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INTERNATIONAL



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INTRODUCTION

Amnesty International submits this briefing to the United Nations (UN) Committee on Economic, Social and Cultural Rights (the Committee) ahead of its forthcoming examination of Egypt's combined second, third and fourth periodic reports on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR, the Covenant) during its 51st session from 4 to 29 November 2013.

The briefing focuses on Egypt's compliance with the Covenant under Article 2: the right to non-discrimination; Article 3: on the equal rights of men and women to the rights set out in the Covenant; Article 7: the right to just and favourable conditions of work; Article 11: the right to an adequate standard of living; Article 12: the right to the highest attainable standard of physical and mental health; and Article 13: the right to education.

Demands for dignity, freedom and social justice drove 2011's "25 January Revolution", but nearly three years on, millions of Egyptians are still unable to fully enjoy their economic, social and cultural rights. Instead, Egyptian women and minorities continue to face discrimination in law and practice. Egyptian workers face restrictions on their right to form independent trade unions and to strike. Millions of Egyptians living in informal settlements in Greater Cairo face the daily threat of forced eviction, and many are forced to live in areas unsafe for human habitation.

If Egypt is to finally deliver on the hopes of the uprising, it must begin a sweeping process of human rights reform aimed at realizing its obligations under the Covenant and other international human rights treaties to which it is a State Party.¹

CONSTITUTIONAL FRAMEWORK

Egypt's Constitution has been suspended since 3 July, when President Mohamed Morsi was ousted from office. At time of writing, Egypt is governed by a 33-article Constitutional Declaration, issued on 8 July 2013.² The Declaration does not fully enshrine the economic, social and cultural rights set out in the Covenant, but does make limited provisions for equality before the law and the principle of non-discrimination (Article 4); the right to work and form trade unions (Articles 9 and 10); and the right to housing (Article 11). However, these provisions do not fully meet international law and standards, and so only provide partial guarantees (see below, by Article).

Egypt's suspended Constitution did not adequately enshrine economic, social and cultural rights. In particular, it failed to enshrine the principle of non-discrimination against women or religious minorities, or to explicitly prohibit forced evictions. The Constitution, adopted in December 2012, was drafted by a Committee which did not adequately represent Egyptian society, and which ultimately did not guarantee economic, social and cultural rights for all.³ The Constitution also did not provide for the supremacy of international law over national legislation. Amnesty International is further concerned that a 50-member Committee appointed by the interim authorities in August 2013 to revise the Constitution similarly is not fully inclusive and diverse enough. For example it includes only five women and four Coptic Christians as well as two members linked to Islamist groups.

The Head of the 50-member Committee amending the Constitution has stated it will be totally rewritten.⁴ If the mistakes of the past are to be avoided, Amnesty International urges the Egyptian authorities to ensure that the process to revise or rewrite Egypt's Constitution is genuinely participative, inclusive and fully representative of Egyptian society, upholding the right to equality and the principle of non-discrimination. The constitutional review process offers an important opportunity to enshrine economic, social and cultural rights in Egypt.

In particular, by including a comprehensive set of economic, social and cultural rights in the new Constitution, Egypt can ensure that all of the rights contained in the ICESCR are incorporated fully into domestic law as required following ratification, that they are fully justiciable and enforceable before Egyptian courts and that effective remedies for victims of violations are available. In particular, the Constitution should explicitly provide for the supremacy of international law over Egyptian legislation.

ARTICLE 2 – NON-DISCRIMINATION

Under Article 4 of Egypt's Constitutional Declaration, citizens are equal before the law without discrimination on the basis of sex, origin, gender, language, religion or belief. The Constitutional Declaration further guarantees "equal opportunities" for all Egyptian citizens. Amnesty International urges the Egyptian authorities to ensure the revised Constitution states the general prohibition of discrimination, but also complements it with a non-exhaustive list of specific prohibited grounds, mirroring the formulation contained in the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, as interpreted by the Human Rights Committee and Committee on Economic, Social and Cultural Rights. The organization further urges the authorities to ensure that the Constitution protects the rights of all of those under Egypt's jurisdiction, not just its citizens.

The Egyptian authorities have taken some measures to combat discrimination, but in practice they continue to fall short of international law and standards. In October 2011, the Supreme Council of the Armed Forces issued Decree 126 of 2011, amending the Penal Code to punish discrimination based on gender, origin, language, religion or belief with three months' imprisonment and a fine.⁵ The move was not seen as a substantive attempt to combat discrimination, but rather a move to appease public anger following the army's crackdown on Coptic Christian protesters around the Maspero state television building in Cairo on 9 October 2011.⁶ Amnesty International is further concerned that the law provides broad grounds for imprisonment for those who infringe it. To the organization's knowledge, there have been no prosecutions of officials or others under the law, further calling into question its ability to provide an effective remedy for victims of discrimination.

Religious minorities whose creed is not officially recognized by the State have suffered discrimination in obtaining mandatory official identification documents, which are needed for the exercise of economic and social rights such as enrolling in education, gaining employment, receiving health treatment, or opening bank accounts. Egyptian identification cards currently only allow individuals to identify as "Muslim", "Christian" or "Jewish". This policy has particularly affected Egypt's Bahá'í community, which has struggled for years to obtain adequate identification documents. Since 2009, the authorities have issued

individuals whose religious beliefs are not recognized by the State with identification cards with dashes ("-") to indicate they do not belong to the three categories listed above.⁷ However, individuals and groups who are unable, or do not wish, to register as "Muslim", "Christian" or "Jewish" and converts from Islam remain vulnerable in the face of the threat of discriminatory measures.

■ In January 2013, the Minister of Education reportedly stated that Bahá'ís could not enrol in public schools because the Constitution only recognized "the three Abrahamic religions [i.e. Islam, Christianity and Judaism]". While a Minister of Education official later stated that Bahá'ís could in fact enrol, the statement reflected the continued threat of arbitrary restrictions on Bahá'ís access to their economic, social and cultural rights because their faith is not recognized by the State.⁸

Discriminatory measures against religious minorities also impact on their ability to fully enjoy their economic, social and cultural rights.

For years, Coptic Christians faced restrictions in building and maintaining places of worship under Presidential Decree 391/2005, which made repair or expansion or building of churches subject to a permit from the regional governor. In February 2013, an administrative court reportedly ruled against the decree following a lawsuit filed by a Coptic Christian lawyer.⁹ However, communities trying to build new churches continue to face restrictions, and require Presidential decrees to build them.¹⁰ As well as impacting on Coptic Christians' religious rights and freedoms, these restrictions have also impacted on the community's right to take part in Egypt's cultural life. The Committee on Economic, Social and Cultural Rights has stated that the definition of culture includes "religion or belief ceremonies" and "rites and religious ceremonies".¹¹ As well as their key religious function, churches are also centres for the Coptic Christian community to organize, participate in and contribute to cultural life. Continued restrictions imposed by the Egyptian authorities have undermined Coptic Christians' enjoyment of this right.

In some instances, sectarian violence negatively affects the rights of Coptic Christians to work and to an adequate standard of living. For instance, during sectarian tensions in Wasta town in the Beni Suef Governorate in March 2013, groups of Salafi men forcibly closed off all Christian owned stores and businesses for at least a week, while the security forces failed to intervene.¹² After the security forces forcibly dispersed protests by Mohamed Morsi's supporters in Cairo on 14 August, sectarian attacks left dozens of churches, church-affiliated buildings, schools as well as Coptic Christian-owned businesses, damaged.¹³

Amnesty International is also concerned at discriminatory legislation which specifically targets groups belonging to the Bahá'í faith. Bahá'ís are unable to form organizations and associations under Law 263 of 1960, which also criminalizes Bahá'ís' "public activities"¹⁴ As with restrictions on Coptic Christians, Amnesty International is concerned that Law 263 of 1960 impacts on Bahá'ís ability to publicly participate as groups and communities in rites, religious ceremonies and the customs and traditions which the Committee on Economic, Social and Cultural Rights has stated all form part of the right to cultural life under Article 15(A) of the Covenant.¹⁵

ARTICLE 3 – EQUAL RIGHTS OF MEN AND WOMEN

Women in Egypt face systemic discrimination in law and practice. Egypt does not guarantee the equal rights of men and women to enjoy all economic, social and cultural rights set forth in the Covenant, including in relation to the right to work and the right to adequate housing.

THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

Women continue to face discrimination in the workplace in terms of pay and position. According to official statistics, women make up just 22.7 per cent of the labour force – and 12.7 per cent of all those employed in public and the public business sector. Women make up just 11 per cent of positions in higher management in government sectors, and the proportion of women occupying positions at the level of Deputy Minister or Ministerial level is negligible. Official statistics released show that women consistently earn less money than men in both the public and private sectors. Unemployment disproportionately affects women, no matter what their level of education: between 24 to 25 per cent of women looking for work cannot find jobs compared to 9 to 9.9 per cent of men.¹⁶

THE RIGHT TO ADEQUATE HOUSING

Amnesty International has documented a range of discriminatory practices that significantly undermine women's access to adequate housing, including their access to alternative housing following State-ordered evictions.¹⁷

In many cases, divorced and widowed women have not been provided with alternative housing following evictions, which in some cases has resulted in them being made homeless due to the reluctance of the authorities to consider women as heads of households. Women who are separated but not divorced from their husband also face difficulties in obtaining alternative housing. Generally, to be counted in the enumeration process for alternative housing, a separated woman must obtain legal papers making her the proxy for her husband, or request that the police search for her husband and attest that he cannot be found. Separated women who are at risk of forced eviction or who do not receive alternative housing are often effectively forced to give up their jobs, as they fear that if they leave the house they will be evicted. Separated women usually become the main providers for their children. However, women who decide to resort to *khol'*, where they obtain a unilateral divorce by a court decision, must give up some of their financial rights, such as their dowry and spousal maintenance. To obtain a "fault-based" divorce and retain their financial rights, women have to resort to expensive and lengthy procedures to prove "harm".

ARTICLE 7 – THE RIGHT TO WORK

Article 9 of the Constitutional Declaration states that work is "a right, a duty and an honour for every citizen", and that the State will guarantee this right on the principles of "equality

and justice”, and “no work may be forcibly imposed except under the law.” Amnesty International is concerned that this provision may allow in some cases for forced labour. The organization urges the Egyptian authorities to ensure that all forced labour is prohibited under Egypt’s revised Constitution, in line with the Committee on Economic, Social and Cultural Rights’ recommendation that States “abolish, forbid and counter all forms of forced labour”.¹⁸

The organization also has concerns about the extent to which Egypt’s minimum wage guarantees the right to just and favourable conditions of work. Though a party to International Labour Organisation (ILO) Convention 131, the Minimum Wage Fixing Convention, Egypt has yet to establish an effective system to guarantee a fair minimum wage. Under the Labour Law (Law 12 of 2003), the National Council for Wages is responsible for setting minimum wages at the national level, taking into account the cost of living, and for finding means and measures that ensure a balance between prices and wages.¹⁹ However, under Hosni Mubarak, the authorities did not call for the Council to meet, a policy challenged by an administrative court ruling in March 2010.²⁰ While the National Council subsequently met (see below), in practice it has failed to guarantee a system to establish a fair minimum wage.

Adopting an effective system to set and enforce a minimum wage is key to addressing growing poverty in Egypt. The Egyptian authorities estimate that 25 per cent of Egyptians live below the national upper poverty line of LE8.5 per day (US\$1.2), with 4.8 per cent of people living under national extreme poverty line of LE5.7 (US\$0.8) a day.²¹

Both under Hosni Mubarak and after the uprising, successive governments have failed to ensure that minimum wages enable workers and their families to enjoy adequate standards of living. In 2011, the Prime Minister issued Decree 997 of 2011 setting the minimum wage for both public and private sector workers at LE700 (US\$100) a month.²² This fell short of the demands of Egyptian workers’ rights advocates, who for years have called for a wage of LE1,200 (US\$171) a month, which they considered to be the minimum sum necessary to allow workers to provide for themselves and their families. Amnesty International met with government employees like doctors and nurses attached to the Ministry of Health, and staff at shelters under the Ministry of Insurance and Social Affairs, who earned less than LE400 (US\$58) a month. The organization also interviewed and saw payrolls of workers in the national Cairo North Power Company who earned less than LE700 a month.

Under Mohamed Morsi, the Shura Council (Egypt’s upper house of parliament and, under most of Mohamed Morsi’s administration, its only functioning legislature) discussed new legislation on minimum and maximum wages, but never passed it. Following consultative meetings in August and September 2013, the National Council for Wages announced it was discussing a “roadmap” for a new national wage policy for workers in the private sector, to be finalized by December 2012 and approved in January 2014.²³ On the other hand, the Prime Minister announced on 19 September 2013 that the minimum wage for workers in the public sector, including the basic salary and all other benefits, would be LE1,200 (US\$171) starting from January 2014.²⁴ However, given the continued devaluation of the Egyptian pound and rising inflation, this sum has much less purchasing power than when it was first suggested by Egyptian workers’ rights advocates.²⁵

ARTICLE 8 – TRADE UNION RIGHTS

Article 10 of the Constitutional Declaration guarantees citizens the right of “association and the establishment of syndicates, unions and parties as provided for in the law.” However, in practice Egyptian law heavily restricts these rights. The Egyptian Trade Union Federation (ETUF) remains the sole trade union structure mandated under the law (Law 35 of 1976).²⁶ Under the law, all trade unions must belong to national federations under the ETUF.

Measures taken by the successive governments before and after the uprising to exert control over the ETUF have raised questions over its ability to adequately and independently represent and defend workers’ interests. Workers’ rights groups reported widespread irregularities around the last national elections to the ETUF in 2006, in which the winners were linked with the administration of Hosni Mubarak. That year, an administrative court ruled that the elections were invalid, citing irregularities.²⁷ In August 2011, the Egyptian Cabinet announced that the 2006 ETUF elections were invalid, and ordered the Minister of Manpower form a temporary committee to manage the ETUF until new elections could be held.²⁸ However, the ETUF has continued to delay holding new elections, and since the 2011 uprising successive governments have extended the board’s tenure, ostensibly while waiting for a new law on trade unions.

Under Mohamed Morsi, the authorities enacted new legislation that, in practice, gave them further control of the ETUF and its member unions. In November 2012, President Morsi issued Decree 97 of 2012, amending Law 35 of 1976.²⁹ Under the Decree, if a member of the Board of Directors in a trade union reaches retirement age or faces an unspecified “disability”, he must be replaced by a candidate who scored the second highest number of votes in the last trade union elections. However, in the event that the runner-up cannot take up the post, the “highest authority” in the Union’s Board of Directors will make the appointment, with the “approval” of the Minister of Manpower (Article 2). In effect, the Decree effectively gives the Ministry the power to approve and appoint members of trade union boards, as in many cases the winning candidates in the 2006 trade union elections reportedly stood uncontested.

While the authorities have tolerated the emergence of independent trade unions, in practice they continue to lack legal registration. While estimates vary, independent trade union federations are reported to have over two million members.³⁰ The lack of official sanction for independent trade unions has impacted on their workers’ capacity to bargain collectively. In March 2011 the Minister of Manpower publicly announced that the authorities would take a series of steps to allow independent trade unions.³¹ Draft legislation allowing for the creation of independent trade unions was subsequently discussed under the rule of the SCAF, but never implemented. Since Mohamed Morsi’s ousting in July 2013, the authorities have held new discussions with independent trade unions, NGOs and labour activists on the proposed legislation.

ARTICLE 8(D) – THE RIGHT TO STRIKE

Over the last few years, Egyptian workers have staged thousands of protests, strikes and sit-ins, protesting the rising cost of living and demanding better wages and working conditions.

