

COUNTRY STUDY

EGYPT

Social Protection Monitoring

The EU-Egypt Partnership should support the Egyptian government:

- In promoting a balanced and well-organized public health care system, allowing an equal access to quality basic services for all and expanding health insurance coverage, especially in the informal sector.
- In implementing an inclusive national economic growth policy and a comprehensive strategy for long-term employment policy measures.
- To intensify efforts for the full enjoyment of ESCRs, including the ratification of the Optional Protocol to the Covenant on ESCRs.
- To protect Freedom of Association and collective bargaining rights, especially with regard to the establishment of labor independent unions and workers' strikes and protests
- In allocating the maximum available human and financial resources to social sectors, such as health, education, food and housing sectors and combating corruption practices at all levels.





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EXECUTIVE SUMMARY

The Egyptian revolution of January 2011 has had a significant political and economic impact, due to the turbulent process of political transition and the ongoing serious economic crisis in the country. SOLIDAR's members and partners in Egypt highlight the current serious violations of fundamental freedoms and human rights, exacerbating poverty and inequality linked to the Al-Sisi government's austerity policies. They also underline the significant increase in labour protests in the first part of 2015 as a consequence of several violations of freedom of association (FoA) and collective bargaining rights, and the lack of social dialogue and consultation on major new legislation. Deficiencies in access to basic essential services (healthcare, water and sanitation, food and housing security), along with the labour market marginalisation of women, young people and rural populations are also among the most urgent concerns that need to be dealt with in the country. In order to address these challenges, SOLIDAR's members and partners in Egypt recommend several measures to be taken within the EU-Egypt Partnership, such as the promotion of a balanced and well-organised public health care system, the reform of the education system and the adoption of specific social protection programmes as well as ensuring access to water and sanitation, food and housing security. Moreover, a national economic growth policy and a comprehensive strategy to tackle long-term unemployment are needed, together with the full enjoyment of Economic, Social and Cultural Rights (ESCRs) and the promotion of freedom of association (FoA) and collective bargaining rights, especially with regard to the establishment of independent labour unions and workers' strikes and protests.

MOST URGENT ISSUES TO BE TACKLED

- **Serious economic crisis and the austerity policies of the Al-Sisi government:** despite

the government's austerity policies aimed at reducing the national budget deficit by bringing public debt to safe levels¹ (the public debt stood at 93.8% of GDP in 2014²), corruption and illicit financial flows have not diminished yet, hampering the effectiveness of these policies. In addition, economic policies are failing to effectively mobilise and allocate maximum available resources³ in key economic and social sectors.

- **Serious violations of fundamental freedoms and human rights:** current policies exacerbate poverty and inequality, contrary to the non-discrimination and non-retrogression obligations, with 'a disproportionate burden on low-income working families'⁴
- **Deficiencies in access to basic essential services:** inequality in the access to health care services, the low coverage of health insurance, geographical disparities between rural and urban areas and the North and South of the country, lack of funding and medical staff, and low availability in public hospitals represent the most serious deficiencies of the Egyptian public health care system. Hunger and malnutrition, access to safe drinking water and sanitation, food and housing insecurity are other urgent aspects to be dealt with. In terms of access to education, high school dropouts, non-attendance and illiteracy, especially among rural populations, gender-, residence- and wealth-based disparities and decreased national public spending are crucial issues to be tackled.
- **Unemployment and Informal sector:** labour market marginalisation of women, young people and rural populations; high prevalence of women

1 Mada Masr, Health is a public 'good', 28 June 2015, Retrieved 26 October 2015, from <http://www.madamasr.com/opinion/economy/health-public-good>

2 CIA World Factbook, Egypt, Economy, from <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html>

3 The Egyptian Center for Economic and Social Rights (ECESR), Joint NGO Submission on the situation of Economic, Social and Cultural Rights in Egypt, March 2014, p.9, from <http://ecesr.org/>

4 Ibidem.



in the informal sector; high wage gap between men and women.

- **Serious violations of freedom of association and collective bargaining rights:** a significant increase in labour protests in 2015 with a total of 599 protests recorded between January and June 2015; a lack of social dialogue and consultations on major new legislation such as the Civil Service Law and the Labour Law.

