



# 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

### List of issues in relation to the combined second to fourth periodic reports of Egypt\*

#### I. General information

1. In addition to the information provided in the State party's report,<sup>1</sup> please provide detailed information on the national legal framework in relation to the Convention, including the following:
  - (a) Laws on the protection of migrant workers and members of their families under the Convention;
  - (b) Measures taken by the State party to bring its legislation into line with the Convention, in particular with regard to the detention and expulsion of persons in an irregular situation;
  - (c) Any bilateral and multilateral agreements concluded with States other than members of the League of Arab States (Saudi Arabia, Libya and Jordan) or the European Union (Greece, Italy, Germany and Kingdom of the Netherlands) concerning the rights of migrant workers and members of their families under the Convention, and their scope of application, specifying how these agreements protect the rights of migrant workers in countries of transit and destination, particularly in the context of procedures for detention, repatriation, expulsion, family reunification, social security, access to employment and transfer of funds, and also stating whether the provisions of the agreement concluded with the European Union in March 2024 are in conformity with the Convention and whether any measures have been taken to strengthen the protection of Egyptian migrant workers abroad, including the revision or amendment of such bilateral or multilateral agreements;
  - (d) Whether the State party plans to ratify regional treaties on migration and employment.
2. Please provide information on the countries of origin of migrants in an irregular situation in the State party, in particular the findings of the study on illegal migration in Egypt mentioned in the State party's report (para. 90).<sup>2</sup>
3. Please provide further information on policies and strategies relating to the rights of migrant workers and members of their families in the State party, in particular those implemented as part of the sustainable development strategy Egypt Vision 2030, under which specific services are to be provided to certain sectors of society, including migrants and refugees. Please also provide information on the human, technical and financial resources allocated to the implementation of such policies and strategies.

\* Adopted by the Committee at its thirty-eighth session (3–14 June 2024).

<sup>1</sup> CMW/C/EGY/2-4.

<sup>2</sup> Unless otherwise indicated, paragraph numbers in brackets refer to the report of the State party (CMW/C/EGY/2-4).



4. Please provide information on coordination by the Supreme Standing Committee for Human Rights among the various institutions and with civil society organizations and on the implementation of the Convention in the State party, including under the National Human Rights Strategy for the period 2021–2026, specifying in particular the available human and financial resources, monitoring activities and follow-up procedures. Please also provide information on the mandate of the Supreme Standing Committee for Human Rights and on the resources allocated to it for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.

5. Please provide information on:

(a) Measures taken to strengthen the mandate and operational capacity of the Supreme Standing Committee for Human Rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) The human, technical and financial resources made available to the National Council for Human Rights to enable it to effectively and independently carry out activities relating to the implementation of the Convention.

6. Please specify the number of complaints received by the National Council for Human Rights from migrant workers and members of their families and provide information on how they have been dealt with and the results obtained over the past five years, taking into account the information provided by the State party during the third cycle of the universal periodic review on cooperation with the National Council for Human Rights in resolving issues faced by Egyptians residing abroad and the information provided in the national report on the establishment of remote mechanisms for receiving and processing complaints from Egyptians abroad.<sup>3</sup>

7. Please provide information on the measures taken to collect qualitative and statistical data on nationals of the State party working abroad in an irregular situation. Please also provide:

(a) Statistical data, disaggregated by sex, age, nationality and migration status, and qualitative information for the past three years on labour migration to and from the State party, including returns, on other issues related to labour migration and on unaccompanied children and children left behind by migrant parents;

(b) Statistical data on infant mortality rates among migrant families and on the strategies put in place to reduce infant and child mortality and maternal mortality, and qualitative information and statistical data or, if precise data are not available, data based on studies or estimates on migrant workers and members of their families in an irregular situation in the State party and abroad, in particular those working in less regulated sectors such as agriculture and domestic service;

(c) Information on measures taken by the State party to establish a coherent and comparable system of data collection on those issues, including measures aimed at making the information public (paras. 19–25).

