



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination Eighty-eighth session

Summary record of the 2402nd meeting*

Held at the Palais Wilson, Geneva, on Monday, 30 November 2015, at 3 p.m.

Chair: Mr. Calí Tzay

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Combined seventeenth to twenty-second periodic reports of Egypt

* No summary record was issued for the 2401st meeting.

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The meeting was called to order at 3.10 p.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 (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), introducing the combined seventeenth to twenty-second periodic reports of Egypt (CERD/C/EGY/17-22), said that the creation of the post of Assistant Foreign Minister for Human Rights was evidence of the importance that the Government of Egypt attached to human rights issues such as racial discrimination. The House of Representatives would soon be reviewing the human rights legislation that had been introduced during the transitional period, and it intended to set up an anti-discrimination commission with a view to strengthening the system of national mechanisms for tackling all forms of discrimination, including racial and religious discrimination. The Ministry of Legal and Parliamentary Affairs had been mandated to consult with the public and the various national political parties on human rights issues and to prepare draft legislation in relevant areas. The Minister for Legal and Parliamentary Affairs presided over the National Standing Committee on Human Rights, which was responsible for following up on the implementation of recommendations accepted by Egypt during the universal periodic review and for conducting the initial substantive review of the various human rights issues raised, including in the area of racial discrimination.

3. The National Council for Human Rights had been set up in line with the recommendations made by the Committee in the previous concluding observations (A/56/18, para. 292) and in accordance with the Paris Principles. Under article 214 of the Constitution, the Council was empowered to report any violations of individuals' rights and freedoms to the competent authorities and to intervene in civil litigation cases on the victim's behalf; the Council enjoyed legal status and technical, financial and administrative independence.

4. National policies concerning racial discrimination were built around providing legal and constitutional guarantees for the protection of rights, ensuring the availability of services to all citizens without discrimination and focusing on regions that were home to significant populations of racial minorities. Article 35 of the Constitution established that all citizens were equal before the law and not subject to discrimination on any grounds; and under article 9, the Government was required to afford equal opportunities to all citizens.

5. The Penal Code criminalized any form of discrimination that prevented individuals from being active participants in society. Article 176 of the Code established prison sentences for the offence of inciting discrimination, including discrimination on the grounds of ethnic origin. Among the amendments recently made to the Code, persons accused of the offence of discrimination would now be brought before a judge. Discrimination perpetrated by a public official was punishable as an aggravated offence. The equal treatment of all citizens was fostered by other legislation as well. For instance, the nationality act enabled both male and female Egyptian citizens to pass on citizenship to their children, and article 3 of the amended Code guaranteed equal treatment for all children irrespective of their place of birth. Law No. 93 of 2015 had expanded the jurisdiction of a number of first instance courts in order to make legal recourse more accessible to residents of some geographical

regions. Also, Egypt had been one of the first countries to enact specific legislation against human trafficking.

6. In accordance with article 93 of the Constitution, international agreements ratified by the legislature became part of the domestic legal order in Egypt and the legislature was required to amend existing laws to reflect the provisions of those agreements. The principle of non-discrimination on religious and racial grounds had been confirmed by the Supreme Constitutional Court, the country's highest judicial authority. A recent court ruling had exempted religious buildings, including temples, mosques and churches, from the payment of property taxes, and another ruling had ordered that Christian employees were entitled to annual leave for the purpose of performing religious pilgrimages on the same basis as Muslim citizens performing the hajj.

7. The National Council for Human Rights played an important role in spreading a culture of human rights. The Ministry of Culture also organized multicultural events. A commission on citizenship and human rights had been established in 2010. University curricula had been amended to ensure that citizenship, non-discrimination and human rights were taught. The National Media Council and two commissions on the press would be important in ensuring the independence of media outlets and the observance of professional ethics, once the House of Representatives adopted the relevant legislation. The National Council for Human Rights had established a partnership with civil society organizations and organized training workshops on human rights, racial discrimination, trafficking in persons and migration for the benefit of judicial staff, police and diplomats. The Ministry of the Interior played its part by ensuring that students at police academies were taught how to ensure the safety of peaceful demonstrations and deal with unrest. A student at a police academy could even earn a human rights diploma at the postgraduate level. Students were also taught the use of modern technology for investigation techniques and intelligence gathering.

