

The shadow report presented by the National Council for Human Rights for Egypt state's report for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

1. Legal framework

a. Egypt's 2014 constitution

The Arab Republic of Egypt has enacted a landmark constitutional framework in 2014, marking a significant transformation in its approach to human rights protection and governance. This constitution, meticulously crafted by a diverse committee of fifty distinguished experts, encompassing both genders and representing various ideological perspectives, including both progressive and conservative movements, demonstrates an unprecedented commitment to national consensus-building and constitutional reform.

The right to work is the first human right addressed by the constitution; article 12 guarantees the right to work and the state commitment to ensure it. It also prohibits forced labor, except in accordance with the law and with the purpose of public service for a limited duration against fair compensation and with no violation of the human rights of workers. Article 13 commits the state to respect workers human rights, and establish balanced work relationship between the two parties to productive process. It guarantees ways and means for collective negotiations; it also commits the state to protect the rights of workers from work risks

and to provide conditions for safety, security and vocational health, as regulated by the law.

The 2014 Constitution successfully harmonizes domestic legislation with Egypt's international human rights obligations, establishing a comprehensive framework that reflects both national sovereignty and international standards. This constitutional milestone generated substantial optimism for the advancement of human rights protection in Egypt, befitting its historical role as a pioneering nation in the international human rights movement during the 1940s, notwithstanding the temporary regression experienced during 2011-2012.

Having said this, the constitution is yet to be implemented by a series of laws, which still awaits promulgation.

Article 20 boosts education, technical and vocational education and its expansion and its compliance with international criteria for excellence as needed for the labor market.

b. Labor laws

As part of significant progressive efforts, the Ministry of Labor has developed a comprehensive new labor law. In formulating this draft, the Minister convened a series of consultative sessions attended by a wide range of stakeholders, including workers, employers, labor unions, social workers, and legal experts. The draft law is notably inclusive and adopts a robust human rights framework, aligning closely with national human rights standards. Additionally, it addresses complex issues such as irregular and casual labor, both long-standing challenges in

need of regulation. The rights of domestic workers are also explicitly provided for within this framework.

Crucially, the draft law criminalizes child labor, a pressing issue within Egypt. The National Council for Human Rights (NCHR) observes that child labor rates closely reflect school dropout rates, violating the rights of children from the most impoverished segments of society. NCHR maintains that impoverished families often do not value education, resulting in children being sent to work instead of school. The draft law, in the Council's view, aims to address this by targeting systemic issues contributing to child labor. NCHR, having participated in these consultative sessions, is anticipated to provide additional insights when the draft is presented to Parliament.

The draft law seeks to address existing deficiencies in the current Labor Law No. 12 of 2003, endeavoring to embed the constitutional rights and principles set forth by the Supreme Constitutional Court. Furthermore, it aims to implement the guidelines and philosophy of International Labor Organization (ILO) conventions, aligning Egyptian labor regulations with international standards.

Among the critical challenges, facing the drafters is the establishment of effective mechanisms for the amicable settlement of disputes between laborers and employers. Another significant challenge is ensuring swift and efficient justice in labor disputes, particularly in executing court decisions, which has led to numerous unresolved labor disputes. Other challenges include harmonizing the labor law with the social insurance law, clearly defining "child" in the context of child labor, and clarifying the scope of individuals

covered by the law. These challenges underscore the necessity of drafting a new labor law that balances the interests of all stakeholders within the labor market.

The draft law also prioritizes wage equity, ensuring that compensation reflects the work performed, which has implications for foreign investors. Additionally, it places emphasis on capacity-building for foreign workers, alongside the broader goal of strengthening and retaining the local workforce. The draft law advocates for a legal framework for workforce development, modernizing labor ethics and techniques to align with evolving socio-economic conditions.

In pursuit of harmonization, the new law seeks to integrate labor regulations with social insurance and pension provisions. The current labor law has faced constitutional challenges due to its lack of conformity with constitutional requirements and its failure to align with international treaties. The new draft explicitly criminalizes slavery and forced labor, ensuring that all persons receive compensation for their work.