Striking workers have faced arrests and prosecution for striking illegally. In some cases, the security forces have also dispersed striking and protesting workers with excessive and unnecessary force. While the Labour Law (Law 12 of 2003) recognizes the right to strike peacefully, the right is heavily restricted. Provisions of the Penal Code and other legislation also provide for imprisonment and heavy fines for striking workers.

Workers have the right to stage peaceful strikes under Article 192 of the Labour Law.³² However, Amnesty International is concerned that the law states that all strikes must be announced and organized through official trade unions (see above). Workers are further prohibited from striking to modify collective labour agreements during their validity period, under Article 193 of the law.

The right to strike under the Labour Law does not extend to public officials and workers, and industrial action by such workers is criminalized under Egyptian law. Article 124 and 124bis of the Penal Code punish with imprisonment and a fine any public sector employees who strike or call for strikes. Under Article 124 of the Penal Code, if “at least” three public officials or civil servants deliberately stop working or collectively resign, they face between three months’ to a year’s imprisonment and a fine of LE£100 (US\$14.49). The law doubles the penalty if the strike puts lives, health or safety at risk, “creates trouble or sedition” or damages “public interest”. Individual workers who “impede work” face six months’ imprisonment and a maximum fine of LE£500 (US\$72). Under Article 124bis, those abetting or encouraging strikes also face the same punishment.

Although the International Labour Organisation (ILO) Committee on Freedom of Association in monitoring State compliance with ILO Convention No. 87 on Freedom of Association and the Right to Organise (ratified by Egypt) has recognised that there may be possible exceptions for those working in the public sector, any sanctions imposed for taking part in unlawful strikes must be proportionate. In particular, penal sanctions should only be imposed as regards strikes where there are violations of strike prohibitions which are themselves in conformity with the principles of freedom of association. All penalties in respect of illegitimate actions linked to strikes should be proportionate to the offence or fault committed and the authorities should not have recourse to measures of imprisonment for the mere fact of organizing or participating in a peaceful strike.³³ Amnesty International further notes that the Committee on Economic, Social and Cultural Rights has, in the past, recommended that States Parties to the Covenant amend laws that provide for imprisonment for public servants who have gone on strike.³⁴

In April 2011, the SCAF enacted further legislation against striking. Law 34 of 2011 provides for imprisonment and/or a fine for individuals who, during a state of emergency “stage a sit-in or take action that prevents or delays or obstructs from working any State institution or public authority or a public or private workplace”. In 2011, Amnesty International documented one prosecution under this law, in which five civilian workers were unfairly tried by a military court.³⁵ In 2012, the Egyptian authorities informed the ILO that the law was no longer “applicable” as the state of emergency had expired.³⁶ However, the law has not been repealed and, as there is a new state of emergency in force in Egypt at time of writing, is now applicable again. The army, which is also a key economic actor in Egypt and runs factories and companies, has relied on such legislation and the military justice system in its economic activities.

In the last months of Mohamed Morsi's rule, the Shura Council was also reported to be considering new laws which would further restrict the right to strike. The proposed legislation would have restricted protests, including by striking workers, on the grounds of "security or public order".³⁷ Amnesty International is concerned that the interim authorities appear to be continuing to discuss this legislation after Morsi's ousting.

- In September 2012, five workers at the Alexandria Container and Cargo Handling Company were sentenced to three years' imprisonment and a LE£10,000 (US\$1,450) fine by a misdemeanours court after it convicted them in absentia of striking illegally. They remained free pending a retrial in their presence on 16 June 2013, when the court acquitted them all.

- On 13 May 2013, staff members at the North Cairo Power Company, a public company, protested outside the company's offices over their pensions. After two and a half hours, the security forces forcibly dispersed the protest, reportedly using tear gas, shotguns and batons. The security forces arrested 16 people, who they held on accusations of "attacking police officers" and "obstructing a public road". The Public Prosecution ordered their release on 19 May 2013. The case is still ongoing in court.

RESTRICTIONS ON NON-GOVERNMENTAL ORGANIZATIONS

The Committee on Economic, Social and Cultural Rights, along with other UN treaty bodies, has expressed concern over restrictions in Egypt's legislation on non-governmental organizations (NGOs).³⁸ Amnesty International is concerned that NGOs in Egypt continue to face restrictions on their activities, and have in many cases struggled to obtain official registration from the authorities and authorization to obtain foreign funding.³⁹ These restrictions have impacted on NGOs working to promote economic, social and cultural rights. Such organizations are also reportedly among those being investigated for working without official registration and accepting foreign funding without government permission.⁴⁰ At time of writing, the Public Prosecution has reportedly begun new investigations into political and human rights activists on similar accusations.⁴¹

Amnesty International's concerns are further compounded by legislation being considered by the authorities to replace the current law, Law 84 of 2002. Drafts seen by the organization would impose further restrictions on civil society, including on registration and foreign funding.⁴² Draft NGO legislation discussed by the current authorities do not lift many of the existing restrictions, human rights activists have told Amnesty International.

- The Centre for Trade Union and Workers' Services (CTUWS), an NGO working to support trade unions, sought in 2003 and 2004 to register as an association under Law 84 of 2002. However, Ministry of Social Solidarity officials denied CTUWS registration. In late March and April 2007 the authorities forcibly closed several branches of the CTUWS, apparently in connection with CTUWS' work to inform workers of their rights during trade union elections in October 2006 (see above), and a report the organization published on the irregularities that characterized the elections. The organization was only able to re-open its offices in 2008 after it was, finally, able to successfully register under Law 84 of 2002.⁴³ However, like many human rights NGOs in Egypt it has continued to face restrictions. In February 2012, CTUWS General Co-ordinator Kamal Abbas was sentenced in absentia to six months' imprisonment for "insulting an official" of the ETUF during an ILO meeting.⁴⁴ Kamal Abbas was later

acquitted in a re-trial.

ARTICLE 11 – THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

Amnesty International is concerned that the Egyptian authorities are not taking the measures needed to uphold the right to an adequate standard of living for residents of “informal settlements”. An estimated 12.2 million people live in 870 informal settlements across Egypt.⁴⁵ Over half live in 156 settlements in the Greater Cairo region.⁴⁶ Informal settlements have grown in Egypt for many reasons, but chiefly because of the lack of affordable housing.

Many residents of informal settlements live in homes unsuitable for human habitation. Amnesty International has documented communities at risk from natural and man-made hazards as rockslides, floods, fires, railways, high-voltage wires, sewerage systems and other threats. While the authorities have taken measures to address so-called “unsafe” areas, in practice Amnesty International has documented cases where they have failed to effectively evacuate hazardous areas and re-house the residents.⁴⁷

Amnesty International has also continued to document incidents of forced evictions in Egypt’s informal settlements. The authorities have routinely failed to respect safeguards required under international law to prevent such forced evictions, including genuine consultation with affected communities over resettlement options, providing adequate information about plans, giving written notice of evictions, and providing adequate alternative housing and compensation for losses.⁴⁸

Amnesty International is further concerned that the authorities’ plans for Egypt’s informal settlements are being developed and implemented in ways that fail to respect the human rights of residents. This includes in the framework of the plans to develop the Greater Cairo region by the 2050s, which aim to “redistribute” residents of Cairo and Giza, including many residents of informal settlements, to the outer fringes of new cities. If fully implemented, the plans may lead to mass forced evictions. It appears that people from the poorer sectors of society are expected to move outside Cairo and Giza, leaving the capital increasingly for better-off residents, administrative buildings and tourism development projects.

LEGAL FRAMEWORK

Egypt has several laws that effectively allow the authorities to evict people from their homes without providing adequate safeguards against forced evictions.

ADMINISTRATIVE ORDERS

Egyptian law provides for administrative orders to be issued to evict residents from State-owned land. Article 970 of the Civil Code states: “It is forbidden to infringe on [State-owned property]. In case of infringement the mandated Minister has the right to remove it administratively.” Article 26 of the Law on Local Government (Law 43 of 1979) states: “The Governor may take all measures in order to protect both public and private properties of the

State and remove any infringements administratively.”

