



**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

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 73 OF THE CONVENTION**

**List of issues to be taken up in connection with the consideration  
of the initial report of Egypt submitted under the International  
Convention on the Protection of the Rights of All Migrant Workers  
and Members of Their Families**

**I. Information of a general nature**

1. Please provide statistical data and information on the size, characteristics and nature of migration flows (immigrants, migrants in transit and emigrants). If no precise data are available, please provide estimates and information on the dynamics of migration flows. Please also provide the Committee with information on any measures taken to generate statistics.
2. Please provide the Committee with precise information on the application of legislative, administrative and other measures pertinent to implement the Convention.
3. Please explain how the continued state of emergency affects the application of the Constitution, specific laws, international treaties and migrant workers' enjoyment of their rights.

4. Please describe the role, if any, of non-governmental organizations in the implementation of the Convention and in the preparation of the State party's report (see the Provisional Guidelines regarding the form and contents of initial reports to be submitted by States parties under article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, , HRI/GEN/2/Rev.2/Add.1, paragraph 3 *d*).
5. Please explain whether the national legislation provides for the application of the Convention to refugees and stateless persons (article 3 *d* of the Convention).
6. Please clarify the status of Sudanese migrants in Egypt and indicate how many of them are considered refugees and how many migrant workers.
7. Please specify the scope of the reservations entered by Egypt to article 4 and article 18, paragraph 6, of the Convention (paragraphs 2 and 136 of the initial report, CMW/C/EGY/1).
8. Please specify what measures have been taken to promote and publicize the Convention (CMW/C/EGY/1, para. 169).
9. Please supply a list of bilateral and multilateral agreements concluded in the field of migration, in particular temporary labour programmes and other agreements concerning employment, protection, double taxation, social security, return, etc. (CMW/C/EGY/1, paras. 182, 188 and 203).

## **II. Information in relation to each of the articles of the Convention**

### **A. General principles**

10. Please provide more information on the judicial, administrative and legislative mechanisms that are competent to examine and decide on complaints by migrant workers in case of violation of their rights.

### **B. Part III of the Convention**

11. Please comment on reports according to which women still need in practice permission, from their guardian or husband to obtain a passport despite the amendment to the Passports Act (No. 97 of 1959).

12. Please indicate whether an inquiry has been, or is due to be, held into the events of 30 December 2005 that led to the deaths of 27 Sudanese migrants.

13. Please indicate how many migrant workers have been in administrative or judicial detention since 2000 and why they were being held. In practice, do migrant workers enjoy the same protection as Egyptian citizens in cases of detention and before the courts?

14. Please provide statistics and, if available, examples of case law or sanctions taken against employers who breach the provisions of the Convention with regard to ill-treatment of migrant workers and the seizure of their identity papers or other documents (CMW/C/EGY/1, para. 140).

15. Please indicate whether any measures of collective expulsion have been taken, including against Sudanese migrant workers. Please also describe the procedures for expulsion.

16. Please give more details on the measures taken to inform migrant workers of their right to have recourse to the protection and assistance of the consular and diplomatic authorities (CMW/C/EGY/1, paras. 141-142). Indicate what measures have been taken to facilitate consular services' response to the need for protection of migrant workers and members of their families, and, in particular, to provide assistance to those of them in detention.

17. Please explain why, under article 27 of the Labour Code, the protection afforded to migrant workers by the Code is subject to a reciprocal agreement (CMW/C/EGY/1, para. 144). How is this requirement applied in practice? Please give details on the measures taken to ensure equal treatment for migrant workers in an irregular situation with regard to, in particular, remuneration, hours of work, weekly rest, holidays with pay, safety, health and other conditions of work.

18. What is the State party's position on social security for migrant workers whose employment contract is for *more* than one year (CMW/C/EGY/1, paras. 156 and 158)? Please explain why social protection for migrant workers is subject to a reciprocal agreement.

19. Please specify how the right of each child of migrant workers, including undocumented workers, to have a name, to be registered at birth and to have a nationality is implemented in practice.

20. Please explain how, in the light of the administrative procedures that have to be followed to gain access to and enrol in Egyptian State schools, the basic right of access to education is guaranteed in practice to each child of a migrant worker. Is this right guaranteed to each child of a migrant worker residing unlawfully in Egypt, or whose parents are in an irregular situation? And if so, how? In this regard, please clarify if Decree No. 24 of 1992 of the Ministry of Education applies to children residing unlawfully in Egypt (CMW/C/EGY/1, para. 163).

21. Please indicate which administrative bodies are responsible for providing the information required by article 33 of the Convention to Egyptians who emigrate and foreign migrant workers in transit or residing in Egypt. Please specify what information is supplied to Egyptians who migrate abroad, irrespective of their status, including those who migrate to the countries in the Persian Gulf, particularly with regard to the conditions for admission and their rights and obligations under the law and practice of the State of employment, as well as the judicial remedies available to them in the event of a violation of their rights (CMW/C/EGY/1, paras. 195-209).

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

22. Please provide more information on the restrictions on the freedom of movement mentioned in paragraph 170 of the report (CMW/C/EGY/1). Specify in which circumstances they can be imposed on migrant workers, and the nature of these restrictions.

23. While the report mentions that migrant workers are free to join trade unions and any other lawfully established associations and to participate in their administration (CMW/C/EGY/1, para. 155), it goes on to say that foreign members of such associations do not always have the right to participate in their administration depending on the by-laws of the organization concerned (para. 177). Please clarify the position of migrant workers in such

associations. Please explain why they are sometimes not allowed to participate in the administration of a trade union or association, and how migrant workers can in practice exercise their right to form a trade union.

24. Please provide information on measures envisaged by the State party to facilitate the exercise by Egyptian migrant workers living abroad of the right to vote and be elected in elections held in the country (CMW/C/EGY/1, para. 175).

25. Please indicate whether there are any plans to establish a procedure or institution to take into account the special needs, aspirations and obligations of Egyptian migrant workers and members of their families. Please explain the role of the High-level Committee for Emigration mentioned in article 4 of the Emigration Act (No. 111 of 1983).

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

26. Please provide information on the guaranties afforded to seasonal workers especially in the agricultural sector, and to workers in mines and quarries.

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

27. Please indicate what measures have been taken to enable consular services to respond effectively to the need for protection of Egyptian migrant workers and members of their families, and, in particular, to provide assistance to those of them in detention. Please also specify what assistance is offered to Egyptian migrant workers who are the victims of a system of “sponsorship” designed to give the sponsor control over them for the duration of their stay in the State of employment, and sometimes even to prevent them from returning to Egypt.

28. Please provide information on the phenomenon of trafficking and smuggling of human beings, especially from Sub-Saharan Africa and Eastern Europe through Egypt to Europe, countries in the Persian Gulf or Israel. Provide also additional information on the measures adopted to prevent and eliminate illegal movements of migrant workers.

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