The draft law also includes provisions to facilitate collective negotiations, shield workers from occupational risks, and protect laborers from forced expulsion, as enshrined in Article 27 of the Constitution. Additionally, the draft upholds principles of transparency, good governance, competitive markets, and equitable geographic growth to foster fair development. It commits to establishing a minimum wage and pension framework that ensures a dignified standard of living for all workers.

c. Foreign Refuge Law

The parliament has commenced review of a draft law concerning refugee affairs, which provides for the establishment of a permanent committee for refugee matters, herein referred to as the "Standing Committee for Refugee Affairs." The law designates the Ministry of Interior as the competent authority overseeing refugee affairs in the country.

Pursuant to Article 1, the draft law defines an asylum seeker as any foreign national residing outside his or her country of nationality or usual residence due to credible and substantial fear of persecution based on race, religion, nationality, affiliation with a particular social group, political opinion, foreign aggression, occupation, or any other serious threat. Such fear must be sufficient to preclude safe return to the country of origin, and the individual must submit an application to the Standing Committee seeking refugee status in accordance with the provisions of this law. Refugee status shall be granted to an individual upon application and upon the Committee's determination that the applicant meets the law's criteria for refugee recognition.

Article 2 mandates the establishment of the Standing Committee for Refugee Affairs as an independent legal entity. Reporting directly to the Prime Minister and headquartered in the Cairo Governorate, the Committee shall exercise exclusive authority over all refugee-related matters, including the collection and management of information and statistical data. In collaboration with the Ministry of Foreign Affairs, the Committee will work with the United Nations High Commissioner for Refugees (UNHCR), relevant international

organizations, and entities engaged in refugee protection. The Committee will also coordinate with Egyptian administrative bodies to secure all forms of assistance, support, and essential services for refugees, with further powers to be delineated in the Committee's bylaws.

Article 3 stipulates that the Prime Minister, within three months of the law's enactment, shall issue a decree detailing the Committee's composition and stipulating the financial remuneration for its members. The Committee Chair shall represent the entity in legal proceedings and official interactions. Additionally, the Committee is required to submit quarterly reports to the Prime Minister on its accomplishments and undertakings.

Article 4 provides for the creation of a technical secretariat to support the Committee's functions. The Prime Minister is to issue a decree outlining the secretariat's mandate, operating procedures, and the terms of appointment, tenure, and remuneration for its head. The technical secretariat shall be staffed with personnel as authorized by the appropriate government authorities.

Funding for the Committee's activities shall be allocated from the government budget and supplemented by grants and donations, subject to the approval of relevant ministries. These funds will be maintained in a dedicated account within the Central Bank and utilized strictly to achieve the Committee's objectives, with any surplus carried over to subsequent fiscal years.

Article 7 delineates the eligibility requirements for obtaining refugee status. A decision regarding an applicant's status shall be made within six months, provided that all necessary documents are submitted; otherwise, the determination period extends to one year. The Committee may summon the applicant for an interview and prioritize individuals with disabilities or other urgent needs.

The Committee holds the authority to approve or deny applications for refugee status and shall inform the Ministry of Interior of each decision. To maintain public order, the Committee may enact necessary protective measures concerning asylum seekers. Refugee status will be denied under the following circumstances:

If the applicant has committed crimes against humanity, war crimes, or other serious offenses prior to entry into Egypt, acts contrary to the objectives of the United Nations, or has been designated on Egypt's terrorist list.

The draft law additionally regulates instances of non-compliance and prescribes appropriate legal actions to address violations, thus ensuring enforcement and compliance with its provisions.

2. The National Council for Human Rights

The National Council for Human Rights, NCHR, is established under Law No. 94 of 2003, later amended by Law No. 197 of 2017, to serve as the independent national human rights institution established according to the Paris Principle dedicated to promoting and protecting human rights within the state. As a

foundational body, it operates in full alignment with the internationally recognized Paris Principles, which outline the standards for the role, status, and functioning of national human rights institutions.