8. The Government was paying particular attention to improving the situation of Nubians. In addition to the constitutional guarantees protecting Nubians' rights, a ministerial decision in 2014 had set up an executive commission to draft a law to benefit the Nubian population. The commission had held a number of meetings between October 2014 and January 2015, and 1,500 Nubians had attended five public meetings to discuss the issue. The commission had visited Aswan and various Nubian villages. Moreover, the Ministry of Legal and Parliamentary Affairs and the House of Representatives were drawing up legislation on the development of border areas and underprivileged parts of the country. The Ministry of Local Development was currently carrying out 1,977 projects at a total cost of 127 million Egyptian pounds.

9. Egypt recognized that many challenges remained and that its institutions should be modernized.

10. **Mr. Khalaf** (Country Rapporteur), after commending the State party for its decision to re-establish contact with the Committee, said that Egypt was more than just a State: it was a civilization and a rich and diverse society. The Constitution of 2014, following the revolutions of 2011 and 2013, had marked a significant step forward. The Committee hoped that new legislation would be introduced to protect the most disadvantaged minorities and ensure that they achieved greater equality through development projects, improved services and cooperation.

11. The State party report was long and well structured, but it was often too general and contained too much repetition. Moreover, the content was not always linked with the Convention. Similarly, the annexes contained considerable amounts of data, but those data were not categorized clearly enough to show the incidence of racial discrimination on the grounds of ethnic origin or religion.

12. Positive elements of the report were the adoption of the Convention and the Constitution, which set out general principles and freedoms that went to the core of the Convention. The Constitution contained many new provisions on observing international treaties, promoting human rights education and structuring the Government's powers. The Committee welcomed the adoption of Act No. 154, which, as the Committee had recommended, provided that all children of Egyptian mothers would be entitled to Egyptian nationality.

13. He welcomed the fact that the National Council for Human Rights observed the principles relating to the status of national human rights institutions (Paris Principles). He asked, however, what the outcome of the Council's report of 2005 had been, what the criteria were for membership of the Council, what recommendations it made, how such recommendations were followed up and what powers the Council had. He also asked what measures were in place to provide compensation for victims of discrimination. He regretted that no member of the Council formed part of the State party delegation. It was noteworthy that the Constitution gave immunity to members of the Council, who could notify the Prosecutor-General of violations of human rights and freedoms and could themselves participate in civil proceedings. He welcomed the fact that the Ombudsman's Office had now been established.

14. The Committee commended the State party for having adopted a law against the sexual harassment of women, although it was regrettable that many women and girls still feared to go out in public. He noted that article 176 of the Penal Code related to incitement to discrimination on the grounds of gender or language, or on any other grounds, especially if it undermined public order. That provision should be amended to make discrimination punishable under any circumstances: it was weakened by the reference to public order.

15. He would be grateful for clarification of a number of legal questions. According to the Constitution, special complementary laws — distinct from ordinary laws — had to be passed, with agreement by two thirds of the parliament, when implementing legislation on the ratification of international conventions was adopted. He asked whether such special laws needed to be approved by the High Court before they entered into force. He also asked what the status of ordinary laws was, as against the complementary laws. Did the latter take precedence over ordinary laws and, if so, where did international conventions fit into the hierarchy? He also wished to know what happened if domestic laws were in conflict with international treaties. He wondered what the procedure was for amending domestic legislation.

16. Now that the elections were over and legislative work had begun, he asked whether any schedule had been established for the projects and action plans mentioned in the report and whether there was any clear mechanism for implementing them. He also asked whether any cases of racial discrimination had come before the courts. It seemed that the Government was intending to amend the legislation on discrimination, but the report provided no information on that. It was the Committee's experience that, if a State claimed that no cases of discrimination had been brought, the reality was that there had been all too many. Perhaps the police did not pay attention to complaints from marginalized groups, or victims feared the police or the judicial system, or they thought that they would not be taken seriously. He would be grateful for further information in that regard.