Based on the organization's research, Amnesty International is not aware of any legal requirement for the administration to notify people in writing of eviction decisions. Amnesty International has found that in practice local authorities do not issue formal written eviction notices to residents and keep the eviction orders secret. This undermines the residents' ability to appeal against an eviction order before it is carried out. According to the Law on State Council, appeals can be lodged against administrative decisions, under Articles 49 and 50 of the law. However, lodging an appeal against an administrative decision of eviction before an administrative court does not automatically suspend its application – the court must agree to the suspension while it examines the case. Courts have on occasion quashed administrative decisions to evict residents living on State-owned land, referring to constitutional principles.⁴⁹

In the case of administrative evictions, there is no explicit legal obligation to provide alternative housing or compensation to those evicted from their homes, although the authorities do often offer alternative housing in the framework of informal settlement upgrading. Amnesty International is concerned that administrative orders do not include safeguards against forced evictions, including genuine consultation with affected communities over resettlement options, adequate information about plans, written notice of evictions, provision of adequate alternative housing, and compensation for losses.

THE LAW ON AGRICULTURE

While administrative orders are used against those building on State-owned property, informal settlements built on privately owned agricultural land are also at risk. Construction on agricultural land is forbidden by Egypt's Law on Agriculture of 1966, reinforced by a military order in 1996. In August 2013, the Ministers for Local Development and Agriculture and Land Reclamation announced that the authorities would enforce laws against building on agricultural land with an “iron fist”, raising concerns that the authorities would forcibly evict residents of informal settlements living on such land.⁵⁰

THE PENAL CODE

Article 372bis of the Penal Code makes punishable by prison and/or a fine infringement of State-owned property, including agricultural or vacant land, or buildings owned by the State, or any entity described by the law. While it is unclear to what extent Article 372bis is generally enforced by the authorities, Amnesty International has documented some instances where it has been used.⁵¹

THE LAW ON EXPROPRIATION FOR THE GENERAL INTEREST

The Law on Expropriation for the General Interest allows the government to expropriate or seize properties for “works of general interest”, the definition of which includes roads and infrastructure projects, as well as any other project deemed of “general interest”. It sets out procedures for compulsory land acquisition and compensation. In December 2009, the Prime Minister added as “works of general interest” all “removals” of buildings in the authorities' plans for “unsafe areas”.⁵² The law has been used to expropriate or seize properties in some informal settlements where land is privately owned.⁵³ The law provides for written eviction notices, an appeal mechanism and a compensation procedure based on current prices that partly involves negotiation. It does not, however, require the authorities to explore all feasible

alternatives to evictions in genuine consultation with affected communities, a key safeguard against forced eviction.

THE LAW ON BUILDING

Buildings in informal settlements are neither authorized nor compliant with building regulations, so they contravene the Law on Building and so are potentially subject to demolition orders. The Law on Building provides for the “correction” or “removal” of infractions of building regulations. The work may require temporary or permanent eviction of residents, depending on the degree of demolition required. In either case, the occupants are informed of their impending eviction by a notice, though the provisions do not state what the minimum timeframe must be to provide for adequate notice. If they are to be evicted temporarily, they retain their tenancy and do not pay rent for the period of their eviction. In both situations, residents are often subjected to forced evictions under administrative procedures that do not include the safeguards required under international law (see above).⁵⁴

In situations of imminent danger, Article 96 of the Law on Building requires local authorities to administratively evict people from a building, as well as from neighbouring buildings if required. This can be done immediately. In cases of utmost necessity, the administration can partially or totally demolish a building based on an urgent court order. The law does not explicitly make provision for the authorities to provide for alternative housing in such instances.

‘UNSAFE AREAS’

Amnesty International is concerned that there is still not a sufficient framework in place to ensure that officials act promptly to protect the lives and health of people living in “unsafe areas” in informal settlements. Many residents of informal settlements visited by Amnesty International said they believed their homes were uninhabitable or dangerous, and had asked the local authorities to assess their situation and, where appropriate, offer them alternative housing or, at the very least, basic shelter. They told Amnesty International they had been waiting months or years for an answer.⁵⁵

In October 2008, a presidential decree established the Informal Settlements Development Facility (ISDF) to develop plans to deal with informal settlements, and co-ordinate government efforts. The ISDF was further mandated to identify informal settlements that were “unsafe”.⁵⁶ The decision followed public outrage over the deaths of over 100 people during a rockslide in the Cairo informal settlement of Al-Duwayqa in September 2008.⁵⁷ The ISDF subsequently identified over 400 “unsafe areas”, home to an estimated 850,000 people, and drew up plans to deal with these areas in co-ordination with governorates. Among them were 35 “unsafe areas” that constituted a threat to the lives of the residents and required immediate intervention, mainly in Cairo; and 281 that had unsuitable shelter conditions and required rapid intervention. The government also said it would address the problem of insecurity of tenure in some informal settlements. In cases documented by Amnesty International, most of those relocated from “unsafe areas” were not given documents to confirm their tenure status, leading to uncertainty and insecurity for the residents.⁵⁸

The ISDF classification of these areas specifies four levels of danger:

- **Level one**, where there is a threat to life, for example because of unstable geological formations, or the risk of flooding or railway accidents, require “immediate intervention”;
- **Level two**, where there are unsuitable shelter conditions, such as shacks and makeshift or crumbling buildings, require “rapid intervention”;
- **Level three**, where there are health risks due to factors such as a lack of access to water or sanitation, or because housing is on polluted sites or under high-voltage wires, require “improvement according to central authorities’ programmes”;
- **Level four**, where there is instability of tenure, for example if homes are built on State-owned land, require action dependant on “priorities of local governorates”.

Despite requests for clarification by Amnesty International, it remains unclear what criteria the authorities used to decide which areas were more “unsafe” than others.

Since its formation, the ISDF has worked to identify, develop and in many cases clear informal settlements. In April 2013, the ISDF announced that it had “closed” 51 such “unsafe areas”. The ISDF also reported that work on development projects was continuing in a further 69 areas. The ISDF stated these included 26 “level one” areas, 40 “level two” areas, two “level three” areas, and one “level four” area, in total affecting 43,237 housing units of about 168,600 people. The ISDF also stated that development projects in “level two” areas in private land were ongoing in 102 areas. The agency further stated that the remaining areas awaiting development numbered 198.⁵⁹ Amnesty International is concerned over the extent to which the authorities are likely to have consulted with affected communities in the plans to clear or develop the areas (see below, “lack of consultation and adequate notice”).

Amnesty International has welcomed the measures taken to address “unsafe areas”. However, the organization is concerned that in practice the authorities have failed to consult people living in informal settlements on resettlement options, to provide them with information on the authorities’ plans and to respect other procedural guarantees while carrying out evictions, rendering their evictions unlawful under international law. As a result, there continues to be a lack of consultation with the residents affected by the plans. In many cases the government has simply resorted to forced evictions, rather than ensuring evictions are only carried out as a last resort and after all feasible alternatives have been explored in genuine consultation with affected communities. In some “unsafe areas”, people need to be relocated quickly to ensure their safety. However, it is not clear that eviction is necessary in all the areas identified as “unsafe”. The government has not considered alternatives to evictions such as helping the communities to upgrade or improve their homes, or providing water and electricity supplies.⁶⁰

Moreover, in some places, people living in areas designated as the most “unsafe” have not been evacuated for considerable periods, despite requesting urgent intervention, while others living in less dangerous situations – particularly in areas categorized as “unsafe” because of poor housing conditions (“shack areas”) – have been evicted speedily. This has left many families in dangerous situations. The pattern of speedy forced evictions and demolitions in areas not deemed to be the most dangerous “unsafe areas” has led many residents to believe that the designation of “unsafe” is being used to clear areas wanted for development projects or investment purposes, including those living in Ezbet Abu Qarn in Old Cairo, Ramlet Bulaq

and Maspero in central Cairo, and Al-Sahaby area in Aswan.

