

Unofficial Translation

Statement of

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The Consideration of Egypt's Initial Report
Presented to the Committee On the Protection of the Rights of
Migrant Workers and Their families

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Mr. Chairman,
Honorable Members of the Committee,
Ladies and Gentlemen,

It is a real pleasure to participate today, for the first time, in the activities of your distinguished committee, and to present the initial report of Egypt on its efforts to fulfill its commitments arising from the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It is also my pleasure, in this regard, to recall that Egypt played an active role in the elaboration and finalization of the text of this Convention which entered into force in 2003.

Egypt was one of the first countries to ratify the Convention in view of its strong belief in creating this necessary legal framework to codify and protect the rights of migrant workers and members of their families, and to promote their positive interaction with the host countries at a time when international political, economic, social and cultural realities have imposed serious challenges to their integration in these societies and threatened their enjoyment of their basic freedoms especially their right to personal safety and the respect of their human dignity.

Egypt has always called for the universal ratification of the Convention because of the important role it could play in achieving stability in the international labor market and in ensuring the respect of the overriding objective of the international system in asserting the notion of the universality of human rights of migrants as their number has reached 200 million according to the seminal report of the Global Commission on International Migration presented to the General

Assembly of the United Nations in 2005. The report emphasized the importance of recognizing the positive contribution of migrants in overcoming the deficiencies of the international labor market, and stressed the need to adopt more realistic and balanced policies to maximize the benefits from the opportunities created by migration for both hosting and countries of origin.

Egypt has always been supportive of the activities of the various international human rights treaty bodies, and supported the international decisions aimed at reinforcing their work, ensuring their independence, and the continuation of their constructive role in strengthening the international human rights system. We value the important role of these treaty bodies whose independent members are committed to objectivity, impartiality and to the respect for human rights, and to the promotion of the principles of justice, while guarding against selectivity and politicization. This was clearly reflected in their belief that continuous dialogue with governments is the best vehicle for the improvement of their performance in their quest to realize the full respect of human rights in all relevant fields including in the area which your esteemed committee is mandated to follow.

Mr. Chairman

Throughout history, Egypt has continuously been at the crossroad between East and West due to its distinct geographic location. Hence it has witnessed numerous migratory waves, either as a source or destination, which have shaped the distinctive character of Egyptian citizen and Egyptian society at large, and been enriched by the cumulative experiences and legacies resulting from centuries and millennia of interactions between peoples, civilizations and cultures.

These special characteristics have contributed to developing a culture that accepts migrants and facilitates their integration in Egyptian society, as well as resulting in a higher ability of Egyptian migrants to smoothly integrate in foreign societies. They have also helped the Egyptian society and people to accept new concepts and to adapt to new challenges whilst preserving the moral values on which the Egyptian culture, civilization and national character were founded throughout history.

The accumulated historic experiences of the Egyptian society and its rapid demographic growth have resulted in Egypt becoming a source, transit, and destination country for migration. The Ministry of Manpower and Migration estimates that the number of Egyptians abroad has approached the figure of 4.7 million. On the other hand, Egypt has received citizens of neighboring states who have crossed its borders both legally and illegally, in addition to being a transit country for citizen from many African and Asian countries seeking to migrate to European and other western countries.

Egypt is particularly concerned with the humanitarian dimension of migration including the protection of the human rights of migrants in an environment that sometimes threatens their basic freedoms and rights. In this regard, allow me now to highlight the core elements of Egypt's vision in this regard :

1. The importance of adopting a comprehensive approach by receiving countries for the respect of human rights of migrants without discrimination of any kind or double standards, while respecting the rights of migrants and those seeking temporary or permanent residence, and their nationality or religion.

2. Egypt rejects the mistaken view that sees migrants solely as a means of production, as we believe that their contribution to host countries and societies far exceeds the economic aspects to include include their important cultural and social contributions. We call for ensuring all their human rights and providing them with the necessary requirements to facilitate their integration in these societies, bearing in mind that migrants are among humankind's most dynamic and courageous groups who, if given the opportunities to tap their skills and abilities, on an equal footing and without distinction of any kind, could constitute a valuable acquis for both their receiving societies and their countries of origin.
3. A special emphasis should be given to the rights of migrant children whom should be accorded a higher priority in view of the fact that they are among the most vulnerable categories whose rights are the most prone to be violated. Hence it is of utmost important in this regard that the provisions of the Convention on the Rights of the Child, which stipulates the obligation not to discriminate against children in any country, are duly implemented and respected. This entails, among others, ensuring the rights of the migrant child to social services and health care, and the respect of their cultural and social heritage.
4. The importance of providing legal protection to women migrant workers against any violence they may be subjected to or any violation of their rights, in view of the fact that half of the world's migrants are women according the findings of the Global Commission on International Migration.