According to the Egyptian constitution , article 93, the state is committed to harmonize national legislation with international human rights standards as guaranteed by UN human rights conventions ratified by Egypt.

The complaints mechanism is the biggest and strongest arm of nchr, it is the lense through which the nchr assesses the status of hr at the national level.

The National Council for Human Rights (NCHR) actively engages with international treaty bodies to enhance transparency and accountability in human rights practices within the state. In 2017, NCHR submitted a comprehensive shadow report to the Committee on the Elimination of Racial Discrimination, contributing an independent perspective on issues related to racial discrimination. This marked a significant step in aligning national efforts with international standards.

Subsequently, in February 2023, on the occasion of Egypt's periodic report to the Human Rights Committee under the International Covenant on Civil and Political Rights, NCHR presented a shadow report alongside the state's submission. This initiative was a notable achievement, restoring the council's active presence in international reporting mechanisms after several years of absence, thereby reinforcing Egypt's commitment to constructive dialogue and compliance with global human rights obligations.

Most recently, in November 2023, NCHR continued its engagement by presenting a shadow report to the Committee Against Torture, addressing key concerns and presenting an independent evaluation of efforts to eradicate torture within the state's jurisdiction. This series of shadow reports reflects NCHR's ongoing commitment to fulfilling its mandate as a national human rights institution under the Paris Principles, striving to improve human rights practices and uphold international standards in coordination with global oversight bodies.

3- NCHR complaints mechanism- Egyptian abroad

The National Council for Human Rights' (NCHR) Complaints Mechanism constitutes a fundamental pillar in Egypt's human rights protection framework, serving as the Council's primary instrument for monitoring and addressing human rights violations. This mechanism operates as an essential accountability tool, enabling individuals to seek redress for alleged human rights violations and ensuring the fulfillment of State obligations under domestic and international law.

The submission of complaints regarding alleged human rights violations represents a crucial procedural safeguard within the broader human rights protection system. This process serves to hold accountable various duty bearers and public service providers, be it governmental entities, business enterprises, or intergovernmental organizations, thereby facilitating the implementation of remedial measures and systemic reforms where violations are committed.

During the reporting period under review, the NCHR received and processed an aggregate of 2,684 complaints and petitions, demonstrating the mechanism's substantial utilization by rights holders. The statistical analysis of these submissions reveals the following distribution:

1. Civil and Political Rights:

- A total of 1,939 complaints were lodged in this category
- This includes 513 applications for presidential pardons, reflecting the significance of clemency procedures within the justice system

2. Economic, Social and Cultural Rights:

- 410 complaints were registered concerning violations of economic and social rights
- These submissions underscore the indivisibility and interdependence of all human rights categories

3. *Transnational Complaints:*

- *8 complaints were received from 33 Egyptian nationals residing abroad*
- *(this first) This demonstrates the extraterritorial reach of the NCHR's mandate and its accessibility to the Egyptian diaspora*

The comprehensive nature of these complaints necessitates robust investigative procedures, systematic documentation, and effective follow-up mechanisms. The NCHR maintains detailed records of all submissions and conducts thorough examinations in accordance with established protocols and international best practices.

The complaints mechanism operates guided by applicable domestic legislation and international human rights instruments

ratified by Egypt. This ensures that the admissibility and the processing of complaints aligns with both domestic legislation and international standards of human rights.

The complaints mechanism serves as an early warning system, enabling the identification of systemic human rights violations and informing policy recommendations for legislative and institutional reforms. The statistical data derived from these complaints provides valuable insights for evidence-based advocacy and strategic interventions in human rights promotion and protection.