FORCED EVICTIONS

Both in the “unsafe areas” as labelled by the authorities and beyond Amnesty International has documented a pattern of forced evictions in Egypt. In several cases examined by the organization, evictions were carried out without the required procedural safeguards and the security forces used excessive force or threats of arrest to force people out of their homes.⁶¹

EXCESSIVE FORCE

- On 18 November 2012 soldiers stormed the island of Qursaya in Giza, apparently in an attempt to forcibly evict the island’s residents. The army arrested 25 of the island’s residents during the action and one resident was killed in the operation.⁶² The Egyptian army has stated that they own parts of the island, and contend it is a military zone. However, in 2010, the residents won an administrative court ruling in their favour, which said they were able to live there.⁶³ The island’s residents appealed against a decision to turn parts of the island into a military zone before an administrative court. On 21 August 2013, the Body of State Commissioners of the administrative court submitted an advisory report calling for the withdrawal of armed forces from the island.

- Clashes broke out between residents of the Ramlet Bulaq slum, near Nile City Towers on the Corniche in Cairo, and the police on 2 August 2012 after a Tourism Police officer reportedly shot dead a resident, Amr al-Bunni.⁶⁴ Resident Anwar Ramadan Abdelatif and his son, Mou’min, were both later shot in their legs at the Towers. These incidents prompted other Ramlet Bulaq residents to gather in front of the Towers. They clashed with Ramlet Bulaq’s police force and members of the CSF, who fired tear gas, including in residential areas inside the slum. On 8 August 2012, the riot police raided Ramlet Bulaq at dawn, breaking into houses and arresting 75 people. Many were released the next day apart from those against whom there was an arrest order. Many residents said they were beaten and insulted during arrest. Residents of Ramlet Bulaq were concerned that the raids and intimidation were being used to force them to leave the informal settlement, particularly following Decree 8993 of 2011, issued by Cairo’s Governor, concerning the temporary seizure of the land on which the Ramlet Bulaq slum is located.⁶⁵ The Governor of Cairo’s decision to “seize” properties in Ramlet Bulaq from its owners is based on the Law on Expropriation for General Interest, which provides for procedures of compensation to owners. Ramlet Bulaq is one of Greater Cairo’s informal settlements targeted for clearance by the government by 2015. Residents were not consulted nor served with any eviction notice, which puts them at threat of forced eviction.

LACK OF CONSULTATION AND ADEQUATE NOTICE

In all the cases of forced evictions documented by Amnesty International, not one of the families interviewed had been consulted about the plans for their area or their resettlement before they were evicted.⁶⁶ Without exception, the authorities also failed to give adequate notice to residents before the demolitions began. Any warning that was provided was given verbally. Informal settlement clearance and upgrading plans have been designed without the active participation of the concerned communities. The ISDF Executive Director told Amnesty International that consultations are limited to the elected local municipal councils as they are the “democratically elected representatives of the people”. There are no negotiations or prior consultations with the affected communities or community-based organizations.⁶⁷

HOMELESSNESS FOLLOWING EVICTION

In some rounds of forced evictions, people have been left homeless.⁶⁸ The main reasons include deficiencies in the enumeration process (confidential and imprecise enumeration lists, drawn up without clear criteria) to provide alternative housing, widely reported corruption when the enumeration lists are being established, and the demolition of homes before alternative housing has been allocated.

LACK OF ADEQUATE COMPENSATION

Egyptian law makes only limited provisions for payment of compensation to people who are evicted.⁶⁹ The Law on Expropriation for the General Interest provides for compensation for physical losses. In addition, Article 163 of the Civil Code provides for compensation for harm towards a third party when caused by “error”, if an administrative court rules that the authorities’ decision to demolish a house on State-owned land was a mistake. Alternatively, people who are evicted may turn to a conciliation committee established under Law 7 of 2000 in the local authority to examine disputes with government decisions. However, in practice, most victims of forced evictions in informal settlements do not receive any compensation – for buildings, land or other losses. Most families forcibly evicted from informal settlements interviewed by Amnesty International said that owners of buildings and land had not only been uprooted but had also lost buildings they had paid for without receiving compensation for them or for loss of income deriving from tenants or businesses run from their premises.

LACK OF EFFECTIVE REMEDY

The usual means of seeking remedy for victims of forced eviction or those whose rights have been violated in other ways is to submit a complaint to the Public Prosecution.⁷⁰ However, the slow and bureaucratic nature of this procedure is a deterrent. Moreover, most families left homeless after eviction or not given adequate alternative housing are living in poverty and cannot afford legal expenses. Most homeless families who do lodge cases rely on free legal advice provided by a limited number of local human rights organizations that support victims of forced eviction. For many of those left homeless after forced eviction, their only recourse has been to stage protests and sit-ins.

CONCERNS OVER ALTERNATIVE HOUSING

None of those interviewed by Amnesty International had ever been consulted on their alternative housing before their eviction.⁷¹ Amnesty International also has concerned over re-housed residents’ security of tenure. In cases documented by the organization, most of those relocated from “unsafe areas” have not been given documents to confirm their tenure status, leading to uncertainty and insecurity for the residents. All interviewed by the organization were unsure of the rent and service charges they may be forced to pay, and worried that they may not be able to afford the costs.⁷²

For the many thousands of people re-housed far from their original homes, the issue of location – a critical element of the right to adequate housing – is also a major problem. Many have been relocated, or will be relocated, to new desert cities, such as 6 October city. The distance between these cities and people’s former communities has meant people have been faced with unemployment as many have found they have been unable to obtain work and face prohibitive transport costs, lack of affordable food in local markets and restricted access to medical centres.⁷³

PLANS TO DEVELOP GREATER CAIRO

Ambitious development plans to develop the Greater Cairo region by the 2050s will affect millions of people living in informal settlements. Amnesty International is concerned that they may in practice lead to mass forced evictions. The “Cairo 2052” plan foresees the creation of new cities, and the expansion of existing new cities to host around two-thirds of Greater Cairo’s projected 2050s population of 30 million. These cities are to absorb populations from informal settlements, requiring an estimated 2.5 million housing units.⁷⁴

The plans envisage the moving of people living in informal settlements to housing developments on the outskirts of Cairo and Giza, while more centrally located areas are reserved for private housing developments for more affluent people. This contravenes the government’s obligation to give due priority to social groups living in unfavourable conditions by giving them particular consideration, and to ensure that policies and legislation are not designed to benefit already advantaged social groups at the expense of others. It also contravenes the government’s obligation to ensure that any resettlement site allows access to employment and other key services, and that transport costs to workplaces will not place an excessive burden on the budgets of poor households.

The plans raise serious concerns about possible forced evictions, especially because communities living in “unsafe areas” and elsewhere in informal settlements have not been adequately consulted. Officials told Amnesty International that the development of the plan was based on a survey in 2009 of 5,000 people, the majority from informal settlements. The findings were considered as reflecting the views of the 16 million inhabitants of Greater Cairo, and any contrary views of residents in specific informal settlements should not undermine the “public interest”.⁷⁵ Such a limited survey cannot be regarded as a meaningful consultation of the affected population.

The plans were announced in late 2008 as “Cairo 2050”, but the authorities have yet to publish the final plan. While the plans were initially suspended after the 2011 uprising, the authorities have recently announced that they intend to continue with them. In February 2013, the Minister of Housing and Urban Development stated that the authorities were re-planning “Cairo 2050” to ensure “social justice” for communities in need, though he gave no details, and that the name of the plan had been changed because of its association with the rule of Hosni Mubarak.⁷⁶ The plan is now widely known as “Cairo 2052”. At time of writing, the authorities have not begun full-scale implementation of the plans, though in 2010 the authorities stated they would relocate residents of 33 “shack areas” in Cairo and Giza Governorates would be relocated into housing units in 6 October City and 15 May City in the framework of the Cairo 2052 plan.⁷⁷

ARTICLE 12 – THE RIGHT TO HEALTH

Amnesty International is concerned that women continue to face discrimination in law in respect of their right to the highest attainable standard of physical and mental health. Articles 260-263 of the Penal Code criminalize abortions in all cases, including for survivors of rape and incest, and when pregnancies threaten a woman’s health. Women should have access to emergency contraception and to abortion in case of rape and incest or when a

pregnancy poses a grave risk to the health of the woman or girl.

