



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Pre-sessional working group

### **List of issues in relation to the combined second, third and fourth periodic report of Egypt (E/C.12/EGY/2-4), adopted by the pre-sessional working group at its fifty-first session (21-24 May 2013)**

#### **I. General information**

1. In view of the fact that international instruments are deemed to have the force of domestic law after their publication in the Official Gazette, please explain whether all rights enshrined in the Covenant can be invoked before and directly applied by Egyptian courts and provide examples, if any, of core decisions in this respect.
2. Please provide information on whether the State party is considering ratifying the Optional Protocol to the Covenant.
3. Please provide information on the process of registration of civil society organizations, including those which are based abroad, and on the conditions for obtaining foreign funding by civil society organizations. Also, please provide information on the status of the draft law in this regard currently under consideration by the Shura Council.

#### **II. Issues relating to the general provisions of the Covenant (arts. 1-5)**

##### **Article 2, paragraph 1 – Maximum available resources**

4. In the context of the State party's political transition, please provide information on effective legal, structural and other relevant measures that the State party has taken to combat corruption, to prosecute those complicit in such practices and to address the problem of illicit enrichment.
5. Please provide up-to-date statistical information for the reporting period, demonstrating the levels of public spending as a percentage of gross domestic product in the various sectors related to economic, social and cultural rights.

### **Article 2, paragraph 2 – Non-discrimination**

6. In the light of the provisions of article 33 of Egypt's new Constitution, please clarify the scope of its protection against discrimination, the level of protection for non-nationals, and whether the prohibited grounds are comprehensive. Please also indicate whether the State party's legislation includes provisions concerning indirect discrimination.

7. Please indicate what measures have been taken to combat and prevent discrimination against persons with disabilities, in particular with respect to the right to education, work, housing and social assistance. Please also provide information on how the concept of "reasonable accommodation" for persons with disabilities is translated in the legislation of the State party, including as regards employers' obligations.

### **Article 3 – Equal rights of men and women**

8. Please provide information on the impact of measures taken to increase the representation of women in decision-making positions, in particular in the judiciary, the Shura Council and the People's Assembly.

9. Please provide updated information in relation to follow-up on proposals submitted by the National Council for Women to amend the Penal Code so as to criminalize sexual harassment in the workplace, to eliminate discrimination against women with regard to adultery, and to limit the powers of judges to pass lenient sentences in cases of rape and gross indecency. Furthermore, please inform about the impact of programmes aimed at countering prevalent negative social customs and traditions and promoting the economic advancement and liberation of women. In particular, please illustrate what measures have been taken to counter sexual and gender-based violence against women, including violence intended to deter them from attending demonstrations.

10. Please provide information about the number of prosecutions, if any, of individuals performing female genital mutilation (FGM), and of the outcomes thereof. In addition, please provide information on progress made in implementing the National Programme to Combat Female Genital Mutilation, including the "FGM-free village" projects.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Article 6 – The right to work**

11. Please provide updated annual information, from 2006 onwards, on the (un)employment rate; for more recent years, provide information on (un)employment disaggregated by full-time/part-time employment, private/public sector, sex, age, urban/rural residence. Please also report on the impact achieved by the Higher Council for Human Resource Development and the employment programme established under the 2003 Labour Code. In addition, what intersectoral and inter-institutional strategies have been adopted to combat unemployment among young people, in particular women?

### **Article 7 – The right to just and favourable conditions of work**

12. Please provide updated data concerning employment in the informal economy, including sociodemographic characteristics, industry, hours of work and earnings by different categories of work. Please specify what measures are in place to guarantee access

of persons employed in the informal economy, in particular women, to basic services and social protection. Please also provide information on measures taken to assist workers to move out of the informal economy.

13. Following the adoption of the new Constitution, please provide updated information on the current situation in terms of minimum wage, including on proposals currently considered by the Shura Council. In addition, please clarify how the State party enforces minimum wage regulations. Please also clarify how workers' wages are protected against inflation.

14. Please provide more information on action taken to address wage discrepancies between men and women in the private sector.

### **Article 8 – Trade union rights**

15. Please explain in which circumstances the State party's legislation, including the Penal Code (articles 124 and 124 *bis*), the 1976 Labour Law (article 192), as well as Law 34/2011, imposes criminal sanctions for calling or participating in strikes, and highlight how such provisions are compatible with the right to strike as guaranteed under the Covenant. In addition, please comment on reports that a number of workers have faced disciplinary measures, criminal investigations, and even military trials in connection with organizing strikes.

16. Please explain how article 53 of the Constitution, which allows only one trade union per profession, is compatible with the right of everyone to form trade unions or to join trade unions of their choice, as enshrined in the Covenant. In addition, please explain how the system of collective bargaining is organized, including limitations on this right, and highlight which safeguards exist to guarantee the freedom of trade unions.