KEY RECOMMENDATIONS

The EU-Egypt Partnership should support the Egyptian government:

- **In promoting a balanced and well-organised public health care system, allowing equal access to quality basic services for all and expanding health insurance coverage, especially in the informal sector.** To reform the education system, by creating highly-quality human capital – without discrimination and gender- and socio-economic-based disparities - and improving the attendance and literacy rate and the Vocational and Educational Training (VET)'s governance and effectiveness. To combat hunger and malnutrition, by reducing food subsidies and adopting specific social protection programmes, and to ensure access to safe drinking water and sanitation for all, through a specific national plan which eliminates geographical disparities in accessing them. To increase food security, especially in rural areas, through sustainable agricultural practices and housing security, reforming housing legislations and social policies.⁵
- **In implementing an inclusive national economic growth policy and a long-term comprehensive strategy on employment.** In developing an urgent plan for the Egyptian economy and improving living standards and working conditions through

formal and decent job opportunities and minimum wage policies in line with prices and inflation rates, especially in the private sector. To facilitate equal access to the labour market for women, young people and rural populations. To enforce labour legislation with regard to maternity leave and childcare.⁶

- **To intensify efforts for the full enjoyment of ESCRs, including the ratification of the Optional Protocol to the Covenant on ESCRs.** To take concrete legislative measures to eliminate all forms of violence and discrimination against women, refugees and other vulnerable groups, by establishing an anti-discrimination commission (according to the Article 53 of the Constitution)⁷.
- **To protect freedom of association and collective bargaining rights, especially with regard to the establishment of independent labour unions and workers' strikes and protests** (remove Law No. 34/2011). To promote social dialogue and consultations on major new legislation such as the Civil Service Law and the Labour Law⁸.
- **In allocating the maximum available human and financial resources to social sectors, such as health, education, food and housing and combating corruption at all levels,** by properly implementing national progressive legislation in this regard, reducing illicit financial flows and enhancing tax collection⁹.

5 The Egyptian Center for Economic and Social Rights (ECESR), Joint NGO Submission on the situation of Economic, Social and Cultural Rights in Egypt, March 2014, p.10, from <http://ecesr.org/>

6 Ibid., pp.9-10

7 Ibid., p.9

8 Ibid., p.10

9 Ibid., pp.10-11



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Improving equitable access to essential services and infrastructures

Whilst the ENI Report underlines the need to facilitate access to public health care services for vulnerable people, such as women, youth and the disabled¹⁰, SOLIDAR's members and partners in Egypt highlight the existing failing and unequal public health care system, which is not adequate for the Egyptian population's needs. In particular, inequality in access to health care facilities, low and uneven coverage of health insurance for women, informal workers and low-income families, geographical disparities between rural and urban areas and the North and South of the country, lack of funding and medical staff (well-trained nursing staff and doctors), and low availability in public hospitals represent the most serious deficiencies of the Egyptian public health care system¹¹. It is estimated that only half of the Egyptian population is covered by health insurance and health services provision in rural areas is almost absent, with only 7.03% of bed availability and 19.6% of public physicians working in those areas. As a result, 'this misallocation of resources is impacting on access to crucial healthcare services'¹².

Moreover, despite the increase - in monetary terms - in

10 European Commission and EEAS (2015). Programming of the European Neighbourhood Instrument (ENI) - 2014-2020. Single Support Framework for EU support to Egypt (2014-2015), p.12, Retrieved 26 October 2015, from http://eeas.europa.eu/enp/pdf/financing-the-enp/egypt_2014-2015_programming_document_en.pdf

11 Moreover, 'Egyptian Ministry of Health statistics show that the number of government hospitals in 2011 was 643 with 98,319 beds, 19 general hospitals, 38 health insurance authority hospitals and 74 public university hospitals, whereas the number of private hospitals was 926 with 25,827', from Mada Masr, Health is a public 'good', 28 June 2015, Retrieved 26 October 2015, from <http://www.madamasr.com/opinion/economy/health-public-good>.

12 The Egyptian Center for Economic and Social Rights (ECESR), Joint NGO Submission on the situation of Economic, Social and Cultural Rights in Egypt, March 2014, p.8, from <http://ecesr.org/>

health expenditure over the last few years, 'the share of healthcare spending as a percentage of GDP has been decreasing over time'¹³. It is likely that Egypt will be not able to 'afford to increase its health expenditure due to budget constraints'¹⁴ outlined by the Al-Sisi government's austerity policies. Hence, in the absence of a balanced and well-organised public health care system in the country, 'many people are distressed by overpriced and inefficient private healthcare'¹⁵.

