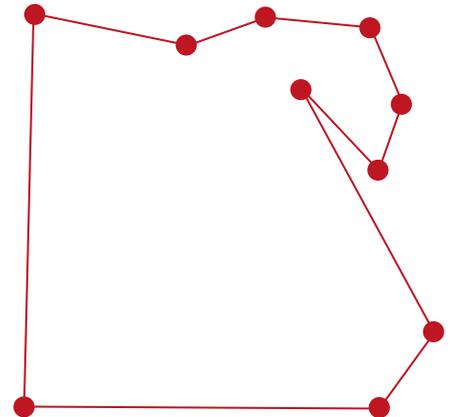


COUNTRY STUDY



EGYPT Social Rights Monitor

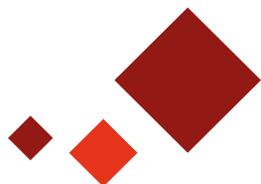
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The EU-Egypt Partnership should:

- Take into consideration the vital role of the independent labour movement in the 2011 revolution and should not focus on security and economic cooperation, marginalizing human rights and trade union freedoms¹;
- Keep social justice, prosperity and long-term sustainable development at the core while supporting and enhancing civil society and independent trade unions rights;
- Aim at universal social protection through creating jobs, ensuring the protection of the unemployed, and including the rights of children and the elderly or disabled;
- Remain committed to adopting a human rights based approach.

1. Read the assessment of ECESR on EU-Egypt relations at <http://www.aldaeurope.eu/public/doc/eu-as-a-neighbour-views.pdf>



Introduction

The EU-Egypt partnership priorities, within a general framework defined by the Association Agreement that entered into force in 2004, were redefined in 2017 following the revision of the European Neighbourhood Policy (ENP). The three priority sectors agreed and supported by EU's assistance to Egypt are i) economic modernization, energy sustainability and environment, ii) social development and social protection iii) governance, enhancing stability and a modern democratic state. The priorities agreed are aimed at addressing common challenges and strengthening Egypt's Vision 2030, Sustainable Development Strategy².

This report aims to assess the overall situation in terms of social protection, decent work and civil society space in Egypt. In particular, it aims to track the progress made since the implementation of the ENP and the partnership established with the EU. In order to evaluate the situation in Egypt, consultations have been conducted with civil society representatives and human rights activists within the seven countries covered by the project 'Decent Work, Social Protection and Freedom of Association in the Middle East and North Africa: Mobilizing for Social Justice by strengthening and promoting civil society organisations (CSOs), social movements and independent trade unions' role in reforms and democratic changes', including Egypt. Qualitative feedback was collected on the basis of a questionnaire, the Social Rights Monitoring Tool, (hereinafter the SRM tool) that included options for defining the context as well as open questions, offering room to provide direct inputs.

Given the limited number of answers, due to the closing of civil society space, in order to present a comprehensive picture, this report also draws from a desk review of civil society reports on EU relations, and the main themes elaborated. References to these papers are included for further reading. A set of recommendations has been formulated in the conclusion section as well for advocacy purposes.

Report

Social Protection

Social protection can be defined as a set of public measures, policies and programmes that are designed to protect, prevent and "transform" poverty and vulnerability across the life cycle³. It seeks to guarantee 'access to essential goods and services, promote active socio-economic security and advance individual and social potentials for poverty reduction and sustainable development'⁴. The International Labour Organisation (ILO) has now established the notion of social protection floors, which aims to promote access to services and goods that meets the criteria of availability, accessibility, acceptability and quality, ensure income security for children, persons in active age and persons in old age while ensuring the progressive achievement of higher levels of protection (increasing social potential and opportunities while reducing poverty). The latter criteria were used to assess social protection in Egypt. The following issues were reported by the respondents to the social rights monitor.

Within the EU-Egypt partnership, Egypt repeats its commitment to social protection aimed at achieving social development and social justice. Similarly Egypt's 2030 Vision builds on the health and social justice pillars, and envisages an Egypt in 2030 in which "all Egyptians enjoy a healthy, safe, and secure life through an integrated, accessible, high quality and universal healthcare system capable of improving health conditions through early intervention, and preventive coverage"⁵.

