

SUBMISSION TO THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

On the occasion of the review of Egypt's Periodic Report by the
Pre-Sessional Working Group of the Committee's 51st Session,
21-24 May 2013

Submitted by

The Egyptian Center for Economic and Social Rights (ECESR), Egypt
The Center for Economic and Social Rights (CESR), USA



EGYPTIAN CENTER
FOR ECONOMIC & SOCIAL RIGHTS
المركز المصري للحقوق الاقتصادية والاجتماعية



INTRODUCTION

This submission outlines the key concerns of the organizations listed above on the occasion of Egypt's review before the Committee's Pre-Sessional Working Group at its 51st session in May 2013. The submission supplements information presented in Egypt's 2nd-4th Periodic Report of May 2010, highlighting key areas of concern regarding the State party's compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), with particular reference to issues insufficiently addressed or omitted from the State party's report.

In the time since the submission of its report, Egypt has witnessed a period of immense political upheaval and socio-economic instability. On January 25, 2011, the revolution in Egypt broke out, joining in the wave of Arab Spring uprisings against autocratic regimes and socio-economic injustice that started in Tunisia and spread into several countries in the Middle East and North Africa. The Egyptian revolution saw mass protests throughout the country, including gatherings of hundreds of thousands of protesters in Tahrir Square in Cairo. The protestors challenged rallied against the lack of democracy and freedoms in Egypt, as well as the socio-economic deprivations that Egyptians had suffered for decades.

Although demands for socio-economic justice were at the core of the break out of the revolution, the transitional governments that have led Egypt have done little to respond to the calls of the revolution. It has so far failed in translating the motto of the Egyptian revolution "Bread, Freedom, Social Justice" into policies that side with the poor and provide them with their basic social and economic rights. As detailed in this submission, in some instances, the government has consciously taken steps to undermine the respect for and realization socio-economic rights, in breach of the state's obligations. Although the new constitution contains a promising array of socio-economic rights, it is less than clear that these are anything more than rights in name only, as the government's conduct—for instance in proposing increasingly regressive taxes on basic goods and cutting essential subsidies—risks leading to significant regression in the realization of socio-economic rights.

I. GENERAL INFORMATION

EGYPT'S FINANCIAL CRISIS IS WORSENING EXISTING PATTERNS OF POVERTY AND INEQUALITY

The economic model of the Mubarak regime failed to deliver equitable and inclusive growth, instead deepening the poverty, inequality and social injustice that fuelled the January 2011 uprising. The economic indicators outlined in paragraphs 22 – 24 of the State party's report must be read in light of official poverty statistics. According to national figures, income poverty in Egypt grew from 16.7% in 1999-2000,¹ to 21.6% in 2008/2009 and increased further to 25.2% in 2010/2011.² Today, over 40% of the population lives on less than \$2 a day, while a small elite has amassed a great fortune.³

The steep drop in foreign investment and tourism following Egypt's dramatic political transition, compounded by enduring economic crisis in Egypt's Southern European export markets, set the context for a financial crisis in the country. Egypt's foreign currency reserves have halved from \$36 billion on the eve of the revolution to just \$13.5 billion today. The central bank has spent more than \$20 billion trying to prop up the Egyptian pound (EGP), but it has still lost 14% against the dollar since the revolution, and more than half of this was since the end of last year, making needed imports even more expensive.⁴ This has placed a huge burden on the national budget, increasing the budget deficit to 12.3% of GDP.⁵

In addition, inflation is on the rise, further increasing the cost of living in Egypt. In January 2013, the inflation rate rose by 1.8% compared to December 2012. The annual inflation rate also rose by 6.6% compared to January 2012. The official state information center, CAPMAS, explains the rise in monthly inflation as resulting from increases in the prices of several commodities: housing maintenance and repair increased by 6.6%, electricity by 5.9%, vegetables by 5.2%, textiles by 4.9%, dairy products and eggs by 3%.⁶

1. Please provide information on the scale of poverty in the country, including disaggregated statistical data illustrating the problem, including by gender and region. Please also provide updated information on the State party's efforts to reduce poverty and inequality (para. 383 of the State party's report).

POLITICAL INSTABILITY IS STALLING EGYPT'S TRANSITION

The two years following the Egyptian revolution have been marred by ongoing political instability. In February 2011, President Mubarak stepped down and handed power to the Supreme Council of the Armed Forces (the "SCAF"), marking the beginning of Egypt's transition. But when the SCAF failed to present a clear timeline for returning to civilian government, further protests broke out.⁷ Parliamentary elections were finally held in November 2011. In May 2012, the state of emergency, which had been in place since 1981, was finally brought to an end.⁸ In June 2012, Mohamed Morsi was elected president of Egypt, and agreement was reached on the formation of a constituent assembly to draft Egypt's new constitution.