Amnesty International is also concerned at continued reports of Female Genital Mutilation (FGM). FGM is banned in Egypt under Law 126 of 2008, amending the Child Law, Article 242bis of the Penal Code, and Ministerial Decree 271 of 2007. However, women and girls continue to be subjected to FGM, reportedly in some cases on the grounds of so-called “medical necessity”. However, the most recent study carried out by the Ministry of Health in 2005 states that 96 per cent of married women (ages 15-49) had been subjected to FGM, and 80 per cent of those between 15 to 17 years. In rural areas, 62 per cent of school girls between the ages of 10-18 had been subjected to FGM.⁷⁸ In June 2013, a 13-year-old child reportedly died while being subjected to FGM in the Governorate of Dakahlia.⁷⁹

VIOLENCE AGAINST WOMEN

Continuing sexual and gender-based violence against women has undermined their enjoyment of the highest attainable standard of physical and mental health. While there are no official figures publicly available, a recent survey by UN Women (the United Nations Entity for Gender Equality and the Empowerment of Women) found that 99.3 per cent of Egyptian women had experienced some form of sexual harassment.⁸⁰ Since the 2011 “25 January Revolution”, women protesters have also faced sexual and gender-based violence from both State and non-State actors, in some cases apparently deter them from attending demonstrations.

State violence against women peaked under the rule of the SCAF, from February 2011-June 2012, when women activists were subjected to forced “virginity tests” and other forms of sexual and gender-based violence by military personnel and the security forces.⁸¹ To date, no military personnel or members of the security forces have been held responsible for the attacks, and women survivors have not received adequate reparation, such as sufficient medical or psychological assistance.

Since late 2012, women protesters around Tahrir Square in Cairo have also faced waves of sexual attacks including rape by unidentified groups of men.⁸² In several instances documented by Amnesty International in January 2013, ambulances transporting survivors to hospitals and a field hospital near Tahrir Square were attacked by men, affecting the women’s access to adequate medical treatment.

The Egyptian authorities’ response to violence against women by both State and non-State actors has been inadequate. Survivors have yet to receive adequate reparations, including necessary medical, including psychological, treatment, and the authorities have yet to take measures to ensure that police stations, prosecution offices and medical facilities receiving survivors of gender-based violence have the necessary competence and gender sensitivity to provide effective treatment which respects the rights of survivors of gender-based violence. There are only nine government shelters for survivors of violence, which are inadequately staffed and resourced, and lack a gender-sensitive approach to address the needs of survivors of violence against women.

ARTICLE 13 – THE RIGHT TO EDUCATION

Amnesty International is concerned that in some cases the Egyptian authorities have not respected and protected the right to education, particularly with regard to higher education. In a number of cases known to the organization, students protesting peacefully against university authorities have faced punitive measures, including suspension and even academic expulsion. In other cases, universities have hired private security officials who have violently suppressed protests by the student body.

- In April 2013, students at the Misr International University staged a protest calling on the university to build a bridge over a dangerous highway. In response, the university responded by suspending several of the protesting students for two weeks. After students protested the move, the university hired private security officers who clashed with the protesters. The security officers reportedly fired shotgun pellets at the protesting students, injuring 12. Investigations by the Public Prosecution are ongoing.
- In February 2012, the university committee of the German University in Cairo expelled two students and suspended two others for two weeks after they staged a protest against the university's Dean. The Association for Freedom of Thought and Expression (the AFTE), an Egyptian human rights organization, has filed a case with an administrative court calling for the students to be reinstated.
- In April 2012, the university council of Pharos University suspended two students for a term and another two for a period of one month, after they staged protests against the Dean. The AFTE challenged the decision before an administrative court, but the court upheld the decision. The case is now in appeal.

RECOMMENDATIONS

Amnesty International urges the Egyptian authorities to:

Guarantee the principles of non-discrimination and equality before the law in Egypt's revised Constitution and enshrine economic, social and cultural rights

- Ensure that the revised Constitution enshrines the principles of non-discrimination and equality before the law, and that they are extended to non-Egyptians and anyone subject to the jurisdiction of the Egyptian authorities. In addition, specify the prohibited grounds for discrimination, as set out in the Covenant and as interpreted by the Committee on Economic, Social and Cultural Rights.
- Ensure that women and men are recognised as equal, and are entitled to full equality in law and practice and equal opportunities in all areas of life.
- Ensure the Constitution includes a provision that directly gives ratified international and

regional human rights treaties and customary international human rights law the force of law in the domestic legal order of Egypt. Ensure that domestic laws and the Constitution are to be interpreted in full conformity with these international human rights obligations.

- Ensure the revised Constitution includes a comprehensive set of economic, social and cultural rights to ensure that all of the rights contained in the ICESCR are incorporated fully into domestic law as required following ratification, that they are fully justiciable and enforceable before Egyptian courts and that effective remedies for victims of violations are available.

Ensure non-discrimination against minorities

- Change all laws and practices that discriminate against minorities' access to economic, social and cultural rights.

Ensure non-discrimination against women

- Amend Articles 260-263 of the Penal Code to allow abortion for women and girl survivors of rape and incest, or when a pregnancy poses a grave risk to the health of the woman or girl.
- Ensure that survivors of gender-based violence – including FGM, marital rape and violence perpetrated against women protesters – receive adequate reparations, including all necessary medical and psychological treatment.
- Introduce legal provisions to combat sexual and gender-based violence – including FGM, marital rape and violence perpetrated against women protesters – in compliance with Egypt's obligations under international human rights law.
- Introduce temporary special measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, close the wage gap between women and men and apply the principle of equal remuneration and equal opportunities at work.
- Regulate the informal sector to ensure that women in this sector are not exploited and are able to earn a living wage, and are provided social security and other benefits.
- Ensure women's access to adequate housing, by ensuring that single, separated and divorced women, and women heads of household, can have secure access to housing without interference or undue limitations, for example, obtaining permission of a male relative, or official notification that a husband has disappeared. Further ensure that the authorities consider that women can be heads of households in their own right.
- Ensure that women are represented in public and private institutions in a way that reflect their population and lift any discriminatory practices related to their appointment in all governmental positions.

Ensure the right to just and favourable working conditions and to form and join free trade unions including the right to strike

- Set up and enforce a system to ensure a fair minimum wage so that all workers and their families are guaranteed decent living conditions.

- Initiate legal and institutional reforms to promote and protect labour rights, including by allowing for workers to organize freely and form independent trade unions.
- Lift restrictions on peaceful striking in Labour Law (Law 12 of 2003) and repeal or amend Article 124 of the Penal Code to decriminalize peaceful exercise of the right to strike.

Uphold the right to adequate housing

- Enact and enforce a clear prohibition on forced eviction.
- Ensure a minimum degree of security of tenure for all to provide legal protection to all persons against forced eviction, harassment and other threats.
- Adopt guidelines for evictions, based on the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, and which comply with international human rights standards, including General Comment 7 of the Committee on Economic, Social and Cultural Rights.
- Make public all plans for “unsafe areas” and “Cairo 2052” and ensure affected residents are made aware of all envisaged developments.
- Ensure genuine consultation with all potentially affected people when developing plans for “unsafe areas” and “unplanned areas”, including to explore all feasible alternatives to evictions and resettlement options.
- Ensure that evictions are only carried out as a last resort after all feasible alternatives to eviction have been explored and only when all protections required under international human rights law are in place, including the requirements on consultation, adequate notice and adequate alternative housing.
- Ensure that any resettlement or alternative housing provided complies with requirements under international law on adequacy of housing, including location, security of tenure, habitability and affordability.
- Review development plans for the Greater Cairo region to ensure that they are consistent with international human rights standards, including the prohibition against forced evictions and the requirement to ensure consultation with and participation of affected communities in the decisions that affect their human rights.

Uphold the right to education

- Ensure that students protesting peacefully are not subjected to punitive academic measures by university authorities, such as suspension or expulsion.