Yet, respondents to the SRM and civil society reports in Egypt⁶ reflect several challenges with regard to access to health services, and social protection. Less access to health services with increasing costs is noted, particularly in light of the private sector's involvement in Egypt.⁷

2. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eu-egypt-partnership-priorities.pdf>

3. <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> (pp. 13-14); <http://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=54887>

4. <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> (p. 22)

5. <http://sdsegypt2030.com/social-dimension/social-justice-pillar/?lang=en&lang=en/>

6. <http://www.annd.org/data/item/cd/aw2014/pdf/english/three7.pdf>

7. <http://www.socialwatch.org/sites/default/files/2017-SR-EGYPT-eng.pdf>

The situation is considerably worse for pensioners, thus for the elderly, who cannot cover the cost of medicine and treatment, or for those with a serious illness that requires regular and expensive treatment. For instance, the Egyptian Centre for Economic and Social Rights (ECESR) previously filed a lawsuit on some cases and noted “the state’s neglect of its responsibility to provide health care for its citizens and what it entails in terms of the suffering of millions of Egyptians morally and financially, and more importantly the thousands of lost lives due to denying citizens their basic right to health care, without discrimination on the basis of the financial ability to pay for this service”⁸.

The privatization of health and social services in Egypt, has been promoted by the International Monetary Fund (IMF) and the World Bank (WB), and severely criticized by rights groups in the country for its negative impact on the citizens. Social protection measures under the latest IMF deal are found to be inadequate as funding remains vague, and the selection of beneficiaries does not ensure they reach those all in need. As the analysis⁹ shows:

“...the government’s commitment to funding them is unclear. World Bank documents indicate that it intends to set aside 10–15 per cent of savings from subsidy cuts for social investments. The IMF staff report states that about 1 per cent of GDP in fiscal savings will be directed to additional food subsidies, cash transfers to the elderly and poor families, and other targeted social programmes. Second, the programmes use a “proxy means test” to identify eligible households within selected districts. Simulations estimate an exclusion error of up to 59 per cent, which is significant. Furthermore, weak governance leaves the programmes vulnerable to abuse and manipulation. And most fundamentally, the scale of the programmes is too limited; they aim to cover about 1.5 million households by 2019; this represents about 40 per cent of the poor, meaning the remaining 60 per cent will be left to face the impact of rising living costs without support”.

SRM respondents highlight similarly the subsidy cuts’ negative impact for those who are in need, thus increasing the burden on the poor.

Decent Work

Looking at the four strategic objectives of decent work (promotion of rights at work, employment, social protection and social dialogue) as defined in the Report of the Director-General, 87th Session, Geneva, June 1999, the following main issues were highlighted.

Decent job opportunities remain an aspiration within the partnership, yet labour conditions in Egypt reflect high unemployment, increasing informal labour, as well as a lack of decent working conditions. As the Arab NGO Network for Development’s (ANND) Arab Watch Report 2016 on Informal Labour shows, “since the end of the 1990s the Egyptian labour market was mainly characterized by the expansion of informal labour, alongside a decline in public sector recruitment and a decreased ability by the private sector to create new jobs.”¹⁰

A minimum wage, set at 1,200 EGP (± 50 EUR), is not mandatory for the private sector or, as noted by the SRM respondents, for those in informal labour, who remain subject to supply and demand in the labour market without any income security.

Working conditions vary according to sectors, but are especially bad in industries that pollute the environment and damage health, such as ceramics, the chemical industry, glass industry and the cement industry. SRM respondents note that that labour offices ignore the notification of violations by business in this regard.

The lack of decent working conditions, including decent wages, is one of the main reasons for labour protests in Egypt. A total of 244 protests from May 2016 to April 2017 were documented, calling for increased wages and access to financial dues¹¹.

8. <http://ecesar.org/en/2013/09/09/health-ecesar-files-lawsuit-to-oblige-state-to-protect-right-to-health/>

9. <http://www.cadtm.org/Egypt-s-new-IMF-deal-comes-with-a>

10. <http://www.annd.org/cd/arabwatch2016/pdf/english/11.pdf>

11. <https://dailynewsegypt.com/2017/05/01/labour-day-2017-workers-egypt-still-call-rights/>

Many of the workers taking part in protests and strikes were arrested. Some were released but, as Human Rights Watch reports, dozens were referred for trial, including some before a military court¹². This is despite the fact that Egypt is a state party to the International Covenant on Economic, Social and Cultural Rights, and bears a responsibility to respect, promote and fulfil the right to strike, as the Covenant's Article 8 requires.