However, a new political crisis began in June 2012, when the Supreme Constitutional Court (the "SCC") declared that the electoral law was invalid and that the lower house of parliament that had been elected pursuant to that law had to be dissolved.⁹ The SCAF resumed legislative authority, only to be replaced in August 2012, when President Morsi assumed legislative power, which was later handed over to the Shura Council, the upper house of parliament. The crisis was deepened when President Morsi purported to outlaw judicial review of his decrees, extended the term of the constituent assembly by two months, and empowered him to take "all necessary measures" to protect the revolution.¹⁰ This decree was largely rescinded in December 2012. A controversial draft constitution, prepared by a disputed constitutional assembly, was put to referendum and approved in the same month.¹¹ Elections for the lower house of parliament were scheduled to take place in April 2012, but have since been postponed as the electoral law has been sent to the SCC for review once again.¹² This gridlock in Egypt's political system has made it impossible to take the strong legislative action needed to advance the enjoyment of economic, social and cultural rights.

2. Please indicate how the dissolution of Parliament in June 2012 and the subsequent delay in holding new legislative elections has impacted the realization of economic, social and cultural rights. Please also indicate how the process of enacting government policy has been affected by political instability.

**WEAK LEGAL
FRAMEWORK
FOR RIGHTS
PROTECTION**

Although Egypt ratified the ICESCR in 1982, in the absence of robust domestic laws protecting human rights, and without genuine commitment to respect human rights, many laws were passed that had negative impacts on human rights.

The new constitution, passed on December 25, 2012, has failed to adequately protect many human rights, causing division among the public. Chapter 3 provides for rights to education, freedom of scientific research, healthcare, a healthy and sound environment, work, social security, pensions for workers without access to the social insurance system, adequate housing, clean water and healthy food, as well special rights for children, the youth and disabled people. In addition, the state undertakes to eradicate illiteracy. However, as will be discussed further below under the relevant Articles, the language in these provisions is often overly broad, open to interpretation, and available to justify wide-ranging limitations.

Enforceability of the ICESCR and other international conventions is regulated by Article 145 of the new constitution. Article 145 states that any international treaty will have the force of law upon ratification. Still, the article specifies in vague terms that treaties which go against the articles of the constitution cannot be ratified.

3. Please clarify the status of the Covenant in the domestic legal system. Please indicate whether all economic, social and cultural are justiciable before national courts. Have the rights contained in the Covenant been invoked by national courts, either as a ground for a case or as interpretative guidance for legal norms?

4. Please inform the Committee whether the State party is considering ratifying the Optional Protocol to the Covenant.

**CONDITIONALITY
OF ASSISTANCE
SKEWS POLICY
PRIORITIES**

In the absence of political consensus on how best to reform the economy, the government has prioritized “quick fix” measures to prop up the economy through international assistance. Since May 2011, Egypt has been negotiating for a new \$4.8 billion loan with the International Monetary Fund (IMF). The IMF loan is seen by some as a vote of confidence necessary for opening the door to billions of dollars in further assistance from the World Bank, US, EU, Gulf Arab states and other donors, though this remains an open question.

Driven by a governing priority of deficit reduction, a key condition required to access the opaque IMF loan seems to be a promise by Egypt to reduce its budget deficit from 10.9% to near 8.5% of GDP by 2014.¹³ Despite the existence of a series of more equitable alternatives, the government has proposed a series of unpopular cuts to subsidies as well as tax reforms that increase the Value Added Tax (VAT) on basic consumer goods. Both of these policies, discussed below under Article 2, may disproportionately hurt the poor, and deepen inequality in the country. There is a real risk that in the rush to secure international assistance to buttress dwindling reserves, policy makers in Egypt, the IMF and the IMF members states (including Belgium, Austria and Norway) are ignoring the social and economic rights impacts of such measures on the welfare of a population already suffering from increasing levels of poverty, inequality and deprivation, which could further inflame the unstable political situation.

5. Please inform the Committee as to how the State party has taken into account its obligations vis-à-vis the Covenant in n international assistance. Please also provide information on what terms and conditions IMF member states and any other bilateral offers of aid (including regional partners) are requesting in exchange for their economic support.