Mr. Chairman

The Egyptian initial report presented to your esteemed Committee outlines, inter-alia, the basic structure of the Egyptian state, and includes some of the key statistical and economic indicators and population trends, followed by the general legal framework for protecting human rights in Egypt, including the Egyptian Constitution and national laws. It also presented in its written replies to the list of issues further information on the different international conventions and relevant regional agreements to which is party, as well as the national mechanisms which guarantee the effective enforcement of those principles and the national mechanisms for remedies which examine any violation through effective procedures that meet international standards of justice and fairness.

The initial report also describes the legislative framework governing the rights mentioned in the Convention, and establishes that the Egyptian legal system incorporates the obligations stipulated in the different international agreements which become upon ratification part of domestic law. Hence, it is incumbent on all authorities in the country to faithfully implement their provisions. The national legislations referred to in the report are a reflection of the commitment of the national legislature to the principles enshrined in the Egyptian Constitution which stress the notions of equality and non-discrimination before the law, as well as to all the other principles of human rights guaranteed by the Egyptian Constitution and enshrined in the core international human rights instruments.

Furthermore, the initial report highlights that the Egyptian legal system provides an important mechanism for remedy, namely the Supreme Constitutional Court which was entrusted with the competence of ruling on the constitutionality of laws. As a matter of fact, the Supreme

Constitutional Court has actually ruled in several cases on the basis of the norms stipulated in international human rights conventions.

Your esteemed Committee requested further clarifications and addressed additional questions related to the content of the initial report as contained in the relevant list of issues, to which my Government has provided the necessary replies.

In this context, the Committee raised its concern that state of emergency currently in force in Egypt may affect the implementation of the Constitution and national laws. In response, the Government clarified that the state of emergency does not entail the suspension of the Constitution nor affect the work of the various institutions of the state, and that its application does not affect in any manner the respect of and the adherence to the various obligations and standards and safeguards under the International Covenant on Civil and Political Rights. Moreover, the exceptional measures included in the Emergency Law are restricted to confronting the threat of terrorism and drug trafficking.

Furthermore, in response to global changes and challenges arising from the growing threat of terrorism, and in line with the recent political reforms in the country, the Government created an inter-ministerial committee entrusted with the drafting of an anti-terrorism law, the promulgation of which will lead to the lifting of the state of emergency. The inter-ministerial committee is currently preparing the draft law guided by the United Nations model law and by the lessons of experience of other countries in combating terrorism, and by our commitment to protect our society while at the same time fully respecting our international obligations in the area of human rights. The Government also proposed the amendment of a number of articles of the Constitution which were approved by a public referendum on March 26th.

Mr Chairman

Egypt is presently facing two key challenges. The first is coping with the consequences of its economic transition to the free market system which necessitated the restructuring of many entities and economic institutions while at the same time taking into consideration the social dimension to provide the basic needs of its citizens during this sensitive transition. These reforms and economic transformations necessitated measures which impacted negatively on the labor market in Egypt particularly in a context in which actual investment flows did not commensurate with the increase in labor supply. Hence the unemployment rate has reached the level of 9% according to recent statistics. The government is trying to address this challenge through a set of incentives to encourage private and foreign investors to inject their capital into the Egyptian economy so that it can absorb the excess supply of labor and mitigate the negative consequences impacts of the economic transformations.

The second challenge is of a political nature, stemming out of tensions and armed conflicts in the region which constitute a major obstacle to our efforts to attract the level of international investments necessary for the generation of the required job opportunities. Despite these challenges, Egypt has lately started to witness some success in increasing investment flows into the country. However, due to the armed conflicts in the region, Egypt is witnessing a growing influx of refugees and asylum seekers fleeing from affected countries. The stability enjoyed by the Egyptian society acts as a pull factor that attracts these categories which end up representing an additional burden on the economy as it cannot cope with or absorb the employment demands stemming from these influxes.

I would like to emphasize that the Sudanese enjoy a special status in Egypt due to the unique historic bonds between the two countries which in fact used to constitute a single country until the mid- fifties of the last century, and the bilateral agreements which allow nationals of each country to enjoy the freedom of movement, work, residence and property in the other country. It is currently estimated that the number of Sudanese living in Egypt is somewhere between two and five million people. It is also worth mentioning that an accurate count of the number of Sudanese is almost impossible because many of them have lived in the country for many decades during which they have been treated on an equal footing with Egyptian citizens in light of the distinct historical relations between the two countries, and given the freedoms they have traditionally been enjoying for a number of centuries.

More recent internal developments in Sudan have led to the increase in the number of Sudanese refugees in Egypt as well as of those Sudanese in transit seeking asylum in other countries through the Regional Office of the United Nations High Commissioner for Refugees. This office is entrusted , as per the agreement signed with the Egyptian Government to register and determine the status of these asylum seekers. Therefore, we believe that, out of objectivity and fairness, it is important to avoid the unintended confusion between the case of Sudanese living in Egypt on the one hand and refugees on the other, as well as between the applicable international agreements in each case.

