

EGYPT

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ...Egypt...

CERD 28TH No. 18 (A/9018) (1973)

178. The initial report of Egypt, submitted on 1 September 1970, was considered by the Committee at its third session and deemed satisfactory. The second periodic report, submitted on 12 January 1973, was considered at the seventh session (135th and 136th meetings).

179. Several members expressed the opinion that the report was comprehensive; noted that it contained a section in which the information was recapitulated in accordance with the structure indicated by the guidelines laid down by the Committee; and observed that, although the initial report was considered satisfactory, the second periodic report contained observations on the comments made by members of the Committee during the consideration of the initial report. This was regarded by several members as a constructive “dialogue” between the authors of the report and the Committee, which reflected a desire for co-operation on the part of the reporting State; and the wish was expressed that similar constructive dialogues would be entered into in future reports by other States parties. Special note was taken of the fact that the report stated not only that Egypt maintains no relations with the racist régimes in southern Africa but also that “Egypt provide[d] assistance, through the Organization of African Unity, to the peoples of these areas to help them on towards self-determination and the liberation of their countries from these racist régimes”.

180. Some members noted that the constitutional and legal provisions cited in the report spoke of “Egyptians”, “citizens”, “persons” and “individuals” in a manner which rendered the definition of these terms necessary in order to enable the Committee to ascertain without ambiguity the subjects of law and the subjects of obligations. Some members observed that, although the Constitution of Egypt contained a principle prohibiting racial discrimination, one could imagine hypothetical cases in which situations might nevertheless arise which would justify the adoption of special laws - for every constitutional principle had to be implemented by legislation. Referring to the information contained in the report regarding the possibility of repealing any law inconsistent with the provisions of the Constitution, some members wished to know who had the right to request the Constitutional Court to determine whether a law was unconstitutional. Doubt was expressed whether the provisions of article 6 of Law No. 34 of 1972 satisfied all the requirements of article 4 of the Convention; and information regarding the procedure for implementing the provisions of that article of the Law under reference was requested.

181. The representative of Egypt, expressing his pleasure that his Government’s efforts to enter into a dialogue had been appreciated, stated that he would endeavor to ensure that the same procedure was followed in future reports.

182. The Committee decided to consider the report satisfactory and to express the hope that the Government of Egypt would continue to provide full information in subsequent reports.

CERD 29TH No. 18 (A/9618) (1974)

184. The Committee noted that, although no measures giving effect to the provisions of the Convention had been adopted by the Government of Egypt since it submitted its second periodic report, the third periodic report from that Government contained detailed information, accompanied by the texts of the relevant legislative provisions, in response to observations, and inquiries made by members of the Committee at the seventh session (when the earlier report was considered), with particular reference to the implementation of article 4 of the Convention. The Committee welcomed the continuing dialogue with the reporting State and welcomed also the information, contained in the second section of the report under examination, to the effect that a new penal law was currently under preparation and that the draft of that law included special and more specific provisions for the prohibition and punishment of all forms of racial discrimination in accordance with article 4, paragraphs (a) and (b), of the Convention. It noted with satisfaction the affirmation that the Government of Egypt continued to condemn and boycott racist régimes and to assist liberation movements opposing such régimes, as well as the assurance that that Government intended to participate effectively in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and that it would inform the Committee of its activities in that regard.

CERD A/32/18 (1977)

271. The fourth periodic report of Egypt was considered together with the introductory statement made by the representative of Egypt before the Committee.

272. It was noted that the report before the Committee supplied no new information which had not already been given in the preceding reports submitted by Egypt. It was noted with satisfaction, however, that the statement made by the representative of the reporting State supplied additional information, and brought previously furnished information up to date.

273. It was observed that the statement in the report that, in accordance with articles 8 and 40 of the Egyptian Constitution, the State guarantees equality before the law “without discrimination between them on the basis of sex, origin, language, religion or creed” did not refer to all the factors of discrimination mentioned in article 1, paragraph 1, of the Convention.

274. In connection with the provisions of article 4, paragraph (a) of the Convention, it was noted that article 6 of Law No. 34 of 1972 provided for penalties for any person who incites hatred, contempt or dissension between various communities; and it was asked whether the words “various communities” referred to ethnic and racial communities.

275. In connection with the provisions of article 5 of the Convention, it was observed that the fourth periodic report of Egypt states that Egypt “guarantees equality for all persons in Egypt as regards the enjoyment of the political, economic, social and cultural rights set forth in international conventions, without any discrimination or distinction”, whereas the information received previously had indicated that equality was guaranteed for “all Egyptians” or “all nationals”. It was asked whether the latest report reflected a change in the status of foreigners resident in Egypt or whether there was merely some inaccuracy in the translation of the original Arabic wording of that report. Noting that the principle of equality was firmly anchored in Egyptian legislation, some members asked for information on specific measures taken in practice to ensure that all groups of the population did in fact enjoy the equal opportunities guaranteed in principle.