**IMPUNITY FOR
CORRUPTION
HAS BEEN
ALLOWED**

Corruption is deeply entwined in Egypt's governmental entities. Egypt ranks 118 out of a total of 176 countries on the corruption perception index.¹⁴ Under the Mubarak regime, the unregulated and non-transparent privatization process fuelled systemic corruption. High-ranking government members and the economic elite were enriched through a conflation of politics and business under the guise of privatization, which allowed them to purchase state-owned assets for much less than their market value, or monopolize rents from sources such as tourism and foreign aid.¹⁵

Law No.4 of 2012, passed by the SCAF, authorizes Egypt's General Authority for Investment and Free Zones ("GAIF," the regulatory authority in charge of investment and companies) to enter into settlements with investors charged with "embezzlement, theft, illegal acquisition or misuse of public funds and property, harming the public welfare, and similar offences," provided that the investors return the impugned money or goods, or else pay compensation equivalent to the market value of the unlawfully acquired property at the time the crime was committed.¹⁶ The determination of stolen assets, their market value at the time of the theft, or the manner in which they should be returned is to be made by GAIF, rather than a court.¹⁷ Settlements can take place at any point before the investor is convicted by a court of final appeal, and thus the law allows investors to escape criminal liability for their wrongful conduct.¹⁸ This law destroyed all efforts to end impunity for corruption, one of Egypt's major problems. The constant shift of legislative powers has made it impossible to repeal this law, and has not given the chance for civil society and anti-corruption activists to pressure the legislature to repeal this law.

6. Please provide updated information with regard to the measures, legislative or otherwise, taken by the State party to combat the legacy of state-condoned corruption and to hold relevant actors accountable for their complicity in it.

**DECISION
MAKING IS NOT
TRANSPARENT
NOR
ACCOUNTABLE**

More broadly, the lack of transparency and limited access to information continue to be very problematic in Egypt. State-produced data is limited and outdated. Political leaders keep policies and state projects secretive. The new government's first economic plan produced for the IMF was only released by cabinet after litigation by the Egyptian Center for Economic and Social Rights.¹⁹ The Prime Minister has reportedly provided a more detailed plan to IMF, but it has been kept secretive. Litigation is currently underway to make the detailed plan publically accessible.

Another example of the lack of transparency is tax reform. Tax reforms passed by a presidential decree in December 2012, in the absence of a parliament, were sold to the public as a "sin tax". Public figures made assurances that tax rates would only increase for luxury products, such as beer, alcoholic drinks and cigarettes. In reality a broader range of essential goods are set to become subject to higher, more regressive taxes; this is a clear case of lack of transparency and manipulation of public opinion.

Egypt also ranks very low internationally on budget transparency.²⁰ Despite a relatively clear legal framework, the Ministry of Finance and other ministerial entities do not meet the requirements of the law. This makes it difficult for CSOs and the public to hold the government accountable. The type of information that is made available is limited and difficult to analyze. For example, detailed local government budget allocations are not provided. The absence of a simplified, public version of the budget document and of a budget classified by sectors, which clearly represents how the government is managing its public spending on the programs and activities defined through its economic plan, weakens transparency, accountability and citizen participation.

7. Please provide information on how the state party has responded to calls from civil society for greater transparency in policy making. Please also explain whether the State party's economic plans and budgets are available and accessible to the public.

8. Please indicate whether the State party is planning to implement a classification system by sector. Please also indicate whether a simplified public budget (including both revenue generation and expenditure) will be available, which is key to citizen participation in the budget and fiscal policy process.

**CHANNELS FOR
MEANINGFUL
PARTICIPATION
AND VOICE ARE
RESTRICTED**

Throughout the period of political instability that followed the revolution, Egypt witnessed an unprecedented number of social protests, in response to the absence of policy dealing with Egypt's poverty, injustice, and inequality and the exclusion of social and economic demands. More than 3817 social protests took place in 2012, almost double the number witnessed in 2011. The number of protests especially increased in the months following the election of president Mohamed Morsi. More than 70 groups and sectors were involved in the thousands of social protests taking place, with civil servants and government employees being responsible for about 1381 protests and strikes, while inhabitants, villagers and urban populations were responsible for 1205 protests. All were demanding basic social and economic rights, such as access to clean drinking water, access to electricity, good-quality education, better health services, better wages and salaries, and many other entitlements, which the government has to date failed to address.²¹

The state response towards the different protestors and striking workers has reflected a continuation of the Mubarak regime's policies of repression, on the one hand, and ignoring the popular demands of the people, on the other. More than 200 protesting workers were arbitrarily fired during the first three months after President Morsi came into power and more than one hundred workers were detained after they were arrested while demonstrating peacefully. Employers and businessmen also bear responsibility for the repression of those involved in social protests. Those involved in protests have faced suspension from work, transfers, "detention, beatings and lynching, pay cuts, investigation by administrative or general prosecution, threats and terror, assault by thugs at the incitement of business owners, and threatening or actually closing down companies".²²

9. Please provide information on the steps the State party has taken to include different sectors of society in the process of making public policy that addresses their needs and problems. In particular, please indicate the degree to which civil society, parliament or other key stakeholders have participated in the negotiations with the IMF.

