



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
8 December 2015

Original: English

Committee on the Elimination of Racial Discrimination Eighty-eighth session

Summary record of the 2403rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 1 December 2015, at 10 a.m.

Chair: Mr. Calí Tzay

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined seventeenth to twenty-second periodic reports of Egypt (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-21200 (E) 071215 081215



Please recycle 



The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

*Combined seventeenth to twenty-second periodic reports of Egypt (continued)
(CERD/C/EGY/17-22 and CERD/C/EGY/Q/17-22)*

1. *At the invitation of the Chair, the delegation of Egypt took places at the Committee table.*

2. **Ms. Baha' Eldin** (Egypt) said that her Government took a comprehensive approach to human rights and had set up a number of mechanisms to enable it to fulfil its international obligations in that regard. Her Government would take the Committee's comments into account when drafting the subsequent periodic report. In turn, she hoped that the Committee would take into consideration the programmes and policies that Egypt had adopted to improve the situation in the country.

3. The members of the National Council for Human Rights were chosen by the Council of State on the basis of their past achievements in the field of human rights. Pursuant to recent legislative changes, in the future the Council would be backed by the authority of the parliament. The Council enjoyed financial and technical independence, and its views were given consideration in the drafting of legislation that affected human rights. A presidential decree had recently been issued investing the Council with the authority to conduct prison visits. The Council made recommendations to government authorities and then engaged in a dialogue with those authorities on how best to implement the recommendations. The Ombudsman's Office had the authority to receive and handle complaints of discrimination and had established branch offices in several governorates.

4. **Mr. Helmy** (Egypt) said that no statute of limitations applied to violations of the rights and freedoms set out in the Constitution and that fair compensation for victims of such violations was guaranteed by the judiciary. Compensation was subject to a number of criteria. For example, it must enable justice to be served and must be proportional to the crime committed.

5. A number of articles in the Penal Code (Law No. 58 of 1937) dealt with various dimensions of gender-based discrimination. The Code also contained provisions protecting individuals from propaganda broadcast by the media — including incitement to hatred — and criminalizing discrimination on grounds such as gender or religious belief. Discrimination was a criminal offence in and of itself, regardless of whether it resulted in any harm.

6. Discriminatory intent was an aggravating circumstance, and persons committing offences with such intent could be punished with both imprisonment and a fine. The aggravating circumstance also applied to offences committed by State employees and public officials.

7. Complementary laws regulated, inter alia, presidential, parliamentary and local elections, and they were fully compatible with the Constitution. Unlike ordinary laws, they required the approval of a two-thirds majority in the parliament. They were subject to judicial review by the Supreme Constitutional Court.

8. The Convention had been incorporated into national law some time ago. The new Constitution represented a quantum leap in human rights protection and it criminalized and penalized all forms of discrimination. When the current elections were over, the new parliament would do its utmost to implement the human rights guarantees set out in the Constitution. A number of bills had been drafted to implement the new constitutional guarantees, and they would be among the first pieces of proposed

legislation to be considered by the new parliament. Those bills included one on the establishment of an anti-discrimination commission.

9. The delegation had taken note of the Committee's comments about the statistical data available on cases of discrimination. Those comments would be taken into consideration in the State's current efforts to develop an effective information system to protect and promote human rights and to combat discrimination in particular.

10. **Ms. Baha' Eldin** (Egypt) said that the committee responsible for drafting the new Constitution had included Nubian and Bedouin members. As criminal activity was rife in certain parts of the Sinai peninsula, temporary measures had been adopted to protect the civilian inhabitants during military engagements with criminal elements. Compensation and alternative housing had been provided to those affected. The temporary measures were subject to judicial review so as to ensure that they did not violate any rights set out in the Constitution or in other legislation. The measures applied equally to all residents, including Bedouins, and did not target any specific groups. The allegations that Bedouins were being prevented from owning land were baseless. All citizens were entitled to own land in the Sinai peninsula, without any discrimination on grounds of religious, racial or ethnic background.