276. The Committee took note with satisfaction of the information, provided by the representative of Egypt, that measures had been taken in compliance with Egypt’s obligations under article 7 of the Convention; and hope was expressed that further detailed information on that subject would be embodied in the fifth periodic report of Egypt.

277. The information given to the Committee by the representative of Egypt on his Government’s multiform contributions to the struggle against racial discrimination in the international arena was noted with satisfaction by the Committee.

278. The Committee noted with concern the statement made by the representative of Egypt to the effect that racial discrimination was being practised in Sinai, a part of the national territory of Egypt over which that State was unable - because of foreign occupation - to fulfil its obligations under the Convention. Members of the Committee expressed the hope that the Government of Egypt would furnish detailed information on that subject in its next report. Inasmuch as the reporting State had

not asked the Committee to take any action with respect to that issue, the Committee confined itself to taking note of the information before it, expressing its concern, and inviting the Government of Egypt to provide it with such additional information as might be available to it in the future.

CERD A/33/18 (1978)

289. The fifth periodic report of Egypt and the supplement thereto were considered jointly, together with the introductory statement made by the representative of Egypt, in which he commented on some of the observations made by members of the Committee during the consideration of Egypt's fourth periodic report (A/32/18, paras. 271 - 278). The Committee took note of some corrections made by the representative of Egypt to the translation of the reports under consideration from the original Arabic into the working languages of the Committee.

290. Referring to Act No. 40 of 1977, Committee members asked what penal measures were available for application - in accordance with the requirements of article 4, subparagraph (b), of the Convention - in the event of a social or cultural organization having a racist basis being established, in view of the fact that penal legislation could not be applied by analogy or extension and the banning of such an organization would accordingly not be covered by Act no. 40, which related solely to political parties. The representative of Egypt, in his reply, referred to Act No. 37 of 1972 which "dealt with the possibility that cultural or social organizations based on racial ideas or beliefs might be founded"; he also stated that "the future penal code would give extensive coverage to that question".

291. Noting that the Egyptian Constitution, which "covered very satisfactorily almost all the provisions of article 5 of the Convention", failed to mention the right to form and join trade unions, provided for in article 5, subparagraph (e) (ii) of the Convention, a member of the Committee inquired about the laws in Egypt which governed the exercise of that right. The representative of Egypt replied that article 56 of the Constitution permitted the establishment of trade unions and federations on a democratic basis and provided that those trade unions and federations should have legal personality.

292. Referring to the procurator, whose task was to monitor the conduct of public officials and to penalize illegal acts by public officials, a member of the Committee asked whether the duties of the procurator included the task of examining the enforcement of provisions relating to racial discrimination, and requested that the legislation or administrative rules governing the activities of the procurator be provided. And, referring to Act No. 37 of 1972, which imposed a criminal penalty on any public official who imposed upon a convicted person a penalty more severe than that laid down by the law, or a penalty not provided for by the law, a member of the Committee asked whether the term "public official" included judges.

293. The detailed information, contained in the supplementary report, concerning the implementation of article 7 of the Convention was welcomed by the Committee.

294. The Committee welcomed the statement that, in the new Criminal Code under preparation, the competent authorities of the reporting State "will ensure the proscription of all acts of racial discrimination" in accordance with the Convention. The statement that those authorities had "already requested that [they] be provided with the legislation enacted by other States signatories to the Convention in this regard, in order to facilitate the necessary comparative studies and take it into account in the elaboration of the Egyptian draft Code" was described by a member of the

Committee as indicative of an “attitude of frank and open international co-operation”.

295. A member of the Committee asked for more information concerning Egypt’s stand vis-à-vis the racist régime of southern Africa and concerning the contributions which Egypt had made to the struggle to eliminate racism.

296. The reference to the situation in the occupied territories, made in the supplementary report of Egypt, and the information on that situation furnished by the representative of Egypt in his introductory statement were noted with concern.

CERD A /35/18 (1980)

260. The sixth periodic report of Egypt (CERD/C/66/Add. 4), which focused primarily on answering questions raised by the Committee during its consideration of the fifth report, was supplemented by the introductory statement made by the representative of the reporting State, who referred in particular to Act No. 36 of 1979, amending the Political Parties Act of 1977 which prohibited organizations having a racist bias.