Mr. Chairman

With regard to the welfare of the Egyptian migrants abroad, the government does not save any effort to protect and help them legalizing their status in their host countries, and to ensure their respect of the national legislations of these countries, taking special care for their

families and dependants, and reinforcing the channels linking them to Egypt and facilitating their visits to their home country and providing their families with the necessary services. In addition, appropriate ways and means are presently examined to allow them to participate in the conduct of the public affairs of the country, including for voting in the different future elections and referenda, thereby reinforcing their bonds with their native country.

As for the efforts to protect the rights of Egyptian migrant workers in neighboring countries, the Egyptian Government seeks to conclude further bilateral agreements to manage and organize the migration of Egyptian labor and to explore new prospects for their employment in the relevant countries. At the same time, it would be worth noting that despite the fact that the remittances of the Egyptian labor force abroad constitute a substantial source of revenue for the economy of the country, we cannot overlook the consequences arising from the negative impact of the migration of the Egyptian labor force reflected in the national loss of their acquired expertise and the fruits of the investment by the state in this regard.

Mr. Chairman

The efforts of the Government of Egypt to protect the rights of Egyptians abroad and to promote their interests is based on the following pillars:

1. the regulation of migration abroad, whether temporary or permanent, in application of the constitutional right to migrate, and linking migration policies with the state's objectives in the field of economic and social development, and to enhance labor training programs in the different sectors in order to fill the gap in skilled labor at the national level the establishment of additional training

centers, and the elaboration of required programs thus raising the technical skills and aptitudes of the labor force..

2. the provision of the necessary services for Egyptian communities abroad, with special focus on the new generations, through supporting the establishment of associations in the host countries, and exerting efforts towards the preservation of their national heritage, cultural identity and language .
3. Raising the awareness of Egyptian youth of the dangers associated with illegal migration, and disseminating the relevant information in this regard through the concerned departments of the Ministries of Foreign Affairs and Manpower and Migration, as well as through the mass media, and the establishment of a hotline for this purpose in the Ministry of Foreign Affairs, in addition to enhancing coordination and cooperation with neighboring countries, in particular members of the European Union in the combat against illegal immigration.
4. The establishment of the post of Labor Attache in the Egyptian Embassies, particularly in the countries which host large Egyptian communities with a view to provide them with the necessary services.
5. Providing Egyptians abroad with the requisite consular services through our diplomatic missions and consulates abroad.

6. Organizing periodic visits by ministers to the countries hosting a large number of Egyptian workers in order to address their problems with the relevant officials in these countries.
7. The Egyptian Government is presently considering the establishment of a fund dedicated to assist Egyptian workers abroad in order to enable them to deal any exceptional circumstances or extraordinary situations they may encounter and which would require the provision of financial assistance.

Mr. Chairman

Egypt has achieved positive developments in its human rights architecture, which were mainly due to the political will and commitment of its leadership, the most prominent of which were the establishment of a number of specialized independent national councils including the National Council for Human Rights, the National Council for Childhood and Motherhood, and the National Council for Women, in addition to the creation of human rights departments in a number of relevant ministries such as Foreign Affairs, Justice and the Office of The Public Prosecutor. Nevertheless, much remains to be done at the implementation and practical levels, and the Government is working hard to overcome those obstacles and difficulties through the elaboration of plans and programs aimed at the effective implementation of Egypt's human rights obligations through the following:

- 1- Updating the legal infrastructure, whether through the promulgation of new legislations, or amending existing ones so as to conform with the relevant obligations emanating

from its ratification of the relevant human rights conventions.

- 2- modernizing the human rights institutional infrastructure through continuing to strengthen existing domestic mechanisms or the creation of new ones, including the establishment of Ombudsmen offices to examine individual complaints and propose the appropriate remedies.
- 3- Raising awareness of human rights principles and incorporating them into the education curricula particularly throughout basic education.
- 4- promoting and supporting the institutions of civil society as a principal partner in the development process and in efforts to raising awareness of human rights principles, and to promote adherence to the practices and behavioural patterns that respect the other, reject violence, and reaffirm the values of tolerance and peace. This is indeed essential for the promotion and protection of the rights of migrant workers and members of their families.
- 5- Building the capacities of law enforcement officials as well as members of the media in the area of human rights in collaboration with the United Nations, through a series of intensive training courses designed ,inter-alia, to raise their awareness and enhance their ability to address issues related to the protection of rights of migrant workers.

Mr. Chairman,

Ladies and Gentlemen,

In conclusion, allow me to assure you that we will seriously consider the observations and recommendations to be issued by your

esteemed Committee within the framework of transparency and openness, and in the spirit of constructive dialogue and cooperation. I am confident that our deliberations today and tomorrow will be conducted in this spirit. Furthermore, I would like to commend the efforts undertaken by the Committee in promoting the Convention in all relevant fora, and encourage it to continue its excellent and persistent work in this regard, in order to realize the universality of ratification of this important convention. For its part, the Egyptian Government stands ready to cooperate with the Committee with a view to achieving this vital objective.

Thank you Mr. Chairman