8. Please indicate whether the State party intends to withdraw its reservations to articles 4 and 18 (6) of the Convention. Please also indicate whether the State party plans to make the declaration under articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and individuals. In addition, please indicate whether the State party intends to ratify:

(a) The International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97);

(b) The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102);

(c) The ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);

(d) The ILO Occupational Safety and Health Convention, 1981 (No. 155);

<sup>3</sup> See A/HRC/WG.6/34/EGY/1.

- (e) The ILO Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173);
- (f) The ILO Home Work Convention, 1996 (No. 177);
- (g) The ILO Private Employment Agencies Convention, 1997 (No. 181);
- (h) The ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187);
- (i) The ILO Domestic Workers Convention, 2011 (No. 189);
- (j) The ILO Violence and Harassment Convention, 2019 (No. 190);
- (k) The Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948;
- (l) The Protocol of 1995 to the Labour Inspection Convention, 1947;
- (m) The Protocol of 2014 to the Forced Labour Convention, 1930 (para. 88).

9. Please indicate the measures taken to inform non-Arabic-speaking migrant workers of their rights under the Convention, in view of the existence of a single official language in the State party and the information provided on the countries of origin of migrant workers and on the low level of awareness of international, regional and national provisions in favour of migrant workers and members of their families. Please also describe the steps taken to:

- (a) Provide judges, prosecutors, members of the security forces, labour inspectors and other State authorities dealing with migration and related issues with training on the rights of migrant workers and members of their families, including on the Convention, to ensure that such persons are protected from arbitrary arrest and expulsion, forced labour, torture and ill-treatment, gender-based violence and violence against children, including sexual violence, and killings, and indicate what type of legal assistance is provided in such situations;
- (b) Make the Convention widely known, promote its implementation and familiarize the general public, migrant workers and members of their families and relevant professionals with its provisions.

10. Please provide information on the involvement of parliamentarians, civil society organizations and other social partners in the dissemination and implementation of the Convention, including in the preparation of the State party's periodic reports. Please indicate whether migrant workers and members of their families have access to a platform containing information on civil society organizations that can assist them. Please provide information on the measures taken by the State party to ensure that civil society organizations that assist migrant workers and members of their families and defend their rights can carry out their work in adequate and safe conditions.

11. Please indicate whether a referral unit exists for migrant workers arriving in the State party (para. 14).

12. Please provide information on laws and regulations relating to the recruitment of workers abroad by private agencies and on their implementation (para. 15).

## **II. Information relating to the articles of the Convention**

### **A. General principles**

13. Please indicate whether the provisions of the Convention have been directly applied by officials in the administration. Please also provide information on court decisions in which the Convention has been directly invoked or applied. Please provide information on the ordinary courts competent to examine and decide on complaints by migrant workers in a regular or irregular situation and by members of their families, including:

- (a) The number and type of complaints examined by such entities and their outcome, disaggregated by sex, age, nationality, field of occupation and migration status;

- (b) Whether legal assistance was provided;
- (c) Any redress, including compensation, provided to the victims of rights violations under the Convention.

14. Please also provide information on the procedures for the lodging of complaints by migrant workers in a regular or irregular situation and by members of their families and on the number and type of such complaints examined by the Egyptian civil and administrative courts and their outcome, with data disaggregated by sex, age, nationality, field of occupation and migration status.

## B. Part II of the Convention

### Article 7

15. Please describe the measures taken to ensure that all migrant workers and members of their families within the State party's territory or subject to its jurisdiction enjoy the rights provided for in the Convention without discrimination and irrespective of whether they are in a regular situation (para. 37). In particular, please provide information on:

(a) Whether there is a comprehensive anti-discrimination legislative framework that ensures, *inter alia*, that all migrant workers and members of their families enjoy the rights established in articles 1 (1) and 7 of the Convention, without distinction of any kind, and whether such legislation covers all the grounds of discrimination prohibited under the Convention;

(b) The measures taken to review the State party's legislation with a view to repealing all provisions that discriminate against migrant workers and members of their families and to adopt comprehensive anti-discrimination legislation, specifying the measures taken to explicitly prohibit and eliminate all forms of discrimination against women and girls, as well as the status of the implementation of a comprehensive strategy in this respect;