11. Nubians had always played a major role in the political, economic, social and cultural life of the country and they were not discriminated against. The State wished to empower Nubians to exercise their rights and protect their culture, while taking part in all areas of life in Egypt. In some cases, they had been relocated to make way for public projects. In those instances, the State had provided monetary compensation and had built urban communities for them to live in. As part of its development aims, the State was making efforts to meet Nubians' demands concerning their relocation. A bill on development in Nubia had recently been prepared. The Nubian language was a spoken and not a written language. The Ministry of Culture was taking steps aimed at preserving Nubian culture and strengthening Nubians' role within the national fabric.

12. Religion was not a consideration in appointments to public offices; such appointments were made strictly on the basis of merit. Copts held a number of leadership positions in various ministries, the armed forces, the diplomatic corps and other government bodies. The Government had rebuilt all the Coptic churches that had been damaged during the violence incited by the Muslim Brotherhood. The new Constitution contained a provision requiring the parliament to adopt a law regulating the construction and restoration of churches at its first session after the entry into force of the Constitution.

13. The Constitution also stipulated that representation of Coptic communities must be taken into consideration when drawing up electoral constituencies and that fair and equitable representation of Christians must be guaranteed. Any law enacted to implement those provisions would be subject to judicial review by the Supreme Constitutional Court.

14. Her delegation was astonished by and categorically denied the allegations of severe racial discrimination against dark-skinned persons. Such allegations were most likely based on misconceptions drawn from images of Egypt in the nineteenth century prior to the abolition of slavery.

15. The term "*khul*" referred to divorce initiated by the wife in exchange for compensation. It applied only to Muslims, as the Coptic Church rejected such terms of divorce, and the State had neither the authority nor the desire to force the Church to recognize *khul*.

16. **Mr. El-Adawy** (Egypt), noting that he would have liked to have seen more NGOs represented in the meeting room, said that by late December 2015 the Ministry

of Social Solidarity would have finished developing a database of NGOs operating in the country, of which there were currently estimated to be some 48,000. There had been a surge in the number of NGOs registered since 2011. They were governed solely by their boards, although the authorities had put good governance requirements in place. Attempts were also made to ensure that NGOs were representative of the communities in which they worked, so that young people, women and marginalized groups had a voice in issues affecting them.

17. NGOs were currently regulated by legislation dating from 2002. In 2011, work had begun on a number of bills to establish a new regulatory framework for NGOs, including one formulated by the Muslim Brotherhood. The newest such bill was referred to simply as the NGO bill, and it had been drafted in consultation with the umbrella federation of NGOs active in the country. As part of the process, community meetings, preceded by round tables organized in each of the country's governorates, had been held in Alexandria, Cairo, the Delta region and Upper Egypt. The drafters had used NGO regulations of other countries — some more progressive, others less so — as a basis for comparison and had taken into account the points of view expressed by relevant Egyptian ministries. The NGO bill would be presented to stakeholders before its submission to the parliament.

18. The registration of an NGO, which currently required the approval of the Ministry of Social Solidarity, could take up to three months. Under the new Constitution, however, it sufficed for the founders of a prospective NGO to notify the authorities of their intentions and to specify the sphere in which they wished to operate. Sometimes, in a bid to increase their chances of securing funding, NGOs stated that they worked in a number of sectors; that practice could make it hard to categorize them. In any event, once registered, NGOs could operate freely, although their activities were sometimes coordinated by the Government. In the aftermath of the recent flooding in Alexandria and Beheira governorates, for instance, the authorities had taken the lead in assigning responsibility for relief operations, mainly to organizations with considerable experience in providing disaster relief. The aim had been to prevent duplication of effort.

19. NGOs were subject to restrictions only insofar as reporting requirements could be considered restrictions. Reporting, including financial reporting, was necessary, as it enabled the Ministry of Social Solidarity to coordinate activities and gather statistics. International institutions registered with the Egyptian authorities did not need to seek prior approval for transferring funds to duly registered Egyptian NGOs; reporting such transfers sufficed. Securing approval to fund an unregistered NGO could take up to three months.