3. The Supreme Standing Human Rights Committee

The Supreme Standing Committee for Human Rights (SSCHR) is composed of representatives of different line ministries and public entities and chaired with the ministry of foreign affairs; it represents the duty bearers responsible for the implementation of human rights. It is worth mentioning that SSCHR is the author of Egypt's first national strategy for human rights, SSCHR issued a biennial implementation report of the strategy. As part of its responsibilities, the Committee prepares and submits reports to international and regional human rights mechanisms, ensuring Egypt's compliance with global human rights standards. Furthermore, it monitors the adoption of recommendations and observations issued by these bodies, facilitating continuous improvement in human rights practices.

In addition, the Committee fulfills obligations arising from international human rights agreements by developing and enforcing policies and awareness-raising initiatives aimed at enhancing the public's understanding of human rights. To ensure

a robust and inclusive strategy, the Committee adopts a broad consultative approach, actively engaging relevant ministries, state agencies, and consistently prioritizing collaboration and dialogue with civil society representatives. This consultative framework aims to ensure that the human rights strategy reflects the needs of all stakeholders and aligns with Egypt's international obligations.

4. Policy papers (The National Strategy for Human Rights)

The national strategy for human rights is composed of four pillars, the first: civil and political rights, second: economic, social and cultural rights, third: promoting the human rights of women, children, youth, persons with disabilities and ageing, and the fourth: human rights education and capacity building .NCHR is of the view that the drafters of the national strategy for human rights have mixed human rights with general measures of implementation of human rights. The third pillar is not inclusive of what seems to be vulnerable groups, for instance, it does not include people on the move or migrant workers, which has surfaced as a phenomena. As we speak, Egypt hosts over 9 million refugees, and the strategy does not cater for their human rights. Egypt is a country of origin, transit and destination country. NCHR is of the view that the strategy should have stopped at the first two categories of rights tailed by the cardinal principle of the right to non-discrimination to the enjoyment of equal rights. The drafters of the strategy should have followed article 53 of the constitution.

NCHR recommends that the strategy needs to be revisited three years after its launch with a view to catering for the issue of migration and the human rights of migrants including migrant workers. A rising challenge in view of the mushrooming armed

conflicts in the region, the number of people on the move is expected to rise and Egypt's resources are limited, which highlights the importance of international cooperation. Considering that Egypt has 1,711,160 migrant workers abroad in 15 countries, who obtained work permits in the period from 1-1-2021 to 30-06-2024. The number of foreign migrant workers in Egypt amounts to 17,200 workers. NCHR expresses concern at the lack of disaggregated data on migrant workers, both working in Egypt and Egyptians working abroad. Moreover, Egypt's national strategy for human rights allocates its third pillar to vulnerable groups; however, it does not refer to migrants or people on the move. NCHR is of the view that the strategy should have made it clear that the rights contained in the first and second pillar should be granted without discrimination on any ground and allocate the third and fourth pillars for general measures of implementation, including awareness raising, capacity building and international cooperation. This adjustment emphasizes a proactive approach, reflecting a commitment to enforceable action rather than merely aspirational goals. By focusing on the concrete realization of rights, the strategy would align more closely with international standards and best practices, underscoring the state's accountability in meeting its human rights obligations.

As for the economic, social and cultural rights of refugees, NCHR has no access to concrete statistics concerning the cost of medical, educational and social protection services, and whether the national budget of Egypt can cover such a cost. Considering that the national medical coverage scheme is still under probation and is not functional nationwide. It is worth noting that the commitment of the state to implement economic, social and

cultural rights is a function of the availability of national resources and where possible through international cooperation.

5. Equal right to work and equal pay (art. 35 of the convention)

In light of escalating regional tensions, including the ongoing war in Palestine, the violent conflict in Sudan, and the persistent instability in Libya, there has been a marked increase in the movement of people seeking refuge and employment within and around the borders of Egypt. This influx has significantly heightened demands for work opportunities, placing additional pressure on the domestic labor market. Given Egypt's unique demographic composition and socio-economic landscape, the National Council for Human Rights (NCHR) presently lacks comprehensive data on the working conditions and legal protections available to migrant laborers.