Amnesty International also calls on the Egyptian authorities to:

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

ENDNOTES

1 Egypt is a state party to the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); the Convention on the Rights of Persons with Disabilities (CPD); and the Convention on the Rights of the Child (CRC) and both CRC optional protocols. Egypt is not a state party to the International Convention on the Protection of All Persons from Enforced Disappearances or the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Egypt has also ratified the African Charter on Human and People's Rights (ACHPR). See list of UN instruments and reporting status at: bit.ly/1880Yhv

2 See English translation issued by the State Information Service: bit.ly/14aX092

3 See analysis at Amnesty International, "Egypt's new constitution limits fundamental freedoms and ignores the rights of women", 30 November 2012: bit.ly/UftUf7

4 See for example, Reuters, "Egypt set for total rewrite of Mursi constitution", 22 September 2013: reut.rs/19uxxEe

5 See text of decree published by the State Information Service: bit.ly/1aEMqqD

6 For information on the Maspero incident, see Amnesty International, "2. Maspero protests: assault of Copts", *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity (Brutality unpunished)* (Index: MDE 12/017/2012), 2 October 2012, pp11-16: bit.ly/V3HqSM

7 Decree 520 of 2009 amending the Implementing Statutes of the 1994 Civil Status Law, signed by the Interior Minister on 19 March 2009, and published in the Official Gazette on 14 April 2009. See also Bahá'í World News Service, "First identification cards issued to Egyptian Baha'is using a 'dash' instead of religion", 14 August 2009: bit.ly/1bh5cYG

8 See *Egypt Independent*, "Bahais cannot enroll in public schools, education minister says", 6 January 2013: bit.ly/SdVNs3; and *Al-Youm Al-Saba'*, "الالتحاق بمدارسنا "البهائيين" من حق التعليم: من حق "البهائيين" الالتحاق بمدارسنا", "بشروط", 7 January 2013: bit.ly/TGIDD6

9 For details of the ruling see for example, *Al-Ahram*, "القضاء الإداري" تلغى قرار مبارك بتفويض المحافظين "في الترخيص بهدم وإقامة الكنائس", 27 February 2013: bit.ly/1eMeOLC

10 The Patriarch of the Orthodox Church, the largest Coptic Christian denomination in Egypt, stated that 43 churches were completely destroyed in the sectarian attacks on 14 August 2013. Considering the level of violence, it is vital that the Egyptian authorities take immediate steps to ensure Coptic Christians can rebuild churches. For examples of Presidential Decrees on church-building, see Decree of the President of the Arab Republic of Egypt, 345 for the year 2013 licensing for the Coptic Orthodox establishment of the Church of the Apostles Peter and Paul, located in new Nubaria - Beheira Governorate: www.cc.gov.eg/Legislations/Egypt_Legislations.aspx

11 See "Cultural life", *General comment No. 21, Right of everyone to take part in cultural life (art. 15,*

para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights (UN Doc: E/C.12/GC/21), 21 December 2009, para13.

12 See Amnesty International, "Egypt's Coptic Christians must be protected from sectarian violence", 27 March 2013: <http://www.amnesty.org/en/news/egypt-s-coptic-christians-must-be-protected-sectarian-violence-2013-03-27>.

13 See Amnesty International, *'How long are we going to live in this injustice?': Egypt's Christians caught between sectarian attacks and state inaction* (Index: MDE 12/058/2013), 9 October 2013: bit.ly/1eEjMr3

14 See the 1975 Supreme Constitutional Court ruling upholding the law: bit.ly/1a15cx

15 See "Cultural life", *General comment No. 21, Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights)* (UN Doc: E/C.12/GC/21), 21 December 2009, para13.

16 See disaggregated data in Central Agency for Public Mobilization and Statistics (CAPMAS) in "Labor force" and "Public indicators", *Statistical Yearbook 2013*, September 2013: bit.ly/1eUPDVL; and bit.ly/168AGHH

17 See Amnesty International, "5. Impact on women", *Egypt: 'We are not dirt': Forced evictions in Egypt's informal settlements ('We are not dirt')* (Index: MDE 12/001/2011), 23 August 2011: bit.ly/UMx6NP

18 Committee on Economic, Social and Cultural Rights, *The right to work: General comment No. 18* (UN Doc: E/C.12/GC/18), adopted 24 November 2005, para9.

19 See "Part 3: Wages", Law 12 of 2003, Article 34: www.egypt.gov.eg/english/laws/pdf/Book2.pdf

20 The court ruled the National Council for Wages had to meet and set a minimum wage. See ruling on-line at: <http://ecesr.com/report/416>

21 The last figures were for 2011. Figures for the conversion to US\$ retrieved 30 August 2013. See the World Bank, "Egypt, Arab Rep.": bit.ly/17oKGn3; and *Egypt Independent*, "Govt: Poverty rate increased to 25.2 percent of population", 31 January 2012: bit.ly/MvbEfv

22 See Ministry of Planning, statement, 17 September 2013: bit.ly/19A6GXj

23 See Ministry of Planning, statement, 29 August 2013: on.fb.me/11jU7eF

24 See Prime Minister statement, 19 September 2013: bit.ly/1akEgTq

25 See CAPMAS, "Prices", *Statistical Yearbook 2013*: bit.ly/18v2au5

26 In 1957 the Egyptian authorities mandated the ETUF to be the sole trade union structure and prohibited workers from forming unions outside the general labour unions affiliated to the ETUF. See also, International Labour Organization, summary of Law 35 of 1976 and amending laws: bit.ly/160K18K

27 For details of the ruling, see joint statement by human rights organizations, "بيان: نطالب وزير القوى العاملة بتنفيذ أحكام القضاء وحل مجالس إدارات النقابات العامة والاتحاد العام لنقابات العمال", 26 July 2011: <http://nwrcegypt.org/?p=5276>; and text at: bit.ly/15zF60v

28 See statement by Cabinet of Ministers, "الاجتماع الحادي والعشرون لمجلس الوزراء", 4 August 2013:

bit.ly/1bmMoX4

29 The Decree was published in the Official Gazette on 24 November 2012.

30 See for example *Al-Masry Al-Youm*, "Labor movement thrives in the midst of unfriendly legislation", 31 December 2012: bit.ly/TYHR5T; and Joel Beinin, "The Rise of Egypt's Workers" in *The Carnegie Papers*, June 2012: ceip.org/Mryp3r

31 See Minister of Manpower and Migration, "Declaration of the Egyptian Minister of Manpower and Migration on 'The Freedom of Association' In Egypt", 12 March 2011: bit.ly/1eGjnba

32 Under Article 4 the law does not cover public servants of state agencies and domestic service workers.

33 *Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*. Fourth (revised) edition. Geneva (1996), paras598-600.

34 See for example *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: Ethiopia* (E/C.12/ETH/CO/1-3), 31 May 2012, para12.

35 See Amnesty International, "Demonstrations dispersed, strikes banned", *Broken promises: Egypt's military rulers erode human rights (Broken promises)* (Index: MDE 12/053/2011), 22 November 2011, p22: bit.ly/Sdfw8Q

36 See ILO, "Observation (CEACR) - adopted 2012, published 102nd ILC session (2013)": bit.ly/164GAR7

37 Amnesty International, "Egypt betrays revolution with proposed draconian laws", 6 March 2013: bit.ly/10frlkt

38 See "D. Principal subjects of concern" in "Egypt", *Committee on Economic, Social and Cultural Rights report on the Twenty-Second, Twenty-Third and Twenty-Fourth Sessions (25 April-12 May 2000, 14 August-1 September 2000, 13 November-1 December 2000) Economic And Social Council Official Records, 2001 supplement No. 2* (UN Doc: E/2001/22; E/C.12/2000/21), para161. For concerns raised by other bodies, see Committee on the Rights of the Child, *Concluding observations: Egypt* (UN Doc: CRC/C/EGY/CO/3-4), 20 June 2011, paras31-32; and Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, *Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families* (UN Doc: CMW/C/EGY/CO/1), 25 May 2007, para9; Committee against Torture, *Conclusions and recommendations of the Committee against Torture: Egypt* (UN Doc: CAT/C/CR/29/4), 23 December 2002, para5(i). See also Human Rights Committee, *Concluding observations of the Human Rights Committee: Egypt. 28/11/2002* (UN Doc: CCPR/CO/76/EGY), 28 November 2002, para21.