261. Some members of the Committee wished to know what was the present demographic composition of the country, what were the statistics concerning foreign nationals, in particular nations of neighboring countries with which Egypt had concluded co-operation treaties, what was the status of such groups and to what extent the provisions of articles 2 and 5 of the Convention were applied to them.

262. Referring to Act No. 32 of 1964 concerning regulation of private societies and associations, Committee members asked what would happen if an unlawful organization were set up without authorization; whether the provisions of that Act would be applicable to extremist religious organizations and whether, if necessary, measures would be taken to prohibit such organizations. A member of the Committee wondered what law could be invoked if an organization which, although established for a lawful purpose, was subsequently found to be practicing racial discrimination. In connection with political parties, it was asked whether there was any political party other than the party in power which did not come under the provisions of article 4 (3) of Act No. 36 and who decided that those provisions applied to a particular political party.

263. With regard to Act No. 37 of 1972, under which the President of the Republic could, in certain cases, declare a state of emergency entailing restrictions of freedom of assembly, movement, residence and transit, it was asked whether those restrictions would be applied to all the inhabitants of the country. A member of the Committee said that, although article 56 of the Egyptian Constitution recognized in principle the right to form trade unions, in accordance with article 5 of the Convention, such a principle should be given effect by a decree or law. He also asked for the organic text setting out the functions of the procurator responsible for punishing public servants who broke the law.

264. A member of the Committee stressed that because of the very varied character of its population, Egypt was well placed to give full effect to article 7 - which might be described as the buttress of the Convention - and it would be desirable to have some information on the subject. In connexion with the Presidential Decision No. 157 inviting the people to express their opinion on the adoption of a Declaration on Human Rights for the Egyptian people, it was asked whether the Declaration had been drawn up and published.

265. Replying to some of the questions raised by members of the Committee, the representative of Egypt said that freedom of belief was a right, but if an organization advocated racial hatred it would fall within the category of illegal organizations referred to under Act No. 32 of 1964 and would therefore be prohibited; in addition to the party in power, there were four other political parties in Egypt and there was an officially recognized leader of the opposition in Parliament; a Committee

composed of representatives of the executive, the judiciary and the administration studied all requests to form new political parties in order to ensure that those requests were consistent with legislative provisions on the subject.

266. Replying to the question concerning Act No. 37 of 1972, the representative said that, under article 40 of the Constitution, all citizens were equal before the law and therefore any restriction on freedom would be universally applicable. As regards article 56 of the Constitution, there were acts guaranteeing trade union rights and governing the formation of trade unions.

267. In conclusion, the representative of Egypt assured the Committee that, in its next periodic report, his Government would endeavor to reply to all the questions asked by members of the Committee.

CERD A/37/18 (1982)

396. The seventh periodic report of Egypt (CERD/C/91/Add. 15) was considered by the Committee together with the introductory statement of the representative of the reporting State who stated that the seventh report had tried to provide replies to questions asked during the consideration of the previous periodic report of his country. He mentioned the efforts of his Government in the struggle against apartheid in southern Africa and pointed out that Egypt maintained no relations whatsoever with the racist régime. Providing some additional information, he said that Egyptian universities, and in particular the El-Azhar University, had been opened to foreigners, especially from Arab, Moslem, African and other countries, and no racial incidents had occurred in that respect. The representative also mentioned that Egypt had recently ratified the International Covenants on Human Rights and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

397. The Committee commended the Egyptian Government for the wealth of information on the status of aliens contained in its report. In that connection, it was asked whether under the states of emergency which could be declared for local districts, aliens could be treated in a particular way. The Committee requested more information regarding the referendum which included the declaration of Egyptian human rights; what was the nature of those rights; and whether the result of the referendum was binding for the Government or simply informative. The Committee also inquired about the status of international conventions, especially of the International Convention on the Elimination of All Forms of Racial Discrimination, in the Egyptian legal system.

398. With respect to article 3 of the Convention, more detailed information was requested regarding the efforts of the Government to promote the fight against apartheid in South Africa and to implement United Nations resolutions and decisions in that respect.

399. Turning to article 4 of the Convention, the Committee inquired about the status of the proposal mentioned in a previous report to introduce a new penal code which would take greater account of article 4. In that connection, it was asked whether the new legislation referred to in the sixth report formed part of the new draft penal code; and whether the Government, in its next periodic report, could include information on that draft or reproduce the actual text of it. Referring to article 1 of Legislative Act No. 156 of 1981, a member noted that, although it represented a genuine attempt to fulfil the provisions of article 4, it was not broad enough to cover all aspects of that article, particularly with respect to incitement to racial discrimination. The Committee finally requested precise information as to how exactly article 4 of the Convention was implemented in Egypt.

