Study on the links between economic and social rights and legal empowerment of the poor in the Arab World

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Arab Organization for Human Rights
UNDP Regional Centre in Cairo
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Introduction

The concept of 'Legal Empowerment of the Poor' is a relatively new concept, but it is based on two well-established pillars in ‘development’ thinking: good governance, with its various components, and the eradication of poverty. Both pillars receive great attention in the UN literature. This concept also enriches two dimensions that are of great importance to economic and social rights; namely, human property and labor rights.

Since the Commission on Legal Empowerment of the Poor developed its overall vision for this concept, which is embodied in its report "Making the Law Work for Everyone (2008)", there have been successive international and regional efforts to promote this concept at the regional and international level through research seminars and programs.

This study seeks to introduce a comprehensive picture of the use of economic and social rights as approaches to reinforce legal empowerment of the poor in the Arab countries, and the role of civil society in ensuring that the poor are represented, and their voices heard.

This study sheds light on the following areas:

- Analysis of the implementation by Arab States of the recommendations of the Committee on Economic, Social and Cultural Rights;
- Analysis of the impact of the recommendations adopted by the Human Rights Council on the economic and social rights in the Arab States during the Universal Periodic Review;
- Identification of the challenges and the regions requiring additional support from the main actors operating in the area of legal empowerment in the Arab world;
- The best practices on legal empowerment of the poor, and implementation of economic and social rights in the Arab region.
Part I - Analysis of the implementation by Arab States of the recommendations of the Committee on Economic, Social and Cultural Rights.

I. Classification and analysis of the Committee's recommendations

Since its foundation, the Committee on Economic, Social and Cultural Rights has reviewed reports submitted by eleven Arab countries: Algeria, Morocco, Kuwait, Egypt, Jordan, Libya, Syria, Iraq, Yemen, Tunisia and Sudan. The volume of these reports ranged between one to four sections. The Committee also reviewed Israel's report, which included recommendations concerning the rights of the Palestinian people by virtue of Israel's legal responsibility as occupying force.

The Committee's recommendations have been characterized by two models: (I) the general principles model, directed to all or most of the countries under discussion, and (II) the special recommendations model, specific to each country and consistent with each country's interaction with its economic and social context. Discussions regarding Iraq have stopped in 1997, considering the sweeping changes witnessed in the country after the U.S. invasion, and the changes of political, economic and social systems in the country.

The first model of recommendations can be summarized as follows - the Committee calls for:

- Harmonization of national legislations in line with the provisions of the International Covenant on Economic, Social and Cultural Rights and other relevant international conventions, and lifting of reservations made by the member states. States should ensure the application of the provisions of the Covenant in courts;

- Support to the national mechanisms for the promotion of human rights by strengthening the independence of the judiciary system, guarantying the enjoyment of the right to a fair trial, establishing National Human Rights Institutions and Ombudsman Institutions, ensuring the existing institutions comply with the Paris Principles (1992), and strengthening the institutions of civil society and cooperating with them;

- Development of adequate and effective national plans for human rights in accordance with the Vienna Declaration and Programme of Action (1993);

- Elimination of all forms of discrimination against women, with a particular focus on amending the personal status laws to ensure total equality. This is in addition to protecting women from domestic violence and making domestic violence a crime, fighting the so-called “honor crimes”, and ensuring equality before the law with regard to adultery crimes. A general focus should be directed to ensuring equality between women and men in the actual enjoyment of their economic and social rights, and eliminating forms of discrimination in ownership and social security. Temporary measures should be taken to represent women in public bodies and decision-making positions, and observe equal pay for equal work;
• Intensification of efforts to combat child labor, including the conduct of systematic and effective inspections in workplaces, and protecting children from domestic violence and physical punishment;

• Provision of special protection for weak and vulnerable groups, including minorities, people with disabilities, inmates of mental institutions, stateless and displaced persons, migrant workers and refugees;

• Enacting legislations and taking measures to ensure the application of the rights protected by the Covenant: the right to social protection, the right to work, the right to education, the right to health and the right to housing;

• In all their negotiations with international financial institutions, such as the IMF, the World Bank, and WTO, States should ensure that the economic, social and cultural rights, especially for vulnerable groups, are not violated;

• Promotion of a culture of human rights, including human rights studies in school curricula;

• Spreading the Committee's concluding observations widely among all social institutions, especially state officials, the judiciary, and civil society organizations.

In addition to these general recommendations, the Committee singled out the reviewed countries with a number of recommendations consistent with each country's interaction with its economic and social context. These recommendations can be classified, according to their subject, in four groups: the first relates laws and legislation, the second relates to mechanisms, the third relates to the rights protected under the Covenant, and the last relates to the protection of the rights of vulnerable social groups.

Table (3) includes the most important recommendations directed to the Arab countries whose reports were reviewed by the Committee.

II. Analysis of the implementation by Arab States of the recommendations of the Committee on Economic, Social and Cultural Rights

At first glance, it seems several Arab states have applied many of the recommendations issued by the Committee. However, when taking a closer look at the reports of the Arab states, and the nature of the steps taken by the states, it seems the review does not reveal such a positive picture.

A. The Committee's assessment of the implementation of its recommendations

The Committee, in its report on Libya (Nov. 2005), expressed its concern that Libya did not take the earlier concluding observations into account. In its report on Morocco (May 2006), the Committee noted that Morocco did not take into account important issues raised in its concluding observations in 1994 and 2000, and it did not effectively address the fundamental issues raised during the discussion of its first and second periodic report, which are still included in the agenda. The Committee also noted the
delay of Arab States in submitting their reports, not to mention the lack of supporting data, and the absence of response by some states to the Committee's written and oral questions was also raised in the list of issues pertaining to the dialogue.