17. Four groups in particular were subject to discrimination: nomads, Nubians, Copts and black people. Nomads were, according to NGO reports, constantly being harassed and therefore being driven away from their traditional lands, especially in the Sinai. Nubians suffered discrimination because of the colour of their skin; they were treated as "African" by public opinion. Nubian culture and history were not respected. He welcomed the assurance in the introduction by the head of delegation that the

Government was paying close attention to the issue and was drawing up a plan of action on discrimination against Nubians. It was not clear, however, whether the relevant legislation had been adopted and whether the plan had yet been launched. He asked what mechanism was in place to ensure the implementation of the plan.

18. Copts, too, suffered great discrimination, particularly with regard to the right to build or restore churches. According to the State party report, all sections of the population, including Christians and persons with disabilities, were meant to be represented in government posts and municipal councils and he wondered whether those provisions were respected. Black people also suffered discrimination, verbal or otherwise. The Committee had heard reports that pharmaceutical jobs were closed to black people purely because of the colour of their skin. Black people were regularly accused of acts of terrorism, theft and other crimes and the police refused to record complaints lodged by them because they could provide no proof. Black women were regarded as loose women or prostitutes.

19. Egypt was a country of transit or destination for many refugees and displaced persons who regarded Egypt as the mother of the world. It appeared that Eritreans and persons from South Sudan were welcomed, as were Iraqi and Syrian refugees. However, the State party had provided no data on where refugees came from, what their nationality was or where they took refuge. It was a matter of concern that State schools accepted only Iraqi and Syrian refugees. Displaced persons from Africa often faced problems with language, which impeded their social inclusion, and he wondered whether the Government intended to take any action to help refugees to obtain legal access to the working world and to avoid trafficking in persons. As for asylum seekers, they faced a long waiting time and, indeed, often were subjected to refoulement. The State party seemed to have no legal framework to deal with stateless persons. Lastly, he asked whether the Government intended to ratify article 14 and the amendments to article 8 of the Convention.

20. **Mr. Diaconu**, noting that the Government was undertaking extensive political and legislative reforms, said that he welcomed the creation of the National Council for Human Rights and looked forward to hearing about its work and the results achieved.

21. In reference to paragraph 277 of the State party's report, he asked whether the comprehensive economic and urban development plan for border and disadvantaged areas, including Upper Egypt, the Sinai, Matruh and Nubia, dealt with all areas of public and social life.

22. In paragraph 145 of the report, it was stated that new laws criminalizing discrimination and incitement to hatred were being prepared. Given that the Constitution of 2014 failed to specify prohibited grounds of discrimination, he urged the State party to ensure that future legislation listed such grounds and covered all acts mentioned in article 4 of the Convention.

23. Article 99 of the Constitution established that any violation of any right or freedom safeguarded under the Constitution was a criminal offence in respect of which neither criminal nor civil proceedings were subject to any statute of limitations. The provision would be difficult to implement, particularly in the area of civil law, so it was important for it to be clarified and qualified.

24. In paragraph 255 of the report, it was stated that Egyptian society practised no discrimination among citizens on any grounds with respect to access to any place or service intended for use by the general public. That alone was not enough, however; the State had a duty to prevent such discrimination from occurring by law and in practice.

25. Under article 21 of the Education Act of 1981, it was a criminal offence, punishable by a fine, for parents or guardians not to enrol their children in compulsory schooling or to allow them to be absent without excuse. The State party should guarantee that the obligation to respect children's right to attend school was imposed on teachers as well.

26. **Mr. Avtonomov** asked whether the Amazighs were a recognized ethnic group in Egypt and invited the delegation to describe efforts to preserve the languages and cultures of the Nubians and Copts. He said that additional information on the situation of immigrants from sub-Saharan Africa would also be appreciated.

27. **Mr. Vázquez**, noting that no representatives of Egyptian civil society had attended the Committee's informal meeting with NGOs that had been held earlier in the session, requested an update on the status of the NGO bill referred to in paragraph 79 of the report.

28. He said that the current law, Act No. 84 of 2002, raised concerns that undue restrictions were being placed on NGOs' ability to operate. For example, it prohibited them from engaging in activities of a political nature and from receiving foreign funding. It would be useful to know how the term "political nature" was defined, why NGOs could not accept funding from abroad and whether consideration had been given to lifting funding restrictions in the new law.