Concerning the education system, SOLIDAR's members and partners in Egypt report that the country is suffering from increasing school dropout, non-attendance and illiteracy rates, especially in the rural areas, in addition to gender-, residence- and wealth-based disparities and decreased national public spending in this field¹⁶. Vocational and Educational Training (VET) also suffers from weak quality and a lack of relevance, as well as a negative social image: namely, 'students with lower grades tend to be tracked out of the general education system and directed toward VET'¹⁷. Hence, VET is socially perceived as a poor and unattractive option. Moreover, VET graduates generally face difficulties in accessing the better jobs, as they lack the practical skills required by the labour market. The governance of VET represents another challenge, with a fragmented institutional framework which makes the design, implementation and monitoring of the reforms very difficult¹⁸.

In terms of the right to food, high levels of malnutrition and state policies over the last few years, 'including removing subsidies on agricultural materials, increasing the cost of renting agricultural land, doubling land tax, increasingly using agricultural

13 Mada Masr, Health is a public 'good', 28 June 2015, Retrieved 26 October 2015, from <http://www.madamasr.com/opinion/economy/health-public-good>

14 Ibidem.

15 Ibidem

16 The Egyptian Center for Economic and Social Rights (ECESR), Joint NGO Submission on the situation of Economic, Social and Cultural Rights in Egypt, March 2014, p.8, from <http://ecesr.org/>

17 ETE, Policies and Interventions on Youth Employment in Egypt, pp.18-19, from [http://www.etf.europa.eu/webatt.nsf/0/8B7FE470410B-4DB8C1257E28004C06CA/\\$file/Employment%20policies_Egypt.pdf](http://www.etf.europa.eu/webatt.nsf/0/8B7FE470410B-4DB8C1257E28004C06CA/$file/Employment%20policies_Egypt.pdf)

18 Ibidem.



land for urban development and tourism, and the monopolisation of farm products and methods of mass agriculture by foreign companies¹⁹, have exacerbated the food shortage in the country (it currently stands at 55% and is expected to increase by 20 per cent in 2030). In terms of the right to housing, there has been a proliferation of informal housing throughout the country, due to the lack of affordable housing²⁰. SOLIDAR's members and partners in Egypt also stress that the majority of people in informal settlements, peri-urban and rural areas do not have access to safe drinking water and sanitation. Water scarcity and unfair distribution are the most important causes. Ineffective regulations and private sector interest in this field may exacerbate this situation²¹.

Ensuring Income Security

While official statistics reveal that the 'GDP growth rate fell from 4-5% in 2009-10 to 1.8% in 2011 and increased only slightly to 2.2% in 2012 making the country unable to generate employment'²² (2.2% in 2014²³), SOLIDAR's members and partners in Egypt underline the rising unemployment among youth, on the one hand, and the lack of effective policies to generate job opportunities both in the public and private sector, on the other. For instance, unemployment in the country is structural, targeting a specific group of people, namely educated youth, entering the labour market for the first time and searching for a formal job²⁴. The Egyptian State has also failed to address poor working conditions, namely low wages (not based on inflation rates and covering only public sector employees), the lack of decent jobs, job insurance and security and the existence of a large informal sector which employs over half the working

19 The Egyptian Center for Economic and Social Rights (ECESR), p.6

20 Ibidem.

21 Ibid., p.7

22 ETF, Policies and Interventions on Youth Employment in Egypt, from [http://www.etf.europa.eu/webatt.nsf/0/8B7FE470410B-4DB8C1257E28004C06CA/\\$file/Employment%20policies_Egypt.pdf](http://www.etf.europa.eu/webatt.nsf/0/8B7FE470410B-4DB8C1257E28004C06CA/$file/Employment%20policies_Egypt.pdf)

23 CIA World Factbook, Egypt, Economy, from <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html>

24 ETF, p.12

population, especially women and youth²⁵.

Rising unemployment, corruption and the lack of democracy have emerged as the most prominent issues after the 2011 Revolution. Prior to this, Egypt did not have an employment strategy and even afterwards there were only short-term policy measures. In addition, disparities between the public and private sector became greater and the implementation of many Labour Law provisions still remains ineffective. In this light, SOLIDAR's members and partners in Egypt suggest a long-term comprehensive strategy on employment in the country²⁶.