400. With reference to article 5 of the Convention, and, particularly, the obligation of political parties to commit themselves to the maintenance of national unity, social harmony, the democratic socialist system, it was asked how a candidate for political office, who as such had no political power or position, could be forced to make such a commitment and whether such a requirement could not interfere with the electoral process. Concerning the freedom of association it was asked whether the regulations governing the ratio of Egyptian nationals to foreigners in associations applied to non-profit organizations. A member requested clarification as to the implementation of the provision according to which associations might be banned if they posed a threat to national

unity, social harmony or the integrity of the nation. Referring to Legislative Act No. 156 of 1981, another member wondered what had motivated the addition of the reference to “religious cover” and whether there was any special reason to suspect religious organizations, in particular, of illegal political activities.

401. Regarding article 6 of the Convention, reference was made to the position of the public prosecutor and clarification was requested as to whether the prosecutor alone had the right to initiate proceedings against public officials in the case of abuse of authority, or whether a victim could also initiate action.

402. With respect to article 7 of the Convention, the Government was requested to provide further information, in particular on the use of school curricula and the mass media to educate Egyptian citizens and combat racial prejudice.

403. The representative of Egypt replied to some of the questions raised by the Committee. Referring to the status of the Convention in the Egyptian legal system, he said that, according to the principles set forth in the Constitution, the Convention was considered as part of applicable law and any law which went beyond or violated its provisions would be annulled by the constitutional court. In reply to questions concerning the referendum, he explained that the guarantees of human rights in the Constitution were based on the human rights principles as internationally accepted and promulgated. Replying to another question, he pointed out that, as an African, and non-aligned country, Egypt considered itself affected by any form of racial discrimination, particularly the apartheid system in South Africa, and attached great importance to the international struggle against such discrimination. As to questions raised on article 5 of the Convention, he clarified the meaning of the restrictions concerning associations and indicated that such associations ought not to disturb public order and morality, according to constitutional requirements for the protection of the equal public rights of all citizens. The representative assured the Committee that their comments would be relayed to his Government and addressed in Egypt’s next periodic report.

CERD A/44/18 (1989)

148. The eight and ninth periodic reports, submitted in one document (CERD/C/149/Add. 22), and the tenth period report of Egypt (CERD/C/172/Add. 12), were considered by the Committee at its 837th meeting, on 11 August 1989 (CERD/C/SR. 837).

149. The reports were introduced by the representative of the State party, who emphasized that according to article 40 of the Constitution all citizens were equal before the law in regard to their rights and obligations, without any discrimination on grounds of sex, origin, language, religion or belief. He added that the Convention had become an integral part of Egyptian law from the date of its ratification, that any of its articles could be invoked in courts, and that legislative and administrative measures had already been promulgated to give effect to most of the provisions of the Convention. With regard to article 3 of the Convention, he stated that Egypt had consistently supported all international efforts aimed at the elimination of racial discrimination, particularly the apartheid system in South Africa, and that in 1989 it had hosted a conference as a part of a series of meetings held for the purpose of granting independence to Namibia. In connection with article 7 of the Convention, he emphasized the importance attached by Egypt to education and the dissemination of information as well as to the mobilization of public opinion for the elimination of racial discrimination.

150. Members of the Committee took note with satisfaction of the reports submitted by the Government of Egypt and commended the representative of the State party on his presentation. It was observed with satisfaction that the reports contained replies to questions raised by the Committee during the consideration of the previous report. Members also wished to receive clarification of the sentence in the report (CERD/C/149/Add. 22) according to which no cases concerning damages resulting from racial discrimination as defined in paragraph 1 of the Convention had been heard or adjudged by the Courts. It was asked whether there were ethnic or linguistic differences in Egypt, whether all traces of colonialism had been totally eradicated, and whether Egyptian legislation recognized the existence of minorities. In the latter connection, additional information was sought regarding the composition of the population, and the situation of a number of minorities, such as those of the oasis of Bere-Bere, and of Armenian and Greek origins. Further information was also sought regarding migrant workers and, in particular, on Sudanese who entered the country as laborers and domestic servants and any Israelis living in Egypt.

151. Members congratulated the Government on its implementation of article 3 of the Convention and, in particular, on its policy with regard to the South African régime.

152. With reference to article 4 of the Convention, members of the Committee wished to know what laws could be invoked and what sanctions could be imposed against racially discriminatory practices. In this connection, it was observed that articles of the Penal Code mentioned in these reports referred mainly to crimes against religious activities. In that regard, it was inquired why attacks on religious symbols rather than attacks on individuals were punished by the law, whether equally severe penalties were provided for in cases of racial discrimination and whether the Government intended to introduce more precise legislation to prevent racial discrimination. In this connection, members of the committee felt that Egypt had still not fully complied with article 4 of

the Convention. It was also suggested that the next report might include information on a number of decisions taken under the said legal provisions.