29. In the anti-terrorism law of August 2015, the definition of terrorist acts was broad and vague, which raised concerns regarding the principle of legality and that legitimate acts would be curtailed. Moreover, it laid down heavy fines for publishing accounts of terrorist operations that differed from those given by the State. Similarly, the 2013 law regulating the right to public gatherings, processions and peaceful protests contained provisions that could hamper the work of civil society. According to Amnesty International, calls to repeal repressive laws had been interpreted by the Government and the Egyptian media as efforts to impede the application of domestic laws, to disturb public order or to harm national unity. He would welcome the delegation's comments on the matter.

30. The delegation should also respond to reports that whole neighbourhoods adjacent to Gaza had been destroyed without adequate notice or compensation, that refugees were not entitled to work permits and that their children did not have access to State education. Lastly, he wished to know what was being done to combat human trafficking and whether it was true that victims were sometimes charged with immigration offences and denied access to urgently needed medical care.

31. **Mr. Yeung Sik Yuen** asked whether *khul* divorce proceedings were subject to judicial control and invited the delegation to comment on reports that asylum seekers and refugees were often detained for longer than was necessary and that some had been subjected to sexual harassment.

32. Noting that, in 2009, a decree had been passed to enable Baha'is to obtain identity documents with a dash in place of one of the three recognized religions, which were Islam, Christianity and Judaism, he said that the compromise was nonetheless discriminatory as the Baha'i faith was still not officially recognized. The delegation should explain what steps, if any, were being taken to rectify the situation.

33. **Mr. Kut** said that it was apparent from the periodic report that the State party was trying to establish a legal framework to overcome the problems that it faced. The Committee would focus on the implementation of new laws and accompanying policies, particularly those aimed at vulnerable groups who suffered from discrimination.

34. **Mr. Murillo Martínez** enquired about the participation of minorities, including Nubians, in the establishment of the State party's legal framework and in the creation of specialized government mechanisms to monitor the implementation of international human rights instruments. He also asked about the representation of minorities in public office and what measures were planned in connection with the International Decade for People of African Descent.

35. **Mr. Kemal** said that, although the Committee did not deal with women's issues per se, it was concerned with the intersectionality of gender and ethnicity and would be interested to know what the Government was doing to address the prevalence of trafficking in women, mentioned by the Committee on the Elimination of Discrimination against Women in its 2010 concluding observations (CEDAW/C/EGY/CO/7). He asked the delegation to comment on the State party's situation as a transit country for migrants, the status of foreign migrants who transited through Egypt and the steps being taken to address problems in that area. While welcoming the many commendable provisions of the new Constitution of 2014, including the guarantee of equality for all citizens, the prohibition of all forms of discrimination and the protection of the multicultural heritage and cultural pluralism of Egypt, he expressed concern that there seemed to be a gap between theory and practice and requested further details on the situation of Nubians, Bedouins and Copts, who reportedly continued to face different forms of discrimination on ethnic and cultural grounds.

36. **Mr. Bossuyt**, while thanking the State party for its extensive report, said that the first half of the report contained information of a very general nature that might have been better suited to a common core document. With regard to the quotas for elections to local councils, which applied to young persons, women, workers and farmers, he requested clarification of what was meant by "appropriate representation of Christians and persons with disabilities" and why those two categories of persons were grouped together. Although he had no objection in theory to the fact that Egypt, while committed to the principle of reciprocity in international relations, permitted some exceptions, at its discretion, for nationals of certain friendly States, he stressed the importance of ensuring that "discretion" did not equate to arbitrariness and requested details of the countries and exceptions concerned. He would also welcome clarification of how the provisions of the Convention were incorporated into Egyptian law. Noting that the personal status of citizens was governed by the principles articulated in the laws of their religions, he asked whether that meant that an individual's personal status differed depending on whether they were Muslim, Christian or Jewish. As the Government attached great importance to the various components of Egyptian culture, he wondered how ancient Egyptian civilization was reflected in modern Egyptian culture. He would be grateful for additional information and statistics on the status of Bedouins and their property rights, displaced Nubians, and Copts, who were reportedly the victims of harassment.

