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Mr. Ariranga Govindasamy PILLAY Chairperson, Committee on Economic, Social and Cultural Rights

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Dear Mr Pillay,

# 51<sup>st</sup> session of the committee on economic, social and cultural rights pre-sessional meeting on egypt

I write ahead of the pre-sessional meeting on Egypt, during the forthcoming 51<sup>st</sup> session of the Committee on Economic, Social and Cultural Rights from 21-24 May 2013.

Please find below a brief update of recent developments pertaining to Amnesty International's main concerns in relation to the state party's implementation of the International Covenant on Economic, Social and Cultural Rights.

## **1. GENERAL INFORMATION**

## COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS TREATIES

Amnesty International is concerned that provisions of Egypt's new Constitution, adopted in December 2012, may undermine the state party's compliance with its international human rights obligations. While Article 145 of Egypt's Constitution grants international treaties the force of law, it does not provide for the supremacy of international law over Egyptian legislation. In addition, the Constitution does not explicitly set out Egypt's obligations under human rights treaties to which Egypt is a state party, including the ICESCR, or make such treaties directly enforceable to all individuals under Egyptian law.<sup>1</sup>

Furthermore, Article 145 prohibits the approval of treaties "contrary to the provisions of the Constitution". In this respect, Amnesty International is concerned that in the future constitutional provisions on Shari'a law may be used to undermine Egypt's compliance with international human rights treaties to which it is a state party.<sup>2</sup> The organization notes that Egypt has already made reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), citing Shari'a law.<sup>3</sup> When Egypt ratified the ICESCR, it similarly declared that the ratification had been contingent on the treaty's compliance with Shari'a law.<sup>4</sup>

<sup>&</sup>lt;sup>1</sup> See analysis at Amnesty International, Press Release, "Egypt's new constitution limits fundamental freedoms and ignores the rights of women" (Index: PRE01/590/2012), 30 November 2012: <u>http://www.amnesty.org/en/for-media/press-releases/egypt-s-new-constitution-limits-fundamental-freedoms-and-ignores-rights-wom</u>.

<sup>&</sup>lt;sup>2</sup> Article 2 of the Constitution establishes Shari'a law as the primary source of legislation. Article 219 defines the principles of Shari'a law as being the "fundamental rules of jurisprudence."

<sup>&</sup>lt;sup>3</sup> In respect of the CEDAW, Egypt has entered reservations to Article 16 concerning the equality of men and women in all matters relating to marriage and family relations, Article 29 on disputes between state parties, and a

#### NEW RESTRICTIONS ON NON-GOVERNMENTAL ORGANIZATIONS

Non-governmental organizations (NGOs) continue to face restrictions on their activities, and have in many cases struggled to obtain official registration from the authorities and authorization to obtain foreign funding. In this respect, Amnesty International notes that the legislation regulating NGOs, including the current Law 84 of 2002, has been repeatedly criticized by United Nations (UN) human rights treaty bodies.<sup>5</sup> These restrictions have impacted on NGOs working to promote economic, social and cultural rights.

One case documented by Amnesty International is that of the Centre for Trade Union and Workers' Services (CTUWS), an NGO working to support trade unions. CTUWS had sought in 2003 and 2004 to register as an association under Law 84 of 2002. However, Ministry of Social Solidarity officials denied CTUWS registration. In late March and April 2007 the authorities forcibly closed several branches of the CTUWS, apparently in connection with CTUWS' work to inform workers of their rights during trade union elections in October 2006, and a report the organization published on the irregularities that characterized the elections. The organization was only able to re-open its offices in 2008 after it was, finally, able to successfully register under Law 84 of 2002.<sup>6</sup> However, like many human rights NGOs in Egypt it has continued to face restrictions. In February 2012, its General Co-ordinator was sentenced in absentia to six months' imprisonment for "insulting an official" (see below, Article 8 – Trade Union Rights).