Egypt's labour market also presents disparities between men and women's access. While an absolute majority of women remain economically inactive throughout their lives, the minority of them who enter the labour market face a high unemployment rate, reaching almost 25.1% in 2013 compared to 4% of men. The situation is worst in rural areas: in 2012 62.6% of women were involved in unpaid family work²⁷.

Promoting a Rights Based Approach to Social Protection

The alarming increase in poverty (exceeding 26%) and inequality in the country is a symbol of the state's inability to take adequate legislative and budgetary measures to deal with the current situation. In light of this, SOLIDAR's members and partners in Egypt underline how the state's approach to social security - relying on a contributory social insurance system and suffering from low coverage and inefficient universal subsidies (on food and fuel) - has resulted in

25 Ibid., pp.4-5

26 Ibid., p.21-24

27 ETF, p.5; The Egyptian Center for Economic and Social Rights (ECESR), p.3



a decrease in the number of insured people over the last few years²⁸.

Moreover, in the absence of a human rights-based approach, the government's current attempts to reform the subsidy system are threatening Egyptians' welfare²⁹. SOLIDAR's members and partners in Egypt report the existence of a national project to ensure citizens' basic right to health and education, covering 250 villages and 11 provinces³⁰, whose impacts will have to be monitored.

However, many decrees and amendments to the new Egyptian Constitution have gone in different directions, due to the absence of a parliamentary body and the President's temporary legislative authority. He continues to regularly exercise this authority more than one year since his inauguration on 8 June 2014³¹: over 175 extra-parliamentary laws and decrees have been ratified. In particular, SOLIDAR's members and partners in Egypt highlight the decree increasing pensions by 10% from July 2015, which clarifies the State's authority in this field (Arts. 83 and 128 of the Constitution), and two other important amendments to social security law – empowering the government to create new social security programmes and expanding targeted groups subject to social security (Art. 17 of the Constitution) - and to social housing law allowing the new urban communities to be independent from the social housing fund and empowering the Egyptian State to manage the issue of unplanned housing and slums (Art. 78 of the Constitution)³².

28 The Egyptian Center for Economic and Social Rights (ECESR), p.5

29 Ibidem.

30 Daily News, Egypt, National Project for Social Protection launched in Egypt's villages: Prime Minister, from <http://www.dailynewsegypt.com/2015/01/10/national-project-social-protection-launched-egypts-villages-prime-minister/>

31 The Tahrir Institute for Middle East Policy, Tracking Egypt's Extra-parliamentary Laws, from <http://timep.org/commentary/tracking-egypts-extraparliamentary-laws/>

32 The Tahrir Institute for Middle East Policy, Legislation Tracker. A Constitutional Perspective, from <http://timep.org/legislationcatalog/>

Freedom of Association and an enabling environment

In terms of access to Economic, Social and Cultural Rights (ESCRs), Egyptian women face strong discrimination at all levels. Apart from employment discrimination both in the public and private sectors, preventing most of them from enjoying their economic rights under the Labour Law (namely, maternity leave and childcare), women are also deprived of social protection, in terms of health and social insurance, as well as farmers, domestic workers and informal sector workers. In addition, they are still victims of sexual abuse and harassment, and no significant progress has been made in this regard. SOLIDAR's members and partners in Egypt also stress how governmental authorities continue 'to fail to prosecute these crimes whether perpetrated by a member of the public, policeman or soldier'³³. The non-impartial and non-independent investigations of these accidents make the public authorities complicit in the increase in sexual violence against women³⁴.

Constitutional arrangements do not guarantee economic and social rights in the country, free from any type of interference. In fact, while the new Constitution in 2014 recognised several economic and social rights (namely, universal health coverage and increased spending in health and education sectors), many areas still remain unregulated by law, 'giving the government broad discretion that may result in undue limitation of rights'³⁵. This is the case for Article 15 regulating peaceful strikes, which de facto 'diminishes constitutional protection for striking workers'³⁶, criminalising them. Moreover, Egypt has not yet ratified the Optional Protocol to the International Covenant on ESCRs.