(c) The measures taken to ensure non-discrimination, the protection of labour rights and gender equality in all matters relating to migration policy, both in law and in practice, specifying the mechanisms in place to assess the individual situations of migrants in transit and to determine their protection needs without discrimination, in accordance with international human rights law, humanitarian law and refugee law;

(d) The measures taken to ensure non-discrimination and mitigate the impact of the effects of climate change, including natural disasters and environmental degradation, on the human rights of migrants and to contribute to greater climate justice;

(e) The measures taken to better inform migrant workers and members of their families, including those in an irregular situation, about the administrative and judicial remedies available to them.

16. Please provide information about any cases involving allegations of racism and xenophobia, discrimination, ill-treatment and violence directed at migrant workers and members of their families and about the legislative, administrative and judicial measures taken by the State party to prevent and combat all forms of racism, xenophobia, discrimination, ill-treatment and violence and to protect the rights of victims, including their right of access to justice. Please include quantitative and qualitative information on cases of discrimination and xenophobia, disaggregated by the victim's sex, age, nationality, ethnic origin, migration status and disability status.

17. Please clarify whether the national strategy and framework to combat violence against women and girls for the period 2015–2020 and Act No. 11 of 2011 amending certain provisions of the Criminal Code, which increases penalties for rape, abduction, indecent assault and sexual harassment in the street, extend to female migrant workers and the wives and daughters of male migrant workers. Please also indicate the number of recorded cases of violence against women and girls that specifically targeted female migrant workers and the wives and daughters of male migrant workers. Please provide information on the legislative, administrative and judicial measures taken by the State party to prevent gender-based

violence and harmful practices, including female genital mutilation, and to protect the rights of victims, including their right of access to justice.

18. Please provide updated information on measures taken in respect of residence permits, access to employment and basic health services, and maternal and child health care, including neonatal health care, and measures to combat gender-based violence. In particular, please provide information on access to birth certificates for migrant women in an irregular situation who have given birth in the State party.

19. Please provide updated information on the steps taken to set up a national anti-discrimination commission in accordance with article 53 of the 2014 Constitution and with the conclusions of the national dialogue on human rights and individual liberties, and in particular on the fate of the bill submitted by the committee in charge of the national dialogue.

## C. Part III of the Convention

### Articles 8 to 15

20. Please provide information on the measures taken to ensure in practice that migrant workers, including women migrant workers and persons in an irregular situation, are protected from forced or compulsory labour under the relevant ILO conventions on the prohibition and abolition of forced labour that the State party has ratified and transposed into its national law (para. 44). Please provide information on the measures taken by the State party to respect the liberty of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own convictions, in accordance with article 12 of the Convention (paras. 100–104).

### Articles 16 to 22

21. Please provide information on migrant workers in detention in the State party, including their nationality, and on migrant workers who are nationals of the State party and are detained abroad in States of employment or transit, specifying whether such detention is immigration-related. Please also provide information on cases of migrant workers detained at border posts and expelled, indicating whether the persons concerned were able to appeal against the expulsion decision and whether they received consular assistance from their country of origin (para. 57).

22. Please clarify whether immigration offences are criminalized in the State party and describe the due process guarantees, including the assistance of counsel and of an interpreter, that are afforded to migrant workers and members of their families who are being investigated, have been arrested or detained or are being expelled for immigration offences. Please describe the measures taken to ensure that children of migrant workers and members of their families are never detained for reasons related to immigration enforcement and that alternatives to detention that are designed to protect children's rights are available, in line with joint general comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 23 of the Committee on the Rights of the Child (2017) (para. 129).