153. With regard to article 5 of the Convention, members of the Committee wished to receive additional information on the right to freedom of association and, in particular, on public charities. Clarification was sought of the sentence in paragraph 33 of the report (CERD/C/149/Add. 22) according to which the legislator's purpose in prohibiting the exploitation of religion for the establishment of political parties was to prevent the nation from being split into racial groups. Furthermore, information was sought on the interaction between political and religious activity and, in that regard, it was asked who defined the limits within which religion functioned and to what extent there were restrictions on the freedom of religion. It was further inquired whether there were any refugees in Egypt and, if so, what their status was, to what extent labour unions were excluded from political activities, and whether over-concentration in large cities in Egypt had led to any measures restricting the enjoyment of the freedom of movement.

154. In connection with article 7 of the Convention, members of the Committee wished to receive additional information on measures adopted in the fields of education, culture and information with a view to combating racism and racial discrimination.

155. In response to various questions about minorities, the representative of the State party emphasized that the Egyptian legal system was based on national unity, that Egypt was a homogeneous society and that its people only spoke one language. He said that his country had no particular minority whose rights might be denied. Since there was more than one religion, that was, therefore, the only aspect covered by Egyptian law. As concerns specific references to people living in several oases or to Greek and Armenian minorities, he stressed that if the individuals concerned were Egyptians, there was no restriction against them in any respect. He also stated that owing to the economic situation many of the migrant workers, in particular Sudanese, had left the country, that there were Jews in Egypt who practised their faith in synagogues, and that there was no discrimination based on national origin or language.

156. Replying to questions raised in connection with article 4 of the Convention, the representative of the State party stated that Egyptian laws, even if they specifically referred to religion, were wide enough in scope to cover any form of discrimination. He nevertheless agreed that it was important for the Penal Code, which was in the process of being amended, to include specific references to racial discrimination. He added that penalties were applied to persons who insulted or stirred up hatred of a religious symbol because they were thereby stirring up hatred of a group belonging to a different religion. Lastly, he recalled that the Convention itself could be invoked before Egyptian Courts.

157. With regard to article 5 of the Convention, the representative referred to the sentence in the report relating to the prohibition of the exploitation of religion for the establishment of political parties and explained that its purpose was to avoid the division of the nation on any basis. He further stated that everyone could practice his religion as he wished without interference. Labour unions were not supposed to take part in the formation of political parties, but there was no restriction on demands by unions for better conditions of work. He added that political parties had to seek to achieve their objective by peaceful and democratic means. With regard to the status of

charities, he stated that applications had to be made to a Committee under the Ministry of Social Affairs and that the Government's decision could be overruled by the courts. Concerning refugees, he stated that Egypt was party to the 1951 and 1956 Conventions, that there were very few refugees in Egypt and that Egypt had always followed a consistent policy of granting asylum to asylum-seekers. Lastly, he emphasized that there was no restriction on freedom of movement. Rather, an attempt was being made to create jobs in the countryside, decentralize industry and provide throughout the country those facilities which attracted people to capital cities.

158. With reference to article 7 of the Convention, the representative of the State party explained that instruction was being given on the Convention itself as part of humanitarian law in law schools, police academies and various other institutions interested in international and legal matters.

CERD A /49/18 (1994)

362. The Committee considered the combined eleventh and twelfth periodic reports of Egypt (CERD/C/226/Add.13) at its 1048th and 1049th meetings, on 4 and 5 August 1994 (see CERD/C/SR.1048 and 1049).

363. The report was introduced by the representative of the State party, who provided brief details of the measures taken to implement the provisions of the Convention since the submission of its previous report. In particular, he informed the Committee of the adoption of legislation in compliance with the obligations laid down in article 4 of the Convention concerning the prohibition of organizations that promote or incite racial discrimination. In addition, the representative highlighted the efforts undertaken by the State party to implement article 7 of the Convention through educational measures and the development of information campaigns designed to raise awareness of human rights and freedoms. The campaigns also sought to offset any attitudes and traditions which might adversely affect the realization of human rights, including those relating to economic development.

364. Members of the Committee welcomed the opportunity to continue the constructive dialogue with the State party; however, they regretted that the report had not been prepared in accordance with the Committee's consolidated guidelines on reporting and had not contained the answers to questions which had remained unanswered during the consideration of the State party's previous report. Further information was also needed on the factors and difficulties encountered in implementing the provisions of the Convention. Equally, it was noted that the report lacked essential information as to the ethnic composition of the population.