Organizations working on economic, social and cultural rights were also among those reportedly investigated in 2011/2012 as part of a government fact-finding investigation into the registration and foreign funding of civil society.<sup>7</sup>

Amnesty International has also documented action taken by the authorities against human rights organizations which have agreed to represent victims of violations of economic, social and cultural

Egypt has also made reservations to another international human rights treaty to which it is a state party: The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). Egypt entered reservations concerning Article 4 of the CMW on the term "members of the family" and Article 18 para6, on compensation for migrant workers convicted of criminal offences but subsequently pardoned or had their conviction reversed.

<sup>4</sup> Egypt signed the ICESCR on 4 August 1967 and ratified it on 14 January 1982, declaring that "... Taking into consideration the provisions of the Islamic Sharia and the fact that they do not conflict with the text annexed to the instrument, we accept, support and ratify [sic] it... "

<sup>5</sup> See Committee on the Rights of the Child, *Concluding observations: Egypt* (UN Doc: CRC/C/EGY/CO/3-4), 20 June 2011, paras31-32; and Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, *Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families* (UN Doc: CMW/C/EGY/CO/1), 25 May 2007, para 9. The Committee against Torture did not refer to specific legislation, but to "The legal and practical restrictions on the activities of non-governmental organizations engaged in human rights work". See *Conclusions and recommendations of the Committee against Torture: Egypt* (UN Doc: CAT/C/CR/29/4), 23 December 2002, para 5(i). See also Human Rights Committee, *Concluding observations of the Human Rights Committee: Egypt. 28/11/2002* (UN Doc: CCPR/CO/76/EGY), 28 November 2002, para21.

<sup>6</sup> See Amnesty International, "Egypt: Closing workers advice centre against protecting workers' rights" (Index: MDE 12/015/2007), 26 April 2007: <u>http://www.amnesty.org/en/library/info/MDE12/015/2007</u>; and Amnesty International, "Message of congratulations to the Centre for Trade Union and Workers' Services (CTUWS)", 12 July 2008: <u>http://tinyurl.com/cw9q8j4</u>.

<sup>7</sup> Organizations working on economic, social and cultural rights were included in a purported list of 37 national and international organizations identified by the fact-finding committee as operating without appropriate registration, leaked by *EI-Fagr* newspaper on 22 September 2011. See Amnesty International, report, *Broken promises: Egypt's military rulers erode human rights* (Index Number: MDE 12/053/2011), 22 November 2011, p17: http://www.amnesty.org/en/library/info/MDE12/053/2011.

general reservation on Article 2 on condemning and eliminating discrimination against women in all its forms, stating Egypt is willing to comply with the content of this article, provided that such compliance does not run counter to the "Islamic Shari'a". On 4 January 2008, the Government of Egypt notified the Secretary-General that it had decided to withdraw a similar reservation to Article 9 (2) made upon ratification.

rights.<sup>8</sup> In February 2013, the Ministry of Insurance and Social Solidarity sent a letter to the Egyptian Organization for Human Rights, prohibiting it from undertaking activities with foreign "bodies" without first consulting with the security forces.<sup>9</sup> In December 2011, the Arab Centre for the Independence of the Judiciary and the Legal Profession was among a number of organizations raided by prosecutors as part of the investigation into the registration and foreign funding of civil society.<sup>10</sup>

Amnesty International's concerns are further compounded by legislation being considered by the Shura Council, Egypt's upper house of parliament, to replace Law 84 of 2002, which would make NGOs even more vulnerable to arbitrary and undue restrictions. Drafts seen by the organization would impose further restrictions on civil society, including on registration and foreign funding, and the establishment of a Co-ordinating Committee would enshrine the role of the security forces in oversight of foreign funding of civil society. Under the current law, this task falls under the Ministry of Insurance and Social Affairs and has proved problematic as foreign funding is arbitrarily withheld.<sup>11</sup>

# 2. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (ARTS. 1-5)

# ARTICLE 2, PARAGRAPH 2 - NON DISCRIMINATION

Amnesty International is concerned that Egypt's Constitution does not adequately enshrine the principle of non-discrimination.<sup>12</sup> Article 33 states that citizens "are equal in public rights and duties and they shall not be discriminated against". However a list of specific prohibited grounds, which included sex, religion and origin, was removed in the last draft, and the text adopted in December 2012 failed to mirror the non-exhaustive formulation contained in the International Covenants, as interpreted by the Human Rights Committee and Committee on Economic, Social and Cultural Rights.