### **Article 9 – The right to social security**

17. Please provide information on the percentage of workers who are not yet covered by social security and the reasons for their exclusion. Include information on the measures taken to extend the benefits of social security to everyone, including the most disadvantaged and marginalized individuals and groups, as required by the Covenant.

18. Please provide information on the percentage of the population that benefit from health-care coverage, disaggregated by economic sector and geographic region.

### **Article 10 – Protection of the family, mothers and children**

19. Please explain to what extent article 70 of the Constitution still allows for child labour. Please also elaborate further on the practical results of measures to eliminate child labour achieved by the child labour inspection units that have been established within Manpower Directorates and provide information as to whether there have been any criminal prosecutions in this regard. In addition, please provide information on the results of the nationwide investigation into child labour mentioned in the State party's report (E/C.12/EGY/2-4, para. 407), and provide updated information about the prevalence of child labour in the State party.

20. Please provide information on the results achieved and challenges encountered by the unit established by the National Council for Childhood and Motherhood in 2007 to combat trafficking in children (E/C.12/EGY/2-4, para. 189).

21. Please explain whether the law in the State party explicitly prohibits corporal punishment of children in all settings, including the home, schools and alternative care settings; please also inform the Committee of the outcome of any prosecutions in this regard.

22. With reference to the Labour Code (Act 12 of 2003), please provide more information regarding the enjoyment, in practice, of maternity leave by women working in the informal economy and private sector.

### **Article 11 – The right to an adequate standard of living**

23. With reference to the Committee’s previous concluding observations (E/C.12/1/Add.44, para. 15), please inform the Committee whether the State party has established an official national poverty line, if not, what mechanisms are used for measuring and monitoring the incidence of poverty.

24. Please provide information on the results and challenges in the implementation of the plan of action on food security mentioned in the State party’s report (E/C.12/EGY/2-4, para. 204). Please also explain how the recent reduction in flour subsidies may impact the availability of subsidized bread, and highlight how the State party intends to mitigate the impact of cuts in subsidies on the enjoyment of the right to food.

25. Please inform the Committee on whether the State party has undertaken a comprehensive survey on access to safe drinking water and sanitation, including for people living in slums, refugees and asylum seekers, and in rural areas. Please also provide information about progress in implementing the plan for complete coverage of all cities, towns and villages, as described in the State party’s report (E/C.12/EGY/2-4, para. 218).

26. Please provide information on how the concept of “adequate” housing, as laid down in the Constitution (article 68), is implemented in ordinary legislation. Please also provide statistical data, disaggregated by region and urban or rural areas, on the enjoyment of the right to adequate housing, and include information on the number of forced evictions that have taken place in recent years and the measures in place to ensure that evictions are carried out in accordance with international principles and guidelines and taking into account the Committee’s general comment No. 7 (1997) on the right to adequate housing. Please also report on progress achieved in the implementation of the National Housing Project which was to be completed by 30 September 2011, and inform the Committee on which other policies or projects targeting the right to adequate housing have been adopted.

27. Please indicate which measures the State party intends to undertake to address the situation of the large number of residents currently living in informal settlements which the Informal Settlements Development Facility has identified as “unsafe”. In this regard, please explain which judicial or other remedies are available against forced evictions and for ensuring proper consultation in the context of the Cairo 2050/Egypt 2052 plan.

### **Article 12 - The right to physical and mental health**

28. Please provide updated information regarding maternal mortality/morbidity rates as well as infant and under-five mortality rates since the previous reporting period.

29. Please explain the reasons behind the continued decline in the State party’s public spending on health care as a percentage of gross domestic product and provide information on measures taken to reverse this trend. Also indicate how, in light of the increasing privatization of the health sector, the State party intends to ensure universal access to quality and affordable health care. In this regard, please report on the results of the sixth

five-year plan which set out to provide comprehensive coverage pursuant to a prospective Unified Health Insurance Act.

30. Please indicate what steps have been taken by the State party to ensure access to sexual and reproductive health services by all sections of the population, and to promote sexual and reproductive health education, in particular for adolescent girls and boys.

### **Articles 13 and 14 – The right to education**

31. Please provide updated statistical information on school enrolment, school completion, drop-out rates and literacy levels disaggregated by urban and rural residence, region and sex. Please comment on the increasing reliance on private education in the State party, because of the deteriorating quality of public education.

### **Article 15 – The right to culture and to benefit from scientific progress**

32. Please clarify how the State party guarantees the right of access to cultural life for all.

33. Please provide further information on the role of the State in programming radio and television broadcasts, and specify the content of the media information plan mentioned in the State party's report (E/C.12/EGY/2-4, para. 340). Please also provide information about the situation in the State party in terms of written media.

34. Please provide information on the protection of minorities, including religious minorities, and on the preservation of their historical and cultural heritage. Please also provide information on steps taken by the State party to promote understanding of different cultures, tolerance and mutual respect between different parts of the society.

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