20. **Mr. Tharwat** (Egypt) said that one of the most important guarantees provided to victims of human trafficking was that they were not prosecuted. They were treated as victims, and as such the State ensured that they were given the necessary support and protection. They were entitled to legal aid, and the courts were required to keep their identity confidential. The State operated facilities, different from those used for criminals, where trafficking victims could meet with their lawyers, relatives or the authorities.

21. In fulfilment of its international obligations, Egypt guaranteed the right to seek asylum for humanitarian reasons. Throughout the process, applicants for asylum enjoyed the necessary guarantees, including housing assistance and protection from refoulement. As a rule, decisions to grant asylum were made by the Office of the United Nations High Commissioner for Refugees, without interference from the Government.

22. **Mr. Rezaq** (Egypt) said that there were approximately 60,000 refugees attending school in Egypt, some 40,000 of them in public schools. Fewer than half were from Iraq and the Syrian Arab Republic. Other child refugees in the schools came from the Sudan, South Sudan and Libya.
23. NGOs had taken part in the universal periodic review one year before, and they had been represented at appearances of the delegation of Egypt before other United Nations human rights treaty bodies. They had also been consulted on the periodic report. As a result of their heavy involvement in the elections currently being held in Egypt, however, it had been hard for them to accept the authorities' invitation to attend the present meeting.
24. During a transition period following the revolution of January 2011, executive authority had been transferred to the Supreme Council of the Armed Forces. It was in that context that it had amended the presidential decrees.
25. Fears that the country's new Counter-terrorism Act could erode basic protections were groundless. It was a comprehensive law that addressed the changing forms of terrorism and carefully defined the actions of the executive. It was a considerable improvement on older counter-terrorism laws. Under the new Act, for instance, cases involving terrorist offences were to be tried by ordinary courts, not by special tribunals. In addition, it provided for immunity from prosecution for informants. The drafters of the Act had not disregarded human rights; indeed, one of their main aims had been to preserve people's right to life and personal safety. In general, enacting a law that was incompatible with the international conventions that had been ratified by Egypt and incorporated into domestic law would be unconstitutional in Egypt.
26. The possibility of ending a marriage through *khul* was not available to Muslims alone, although restrictions applied when the husband and wife were not both Muslim. In that connection, a bill relating to matters of personal status was being drafted by the Ministry of Legal and Parliamentary Affairs in consultation with churches and civil society.
27. **Mr. Avtonomov** said that he would appreciate a brief description of the provisions for the naturalization of non-Egyptian nationals residing in Egypt. It would be interesting to know whether the State party intended to submit an updated common core document. Information on the extent to which the courts, under the new Constitution, relied on *fiqh* (Islamic jurisprudence) would be welcome, as would a brief account of the various schools of thought that prevailed in the Egyptian legal system.
28. **Ms. Crickley** said that the Committee had been informed that institutionalized discrimination against minorities persisted in Egypt.
29. She asked whether the State party had reapplied to the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) for A status for the National Council for Human Rights and, if so, what response it had received.
30. Commending the State party on its decision to enact a new law on civil society organizations, she enquired about the content of that law. In particular, she wished to know whether organizations that addressed rights-related issues would be protected under the new legislation and procedures.
31. She had not yet heard a response to the question she had raised at the previous meeting concerning reports in the media about the abduction of Coptic women.
32. She gathered that the resettlement of Bedouin groups in northern Egypt was largely due to the promotion of tourism. Such action should not be taken without

obtaining the free, prior and informed consent of the affected groups. It was essential to respect their traditional rights and collective ownership of land.

33. **Mr. Helmy** (Egypt) said that a person born of an Egyptian mother or father was entitled to Egyptian citizenship. In addition, anyone who had been resident in Egypt for 10 years and had no criminal record could apply to the Ministry of the Interior for citizenship.

34. Article 2 of the new Constitution stipulated that the principles of Islamic sharia law were the main source of the country's legislation. Differences in the interpretation of that provision had given rise to a predicament, since it could be invoked for purposes of religious extremism or terrorism. However, the Supreme Constitutional Court had ruled that the principles in question were those accepted by all religious denominations. The Court had also ruled that Egypt should not discriminate among its citizens. The intent of article 2 of the Constitution was to ensure that the legislature drafted laws that reflected general principles of equality and justice.