39 Key Egyptian NGOs working on economic, social and cultural rights are not registered under the law. They include the Egyptian Centre for Economic and Social Rights and the Egyptian Centre for Housing Rights.

40 Organizations working on economic, social and cultural rights were included in a purported list of 37 national and international organizations identified by a government fact-finding committee as operating without appropriate registration, leaked by *El-Fagr* newspaper on 22 September 2011. See Amnesty International, *Broken promises*, p17.

41 See Al-Ahram, "النيابة العامة: لم نفتح تحقيقات مع نشطاء سياسيين في قضايا تمويل أجنبي", 9 September

2013: and Reuters, "Egypt's prosecutor begins probe into political activists - source", 7 September 2013.

42 See for example Amnesty International, *Egypt: Amnesty International concerns: Law on associations* (Index: MDE 12/025/2013), 29 May 2013: bit.ly/19AZBWp

43 See Amnesty International, "Egypt: Closing workers advice centre against protecting workers' rights" (Index: MDE 12/015/2007), 26 April 2007: bit.ly/15pWOHu; and Amnesty International, "Message of congratulations to the Centre for Trade Union and Workers' Services (CTUWS)", 12 July 2008: bit.ly/17ZY7H6

44 See CTUWS, "A judgment in absentia has been issued on Kamal Abbas, CTUWS general coordinator, of six months imprisonment", 29 February 2012: <http://ctuws.com/Default.aspx?item=1123>

45 This estimate is given by CAPMAS, although official numbers vary.

46 CAPMAS, *Study of Informal Settlements in Egypt* [original in Arabic], April 2008, pp23-34.

47 See Amnesty International, *Buried alive: Trapped by poverty and neglect in Cairo's informal settlements (Buried alive)* (Index: MDE 12/009/2009), 17 November 2009: bit.ly/18UXEDm; and "Failure to protect lives", 'We are not dirt', pp18-22.

48 See Amnesty International, "3. At the mercy of forced evictions"; and "4. Life after resettlement", 'We are not dirt'.

49 See for example Administrative Court, Ruling 1253 of judicial year 63, dated 5 July 2009: "The enormous number of infringements to be demolished in the area ... will undoubtedly make an unknown number of families and individuals homeless and destroy a large settlement without alternative, which will affect civil security and social peace of a large number of families and individuals and contravenes constitutional principles such as the protection of the character of Egyptian family, social solidarity, protection of the sanctity of the home and private life..." [original in Arabic].

50 See *Al-Youm Al-Saba'*, "وزير التنمية المحلية يعلن الضرب بيد من حديد على المخالفين في تنفيذ قرارات الإزالة.. ويؤكد: لا تصالح ولا تقنين للتعديات على الأراضى الزراعية.. وتعداد سكان مصر يرتفع لـ180 مليون نسمة أبو حديد: 3 محاور لتقنين «", 28 August 2013: bit.ly/195jdBJ; and *Al-Masry Al-Youm*, "أبو حديد: 3 محاور لتقنين «", 29 August 2013: bit.ly/141UzWk

51 See case in Amnesty International, "Law for squatters of state-owned land", *Buried alive*, p27.

52 Prime Minister decision 3096 of 2009, published in the official journal on 2 December 2009.

53 See examples of Al-Sahaby in Aswan, Imbaba and Al-Warraq informal settlements, and Al-Maris village in Amnesty International, "Law on expropriation for the general interest", 'We are not dirt', p32.

54 Articles 94 and 95 of the Law on Building.

55 Amnesty International, "Failure to protect lives", 'We are not dirt', pp18-22.

56 Presidential Decision 305 of 2008 creating the Informal Settlements Development Facility (ISDF), published in the Official Journal on 18 October 2008.

57 For Amnesty International's findings on the Al-Duwayqa incident and its aftermath, see *Buried alive*.

58 See Amnesty International, "Lack of security of tenure", 'We are not dirt', p60.

- 59 ISDF, "الإنتهاء من 51 منطقة غير آمنة على مستوى الجمهورية", 15 April 2013: bit.ly/1eUSttF
- 60 See for example Amnesty International, "Failure to explore alternatives to evictions: Al-Sahaby area", *'We are not dirt'*, pp88-91.
- 61 See cases in Amnesty International, "3. At the mercy of forced evictions", *'We are not dirt'*; and the case of Ramlet Bulaq in *Agents of repression: Egypt's police and the case for reform* (Index: MDE 12/029/2012), 2 October 2012, pp16-17: bit.ly/QmqgiJ
- 62 In February 2013, a military court unfairly tried 26 of the residents, all civilians. The court sentenced one resident to five years' imprisonment in absentia. It sentenced a further 11 to three months in prison, but they were released as they had been detained since November 2012. The court acquitted the rest.
- 63 Administrative Court, Ruling 782 of judicial year 62, dated 16 November 2008.
- 64 The Egyptian Initiative for Personal Rights, "In the events of Ramlet Boulak: officer accused of murder at large and the people of the region are victims of indiscriminate arrests and intimidation", 14 August 2012: eipr.org/pressrelease/2012/08/14/1466.
- 65 As reported by the Egyptian Initiative for Personal Rights.
- 66 See Amnesty International, "Lack of consultation and adequate notice", *'We are not dirt'*, pp37-40: bit.ly/UMx6NP
- 67 Amnesty International meeting with ISDF on 4 March 2010.
- 68 Amnesty International, "Homelessness following eviction", *'We are not dirt'*, pp45-51.
- 69 Amnesty International, "Denied compensation", *'We are not dirt'*, pp52-53.
- 70 Amnesty International, "Lack of effective remedy", *'We are not dirt'*, pp54-55.
- 71 Amnesty International, "4. Life after resettlement", *'We are not dirt'*, p60.
- 72 Amnesty International, "4. Life after resettlement" and "Lack of security of tenure", *'We are not dirt'*, pp60-61.
- 73 Amnesty International, "Problems with location, access to services and livelihoods", *'We are not dirt'*, pp61-65.
- 74 Amnesty International, "6. Fears for the future: Cairo 2050", *'We are not dirt'*, pp79-93: bit.ly/UMx6NP
- 75 Meeting with Amnesty International, 1 December 2010.
- 76 *Al-Masry Al-Youm*, "الإسكان» تعيد التخطيط لمشروع جمال مبارك «القاهرة 2050» بعد استبدال اسمه", 20 February 2013: bit.ly/VKiOEG
- 77 See Amnesty International, "Clearing out the poor: 'shack areas' in Cairo, Giza and beyond" in "6. Fears for the future: Cairo 2050", *'We are not dirt'*, pp85-88: bit.ly/UMx6NP
- 78 See National Council for Childhood and Motherhood, "Criminalizing FGM, why? Questions and answers": bit.ly/19B5Qtd
- 79 See the United Nations Children's Fund (UNICEF) and United Nations Population Fund (UNFPA), "Joint statement by UNICEF and UNFPA in Egypt: Another tragic death to female genital

mutilation/cutting”, 9 June 2013: www.unicef.org/mena/media_8319.html

80 The findings were published by UN Women on Facebook: on.fb.me/19TeRjQ

81 For detailed information on sexual and gender-based violence against women under the rule of the SCAF, see “5. Sexual and gender-based violence against women activists”, *Brutality unpunished*, pp27-32.

82 See Amnesty International, *Egypt: Gender-based violence against women around Tahrir Square* (Index: MDE 12/009/2013), 6 February 2013: bit.ly/UXDmGQ; and “Egypt: Sexual assaults on women protestors continuing amid the political turmoil”, Eltahawy, Diana, Livewire, 3 July 2013: bit.ly/14N5DSQ

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