Furthermore in June 2017 Egypt was blacklisted by the International Labour Organization over the country's failure to issue a new trade union law in line with ILO Convention 87 concerning the right to organize, and the trade union law approved in December 2017 worsens conditions in the country. As the Center for Trade Union and Workers Services (CTUWS) analysis reflects:

"The new Law is reinstalling a situation that was exceeded several years ago by the Egyptian workers' movement, i.e. a situation where workers were without trade unions versus trade unions without workers. Such conditions led to random explosions on behalf of workers for the defence of their interests and protests against the violation of their right to enjoy the security of employment, decent salaries and a dignified life. The number of coercive measures taken against workers and members of independent trade unions amounts to 399 during the second half of 2017 and varied between judgement of imprisonment, trials before military courts, arbitrary firing or transfer from work".¹³

Overall labour market policies are considered to be inadequate and SRM respondents highlight the gap between labour market and education policy. They consider that the Egyptian government is encouraging investment at the expense of decent work conditions. The business sector remains exempted from tax and is not held accountable with regard to the workers' rights violations. Under this analysis, the future of working conditions is considered to be negative.

Enabling Environment

The Office of the United Nations High Commissioner for Human Rights (OHCHR)¹⁴ has identified five ingredients essential to creating and maintaining an enabling environment for civil society: a robust legal framework compliant with international standards and a strong national human rights protection system that safeguards public freedoms and effective access to justice; a political environment conducive to civil society work; access to information; avenues for participation by civil society in policy development and decision-making processes; and long-term support and resources for civil society. Looking at the above criteria, respondents to the monitor reported the following:

The SRM respondents shed light mainly on the recent legislation on NGOs and trade unions that restricts civic space in the country. The Centre for Trade Unions and Workers Services has an in depth analysis¹⁵ on trade union freedoms monitoring the second half of 2017 and in this report, CTUWS focuses on NGO law restrictions as well, reporting that:

"[NGO law] includes sanctions reaching five years of jail and bail of up to one million Egyptian pounds for some activities considered as contraventions.the NGOs' Law prohibits the conduction of any research or poll without a formal authorization; the same applies to the publication of these studies or polls. According to the NGOs' Law, foreign organizations wishing to register in Egypt have to pay fees amounting to 300,000 EG; furthermore, the Law refers to the creation of a "national entity" composed of representatives of intelligence services, the army as well as other governmental bodies; this entity is entitled to grant or refuse authorizations related to the receipt of any fund or grants from abroad..."

12. <https://www.hrw.org/news/2017/02/09/egypt-workers-charged-over-protests>

13. See CTUWS publication, Trade Union Freedoms Squeezed between, The Governmental Oppression and the Severity of the Law: Report about the Violations of Trade Union Freedoms July 1st – December 31st 2017: <http://www.ctuws.com>

14. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>

15. See CTUWS publication Trade Union Freedoms Squeezed between, The Governmental Oppression and the Severity of the Law: Report about the Violations of Trade Union Freedoms July 1st – December 31st 2017 <http://www.ctuws.com>

Furthermore, a foreign funding case, Case 173, is shown as a clear example of restricting civic space by the respondents to the SRM. An investigation of the funds of civil society organizations by the Minister of Justice upon the orders of the cabinet in 2011, resulted in the imposition of several restrictions including travel bans and asset freezes of the accounts of these organizations and their founders¹⁶.

The absence of an enabling environment and violations of fundamental freedoms in Egypt was recognized during the 36th Human Rights Council session during which the United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein acknowledged that "reports of oppressive measures including increasing waves of arrests, arbitrary detention, black-listing, travel bans, asset freezes, intimidation and other reprisals against human rights defenders" were received by his office. SRM respondents listed several cases of restrictions imposed on civil society activists with continued violations of their freedom of movement and arrests prior to their attendance at advocacy events, including at the international level. For instance, on 10 September 2017, human rights lawyer Ibrahim Metwally was arrested, ahead of his planned trip to Switzerland. Metwally had planned to visit Geneva to give evidence at the 113th Session of the United Nations Working Group on Enforced and Involuntary Disappearances (WGEID) at the UN Human Rights Council. Similarly, on 2 October 2017, Dr. Magdy Abdel Hamid Belal, chair of the Egyptian Association for Community Participation Enhancement (EACPE), was banned by the authorities from travelling to a conference in Jordan.

