JAMRI (Country Rapporteur) said that the Committee would mention in its concluding observations the need to deal with the problems of migrant workers, be they Egyptians abroad or foreigners in Egypt, from a global perspective. Egypt needed international support to confront many of the problems afflicting the region. While it had adopted a comprehensive body of laws, there were difficulties in their practical application. The Committee would express its concern in relation to the maintenance of the state of emergency, noting the planned amendment of the Constitution and the proposed adoption of a bill on terrorism.

44. It would also cite a number of noteworthy best practices, such as the State's conclusion of an agreement with Italy that prepared Egyptian migrant workers prior to their departure for their time abroad, the care taken to inform young people that legal channels existed for work abroad and that it was not worthwhile to risk their lives as illegal immigrants, and the agreement concluded between the Government and the International Organization for Migration (IOM).

45. He called for the Egyptian authorities to halt the practices of subjecting all immigrant workers to HIV tests and of excluding from work those who tested positive. He noted, however, that similar restrictions were applied to Egyptian workers, in particular in Saudi Arabia and other Gulf States, in respect not only of HIV, but also hepatitis C. Such practices were contrary to international labour and health laws. Lastly, the Committee had learned that the Egyptian Ministry of Social Security had recently closed down the offices of the Centre for Trade Union and Worker Services (CTUWS). A number of Egyptian non-governmental organizations and trade unions, and the National Council for Human Rights, had called for a reversal of that decision. He expressed the hope that the Government would ensure that CTUWS would be permitted to carry out its activities on behalf of Egyptian workers and enterprises in the future.

46. The CHAIRPERSON said that the Egyptian Government had shown a willingness to address the needs and problems of migrant workers, and expressed confidence that Egypt would be at the forefront of such activities in the future, both for migrants in Egypt and for Egyptian workers abroad.

47. Ms. ABDEL HADY (Egypt) said that it had been a pleasure to work with the Committee, which had been fair and had set out positions of principle. Hopefully the next report would raise far fewer issues of concern. She assured the Committee that the Government would fulfil the promises the delegation had made.

The meeting rose at 12.55 p.m.