This critical gap in data and oversight raises concerns, as the current landscape may compel a substantial number of migrant workers to seek employment within the informal sector. Such employment, by its very nature, often exists outside the purview of formal labor protections and regulatory frameworks, potentially undermining the rights of migrant workers and exposing them to exploitation and unsafe working conditions. In the absence of targeted protections and accurate, real-time data, the situation poses risks not only to the migrants themselves but also to Egypt's broader commitment to human rights and labor standards, underscoring the urgent need for effective regulatory oversight and data collection mechanisms.

6. Institutional restructuring

The National Council for Human Rights (NCHR) notes that the recent Cabinet reshuffle included the abolition of the Ministry of Immigration and Egyptians Abroad, with its mandate and responsibilities transferred to the Ministry of Foreign Affairs. The NCHR views this development as a progressive step in enhancing accessibility for Egyptian expatriates, particularly migrant workers.

Egypt currently maintains 164 embassies and consulates worldwide, thereby providing greater ease for expatriates to access governmental support services without the need to liaise with a centralized office based solely in Cairo, as was previously the case with the Ministry of Immigration and Egyptians Abroad. The President of the NCHR has publicly endorsed this structural adjustment, recognizing it as a measure that strengthens the capacity of migrant workers to access governmental assistance and ensures support that is more effective for Egyptians abroad.

RECOMMENDATIONS

Intensify International Cooperation for Resource Mobilization: Encourage the State to broaden international cooperation agreements to secure additional resources, facilitating the fulfillment of economic, social, and cultural rights for both national and foreign migrant workers.

Ratification of Human Rights Conventions: Recommend the State to expedite the ratification of regional and international conventions that focus on safeguarding the rights of migrant workers.

Establish a Centralized, Disaggregated Database: Urge the State to develop a centralized database disaggregated by gender, ethnicity, geographic location, nationality, and other relevant criteria. This database should inform policy-making and assist in mobilizing resources to manage the influx and needs of migrant workers effectively.

Awareness Campaigns Against Harmful Practices: Encourage the State to launch comprehensive awareness campaigns addressing harmful practices such as child marriage, domestic violence, female genital mutilation, and human trafficking, with a particular focus on migrant worker communities.

Allocate Resources to NCHR for Human Rights Awareness: Suggest that the State increase resources to the National Council for Human Rights (NCHR) to continue promoting a human-rights-based approach in addressing migrant worker issues.

Raise Awareness on Child Law and Justice for Child Victims: Recommend the State to bolster awareness and capacity-building efforts regarding Egypt's Child Law as amended by Law 126-2008, and to enhance the legal framework protecting children as victims and witnesses in crime-related matters, in line with United Nations Economic and Social Council standards (2005).

Seek Financial Resources for Refugee Rights: Urge the State to solicit international financial support to better serve the human rights needs of the nine million refugees currently residing in Egypt.

Promote Awareness on the UNSC Agenda on Women, Peace, and Security: Recommend that the State engage in awareness-raising

activities concerning the United Nations Security Council's agenda on women, peace, and security, specifically Resolution 1325 and subsequent resolutions, with the aim of empowering women as decision-makers in peacebuilding and conflict reconstruction efforts, particularly in the context of the Middle East and North Africa.

Encourage Regional Peacebuilding Seminars: Suggest the UN mechanisms to hold regional seminars that promote peacebuilding and post-conflict reconstruction in regions affected by armed conflict.

Accelerate the Establishment of an Anti-Discrimination Commission: Encourage the State to expedite the creation of the independent commission to combat discrimination, as mandated by Article 53 of the Constitution.

Expedite the New Labor Law and Refugee Law Harmonization: Recommend that the State prioritize the issuance of the new labor law and ensure the harmonization of the draft refugee law currently under review, aligning both with international human rights standards.

Utilize NCHR Expertise for Migrant Worker Rights: Advise the State to leverage NCHR's expertise and resources to safeguard the human rights of migrant workers and to support the prompt adoption of the draft labor law.