35. **Mr. Tharwat** (Egypt) said that the Egyptian population was highly diverse and that racial discrimination was alien to his country's culture and prohibited by Egyptian legislation. While individual cases of discrimination might arise, they were not widespread and he was unaware of any examples of blatant or institutionalized discrimination. The Ministry of Interior did its utmost to promote a harmonious society and peaceful coexistence.

36. **Mr. Helmy** (Egypt) said that systematic breaches of minority rights were totally unacceptable from a legal perspective, and the necessary judicial and other mechanisms would be set in motion if any such cases occurred.

37. All reported cases of abduction had been investigated. According to the Office of the Public Prosecutor, most cases had been reported by the parents of young women who had fallen in love with someone from a different denomination. A study of more than 100 cases had been undertaken some years previously by the Center for Arab-West Understanding. He would provide the Committee with a copy of the report.

38. The National Council for Human Rights had applied to ICC for A status in 2011. No decision had yet been taken because of the evolving legal situation. As a number of relevant laws were likely to be enacted by the newly elected House of Representatives, the application would probably be reviewed in 2016.

39. A number of committees in the Ministry of Foreign Affairs and the Ministry of Culture were collaborating with civil society organizations to hold a series of events in 2016 to mark the International Decade for People of African Descent.

40. **Mr. El-Adawy** (Egypt) said that the persons who had been assigned the task of drafting the law on civil society organizations were highly experienced and very much aware of existing problems and challenges. For example, on finding that the process for the registration of civil society organizations was unduly slow, they had decided that notification should be sufficient.

41. Civil society organizations that worked in the area of human rights were subject to the same rules, policies and procedures and protected by the same legislation as those operating in other areas, such as health care and the promotion of women's participation in the parliament.

42. **Mr. Vázquez** said that, according to the delegation, Act No. 84, which governed civil society organizations, permitted registered NGOs to engage in political affairs. However, paragraph 286 of the State party's report contradicted that claim.

43. He drew attention to the Committee's general recommendation No. 35, according to which measures to monitor and combat racist speech should not be used as a pretext

to curtail expressions of protest at injustice, social discontent or opposition. He was troubled by the statement in paragraph 173 of the report that Egyptian legislation penalized besmirching the honour of individuals and by the delegation's reference to the penalization of misinformation. According to some civil society groups, "misinformation" was defined as reports on incidents related to counter-terrorist operations that differed from the State's accounts. He stressed that unduly broad legislation could impede the exercise of the right to freedom of expression and association.

44. According to the State party, the demolitions in Rafah in the northern Sinai peninsula had been undertaken in response to criminal activities and compensation had been provided to those adversely affected. The Committee had been informed by civil society organizations that the response had been disproportionate, that insufficient notice had been given to residents, that the compensation had consisted of a one-time payment equivalent to US\$ 118 and that no compensation had been provided for agricultural land.

45. He joined Ms. Crickley in expressing concern about the failure to recognize Bedouin traditional collective ownership of land under the *wada' al-yad* regime.

46. He wondered whether the assertion in the report that Egyptian citizens had the right to education and health implied that non-citizens, including refugees and asylum seekers, did not enjoy those rights.

47. **Mr. Khalaf** (Country Rapporteur) asked whether international treaties ratified by the State party prevailed over domestic law in the event of a conflict between the two. He also wished to know whether the provisions of the new Constitution were in line with existing domestic provisions.

48. According to the report, nomads were being resettled in modern villages. He asked whether the nomads were consulted prior to resettlement about the location of their new homes and the land to be allocated to them.

49. According to televised reports broadcast in July 2015, a considerable number of black-skinned people had been subjected to discrimination in Egypt. Another television channel had provided evidence of multiple cases involving similar discrimination. For instance, the black Egyptian film director Nada Zatouna had been refused service in a chemist's shop in Cairo because of her skin colour.

50. He asked whether academic research had been undertaken on the situation of relatively small minority ethnic communities.

51. In the light of reports of violence and discrimination against minority religious groups, such as the Copts, he enquired about measures taken to protect their places of worship and property.