In Egypt, minorities continue to suffer discrimination from the authorities and received inadequate protection from the state from sectarian violence.<sup>13</sup> Discrimination and attacks against Coptic Christians, the largest religious minority in Egypt, are particularly prevalent. Today, Copts continue to be under-represented in high public offices, positions of university presidents, as well as key security positions. Copts also faced restrictions in building and maintaining places of worship under Presidential Decree 291/2005, which made repair or expansion of Christian churches subject to a permit from the regional governor. In some instances, sectarian violence negatively affects the rights of Coptic Christians to work and to an adequate standard of living. For instance, during sectarian tensions in Wasta town in the Beni Suef Governorate in March 2013, groups of Salafi men forcibly closed of all Christian owned stores and businesses for at least a week, while the security forces failed to intervene.<sup>14</sup>

<sup>&</sup>lt;sup>8</sup> See Amnesty International, "Egypt: Know your rights: Housing is a human right" (Index: MDE 12/003/2010), 1 March 2010: <u>http://www.amnesty.org/en/library/info/MDE12/003/2010</u>.

<sup>&</sup>lt;sup>9</sup> See Amnesty International, news story, "Egypt hits 'new low' on NGO restrictions", 21 February 2013: <u>http://www.amnesty.org/en/news/egypt-hits-new-low-ngo-restrictions-2013-02-21</u>.

<sup>&</sup>lt;sup>10</sup> See Amnesty International, report, *Broken promises: Egypt's military rulers erode human rights* (Index Number: MDE 12/053/2011), 22 November 2011, p17: <u>http://www.amnesty.org/en/library/info/MDE12/053/2011</u>.

<sup>&</sup>lt;sup>11</sup> In a joint statement issued on 28 March 2013 the UN Special Rapporteurs on freedom of peaceful assembly and of association, on human rights defenders, and on freedom of opinion and expression expressed their concern at the draft legislation on civil society organizations and urged the Shura Council not to adopt it, see: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13190&LangID=E.

<sup>&</sup>lt;sup>12</sup> See analysis at Amnesty International, Press Release, "Egypt's new constitution limits fundamental freedoms and ignores the rights of women" (Index: PRE01/590/2012), 30 November 2012: <u>http://www.amnesty.org/en/for-media/press-releases/egypt-s-new-constitution-limits-fundamental-freedoms-and-ignores-rights-wom</u>.

<sup>&</sup>lt;sup>13</sup> See Amnesty International, "Discrimination against religious minorities" in report, *Broken promises: Egypt's military rulers erode human rights* (Index Number: MDE 12/053/2011), 22 November 2011, pp37-40: <a href="http://www.amnesty.org/en/library/info/MDE12/053/2011">http://www.amnesty.org/en/library/info/MDE12/053/2011</a>), 22 November 2011, pp37-40: <a href="http://www.amnesty.org/en/library/info/MDE12/053/2011">http://www.amnesty.org/en/library/info/MDE12/053/2011</a>), 22 November 2011, pp37-40: <a href="http://www.amnesty.org/en/library/info/MDE12/053/2011">http://www.amnesty.org/en/library/info/MDE12/053/2011</a>).

<sup>&</sup>lt;sup>14</sup> See Amnesty International, "Egypt's Coptic Christians must be protected from sectarian violence", 27 March 2013: <u>http://www.amnesty.org/en/news/egypt-s-coptic-christians-must-be-protected-sectarian-violence-2013-03-27</u>.