365. Concern was expressed over the state of emergency existing in the State party. Reference was made to the violent attacks in recent months and years which had been directed towards foreigners and members of the Coptic church in Egypt, and the problems faced by the State party in addressing that situation. In this connection, members of the Committee wished to know of the measures being taken to protect such groups from attack or harassment.

366. Further information was requested about the status of the Convention in domestic law. In addition, the members of the Committee expressed concern that national legislation did not fulfil all the requirements of article 1 of the Convention. In this connection, they sought clarification as to whether the provisions of article 40 of the Constitution covered race as a ground for non-discrimination, and as to the protection being accorded to non-citizens with regard to their enjoyment of the rights guaranteed under the Convention.

367. Members of the Committee noted that the Egyptian Penal Code in its article 86 bis, as amended by Act No. 97 of 18 July 1992, had made it a criminal offence, inter alia, to establish any association, body, group or gang which in any way advocated violation of the personal liberty of citizens or of their public rights and freedoms guaranteed by the Constitution and the law, or sought to prejudice national unity and social harmony, and therefore addressed the measures called for in article 4 of the Convention. However, they observed that the report did not provide full details of the application of that article by the courts in Egypt and any jurisprudence that had developed as a

result, particularly with regard to the meaning of national unity and social harmony. Also with regard to the implementation of article 4 of the Convention, the question was asked whether any publications inciting racial hatred, particularly against the Jews, circulated in the country.

368. Regarding article 5 of the Convention, members of the Committee expressed concern that information had not been provided on the extent to which all groups in the population of the State party enjoyed the rights enumerated in that article. Thus, they raised questions as to whether Armenians and Greeks living in Egypt held Egyptian nationality, as well as on the economic and social situation of those groups. Clarification was also requested concerning the measures taken to protect not only the language and traditional life-style of the Nubians, in particular, but also the cultural, economic and social rights of the Nubians, Berbers and Bedouins of Egypt, in general. Questions were also raised regarding the situation of Palestinians living in Egypt. In addition, more information was requested on the application in practice of article 4 of the Political Parties Act No. 40 of 1977, and of the jurisprudence developed as to the meaning of "public order and morality" with respect to the implementation of articles 2 and 33 of the Private Associations and Institutions Act No. 132 of 1964.

369. Concerning article 6 of the Convention, members of the Committee took note of the information contained in the State party's report that, for acts prohibited under article 4 of the Convention, national legislation provided that criminal or civil proceedings in respect of offences were not subject to any statute of limitations and that compensation or redress was available in cases where administrative decisions violated the provisions of the Constitution or the Convention. In that connection, members of the Committee asked how such legislation was applied in practice and requested details of any relevant court cases.

370. Concerning article 7 of the Convention, reference was made to the Committee's general recommendation XIII (42) on the training of law enforcement officials in the protection of human rights and to the value, in general, of educating and informing them about human rights. Mention was made of the role national human rights institutions could play for the protection and promotion of human rights, including those provided for under the Convention. More information was requested about the activities undertaken by the State party on those matters.

371. It was observed that the State party had not made the declaration under article 14 of the Convention; members of the Committee asked whether the State party was considering taking steps to accept the Committee's competence to consider communications received under the provisions of that article.

372. Replying to the questions raised by members of the Committee, the representative of the State party explained that the implementation of article 40 of the Constitution provided for equality before the law and that although its provisions did not specify race or color, the term "origin", which had been specified in that article, had a very broad meaning in Arabic and covered those aspects. With respect to the laws on nationality, the Committee was informed that the Egyptian authorities were currently considering proposals which would regularize the position of children born to an Egyptian mother and a non-Egyptian father. Moreover, the representative indicated that experts would study the Committee's comments on aspects of Egyptian legislation that might need to be amended in order to bring them into line with the provisions of the Convention.

373. As for the protection of persons threatened by terrorism, the representative indicated that the measures being taken by the State were designed to ensure better security for both the Egyptian population and visitors to the country.

374. Concerning the implementation of articles 4 to 6 of the Convention, the representative indicated that article 57 of the Constitution provided that criminal and civil proceedings in respect of rights and freedoms guaranteed by the Constitution and the law were not subject to any statute of limitations; such violations constituted an offence and the State was required to guarantee compensation to victims. Providing further information as to the meaning of the concepts of social harmony and national unity under Egyptian law, the representative explained that any of the acts prohibited under the Convention would be considered to infringe national unity and social harmony under Egyptian law. Equally, the concept of public order as understood in Egypt meant that basic rights and freedoms came within the realm of public order and must be scrupulously respected by everyone, including public bodies.