23. Please provide information on all centres, including police, military or other facilities, that are used as migrant detention centres, on conditions of detention for migrant workers and members of their families and on the measures taken to improve those conditions, including whether persons detained for reasons related to immigration are held in facilities separate from those housing convicted persons or persons detained pending trial. Please provide updated information on the duration of detention in such centres and on the measures taken to implement the Committee's recommendation that migrant workers in an irregular situation should be detained only as a measure of last resort and with respect for due process guarantees, in line with its general comment No. 5 (2021). Please also provide information on measures taken to facilitate detainees' access to health, hygiene, food and other basic services and to protect them from all forms of degrading and inhuman treatment. In addition, please provide information on the measures taken to facilitate access to detention centres by domestic, regional and international organizations in order to monitor the human rights

situation and provide humanitarian assistance to detainees, including that offered by the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees and civil society organizations.

24. Please provide information on measures taken by the State party to improve coordination in extradition matters.

25. Please provide information on the measures taken to protect migrant workers from collective refoulement, particularly in the case of nationals of the Sudan, South Sudan, Eritrea and Ethiopia, on the availability of appeal procedures and on measures for the protection of unaccompanied children. Please provide information on the measures taken to harmonize legislation and practice with the Convention relating to the Status of Refugees, with a view to ensuring and protecting the human rights of asylum-seekers and providing protection from refoulement, particularly in the light of the information received on the new conditions of access imposed by the State party on Palestinian nationals.

### **Article 23**

26. Please provide information on the geographical distribution of embassies and consulates and on the role of embassies, consulates and labour representation offices abroad in assisting and protecting the rights of Egyptian migrant workers and members of their families, including those in an irregular situation, particularly in cases of ill-treatment, arrest, detention or expulsion. Please indicate the number of Egyptian nationals who have renewed their passports from abroad since 2020. Please provide detailed disaggregated data on the number of nationals of the State party working abroad or in transit through third States who have been arrested, detained or expelled, and indicate whether legal assistance services have been provided (paras. 124–127).

### **Articles 25 to 27**

27. Please provide details of the measures taken to guarantee in practice the fundamental rights of migrant workers, in particular those employed in the informal sector, namely the right to receive the national minimum wage and to have access to social protection and social security services, including retirement pensions, and on the data collected by the labour inspection services. Please provide information on the mechanism used by the labour inspectorate to monitor the working conditions of migrant workers in both regular and irregular situations, the number of visits carried out in this context, the notifications sent to employers and the follow-up given to complaints received, specifying the human, material and other resources made available for this purpose (paras. 58, 59 and 114).

28. Please specify the measures taken to promote access to social security and social assistance and on the registration of migrant workers, particularly women.

### **Articles 28 to 31**

29. Please report on the measures taken to ensure, in law and in practice, that children of migrant workers have full access to primary and secondary education, regardless of their migration status. Please provide data, disaggregated by sex, age, nationality and migration status, on the levels of school enrolment and attendance among children of migrant workers, in particular those in an irregular situation, in the State party's education system. In particular, please provide information on effective access to education among children of non-Arabic-speaking migrant workers in the State party. Please also provide data and information on child labour and the presence of unaccompanied children in the agricultural and informal sectors in the State party (paras. 16 and 18).

30. Please provide information on the measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families have adequate access to health-care services, including emergency medical care (paras. 58 and 60).

### **Articles 32 and 33**

31. Please describe the measures taken to ensure that migrant workers and members of their families established in the State party can transfer their earnings and savings upon the

termination of their stay. Please also provide statistical information on variations in and the amount, proportion and geographical distribution of remittances sent by migrant workers to and from the State party through both the official banking system and informal channels. Please indicate the measures taken by the State party to facilitate migrant remittances and provide data on variations in such remittances, disaggregated by country from which they are sent. Please provide information on whether there is a strategy to involve migrants in the State party's development (para. 62).

## **D. Part IV of the Convention**

### **Articles 36 to 56**

32. Please provide information on the measures taken to ensure that Egyptian migrant workers residing abroad and members of their families are able to exercise their right to vote, to participate in public affairs and to be elected to public office. Please provide data, disaggregated by age, sex and country of residence, on the number of migrant workers and members of their families residing abroad who exercised their right to vote in the 2020 parliamentary elections, and provide information on steps taken to facilitate the exercise of their right to vote (paras. 6 and 35).