## ARTICLE 3 - EQUAL RIGHTS OF MEN AND WOMEN

Amnesty International is concerned that Egypt's Constitution does not explicitly prohibit discrimination on the grounds of sex or gender. In addition, Article 219 of the Constitution, which defines the principles of Shari'a law as being the "fundamental rules of jurisprudence," may impact negatively on the rights of women in the future. Amnesty International believes it may be used as a justification to uphold legislation which currently discriminates against women in respect of marriage, divorce and family life, and to maintain Egypt's existing reservations to the CEDAW.<sup>15</sup>

Women in Egypt continue to face discrimination in law and practice, including in respect of their enjoyment of economic, social and cultural rights.<sup>16</sup> Women also continue to face exclusion from public life, and occupy few positions in government, the judiciary and legislatures, including the Shura Council and Constituent Assembly; and quotas to favour women's participation have been removed without being replaced by any measure to enhance women's participation.<sup>17</sup> Women, regardless of their religion, are only entitled to half the inheritance of men when both have the same relationship to the deceased, as decreed in the Inheritance Act 77/19 43. Women continue to face discrimination in the workplace in terms of pay and position, and the vast majority of women working in the informal sector are not protected by the Labour Law (Law 35 of 1976).<sup>18</sup> Unemployment is also of particular concern to women: about 24 per cent of women looking for work cannot find jobs.<sup>19</sup>

Women also continue to face discrimination in law in respect of their right to health care. Articles 260-263 of the Penal Code criminalize abortions in all cases, including for survivors of rape and incest, and when pregnancies threaten a woman's health.

Furthermore, while Law No.126 of 2008 prohibits Female Genital Mutilation (FGM), the authorities have yet to address an effective loophole in Egyptian law which would permit FGM for reasons of "medical necessity".<sup>20</sup>

In addition, women activists who have participated in protests since the 2011 uprising have faced sexual and gender-based violence from both state and non-state actors, apparently to deter them from attending demonstrations.<sup>21</sup> State violence against women peaked under the rule of the Supreme Council of the Armed Forces, from February 2011-June 2012, when women activists were subjected to forced "virginity tests" and other forms of sexual violence by military personnel and the security forces. However, women protesters have also faced violence from unidentified groups of men, including in

<sup>19</sup> See disaggregated data by Central Agency for Public Mobilization and Statistics: <u>http://www.capmas.gov.eg/pepo/301.pdf</u>.

<sup>&</sup>lt;sup>15</sup> For the concerns the UN Working Group on the issue of discrimination against women in law and in practice expressed about the shortcomings in relation to equality, non-discrimination and the protection and promotion of women's human rights in the final draft of the new Constitution which was approved by the Constituent Assembly on 30 November 2012, see the statement issued on 14 December 2012: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12892&LangID=E.

<sup>&</sup>lt;sup>16</sup> See Amnesty International, "Discrimination against women" in report, *Broken promises: Egypt's military rulers erode human rights* (Index Number: MDE 12/053/2011), 22 November 2011, pp36-37: <a href="http://www.amnesty.org/en/library/info/MDE12/053/2011">http://www.amnesty.org/en/library/info/MDE12/053/2011</a>; and for discrimination against women in respect of the right to adequate housing, see "Impact on women" in report, *"We are not dirt": Forced evictions in Egypt's informal settlements* (Index: MDE 12/001/2011), 23 August 2011, pp71-78: <a href="http://www.amnesty.org/en/library/info/MDE12/001/2011">http://www.amnesty.org/en/library/info/MDE12/053/2011</a>; and for discrimination against women in respect of the right to adequate housing, see "Impact on women" in report, *"We are not dirt": Forced evictions in Egypt's informal settlements* (Index: MDE 12/001/2011), 23 August 2011, pp71-78: <a href="http://www.amnesty.org/en/library/info/MDE12/001/2011">http://www.amnesty.org/en/library/info/MDE12/001/2011</a>).

<sup>&</sup>lt;sup>17</sup> Amnesty International, "Women demand equality in shaping new Egypt" (AI Index: MDE 12/050/2011), 21 October 2011: <u>http://www.amnesty.org/en/library/info/MDE12/050/2011/en</u>.

<sup>&</sup>lt;sup>18</sup> See Amnesty International, "Women demand equality in shaping new Egypt" (Index: MDE 12/050/2011), 31 October 2011: <u>http://www.amnesty.org/en/library/info/MDE12/050/2011</u>.

<sup>&</sup>lt;sup>20</sup> Under Order No. 261 of 8 July 1996 of the Minister of Health and Population.