375. With respect to ethnic communities, the representative stated that they enjoyed equal rights and full freedom, including with regard to their own schools, mother tongue instruction and publications in their own languages. The Nubians constituted a homogeneous group within Egyptian society, speaking Arabic with their own dialect. Following their resettlement after the construction of the Aswan Dam, the Egyptian Government had taken account of objections to the type of housing provided and had drawn up plans incorporating the architectural style preferred by the Nubians. There was no discrimination against them. They could practice their own occupations and accede to very high positions. There were Nubian ministers, senior members of the judiciary and teachers at all levels.

376. Regarding implementation of article 7 of the Convention, the representative stated that information about international human rights instruments was included in the curricula of police training schools and training colleges for the judiciary and in continuing education programmes for public officials and police officers. The Centre for Human Rights had provided valuable assistance in that regard, including the organization of a training course for police officers. In addition, the subject was included in both school and university curricula and the authorities sought to increase public awareness of human rights issues, especially among children and young people. The Egyptian Organization for Human Rights had not yet been officially recognized.

377. The representative indicated that his Government was considering making the declaration provided for in article 14 of the Convention but had reached no decision on the matter.

Concluding observations

378. At its 1065th meeting, on 17 August 1994, the Committee adopted the following concluding observations.

(a) Positive aspects

379. The additional oral information provided by the representative of the State party filled many of the information gaps in the written report. This additional information is appreciated and the

opportunity to continue the fruitful, frank and constructive dialogue between the State party and the Committee is highly welcomed.

380. Satisfaction is expressed over the comments made by the representative of the State party as to the importance the State party attaches to the work of the Committee in offering guidance about the implementation of the provisions of the Convention.

(b) Principal subjects of concern

381. Concern is expressed over the paucity of information contained in the State party's report on judicial, administrative or other measures adopted that give effect to the Convention, and their effect upon the situation in Egypt. The lack of that information makes it difficult for the Committee to assess accurately the progress achieved in the realization of the rights provided for in the Convention. In this respect, the omission of details of the demographic composition of the population and the economic and social situation of different groups within the population is regretted.

382. It is unclear as to the extent to which other provisions of national law are applied to promote and protect the rights contained in the Convention. In particular, with regard to the recent measures taken to implement article 4 of the Convention, note is taken of article 86 bis of the Penal Code (Act No. 58 of 1937), as amended by Act No. 97 of 18 July 1992; however information is not provided as to how this provision of the Penal Code is applied in practice.

383. Concern is expressed about terrorist attacks, some of which could be of a xenophobic nature, and their consequences for the State party.

(c) Suggestions and recommendations

384. The Committee recommends that the next report to be submitted by the State party (due since 5 January 1994) provide more information on the actual practice in implementing the provisions of the Convention and that it contain written answers to the questions raised orally during the present consideration of the report of Egypt. It should also contain information on the demographic composition of the population and the social and economic situation of different groups within the population, as well as details of the actual implementation of article 5 of the Convention.

385. The Committee requests further clarification on the measures taken to implement other articles of the Convention, including the definition of racial discrimination as contained in article 1, paragraph 1, of the Convention. In this respect the State party is requested, in its next report, to take into account the information reflected in the Committee's general recommendations XI (42) and XIV (42). In addition, the Committee would like to receive further details of the actual application of articles 4 and 6 of the Convention, including through examples of recent court decisions, if any, particularly with respect to article 86 bis of Penal Code (Act No. 58 of 1937), as amended by Act No. 97 of 18 July 1992. With regard to article 4 of the Convention, the State party's attention is drawn to the contents of the Committee's general recommendation XV (42).

386. Further information is also sought on the implementation of article 7 of the Convention.

Additionally, it is requested that the State party, in its next report, provide information on any national institutions established to promote and protect human rights. In this connection, the attention of the State party is drawn to the Committee's general recommendation XVII (42) on the possible roles of national institutions in facilitating the implementation of the Convention.

387. Finally, the attention of the State party is drawn to the possibility of making the declaration accepting the Committee's competence under article 14 of the Convention. The Committee also draws the attention of the State party to the amendment to article 8, paragraph 6, of the Convention, which was approved by the Fourteenth Meeting of States parties and by the General Assembly in its resolution 47/111, and encourages the State party to expedite its action formally to accept that amendment.

CERD A/ 56/18 (2001)

278. The Committee considered the thirteenth, fourteenth, fifteenth and sixteenth periodic reports of Egypt, which were due on 4 January 1994, 1996, 1998 and 2000, respectively, submitted as one document (CERD/C/384/Add.3), at its 1484th and 1485th meetings (CERD/C/SR.1484 and 1485), on 10 and 13 August 2001. At its 1489th meeting (CERD/C/SR.1489), on 15 August 2001, it adopted the following concluding observations.