37. **Ms. Crickley** said that, although it acknowledged the progress made by the State party and the difficulties it had faced in the past decade, the Committee was concerned by the many reports from civil society referring to the continued problems faced by religious minorities. There was direct intersectionality between the discrimination experienced by Copts, for example, and racial discrimination. The fact that the forced abduction of Coptic girls and women was often portrayed in the media as a choice was a matter of concern. Expressing concern about the restrictions imposed on civil society organizations, particularly those representing minority voices, she asked how civil society would be directly engaged in the dissemination of the outcome of the dialogue with the Committee. She would welcome further information on whether anti-discrimination legislation had already been introduced, whether it directly addressed both direct and indirect racial discrimination, and what penalties and forms of redress

it provided for. She asked the delegation to comment on reports that blasphemy laws continued to be used to target minorities. With regard to women from minorities, she asked whether the State party had any plans to ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189). She wondered whether the issues in relation to the status of the National Council for Human Rights had been resolved.

38. **Mr. Lindgren Alves** said that the State party was to be commended on its willingness to cooperate with the Committee and on how promptly it had submitted its report following the adoption of the new Constitution. The report could be seen as a sort of blueprint for the future, as the State party was still in the process of restructuring the country. Like Mr. Yeung Sik Yuen, he would welcome clarification on the concept of divorce through *khul* or by repudiation. Noting that there were different religious rules on divorce for Muslim and Coptic women, he wondered whether there was any civil law that applied to all women regardless of religion.

39. **The Chair** said that he agreed that the report was a blueprint that would guide the State party's future efforts to combat racial discrimination. Concerning the regrettable lack of civil society participation in the dialogue with the Committee, he wondered whether that absence was due to the fact that civil society organizations had already directly participated in the elaboration of the report or because of a lack of support from the Government for their attendance. The repeated references made to differences between Bedouins and other groups and the majority of the Egyptian population suggested that the former did face discrimination. He wondered whether there was a specific criminal offence of racial discrimination in Egyptian law and, if so, how many cases had been brought before the courts; he stressed, however, that an absence of cases would not mean that there was not a problem, merely that victims might not be aware of their rights or might be mistrustful of the authorities. Noting the ease with which individuals or legal entities could establish media outlets, he wondered whether there were any legislative provisions to combat hate speech.

40. **Mr. Khalaf** asked the delegation to comment on why freedom of conscience had not been adopted as one of the fundamental principles of Egypt under the new Constitution and whether it was being taken into account in the legislative reforms that were under way. He requested clarification of whether the intention was to draft a new law on NGOs compatible with the provisions of the new Constitution on the right to form associations or merely to introduce amendments to the existing law. He would welcome further information on the 26,000 NGOs active in Egypt and whether they were involved in projects supervised by the State or had the independence to initiate their own activities. He wished to know more about the situation of Palestinian refugees from the Syrian Arab Republic, who, according to some sources, did not receive any protection. He wondered what measures were taken to encourage refugees and displaced persons to send their children to school. He requested clarification of the situation surrounding the cancellation of presidential decrees Nos. 114 and 124 concerning certain governorates by the Supreme Council of the Armed Forces.

41. **Mr. Diaconu** said that, although the possibility of making exceptions to the principle of reciprocity for nationals of certain friendly States was acceptable in theory, it would constitute a direct violation of the Convention if the exceptions concerned the prohibition of racial discrimination. Such exceptions should thus not be granted to the citizens of certain friendly States if they would result in discrimination against nationals of other countries. He requested clarification of the status of the Constitutional Court as well as examples of cases in which anti-discrimination legislation had been applied by the Egyptian courts.

42. **Mr. Avtonomov** said that he would also welcome any information on the State party's plans for the International Decade of People of African Descent. He wished to

know whether the Government intended to ratify the amendment to article 8 of the Convention. He asked about the naturalization process for foreigners not married to an Egyptian citizen but who had lived in the country for many years, and whether their situation had changed since the adoption of the new Constitution.

The meeting rose at 5.55 p.m.