<sup>&</sup>lt;sup>21</sup> See Amnesty International, "Sexual and gender-based violence against women activists" in report, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity* (Index: MDE 12/017/2012), 2 October 2012, pp27-32: http://www.amnesty.org/en/library/info/MDE12/017/2012/en.

recent months, when women protesters around Tahrir Square in Cairo have been subjected to a series of sexual attacks.<sup>22</sup> In several instances documented by Amnesty International, ambulances present at the scene to transport survivors to hospitals and a field hospital in the vicinity of Tahrir Square were attacked by mobs of men. However, the Egyptian authorities' response to violence against women by both state and non-state actors has been inadequate. Survivors of gender-based violence have yet to receive adequate reparations, including necessary medical and psychological treatment, and the authorities have yet to take measures to ensure that medical facilities receiving survivors of gender-based violence are protected from attacks and have the necessary competence and gender sensitivity to provide effective treatment which respects the rights of survivors of gender-based violence.

## 3. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (ARTS. 6-15)

## ARTICLE 7 - THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

Though a party to International Labour Organisation (ILO) Convention No.131, Minimum Wage Fixing Convention, Egypt has yet to establish a system to guarantee a fair minimum wage.<sup>23</sup> A minimum wage of LE700 (US\$100) a month, announced for the financial year 2011/2012, was criticized as insufficient by Egyptian workers' rights advocates who are continuing to call for a minimum wage of LE1,200 (US\$175). The Shura Council, the upper house of Egypt's Parliament, has reportedly discussed new legislation on minimum and maximum wages, but in practice the authorities have not ensured that minimum wages enable workers and their families to enjoy adequate standards of living.

## **RIGHT TO STRIKE**

Egypt's law continues to criminalize the right to strike. Article 124 and 124bis of the Penal Code effectively punish with imprisonment and/or a fine public sector employees who go on strike or call for such a strike. According to Article 192 of the Labour Law (Law 35 of 1976), the right to strike is subject to approval by a two-thirds majority of the general union's executive committee. Article 194 bans strikes or calls for strikes where the interruption of work at the workplace "threatens national security or basic services to citizens". The Shura Council is also reported to be considering new legislation which may restrict both the right to peaceful assembly and to strike. The proposed legislation would place severe restrictions on freedom of assembly on grounds that include "security or public order; hampering citizens' interests; blocking roads or transport; delaying traffic... or serious threats to the above". It also establishes a number of bureaucratic hurdles to organizing a protest, gives governors the power to postpone a demonstration, or impose blanket prohibitions, and allows for the use of water cannon, tear gas and batons by security forces to disperse peaceful protests if an audible warning is not heeded.

## ARTICLE 8 – TRADE UNION RIGHTS

Amnesty International is concerned that restrictions continue on the right to form trade unions independent of the Egyptian Trade Union Federation (ETUF), which in effect remains the sole trade union structure mandated under law. While Article 52 of the Constitution guarantees the right to form unions, the authorities have yet to end the monopoly given to the ETUF under Law 35 of 1976, despite the emergence in practice of the other independent trade union federations since the uprising. New legislation regulating trade unions was discussed under the rule of the SCAF, but never implemented. However, Amnesty International is concerned by the issuing in November 2012 of Decree 97 of 2012, which amends Law 35 of 1976, including giving the Ministry of Manpower the authority to appoint replacements to vacant trade union offices.

Amnesty International has also documented an incident where an individual has faced criminal prosecution for criticizing the ETUF, apparently in an attempt to suppress dissent and criticism of the federation. In February 2012, CTUWS general co-ordinator Kamal Abbas was sentenced in absentia to

<sup>&</sup>lt;sup>22</sup> See Amnesty International, briefing, *Egypt: Gender-based violence against women around Tahrir Square* (Index: MDE 12/009/2013), 6 February 2013: <u>http://www.amnesty.org/en/library/info/MDE12/009/2013/en</u>.