10. Please clarify what restrictions exist on the rights to freedom of speech, peaceful protest and assembly. Please also respond to allegations that protesters have been intimidated and harassed, and peaceful demonstrations have been prohibited or brutally dispersed, with some participants being arrested.

II. ISSUES RELATED TO GENERAL PROVISIONS OF THE COVENANT (ARTS 1 – 5)

**ARTICLE
2
STATE
OBLIGATIONS**

In contrast the obligation to generate and use the maximum available resources, drastic social spending cuts are being planned without prior assessment of their potentially severe human rights impacts or careful consideration of more equitable alternatives. The only economic plan that the government has articulated is the one presented to the IMF in show of goodwill in order to advance negotiations for the loan. This plan remains vaguely phrased and lacking in data. It almost exclusively prioritizes raising revenue through increasing regressive taxes (largely on goods and services) and cutting in spending by removing some food and fuel subsidies.²³ Without proper safeguards, these potentially retrogressive measures threaten to have a long term adverse impact on the economic, social and cultural rights of many parts of the population. Yet, the government has made no effort to justify these policies by reference to the state's obligations under the Covenant, nor have they have been taken with careful consideration of all possible alternatives.

Egypt's tax to GDP ratio, for example, is considerably lower than comparable countries.²⁴ Further, the Egyptian public coffers lost on average \$3 billion per year to illicit financial flows between 2001-2010.²⁵ Yet policies to combat this corrosive phenomenon are not apparent. Likewise, the government seems to have ignored proposals to conduct a national debt audit to determine the legitimacy of public debts contracted under the Mubarak regime.

In fact, Egypt already has relatively low levels of public spending. There are many examples of this that will be discussed further under their relevant articles, from expenditures on the health sector, on education, on public housing and many others. It is a sad irony that policies of a government claiming itself to be heralding a people's revolution are making the very same mistakes as the past, failing to mobilize the maximum of available resources for the equal enjoyment of Covenant rights, and for the realization of the basic social and economic entitlements.

11. Please provide information on how the State party's economic plans (independently and in concert with the IMF) have or will impact the realization of Covenant rights. Please indicate whether the State party has conducted human rights impact assessments to determine to what degree its economic plans will affect the enjoyment of Covenant rights, especially of the most vulnerable.

12. Please provide a consolidated national budget, and explain to what degree the State party is progressively generating revenue to realize Covenant rights through fiscal policy. Please also indicate whether the State party has considered alternative fiscal, monetary, financial and trade policies to proactively generate more employment, greater tax revenues, and increased public investment.

13. Please also provide comparative statistics on the budget allocated to sectors related to economic, social and cultural rights since the [2001/02-2006/07] five-year economic plan.

ARTICLE

3

EQUAL RIGHTS
FOR MEN AND
WOMEN

Discrimination against women and the exclusion of females from accessing their economic and social rights remain widespread, especially in work. For instance, in 2012, unemployment amongst women in the labor force reached an average of 24% compared to 9% among men.²⁶ The statistical differences between males and females do not illustrate the complete picture of discrimination against women. Women also face wage disparities in the private sector²⁷, as well as other forms of discrimination in the workplace, including sexual harassment and arbitrary suspensions. It is noteworthy that some legislation is in place to ensure some women's rights in the workplace, such nurseries for children and maternity leave. However, such laws remain outside the realm of reality, and are not being enforced. There is no state policy yet that aims at ending such discriminatory practices.

Women's rights activists and female human rights defenders have been increasingly victim to rape, sexual assault and abduction, especially after February 2011.²⁸ Demonstrations in late November 2012 witnessed a visible increase in the cases of rape and assaults. A series of gang rapes took place in downtown Cairo, where the demonstrations took place, amidst little condemnation or regard from the state. Victims were reportedly mainly women's rights activists and female human rights defenders taking part in demonstrations, anti-sexual harassment rallies and other activities taking place in the city center. Experts assert that the denial of the crimes and impunity granted to the unidentified individuals who took part in these horrible crimes, has led to the spread and widening of the scope of the crimes practiced against women. The state party has failed to adequately address the existence of such heinous crimes, let alone condemn them. In addition, the state party has shown little to no interest to push for the investigation of such crimes, while also failing to provide security for the peaceful female demonstrators and activists.²⁹

14. Please apprise the Committee of the practical impact of the measures that have been adopted to prevent gender discrimination in the labor market, including women's rights to nurseries and maternity leave, discussed in paragraphs 121-124 of the State party's report. What mechanisms are in place for their enforcement? What legal or administrative remedies

are available to persons whose rights have not been respected?