52. Referring to the tribal clashes in the city of Aswan in 2014, he asked whether measures had been taken to promote tolerance and to preserve cultural diversity in the area.

53. He asked whether article 75 of the Constitution, which entitled civil society organizations to acquire legal personality upon notification, was currently applied, or was Act No. 84, which required registration, applied.

54. The State party had provided data concerning the number of foreign students in Egyptian schools. However, the Committee wished to be provided with statistics, disaggregated by nationality, concerning the number of refugees currently enrolled in public schools.

55. **Mr. El-Adawy** (Egypt) said that civil society organizations were not allowed to take action on political issues. Such action was confined to political parties. Civil society organizations operated for the most part in the sphere of social and economic development. Faith-based civil society organizations supported the access of all communities — without distinction — to social services, health care and education.

56. Act No. 84 would continue to be applied for the registration of civil society organizations until the new law was enacted.

57. **Mr. Helmy** (Egypt) said that when an international treaty was ratified, existing laws were amended to ensure that they were compatible with the obligations assumed. Article 39 of the Constitution stipulated that the State was bound by international human rights agreements, covenants and conventions ratified by Egypt and that such treaties had the force of law following their ratification.

58. **Mr. Rezaq** (Egypt), in response to the concerns voiced by the Committee about restrictions placed on civil and political rights under the Counter-terrorism Act, said that the Government had been acting in accordance with article 19 (3) of the International Covenant on Civil and Political Rights, which provided that the exercise of the right to freedom of expression carried with it special duties and responsibilities. As such, it might be subject to certain restrictions for the protection of national security or public order.

59. He was shocked to hear about the news reports of racial discrimination in Cairo which the Committee had cited. He would appreciate it if the Committee could provide his delegation with further details of the cases in question, as the source and nature of the information were not clear. He asked whether the victims had informed the relevant authorities of the alleged discrimination.

60. Turning to the question raised concerning research on small ethnic groups, he said that a number of universities had been carrying out studies. Although there had not been enough time for his Government to collect their results, he trusted that that work would soon be finalized and the results could soon be submitted to the Committee. Lastly, appropriate amendments were made to national laws in order to bring them into line with the international human rights instruments that had been ratified by the parliament. Therefore, a conflict between those instruments and national legislation was not possible.

61. **Mr. Tharwat** (Egypt) said that, in 2013, the terrorist group Muslim Brotherhood had used social and traditional media to incite violence. It had instructed elements in the governorates to attack Coptic Christian churches and property. Minya Governorate had been the most affected by the attacks. Although he did not have specific figures to hand, a large number of the attackers, some 600 to 700, had been arrested. The perpetrators of the acts had been prosecuted and brought before special courts, and the State had since been working to repair the damage and restore the places of worship.

62. The clashes that had broken out in Aswan in 2014 involved disputes between two local tribes: the Nubian Al-Dabodeya and the Arab Al-Halayel. They had been sparked by an exchange of insults between students over the harassment of a girl from one of the tribes and offensive graffiti on the wall of the school, which had initially been followed by stone-throwing by the students' parents and the firing of tear gas by the police to quell the unrest. On 4 April, despite the intervention of elders from both tribes, the verbal clashes had turned into physical ones, with eight persons injured and hospitalized. The perpetrators of the violence had been arrested and prosecuted. Nevertheless, the fighting had resumed, resulting in a death toll of 26 persons. The Government had taken every possible measure to resolve the conflict, including setting up a reconciliation committee. The perpetrators from both sides had been

arrested and prosecuted. There would be hearings in mid-December 2015 to listen to the accounts of the different parties to the dispute.

63. **Mr. Helmy** (Egypt) said that refugees who were registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) and were living in Egypt would be resettled. There were others who had entered the country legally but had stayed beyond the maximum allowable period and were residing unlawfully in Egypt without registering as refugees.

64. **Mr. Rezaq** (Egypt) said that refugees residing legally in the country faced no discrimination under the law. He therefore took issue with any data that indicated otherwise.