<sup>&</sup>lt;sup>23</sup> See Amnesty International, "Uphold worker's rights" in memorandum, *Memorandum to President Morsi* (Index: MDE 12/022/2012), 29 June 2012, pp17-18: <u>http://www.amnesty.org/en/library/info/MDE12/022/2012</u>.

six months' imprisonment for "insulting an official" of the ETUF during a 2011 meeting of the ILO. The sentence was reportedly later overturned.<sup>24</sup>

As noted above, in at least one case an NGO working on trade-union rights has faced restrictions both in gaining official registration and on their activities.<sup>25</sup>

## ARTICLE 10 - PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

Amnesty International is concerned that the Constitution may not adequately protect children from child labour. Article 70 permits children who are still in primary education to work, as long as the work is "adequate for their age". The article does not ensure children are protected from economic exploitation and from performing any work that is likely to be hazardous, as required by the Convention on the Rights of the Child.<sup>26</sup> Egypt is also obliged to end child labour as a party to both ILO Convention No. 138, Minimum Age and ILO Convention No. 182, Worst Forms of Child Labour Convention. The constitutional provision may undermine legislative protections for child workers set down in the Labour Code (Act No. 12 of 2003), and detailed in the state party's report.<sup>27</sup>

## ARTICLE 11 – THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

The United Nations Development Programme (UNDP) has estimated that around 40 per cent of Egypt's 80 million people live on or near the internationally accepted poverty line of US\$2 a day.<sup>28</sup> Unemployment is growing and reportedly stands at around 12.6 per cent nationally – and much higher average for youth at around 78 per cent.<sup>29</sup>

Article 68 of Egypt's Constitution enshrines the right to adequate housing, but does not explicitly prohibit forced evictions or guarantee security of tenure for everybody. Amnesty International has long documented such evictions in Egypt's informal settlements.<sup>30</sup>

The organization is also concerned that many residents of informal settlements continue to live in areas which the authorities have identified as "unsafe" and which do not comply with the requirement of habitability as defined in General Comment 4.<sup>31</sup> The authorities' Informal Settlements Development Facility (ISDF) has reportedly estimated that some 11,500 homes, mainly in Cairo, are located in "unsafe areas" and pose an imminent threat to life, requiring the authorities' immediate intervention.

The ISDF has also reportedly marked a further 120,000 homes in "unsafe areas" for clearance before 2017. However, plans for Egypt's informal settlements (referred to in Egyptian law as "unplanned areas")<sup>32</sup> are being developed and implemented in ways that fail to respect the human rights of

<sup>&</sup>lt;sup>24</sup> See reference in Amnesty International, News Story, "Egypt must overturn prison sentence for actor accused of 'insulting Islam'", 25 April 2012: <u>http://www.amnesty.org/en/for-media/press-releases/egypt-must-overturn-prison-sentence-actor-accused-insulting-islam-2012-04-2</u>.

<sup>&</sup>lt;sup>25</sup> Case of CTUWS, noted in "General Information."

<sup>&</sup>lt;sup>26</sup> See analysis at Amnesty International, Press Release, "Egypt's new constitution limits fundamental freedoms and ignores the rights of women" (Index: PRE01/590/2012), 30 November 2012: <u>http://www.amnesty.org/en/formedia/press-releases/egypt-s-new-constitution-limits-fundamental-freedoms-and-ignores-rights-wom</u>.

<sup>&</sup>lt;sup>27</sup> See "Article 10: Protection of the family", E/C.12/EGY/2-4, paras185-192.

<sup>&</sup>lt;sup>28</sup> See United Nations Development Programme, *Arab Human Development Report 2009, Challenges to Human Security in the Arab Countries*, UNDP, 2009, p.11.

<sup>&</sup>lt;sup>29</sup> See disaggregated data by Central Agency for Public Mobilization and Statistics: <u>http://www.capmas.gov.eg/pepo/301.pdf</u>.

<sup>&</sup>lt;sup>30</sup> See Amnesty International report, *"We are not dirt": Forced evictions in Egypt's informal settlements* (Index: MDE 12/001/2011), 23 August 2011: <u>http://www.amnesty.org/en/library/info/MDE12/001/2011</u>.

<sup>&</sup>lt;sup>31</sup> See Amnesty International report, *Buried alive: Trapped by poverty and neglect in Cairo's informal settlements* (Index: MDE 12/009/2009), 17 November 2009: <u>http://www.amnesty.org/en/library/info/MDE12/009/2009</u>.