15. Please provide information on the steps the State party is taking to address rape and sexual violence against women, particularly against protesters in public places, as well as the measures that are being taken against public officers and politicians who publicly condone such violence.

ARTICLE

4

RIGHTS
LIMITED ONLY
BY LAW

Perhaps the most significant example of an unlawful limitation of rights through legislation is Law 34/2011, which criminalizes striking, protesting at work, calling for strikes or taking part in strike movement, or any “activity” that can delay or stop work. This law clearly violates the rights to strike and to protest, which were granted by international agreements, most notably the ICESCR. Law 34/2011 is a clear derogation from the human rights obligations that Egypt has committed itself to fulfilling.³⁰

A number of special procedures mandate holders have expressed concern that a draft law currently being considered by the Shura Council, which revises Law 84/2002 on the regulation of non-government organizations, is vaguely worded and can easily restrict the right to association and limit the space of action for human rights defenders.³¹ For example, it limits the activities which can be carried out by a foreign NGO to those consistent with the needs of Egyptian society and in accordance with the priorities of development plans, and taking into account the public order and morals. According to the draft legislation, NGO funds will be considered public funds; and organizations will also be banned from obtaining funds from abroad without prior permission.

16. Please explain the rationale for Law 34/2011 and the revisions to Law 84/2002. Please explain what steps the State party has taken to ensure that Law 34/2011 and the proposed revisions to Law 84/2002 compatible with the right to freedom of association and are enacted solely for the purpose of promoting the general welfare in a democratic society.

III. ISSUES RELATED TO SPECIFIC PROVISIONS (ARTS 6 – 15)

ARTICLE

6

RIGHT TO
WORK

The economic crisis that has hit the country in the past two years has taken a strong toll on employment rates. In 2010, the overall unemployment rate was around 9%. This increased to 12% in 2011 and 12.8% in 2012.³² Unemployment in urban areas has reached 17% and just under 10% in rural areas. Unemployment rate in the age group 20-24 reached 33% in September 2011, according to CAPMAS.³³ Workers are already suffering the consequences of rising prices. For instance, 500 factories closed at the beginning of 2013 in Egypt as a result of increased mazut and petroleum prices, putting more than 10,000 workers and employees out of business.³⁴

Egypt has historically had a large public workforce, with a significant proportion of jobs being created in this sector. According to one study, 68.1% of employment in Egypt is reported to be in the public sector and about 45% of all new formal jobs (about 260,000) created between 1998 and 2006 were in the public sector.³⁵ The contraction of the public sector has therefore had a major impact on unemployment in Egypt.

The government must urgently present a solid plan for increasing employment. The State party report discusses a plan to reduce unemployment, which included cutting down overstaffing of the public sector, promoting employment in the private sector, initiating large scale projects to absorb unemployment, and creating funds aimed at encouraging entrepreneurship. However, these plans have not proven fruitful; they were either not followed through or not attempted at all, as rising unemployment rates indicate. In the context of its current unemployment crisis, the state must be able to act as employer of last resort until domestic private companies can create more jobs. Yet, meaningfully engaging in such an approach would be forbidden under an IMF program.

Instead, Egypt could well be in store for even more job-destroying privatization.

17. Please provide updated information on the annual unemployment rate since 2006, disaggregated by age group, sex, urban and rural areas, as well as on measures taken to promote job creation, and their impact. Please provide information on the impact of policies since the revolution on unemployment and indicate how contractionary macroeconomic policies will affect the level and quality of employment in the country.

ARTICLE
7
CONDITIONS
OF WORK

Working conditions in Egypt are deteriorating. The informal sector is continuing to grow and there are no means to guarantee the rights of workers within this sector. The assessment of conditions of Egyptian workers in the informal economy—and its size—is complex. However, data from 2006 Labor Market Panel Surveys suggests that 58.3% of all Egyptian workers were informally employed, including 42.6% of urban workers and 70% of rural workers. The highest levels of informality are found among workers aged 15-24 (87.1%), relative to those aged 25-34 (61.4%), 35-54 (43.4%), and 55-64 (51.2%).³⁶ More recent ILO data from 2009, similarly estimates that 51.2% of all people employed in non-agricultural employment are informally employed.³⁷ For a good part of two decades, real wages in Egypt have either declined or stood still while labor supply continued to outgrow labor demand.

Low wages, the failure to enforce the national minimum wage promised by the state party on several occasions,³⁸ harsh working conditions, inflexible hours, and unjustified collective lay-offs are features of both formal and informal employment, and were reportedly among the most common causes for the thousands of worker-led demonstrations held throughout 2012.³⁹ The public sector saw the greatest number of demonstrations, with 1381 demonstrations in 2012.