In terms of the legal framework governing the establishment of associations, national legislation

33 ETE, pp.3-4

34 Ibid., p.4

35 The Egyptian Center for Economic and Social Rights (ECESR), p.2

36 Ibidem.



has significantly restricted the freedom of association and assembly. In detail, the plurality of unions is not recognised by the Constitution (Art. 77) and many restrictions on demonstrations - requiring prior approval - have been put in place (Law No. 107/2013 on Public Meetings, Processions and Peaceful Demonstrations)³⁷. SOLIDAR's members and partners in Egypt highlight a report on Egypt's labour movement in the first half of 2015, including 48 categories of workers demanding their labour rights, such as lawyers, journalists, security workers, university staff, and so on. 'A total of 599 protests were recorded between January and June of 2015, with an average of three protests a day', compared to 'the 433 protests in the last four months of 2014'³⁸. An amendment to Article 76 of the Constitution authorising the creation of syndicates and unions and guaranteeing their independence in the process has been introduced but it is not yet clear how it will impact their activities³⁹. Moreover, security violations against lawyers in terms of terrorising and 'dissuading them from doing their part in supporting victims of violence' have also occurred⁴⁰.

SOLIDAR's members and partners in Egypt stress the forced disappearance of dozens of people by Egyptian security forces and the possible illegal detention of persons who are supposed to be judged in court, according to international fair trial standards. They underline that this represents a serious violation of international human rights law and, politically, a crime against humanity⁴¹.

In terms of social dialogue, major new legislation relating to Civil Service Law and Labour Law has been contested on the grounds of the non-participation

37 Ibid., p.3

38 Daily News, Egypt, 599 Labour protest in H1 of 2015: Democracy Meter, from <http://www.dailynewsegypt.com/2015/08/18/599-labour-protests-in-h1-of-2015-democracy-meter/>

39 The Tahrir Institute for Middle East Policy, Legislation Tracker. A Constitutional Perspective, from <http://timep.org/legislationcatalog/>

40 The Cairo Post, Rights activists condemn arrest of lawyer for protesting, from http://www.thecairopost.com/news/164450/inside_egypt/rights-activists-condemn-arrest-of-lawyer-for-protesting

41 Human Rights Watch, Egypt: Dozens Detained Secretly, from <https://www.hrw.org/news/2015/07/20/egypt-dozens-detained-secretly>

and involvement of CSOs in the consultations, as well as syndicates and trade unions. In particular, the new law issued in March 2015 'presents a new system for salaries, hiring, dismissal and incentives, and affects approximately 6 million public sector employees'⁴². Tax workers concerned over the new Civil Service Law have claimed their rights, by sending a memorandum to Prime Minister Ibrahim Mahlab in July 2015 from the General Syndicate for Finance and Tax Workers, but did not receive a response - which is considered a violation of Article 14 of the workers syndicate law. The law presents a new system for salaries and for incentives which should be approved by the Prime Minister as a fixed percentage of the total salary every year, and cancels the financial compensation for vacation days - except if the vacation request is not approved by the administration.

In terms of access to information and transparency, there is a decree exempting the President and his cabinet from public sector laws in terms of the hiring and firing process. It is feared that such high level positions will be governed by cronyism and nepotism, rather than by merit, increasing corruption (contrary to Article 218 of the Constitution). Hence, this decree circumventing 'transparency may potentially raise serious concerns'⁴³. SOLIDAR's members and partners in Egypt also note the decree appointing Ministry of Defence and Ministry of Interior representatives to the legislative reform committee. Given the absence of an elected parliament, 'there are serious concerns regarding the power that this committee - which is solely comprised of appointees - has in the legislative process'⁴⁴. Another decree which is equally important is the one governing judicial committees for military officers (amending the relative Law). In particular,

42 Daily News, Egypt, Workers demand social, not political: ECESR, from <http://www.dailynewsegypt.com/2015/08/19/workers-demands-social-not-political-ecesar/>

43 The Tahrir Institute for Middle East Policy, Legislation Tracker. A Constitutional Perspective, from <http://timep.org/legislationcatalog/>

44 Ibidem.



according to the Article 204 of the Constitution, the military judiciary has 'the sole authority to adjudicate all crimes pertaining to the Armed Forces, officers and their equivalents'. In this case, given the secrecy in these internal deliberations by judicial committees, such a decree may raise concerns about transparency.