With regard to media, access to information and freedom of expression, several violations are reported. For instance, in May 2017 the Egyptian authorities blocked public access to 21 websites, including Mada Masr, Al Jazeera, Al Sharq, Masr Al Arabia, Arabic 21, Huffington Post Arabic, Horria post, Klmt, Rassd¹⁷. As SRM respondents note, peaceful meetings were prohibited by issuing orders to prevent the renting of halls for political or labour conferences. On the other hand, civil society notes that the media itself has been used as a tool to

shrink civic space. In a joint statement, rights groups from Egypt reflected on the case of arrests made for raising a rainbow flag during a music event (of the famous band Mashrou' Leila). They note that "local media supported these arrests by publishing numerous articles and interviews encouraging hate speech against groups and individuals that have gender non-conforming identities and sexual orientations, especially targeting LGBT people in Egypt. These provoking articles invaded most news and social media platforms."¹⁸

In light of these, it is considered that rather than developing an enabling environment in Egypt the situation has regressed. Indeed, following the NGO law, the EU issued a statement, acknowledging that "the new NGO law in Egypt is bound to put additional burden on NGOs' activities and restrict the space of debate and discussion in the country. It risks making civil society's contribution to political, economic and social development more difficult"¹⁹.

16. <https://cihrs.org/further-background-on-case-no-173-the-case-against-human-rights-ngos-imminent-risk-of-prosecution-of-hrds-accused-of-committing-human-rights-work/?lang=en>

17. <https://www.engadget.com/2017/05/25/egypt-blocks-al-jazeera-other-websites-supporting-terrorism/>

18. <https://eipr.org/en/press/2017/10/human-rights-and-freedom-expression-egypt-trapped-between-security-services-and-media>

19. https://ceas.europa.eu/headquarters/headquarters-homepage_en/27183/Statement%20on%20the%20new%20NGO%20law%20in%20Egypt



Recommendations

Whereas social protection has been allocated 40% of the total budget of the Single Support Framework²⁰, and civil society in Egypt is considered “important for democratic and economic development and to help build political stability”²¹ and the commitment to inclusive growth and job creation in Egypt is acknowledged by the partnership²², civil society perceives that the relationship between the Egyptian government and the EU is based mainly on financial interests, with security concerns focused on ensuring stability, overriding the promotion of human rights, prosperity and democracy. In this regard:

- EU-Egypt relations should take into consideration the vital role of the independent labour movement in the 2011 revolution and should not focus on security and economic cooperation, marginalizing human rights and trade union freedoms²³;
- Achieving social justice, prosperity and long-term sustainable development should remain at the core of the EU-Egypt partnership and the partnership should support and enhance civil society and independent trade unions rights;
- Consultation with civil society should be structured, inclusive and participatory, enabling civil society voices and concerns to be both heard as well as reflected in the programme documents of the partnership;
- Whereas social protection is one of the priorities of the partnership, the approach to social protection should not be narrowed to targeting very poor people only but aimed at universal protection through creating jobs, ensuring the protection of the unemployed, and including the rights of children and the elderly or disabled;
- Lastly, the EU and Egypt should remain committed to adopting a human rights based approach, recalling that article 2 of the Association Agreement between the EU and Egypt states that “Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect of democratic principles and fundamental human rights as set out in the Universal Declaration of Human Rights, which guides their internal and international policy and constitutes an essential element of this Agreement.”

20. <http://www.consilium.europa.eu/media/23942/eu-egypt.pdf>

21. https://eeas.europa.eu/headquarters/headquarters-homepage_en/27183/Statement%20on%20the%20new%20NGO%20law%20in%20Egypt

22. <http://www.consilium.europa.eu/media/23942/eu-egypt.pdf>

23. Read the assessment of ECESR on EU-Egypt relations at <http://www.ald-eu-rope.eu/public/doc/eu-as-a-neighbour-views.pdf>

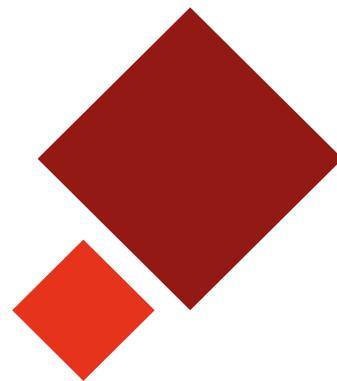




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SOLIDAR is a European network of membership based Civil Society Organizations who gather several millions of citizens throughout Europe and worldwide. SOLIDAR voices the values of its member organizations to the EU and international institutions across the three main policy sectors: social affairs, lifelong learning and international cooperation.

This country profile has benefited from contributions by Egyptian civil society organizations.*

*If your organization has contributed to the report and is not listed here, contact the SOLIDAR offices to edit the report.



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