The state has so far failed to take action to address working conditions in Egypt. The State party report fails to address working conditions in Egypt's informal sector. State policy tends to ignore the existence of the informal sector. There is a weak legal framework protecting workers' rights in the private sector. For example, Article 14 of the new constitution, while declaring the need for a national minimum wage, has tied wages to productivity.⁴⁰ This goes against the court decision to increase the national minimum wage, which ruled by asserting the necessity to link the wages to inflation rates and price increases.⁴¹

18. Please explain the steps the State party has taken to avoid the worsening of working conditions in the growing informal sector, as well as to generate the institutional and normative conditions to enable informal workers to join the formal sector.

ARTICLE
8
TRADE
UNIONS

The necessity of trade unions is increasing because it is becoming ever more difficult for workers to advocate for their rights. It is not uncommon for both the owners of private businesses and the government to resort to violence in dealing with the demands of workers. There were many examples of this in 2012. For instance, the workers of Faragello, a food and beverages company, and of Titan, a cement company, were assaulted by police and were cornered inside a mosque to be attacked by police dogs before 18 of them were arrested. In other cases, some workers faced military trials, such as the workers from a container company in Alexandria, workers from SUMED Company in Suez, among a few others. This large number of strikes came despite the law passed in early 2012 banning the right to strike, discussed earlier. Naturally, this law received much criticism and more demonstrations occurred in reaction.

In response to such crackdowns on industrial action, many workers started resorting to trade unions. In 2012, over 1000 trade unions were formed; another reflection of the poor working conditions in Egypt. They were met with many obstacles.

Articles 51-53 of the new constitution, which while allowing for some union and syndicates freedoms, prohibit the plurality of syndicates (Article 53) and allow for only one syndicate per

profession. This, in light of the formation of more than 1000 independent union and syndicate after the revolution, is a clear violation of the right to form associations, and the right to create several associations as granted by the Article 8 of the Covenant, as well as the International Labor Organization's fundamental Freedom of Association and Protection of the Right to Organise Convention. The new constitution, therefore, is a threat to the independent unions, which were created in response to the corrupt state-controlled formal syndicates and unions.⁴² Further, the Ministry of The Labor Force stopped accepting papers for forming trade unions in September 2012. Many of the key founding figures of trade unions have also been arbitrarily laid-offs.⁴³

19. Please specify whether there is any limitation, in law or fact, on the right to form or join trade unions and on the recognition of such trade unions for all purposes. Please also provide information as to how the system is organized and on any limitations to the right to collective bargaining. Please clarify which legal safeguards exist to guarantee the freedom and pluralism of trade unions.

ARTICLE
10
PROTECTION
OF
CHILDREN

Article 70 of the new constitution provides that “[c]hild labor is prohibited before passing the age of compulsory education, in jobs that are not fit for a child’s age, or that prevent the child from continuing education.” There is concern that ambiguous wording of this provision may allow for child labor before passing the age of compulsory education, as long as the job is “fit” for the child’s age, and does not cause the child to drop out of school.⁴⁴ The weakness of this provision is particularly dangerous considering that in 2010 at least 10.5% of children between the ages of 5 and 17 work.⁴⁵ In other words, instead of working to eliminate child labor, the government appears to be opening the door for the legalization of children’s employment.

20. Please clarify the interpretation of article 70 of the constitution and explain what steps are being taken by the State party to abolish child labor in Egypt.

ARTICLE
11
ADEQUATE
STANDARD OF
LIVING

Water and sanitation

According to the most recent census of 2006, 86% of population has access to drinking water in their houses, though there are wide disparities between governorates. Yet, a steep water crisis may be in store. Average per capita fresh water availability in Egypt is on a steady decline from about 1893 cubic meters per year in 1959 to about 900 cubic meters in 2000, to 700 cubic meters in 2012.⁴⁶ It is estimated that this will continue to decline further to 670 cubic meters by 2017 and 600 cubic meters by 2025.⁴⁷

Access to clean, quality water also remains very problematic. About 21.2% of water produced nationwide in 2009/2010 was non-refined.⁴⁸ In addition, a great deal of the refined water produced by the different governorates remains contaminated with harmful micro-organisms and not suitable for drinking, affecting the poor most severely who cannot afford bottled water. According the last census conducted in 2006, 44% of the population is connected to the national sanitation network, while 44% had to manually install tanks for collecting their waste. Such tanks are later emptied into the Nile or on the ground, causing serious environmental and health problems.⁴⁹

WHO’s 2008 report “Safer Water, Better Health” indicates that 5.1% of all deaths and 6.5% of all disabilities (disease and injury) in a year in Egypt are attributable to unsafe drinking water, inadequate sanitation, insufficient hygiene and an inadequate management of water resources. Diarrhea and Schistosomiasis, the diseases that most commonly accompany water, sanitation and hygiene problems, are both are very common in Egypt.⁵⁰ The recent poisoning of 5,000 Sansaft villagers, in the Munufeya governorate, is one of many examples.⁵¹ A bulk of Egypt’s disease burden could therefore be alleviated by improving drinking water, sanitation, hygiene and water management.