Financing Social Protection

Poor funding and lack of enforcement mechanisms limit the government's attempt to expand health insurance coverage for new social categories (such as farmers). For instance, the 2014 decree, 'which obliges all hospitals, public or private, to provide emergency and trauma patients with free treatment for up to 48 hours'⁴⁵, clarifying the right to health for all, has no enforcements mechanisms. 'Also a new amendment in the law that allows using coal in industries within the residential areas would have a seriously negative impact on the health situation of Egyptians'⁴⁶.

With regard to the 2015-16 financial budget, SOLIDAR's members and partners in Egypt highlight the cuts in projected spending on social programs of 1 July 2015, trimming 'a projected subsidy on bread and food commodities'⁴⁷ but the relative budget has not yet been approved by President Al-Sisi⁴⁸. According to the Egyptian government, such a budget will provide increased spending on targeted cash subsidy programmes - in order to cut broader subsidy

45 Egyptian Initiative for Personal Rights, Fiscal Statement of the State's Public Budget for the Fiscal Year 2014/2015. Austerity Measures and a Rush to Counteract a Crisis at the Expense of Social Justice, Reem Abdel Halim (Economic and Social Justice Unit), from http://eipr.org/sites/default/files/pressreleases/pdf/fiscal_statement.pdf

46 Ibidem.

47 Financial statement 2015-2016 budget, from <http://www.mof.gov.eg/MOFGallerySource/Arabic/budget2015-2016/Financial-statement-2015-2016.pdf>

48 Concerning the subsidy on bread and food commodities, 'smart cards are allocated by household, with each family member entitled to 150 loaves a month and a maximum purchase per family of 100 loaves per day. If a family does not consume its full allowance, they are awarded 10 piasters credit for every loaf, which can be put toward purchases of commodities like oil and sugar at government outlets', from Mada Masr, Smarter subsidies? Pilot projects for the new bread subsidy system prove it can be fairer, but not immune from manipulation, 26 June 2014, Retrieved 28 October 2015, from <http://www.madammasr.com/sections/economy/smarter-subsidies>

spending - as well as on health programmes and social housing⁴⁹.

Moreover, SOLIDAR's members and partners in Egypt take into account the Lima Declaration on Tax Justice and Human Rights, which 'calls for prioritising tax justice and related human rights issues in the national and international economic and development policies'⁵⁰. The Egyptian government's tax policy raises concerns because of its regressive nature: it is likely to increase 'the burdens of middle and low income citizens rather than bringing social justice through progressive tax regimes' (which is evident in its dependence on consumer taxes for citizens)⁵¹, in favour of investors and businessmen and against the principles of human rights, equality and non-discrimination. As such, the Egyptian Center for Economic and Social Rights (ECESR) supports this declaration and 'calls on the Egyptian government to change their tax policies that are still burdening the actual taxpayers in order to prevent the efforts of spreading out the tax base to include all income and profit earners'. In this light, SOLIDAR's members and partners in Egypt hope that this will safeguard countries 'against the dangers of corporate tax behaviour on human rights, and instigate international financial institutions to prioritise the commitments of governments towards human rights whenever they provide consultations regarding taxation and financial policies'⁵².

49 Finance Minister Hany Qadry's statement, from Mada Masr, Update: Sisi ratifies state budget with lower deficit of 8.9%, 2 July 2015, Retrieved 28 October 2015, from <http://www.madammasr.com/news/economy/update-sisi-ratifies-state-budget-lower-deficit-89>

50 ECESR, Tax justice/ECESR launches Lima Declaration on Tax justice and Human Rights, from <http://ecesr.org/en/tax-justice-ecesr-launches-lima-declaration-on-tax-justice-and-human-rights/>

51 Ibidem

52 Ibidem

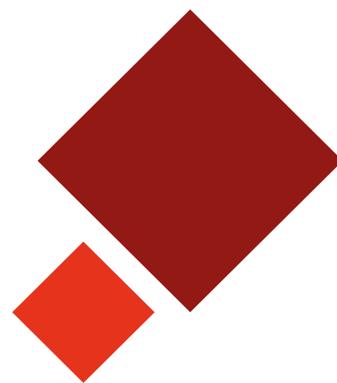




solidar

Rue du Commerce | Handelsstraat 22
1000 Brussels
Belgium
T +32 2 500 10 20
F +32 2 500 10 30

Twitter: @SOLIDAR_EU
Facebook: SOLIDAR
www.solidar.org
solidar@solidar.org



The Egyptian Initiative for Personal Rights (EIPR) organisation has contributed to this report.

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



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