

## **Joint Civil Society Statement before the 51<sup>st</sup> session of the United Nations Committee on Economic, Social and Cultural Rights**

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Distinguished Committee members,

The Egyptian Center for Economic and Social Rights and the Center for Economic and Social Rights are pleased to be here today to speak to the joint parallel report coordinated by our organizations.

The report, which systematically evaluates the state of economic, social and cultural rights in Egypt, was prepared in collaboration with the Arab NGO Network for Development; Association for Education Support and Development; Egyptian Coalition for Education for All; Egyptian Initiative for Personal Rights; Housing and Land Rights Network-Habitat International Coalition; Nazra for Feminist Studies; and New Woman Foundation. It was endorsed by 57 civil society organizations in total, which illustrates the huge demand for meaningful socio-economic change in the country, and the importance Egyptian civil society gives to the Committee's review as an opportunity to reinforce human rights accountability in our fragile transition.

Egypt's 2011 revolution grew out of people's concern over rising economic and social inequality, entrenched corruption, failing public services, and severely restricted options for political participation. Yet, since the fall of President Mubarak in 2011, successive administrations have continued the legacy of the former regime—failing to address the increasing economic and social deprivations of the Egyptian people. There has been little progress (and, in some cases, apparent retrogression) on the rights to work, to social security, to an adequate standard of living, to health and to education.

Our submission draws out three key issues concerning Egypt's compliance with its human rights obligations: the need for political transition towards an open, transparent and participatory democracy; the need for equitable and sustainable economic reform; and protection of the socio-economic rights of vulnerable groups, as a matter of priority.

First, the State party has failed to ensure transparent and participatory decision-making processes, a fundamental obligation under the Covenant. There has been no reform to

ensure transparency and accountability, and anti-corruption laws have not been effectively implemented. The State party has introduced laws which repress civil society groups, workers' unions and opposition parties. These laws have severely diminished the scope for political participation and undermined the transition to democracy.

Second, the State party has failed to prioritize the protection of economic and social rights in its response to the economic crisis gripping the country in the wake of its ongoing political instability. In seeking 'quick-fixes' to stabilize the economy, priorities have been misplaced: to secure conditional foreign loans, the State party has pursued damaging austerity measures, for example, increasing taxes on goods and services, and cutting food and fuel subsidies. Such measures risk disproportionately affecting the economic and social rights of the most vulnerable. There has been no community consultation, no rigorous assessment of the effects of these policies on vulnerable groups, and no meaningful consideration of equitable alternatives. At the same time, the State party has not reversed the trend of underfunding key sectors such as health, education and housing.

There has been no transition from the unpopular and inequitable economic model under the Mubarak regime. The Egyptian people urgently need transformative economic reform. The current economic model continues to severely undermine socio-economic rights. For example, the State party has not addressed rising unemployment and underemployment and the growing informal work sector. The social security system suffers from low social insurance coverage and regressive welfare subsidies. And the quality of public services is rapidly deteriorating as a result of deregulation, privatization and shrinking government expenditure.

Third, the State has neglected the most vulnerable populations who are disproportionately affected by the political transition and economic crisis. According to latest official estimates, a quarter of the population is living in poverty, a third of young people are unemployed and one in three children under five are chronically malnourished. Women in Egypt have less access to basic social services and face widespread discrimination in employment, wages and work conditions. Children are particularly vulnerable to economic and social exploitation, such as child labor and forced marriages. The populations of informal settlements—characterized by their lack of amenities, proper infrastructure and security of tenure—are swelling. And the rural poor suffer from limited access to basic public goods and infrastructure, such as water and sanitation.

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TWENTY YEARS FIGHTING FOR SOCIAL JUSTICE THROUGH HUMAN RIGHTS



Distinguished Committee members,

The challenges facing Egypt—the first of the Arab Spring countries to be reviewed by the Committee—vividly illustrate a broad range of themes related to the protection and promotion of economic, social and cultural rights in transitional contexts. Its review presents an important opportunity to articulate how the normative standards the Committee has advanced—through its general comments, concluding observations and statements—might apply in such settings.

First, Egypt’s current situation demonstrates the urgency of economic, social and cultural rights in the processes of constitution making, and institution building. Egypt’s 2012 Constitution failed to provide a protective framework for advancing economic, social and cultural rights and indications are that the 2013 constitutional reforms will follow a similar path. We call on the committee to reaffirm that the justiciability of these rights is an indispensable element of their protection.

Second, it highlights the need for transitional justice processes to address the patterns of deprivations and inequality that gave rise to the revolution. Structural violence, which oppresses certain groups, condemning them to abject poverty and the marginalization that accompanies severe inequality, must be addressed to overcome social insecurity and political instability. The Committee should urge the State party to ensure that the formal transitional justice mechanisms established to heal the wounds and divisions underlying unrest have a broad mandate to address the full spectrum of rights deprivations. In many countries where such mechanisms have been established, they have focused narrowly on civil and political rights, while economic, social and cultural rights have been short sightedly left off the agenda.

Third, appropriate rights-centered policies are needed to deal with the economic consequences of conflict and social unrest. There are two obligations related to this:

The first obligation is to avoid taking any deliberately retrogressive measures. As outlined, a number of the measures that have been prioritized to reduce Egypt’s fiscal deficit fall short of the standards articulated by the Committee in its letter to state parties of May last year. We urge the Committee to voice concern about these regressive measures, which reflect a broader global trend of fiscal austerity. As the Committee warns, fiscal austerity cannot be used as a pretext for the deliberate retrogression of economic, social and cultural rights.

The second obligation is to take steps to progressively address the root cause of conflict and social unrest by reforming the economy in a way that is fairer and more inclusive. As the case of Egypt shows, focusing too narrowly on certain rights – mainly civil and political rights – in transitional contexts conceals other rights abuses and allows those who benefit most from an unjust economic system to maintain the status quo. By not addressing patterns of corruption and cooptation that deprive the population of basic economic and social rights to the advantage of a powerful elite, Egypt has failed to maximize available resources to ensure the rights and well-being of the population. The Committee has clearly articulated state’s obligations to take steps to the maximum of available resources. Building on this, the Committee can provide much needed guidance on how Egypt can confront these exploitative dynamics.

Further, as the Committee has highlighted, international cooperation is a fundamental obligation for the progressive universal realization of economic, social and cultural rights. It is important to note that, to date, the international community has largely championed an agenda of liberalization, privatization and fiscal retrenchment in Egypt, to the detriment of the more redistributive economic policies that are needed to ensure a just transition—raising questions about whose interests are being furthered and what kind of transformation is being sought.

The outcome of Egypt’s review will be of great significance, therefore, both within and beyond Egypt. With channels of accountability at the national level so limited, civil society groups are counting on the Committee to adopt strong recommendations to amplify their calls for meaningful socio-economic change in the country. The Committee’s leadership in articulating the transformative role of economic, social and cultural rights will also have far-reaching impact, guiding other countries in transition, in the region and beyond.