The state has largely relied on the private sector and international projects to manage wastewater treatment. While water production remains a state-owned business, several projects have been planned since the mid 2000s to alleviate the burden of water production from the state. In a time when Egypt's political situation is not making it an attractive place for investors. The water draft law, proposed before the revolution, has one of its aims the encouraging of private sector to invest in the water sector.⁵² However, it has not been enacted yet.

As a result, the state budget for water and sanitation services remains very low. In the Service Sector Budget of 2011/2012 and 2012/2013 respectively, the allocation of state funds for water services makes up only about 1.9% (in both years) of funds allocated to general services.⁵³

21. Please provide updated, disaggregated statistics on access to clean water and sanitation in Egypt. Please also explain the steps that have been taken to implement the recommendations made by the United Nations independent expert on the issue of human rights obligations related to safe drinking water and sanitation to improve access to and quality of the quality of water and sanitation following her mission to Egypt in June 2009.

Food Security

Egypt is on FAO's list for "Low-Income Food-Deficit Countries (LIFDC)" for 2013.⁵⁴ According to the Egyptian Food Observatory, a joint initiative of the Egyptian Cabinet's Information and Decision Support Center (IDSC) and the World Food Programme (WFP), about 86% of vulnerable households are unable to meet their food needs. The observatory reported that 61.7% of vulnerable households' income goes towards food; the national average stands at 40%. Relying on government data from 2009, the WFP estimates that roughly a quarter of Egyptians are suffering from deficiencies in iron (21.6%), zinc (23%) and Vitamin A (26.5%).⁵⁵ It has also calculated a child malnutrition index, based on data from the 2008 demographic health survey, which indicates that 16.4% of children in urban areas and 16.9% of children in rural areas suffer from malnutrition.⁵⁶

Food insecurity is closely related to the increase in food prices in the past year, especially in the third quarter of 2012. The observatory report showed that "food and beverage annual inflation witnessed a 9.1% increase from September 2011, associated with increased prices for specific items in the food price index".⁵⁷ Food basket prices recorded their highest monthly level in September 2012, rising by roughly EGP 14 compared to June, and growing annually by 3.4%.

As noted in the State party report, the government has a system of ration cards to provide basic foodstuffs for low-income citizens. However, there are concerns regarding the adequacy of this system. The observatory report showed that, in the 10 governorates sampled, on average 20.1% of vulnerable households do not hold a ration card for subsidized food. These numbers are even higher in the governorates of Cairo (36.9%) and Alexandria (32.1%).⁵⁸ The report also indicates that quantities of rationed foodstuffs are insufficient for a large number of households. The majority of households buy additional quantities of sugar (68.1%); oil (55.1%); rice (67.5%); and macaroni (30.8%).⁵⁹

The government has also traditionally kept bread prices down by supplying state-sponsored bakeries with subsidized flour. However, in March 2013 supply ministry decided to cut flour subsidies. This has spurred great controversy among both producers and consumers, since lifting the subsidy would mean that "prices paid by bakeries for a 100-kilogram bag of flour would rise from LE16 to LE286".⁶⁰ While the government promises to buy bread at production prices and to resell to consumers in need at subsidized prices, this plan is expected to make citizens' access to subsidized bread more limited and harder to regulate. There have already been bread shortages in several Egyptian governorates in 2012; many citizens are unable to access subsidized bread since state-sponsored bakeries "remain uncommon in many rural areas".⁶¹

22. Please provide up-to date information on malnutrition in Egypt, disaggregated by region and gender. Please provide information on how the removal of state subsidies will impact

the right to food. What steps have been taken to prevent and mitigate these effects?

Housing

Statistics from the Egyptian Ministry of Housing show that there are 1,221 informal areas in Egypt. In addition to their non-compliance with building and planning regulations, these areas suffer from a lack of facilities, amenities and proper infrastructure.⁶² According to 2010 data, informal settlements housed approximately 12 – 15 million of the country's 82 million people.⁶³ According to the Egyptian Center for Housing Rights, the number of people living in informal housing is even higher, at 20 million; almost a quarter of the country.