A. Introduction

279. The Committee welcomes the thirteenth, fourteenth, fifteenth and sixteenth periodic reports as well as the additional information that the State party's delegation provided during its oral presentation and in writing, and expresses its appreciation for the opportunity to renew its dialogue with the State party after seven years.

280. The Committee welcomes the detailed and comprehensive report submitted by the State party, which provides ample information particularly on the legal order. The Committee furthermore notes that the report has been drawn up in accordance with the Committee's revised guidelines and responds to many questions raised during the examination of the previous report in 1994. The additional oral information provided by the delegation in response to questions asked by Committee members is also appreciated.

B. Positive aspects

281. The Committee considers as very positive the significant role of the Supreme Constitutional Court in the judicial system of the State party in upholding human rights and constitutional guarantees, particularly with regard to the protection of equal rights, as well as the prevention and elimination of discrimination.

282. The Committee welcomes the fact that, pursuant to article 151 of the Constitution, international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, form part of the domestic legal system and can be invoked directly before the courts. Furthermore, access to the Supreme Constitutional Court is guaranteed so as to enable citizens to challenge the constitutionality of any domestic provision.

283. The Committee notes with satisfaction that the Supreme Constitutional Court defines racial discrimination in terms very close to the definition given by the Convention.

284. The Committee welcomes the significant efforts made by the State party to ensure that its development strategy is implemented without any discrimination on racial grounds and that it is equitable in its reach, covering all regions of the country.

285. The Committee welcomes the initiatives taken by the Government in the area of human rights education in schools and universities and notes the efforts undertaken by the State party to teach and promote a culture of human rights, tolerance and peace. The Committee encourages such efforts and

hopes the State party will continue along this path.

C. Concerns and recommendations

286. Although noting the view of the State party as to the homogeneity of its population, the absence of notable ethnic minorities, and the existence of some numerically small ethnic groups, including nomads, Berbers and Nubians, as well as Egyptians of Greek and Armenian origin, the Committee recommends the State party to provide information on these groups, in particular economic and social indicators reflecting their situation, including their participation in public life and the preservation of their culture.

287. The Committee remains concerned that the legislation of the State party does not seem to respond fully to the requirements of article 4 of the Convention, specifically article 4 (a), which requires States parties to declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. The Committee notes that defamation as well as acts of violence or the threat to use violence are punishable by law, but there is no legal provision making ethnic or racial motivation for such acts an aggravating circumstance. The Committee recommends that the State party review its domestic legislation in the light of the provisions of article 4 of the Convention so as to give effect to all its requirements, as stated by the State party during the consideration of its previous report.

288. The Committee expresses its concern at the nationality law, which prevents an Egyptian mother married to a foreigner from passing on her nationality to her children. The Committee is also concerned that children born to Egyptian mothers and foreign fathers are faced with discrimination in the field of education. The Committee takes note of the promise of the State party to revise the nationality law, which discriminates against children born to Egyptian women married to non-nationals, so as to bring it into line with the provisions of the Convention and requests to be informed in the next report.

289. The Committee recommends that the State party continue its efforts to train all personnel working in the field of criminal justice and law enforcement officials in the spirit of respect for human rights and non-discrimination on ethnic or racial grounds.

290. The Committee recommends that the State party resolve the difficulties relating to the registration of some non-governmental organizations dealing with the promotion and protection of human rights which are working in particular to combat racial discrimination.

291. The Committee notes the absence in the report of references to the contribution of non-governmental organizations in the preparation of the report, and encourages the State party to collaborate with non-governmental organizations during the preparation of the next periodic report.

292. Noting that the State party is in the process of considering the establishment of a National Council for Human Rights in accordance with the Paris Principles concerning the establishment and functioning of national institutions for human rights (General Assembly resolution 48/134), the Committee recommends that steps be taken to accelerate this process and requests the State party

to provide information on the powers and functions of this institution in its next periodic report.

293. The State party is invited to provide further information in its next periodic report on the following issues: (a) relevant cases relating to racial discrimination before Egyptian courts, and the decisions taken; (b) the economic and social situation of numerically small ethnic groups, including access to education and the preservation of their culture; (c) data on foreigners and their situation in the country; (d) results of academic studies and surveys on numerically small ethnic groups.

294. It is noted that the State party has not made the optional declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of such a declaration be considered.

295. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

296. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

297. The Committee recommends that the State party submit its seventeenth periodic report jointly with its eighteenth periodic report, due on 4 January 2004, and that it addresses all points raised in the present observations.