33. Please describe the steps taken to:

(a) Protect the unity of migrant workers' families and facilitate the reunification of migrant workers with their spouses or persons with whom they have a relationship that, according to applicable law, produces effects equivalent to marriage, and with their minor dependent unmarried children, including in the context of expulsion procedures;

(b) Grant residence permits to family members in the case of death of a migrant worker or dissolution of marriage (para. 69).

34. Please clarify whether national legislation allows migrant workers whose remunerated activity ceases prior to the expiration of their work permit to retain their residence permit so that they are not placed in an irregular situation and whether legislation allows migrant workers to remain in the State party after their contract has been terminated for any reason in order to seek alternative employment, participation in public work schemes and retraining.

## **E. Part VI of the Convention**

### **Articles 64 to 71**

35. Please provide information on the measures taken to promote sound, equitable and humane conditions in connection with international migration of workers and members of their families and to address irregular migration to and from the State party, in particular of unaccompanied or separated children, including through multilateral and bilateral agreements, policies and programmes aimed at enhancing legal migration channels and addressing the root causes of irregular migration (para. 76).

36. Please specify the human and financial resources allocated by the State party for the implementation of Act No. 64 of 2010 on trafficking in persons, in particular to the National Coordination Committee for combating and preventing illegal migration and trafficking in persons. Please also specify which institution is responsible for centralizing efforts to combat trafficking in persons. In this respect, please provide information on:

(a) Measures taken to prevent and punish cases of domestic servitude, forced labour or sexual exploitation of migrant workers identified by the State party;

(b) Programmes to prevent trafficking in persons and to effectively protect trafficking victims and ensure their access to justice and legal remedies;

(c) Means of effectively identifying traffickers and victims of trafficking;

(d) Efforts made to effectively and impartially investigate, prosecute and punish all acts of trafficking in persons and the number of judgments issued in connection with this

crime, including information on the number of convictions, type of sentences and reparations provided to the victims;

(e) Establishment of shelters, support services and programmes to assist victims in rebuilding their lives, including assistance for their physical, psychological and social rehabilitation;

(f) Measures taken to provide adequate training to law enforcement officials, judges, prosecutors, labour inspectors, service providers, teachers, embassy and consular personnel and other relevant professionals in the State party to build their capacity;

(g) The annual budget dedicated to detecting and eliminating trafficking in persons and to providing protection to victims of trafficking;

(h) Measures taken to strengthen the collection of data on victims, disaggregated by sex, age and origin, in order to prevent smuggling of migrants and trafficking in persons;

(i) Whether victims of smuggling of migrants and trafficking in persons may be granted temporary or permanent residence permits;

(j) Measures taken to widely disseminate information on smuggling of migrants and trafficking in persons, the risks associated with irregular migration and assistance to victims, including through prevention campaigns, and measures taken to combat the dissemination of misleading information relating to emigration and immigration;

(k) Measures taken to strengthen international, regional and bilateral cooperation to prevent and combat smuggling of migrants and trafficking in persons;

(l) Measures taken to search for migrants who have disappeared and/or died in transit through the territory of the State party;

(m) Measures taken by the State party to provide in its national legislation for preventive measures, effective and thorough investigations, the use of forensic information, the exhumation and identification of remains and international cooperation with regard to the disappearance and death of migrants on migration routes under its jurisdiction.

37. Please provide updated information, disaggregated by sex, age and origin, on migrant workers and members of their families in an irregular situation in the State party who have benefited from the measures referred to in paragraph 105 of the State party's report to regularize their situation in accordance with the provisions of article 69 of the Convention. Please describe the steps taken by the State party to ensure that residence permits are accessible and affordable for migrant workers and members of their families, in particular those in vulnerable situations, including Sudanese, South Sudanese, Eritrean, Ethiopian and Palestinian nationals. Please describe actions taken by the State party, including through bilateral and multilateral agreements, to improve the protection and assistance afforded to its nationals abroad, including efforts to promote the regularization of their situation. Please provide concrete examples and the data collected in this regard.

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