While Article 67 of the new constitution enshrines the right to adequate housing for all citizens, the definition of "adequate" is not provided in the text. While this may be characteristic of many constitutions; there is a very weak set of domestic laws that can compensate for the article's vagueness; they as well lack a description of what adequate housing is.

The National Housing Projects outlined in the State party's report failed in many cases due to the corruption that characterized the inclusion of the private sector in the execution of the projects. While the state paid subsidies allotted to the housing units, reports have shown that the private sector companies executing the housing projects sold the units at very high prices, thus depriving the actual beneficiaries—low income citizens—of affordable housing units.⁶⁴

Under the auspices of a recent urban planning project named Cairo 2050 (recently renamed Egypt 2052) the government is initiating a 40 year plan to develop and improve living conditions in Cairo. Accordingly, all slum areas in the Greater Cairo area are to be demolished and residents relocated to new cities on the outskirts of the capital, a plan that has already shown a lack of respect to the citizens' opinions and rights. The prerequisites to carry out an eviction are rarely met. Eviction is treated in a haphazard manner and when alternative residential apartment buildings are built, they are in locations with extremely underdeveloped facilities.⁶⁵

There are many ambiguities regarding the annual budget given to housing, especially on how the budget will be spent. In the 2012/2013 budget, around 17.5 billion EGP were allotted for housing, about 2.76% of the total budget. Further, the budget allocated to the development of informal settlements and slum areas was announced to be around 400 million EGP, an increase from 300 million in 2011.⁶⁶ It remains unclear how the 400 million EGP will be spent on developing slum areas, especially with the lack of a much needed policy to do so.

23. Please provide additional information on what the State party doing to gather more consistent information on the current status of adequate housing in Egypt, including the number of forced evictions that occur in the country. Please also explain what laws prohibit forced evictions and guarantee the right to adequate housing.

24. Please specify to what extent the National Housing Project described in paragraphs 410-423 of the State's report makes it possible to meet the population's right to adequate housing. Please provide information, for example, on future plans to offer subsidized housing to low and middle income citizens. Please explain how future national housing projects will avoid the shortcomings of former projects, which led to forced evictions and the increase in prices of housing units.

ARTICLE
12
HEALTH CARE

Total healthcare expenditure is showing worrying decreases in Egypt. Health spending made up 5.4% of GDP in 2000. This increased to 6.1% in 2002. But since then this number has continued to decrease until it reached 4.8% in 2012. Coupled with budget cuts, the health sector is becoming increasingly privatized. In 2001, private health units constituted about 47% of units nationwide; this grew to more than 66% in 2011.⁶⁷ At the same time, out-of-pocket health expenditures increased from 47% in 1995 to 61% in 2010.⁶⁸ Health costs rose from 6.5% of household expenditure in 2008/09 to 9.6% in 2010/11,⁶⁹ which partially shows the additional

burden that individuals have to bear. While this has burdened Egyptians with more expenses, it has also deprived those who cannot afford these services. Poorer health outcomes are likely results. Maternal mortality rates have increased from 39% in 2009 to 46% in 2011, for example.⁷⁰ There has also been a decrease in the number of children vaccinated, from 2010 (96.7%) to 2011 (94.2%).⁷¹

25. Please provide information on the progress achieved in improving access to healthcare, including information on specific budget allocations for these services. Please indicate whether the State party has conducted human rights impact assessments of its cuts to the health sector, and if so, how the results informed policy-making in the sector.

ARTICLE
13
EDUCATION

Education in Egypt has deteriorated in the past years. The number of children out of primary school almost doubled, from 267,087 in 2005 to 644,717 in 2010.⁷² In addition, literacy rates showed only slight improvements between 2005 and 2010: total literacy amongst youth (ages 15-24) rose from 85% in 2005 to 87% in 2010, while total literacy amongst adults rose from 71.4% in 2005 to 72% in 2010.⁷³

State policy has been to minimize its role in providing education and allow for private schools to take over, as was evidenced by decreasing budget allocations to education. While public spending on education made up 16.2% of the total state expenditures in 2005, it plummeted to 11% in 2008,⁷⁴ and remained at approximately 10-11% in 2012. At the same time, tuition and school fees made up 38% of a family's total expenditure on education in 2010/2011, while private tutoring and private lessons made up 42%,⁷⁵ which illustrates the deteriorating quality of public education and the increasing dependence on private education.

26. Please provide information on school completion and literacy levels since 2008, disaggregated by urban and rural areas, governorates and sex, as well as on steps taken since then to improve education. In particular, please provide information on the impact of literacy programs described in paragraphs 384-389 of the State Report.

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