65. **Ms. Baha' Eldin** (Egypt), in response to the question raised concerning the resettlement of Bedouins living in the Sinai peninsula, said that efforts had been made to resettle all persons living in the border areas that were under attack. The Bedouins had not been targeted by the resettlement programme.

66. **The Chair** said that there were a number of outstanding questions that had yet to be answered. One concerned equal educational and employment opportunities for Coptic Christians. Were efforts being made to provide them with training so that they had the necessary skills to hold public posts? He wished to know how easy it was to establish media outlets in Egypt. It was not clear whether the anti-discrimination laws specifically covered the media.

67. **Mr. Kemal** said that, although the Committee did not deal with religious matters as such, it was concerned when religious practice or law gave rise to discrimination. He would be grateful for further clarification of the relationship between sharia law and the Constitution in Egypt.

68. **Ms. Baha' Eldin** (Egypt) said that Coptic students enjoyed equal educational opportunities. Public schools in Egypt did not discriminate against students on any grounds and were open to everyone. Although there might be some remaining social practices and customs that were harmful, in no way did the law give rise to any form of discrimination. Furthermore, her Government was making every effort to reduce the occurrence of harmful practices.

69. **Mr. Rezaq** (Egypt) said that he himself was a graduate of a Christian missionary school. Christian education had played a key role in the development of the education system. Christian groups in Egypt had also secured leading positions in various sectors. The pioneers of many of the country's industries belonged to different religious groups. There were no institutional barriers, therefore, preventing people of various faiths from obtaining employment or holding senior positions. Although he was not an expert on sharia law, he pointed out that such law, regardless of how it was interpreted, could not contradict constitutional principles and clauses. The Government had focused on the principles rather than the details of sharia law in order to ensure that anything that was borrowed from any legal system, including the Islamic one, was fully in line with the principles of the Constitution. That was one way in which the Government was working to modernize society and ensure the rich diversity of the legal system.

70. **Mr. Helmy** (Egypt) said that the legal system had drawn on four or five principles of sharia law, which were principles shared by all major religions. Legislators were the only persons responsible for interpreting the law. When a law was considered to be unconstitutional, it was referred to the Constitutional Court for review. Sharia law in Egypt had nothing to do with such practices as amputation of hands and other forms of punishment.

71. **Mr. Rezaq** (Egypt) said that, although media activities were governed by Egyptian law, the law placed no restrictions on the establishment of media outlets. A decision had been made some 22 years earlier to liberalize the media and information sector. Accordingly, legislation had begun to reflect the growing diversity in that sector. One of the main chapters in the new Constitution dealt with the right to freedom of expression and the reorganization of the media sector. Three councils would be established, each of which would be responsible for promoting the independence of the media. A number of relevant legislative proposals were currently being drafted by the justice department and would soon be before the parliament.

72. **Mr. Vázquez** said that, although the Bedouins who had been resettled had not been singled out, they had been disproportionately affected by the resettlement programme. The Convention was concerned with actions that had a discriminatory effect and not merely actions that had a discriminatory intent. Concerning harmful practices, the Committee encouraged States parties to take actions to diminish the effect of such practices as well as the effect of any international actions by the State. Lastly, it was important to note, with respect to the reference to article 19 of the International Covenant on Civil and Political Rights, in its general comment No. 34 concerning that article, the Human Rights Committee had made clear that the restrictions based on the need to maintain public order or protect the reputation of individuals were subject to strict requirements. The Committee on the Elimination of Racial Discrimination had done likewise in its general recommendation No. 35, which included the principle of legality, proportionality and necessity.

73. **Mr. Khalaf** said that the dialogue with the delegation had been very useful. There were a number of questions that remained unanswered, especially regarding the situation of Palestinian refugees from the Syrian Arab Republic, the Bedouins and certain marginalized groups seeking protection. The Committee would no doubt draw attention to the important legislative reforms taking place in the country. He hoped that the reforms would bring the law into line with the Convention and be conducive to combating all forms of discrimination.

74. **Ms. Baha' Eldin** (Egypt) said that her delegation had benefited much from the many questions and comments from the Committee. She looked forward to further discussion with the Committee in order to draw on its experience.

The meeting rose at 12.50 p.m.