<sup>&</sup>lt;sup>32</sup> According to Article 2 of the Law on Building No.119 of 2008, they are "unplanned areas that grew in contravention to the laws and regulations governing planning and building".

residents. In particular, plans by the authorities to develop the Greater Cairo region (known as plan Cairo 2050) raise serious concerns about possible forced evictions, especially because communities living in "unsafe areas" and elsewhere in informal settlements have not been adequately consulted on the clearance and resettlement plans. Housing Ministry officials said the Cairo 2050 plan had been reviewed and some projects which would have involved mass evictions had been dropped. A new urban Egypt 2052 master plan is under development, but communities in informal settlements are not consulted.

These concerns are borne out by the practices documented by Amnesty International to date. In most "unsafe areas" visited or studied by Amnesty International since 2009, there had been "removals" – the word used by the authorities to describe evictions accompanied by demolition, or clearance – all of which breached international standards against forced eviction. At no point were residents meaningfully consulted over the plans for their communities or houses, even though evictions were carried out months after the areas had been identified as "unsafe". People's homes were demolished without adequate prior notice, leaving them little or no time to remove their possessions. Residents were not given written eviction orders, which hindered their ability to appeal or obtain legal protection against forced eviction. At the time their homes were being destroyed, residents did not know if they would be rehoused, or where their new homes might be, or what rent or security of tenure would apply. Some suffered other violations during evictions, such as excessive use of force or threats of detention without charge or trial under emergency legislation. Demolitions were often carried out with little or no consideration for the safety of the residents or their neighbours.<sup>33</sup>

Deficiencies have also been widely reported in the process of listing (enumerating) residents whose homes are to be demolished and who are eligible for rehousing.<sup>34</sup> Families rehoused have not been consulted about resettlement plans nor asked if the housing met their needs. In addition, Amnesty International has documented many instances where families rehoused following eviction from informal settlements have not been provided with security of tenure as they have been given no legal document or contract concerning their replacement housing.

At the end of January 2012, three Coptic families from Sharbat village, Alexandria, were forcibly evicted from their homes by Muslims who suspected a Coptic man of possessing "indecent" images of a Muslim woman. Crowds attacked Copts' homes and businesses. Village "reconciliation meetings" decided that the Coptic man and his extended family, as well as five neighbouring Coptic families, should leave the village and have their possessions sold on their behalf. The police did not intervene to protect the Copts from the attacks or forced eviction. Following a visit by a parliamentary delegation, only the five Coptic families unconnected to the original dispute were able to return.

We hope this information will be useful for the preparation of the list of issues and would be grateful if you could make it available to all members of the country report task force on Egypt. I remain at your disposal should you require any further information.

Yours sincerely

Taio Baldi-Par

Tania Baldwin-Pask International Advocacy Programme

<sup>&</sup>lt;sup>33</sup> See "Abuses during evictions", "We are not dirt": Forced evictions in Egypt's informal settlements, pp40-42.

<sup>&</sup>lt;sup>34</sup> See "Homelessness following evictions", "We are not dirt": Forced evictions in Egypt's informal settlements, pp45-51.

#### Enclosed

Amnesty International, briefing, *Egypt: Gender-based violence against women around Tahrir Square* (Index: MDE 12/009/2013), 6 February 2013: <u>http://www.amnesty.org/en/library/info/MDE12/009/2013/en</u>

Amnesty International, report, Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity (Index: MDE 12/017/2012), 2 October 2012: http://www.amnesty.org/en/library/info/MDE12/017/2012/en

Amnesty International, report, Agents of repression: Egypt's police and the case for reform (Index: MDE 12/029/2012), 2 October 2012: <u>http://www.amnesty.org/en/library/info/MDE12/029/2012/en</u>

Amnesty International, report, *"We are not dirt": Forced evictions in Egypt's informal settlements* (Index: MDE 12/001/2011), 23 August 2011: <u>http://www.amnesty.org/en/library/info/MDE12/001/2011</u>

Amnesty International, report, *Buried alive: Trapped by poverty and neglect in Cairo's informal settlements* (Index: MDE 12/009/2009), 17 November 2009: <u>http://www.amnesty.org/en/library/info/MDE12/009/2009</u>