**B. Recommendations with legal dimensions**

A. Despite the Committee's declaration that the state of emergency declared in Algeria and Egypt limits the scope of implementation of the constitutional guarantees for economic, social and cultural rights, and despite its clear call to Algeria to reconsider the state of emergency based on the principles of necessity and proportionality, the Committee pointed out that neither Egypt nor Algeria achieved any progress in this direction. Further, such state of emergency was extended to more Arab countries.

B. Also, despite the Committee's continued expression of concern in its concluding observations about the absence of legal references in judicial decisions where the provisions of the Covenant were cited. The only example reported in the concluding observations was the case of railway workers in Egypt (1987). Additionally, the Committee noted that the Egyptian government did not amend the Penal Code to allow the right to strike, as requested by the judicial decision. This phenomenon has been a dominant feature in most Arab countries, although some civil society organizations in some countries have achieved breakthroughs in this area.

C. Adoption of laws or legal amendments to make national law compliant with the provisions of the Covenant has varied from one context to another and from one country to another. On the positive side, various legislations were passed to protect the family, women and children. For example, in March 2009, Jordan enacted a law for the protection from domestic violence, and formed committees for family law and courts for domestic violence. Egypt passed a law for children, complying with international standards, raising the age of criminal responsibility, raising the age of marriage for girls to achieve equality between men and women, and incriminating female genital mutilation. Similarly, the Kingdom of Saudi Arabia issued a law to protect children from violence. Moreover, Jordan, Bahrain, Saudi Arabia, Oman and Egypt enacted laws against human trafficking. These laws defined human trafficking as a crime, set heavy fines and imprisonment for violation of their provisions, and established committees to combat this phenomenon.

Many Arab countries began to promote women’s political participation, whether through allocating seats for them in parliament as happened in Morocco, Egypt, Sudan, Jordan and Iraq, or by removing the legal obstacles to the right of women to vote and to be elected to public office as happened in Kuwait.

Apart from these positive trends, Arab countries failed to respond to many recommendations of the Committee on Economic, Social and Cultural Rights with regards to compliance of national legislation with the provisions of the Covenant, particularly in the areas of labor law and protection of workers' rights, laws for NGOs, and social security systems.

Even in the countries that updated their laws, their new legislation came tinged with the same flaws. For example, the Egyptian government cancelled Law No. 153/1999 on civil associations and institutions, which the Committee called to amend (based on a decision of being unconstitutional due to procedural reasons). While the new law (No. 84/2002) removed the constitutional flaws, it retained the provisions
restricting the freedom of civil society organizations to seek redress for interference of the administrative body in the affairs of civil societies, the freedom-depriving provisions, and provisions authorizing the dissolution of societies without a court order.

C. Mechanisms to reinforce respect for human rights

The recommendations of the Committee on Economic, Social and Cultural Rights with regards to the mechanisms to reinforce respect of human rights can be summarized into four parts: (I) strengthening the independence of the judiciary, encouraging the use of the judiciary as a mechanism to reinforce the provisions of the Covenant, and making the violators of these provisions accountable, (II) establishing National Institutions consistent with the Paris Principles or developing the existing ones in the same direction, (III) providing a mechanism to examine the complaints submitted by individuals whose rights, protected under the Covenant, are violated, and (IV) dealing with civil society organizations, particularly in the preparation of State reports submitted to the Committee.

Strengthening the independence of the judiciary:

There has not been any improvement in the independence of the judiciary, which remained under the financial and administrative domination of the Executive Authority. Also, the right to a fair trial is not without substantial defects under the weight of exceptional justice stemming from the emergency and anti-terrorism laws, the trial of civilians before military courts, and the weaknesses of the litigation guaranties.

National Institutions:

The Arab countries' response towards the establishment of National Institutions witnessed a significant improvement. For example, there were just four institutions in the 1990’s (Morocco - Algeria - Tunisia - Palestine), and some of them were not complying with the Paris Principles. However, several Arab countries established National Institutions, and some others developed the existing ones to comply with the Paris Principles. Jordan established an institution in 2002, Egypt in 2003, Qatar in 2004, Mauritania in 2006, Bahrain and Iraq in 2009, and Sudan in 2010. Morocco, Algeria, Tunisia and Qatar developed laws or decrees promulgating the establishment of National Institutions complying with the Paris Principles.

But despite the quantitative progress - doubling of the number of institutions in the Arab region - it does not reflect a consistent trend. While some countries developed the law of their institutions to comply with the Paris Principles, the institutions remained unable to perform their functions, while some other countries suffer from a congested socio-political environment affecting the viability of such institutions, such as Palestine, Iraq and Sudan.
**Ombudsman Institutions:**

Unlike National Human Rights Institutions, the Ombudsman Institutions witnessed a significant qualitative and quantitative development. They have developed a coordination framework at the Arab level by establishing the Arab Organization for Ombudsman Offices. In the Arab world, these institutions carry a variety of names: Grievances Department, Administrative Conciliator, Republic Mediator, or Muhtasib. There are now ten institutions in Morocco, Tunisia, Libya, Sudan, Mauritania, Djibouti, Jordan, Palestine, Algeria, and Iraq. The last three institutions combine, by virtue of their laws, the duties of the National Human Rights Institutions and Ombudsman offices. Lebanon has approved the establishment of an institution and it is now discussing how to form it.

Regarding the development national plans to promote human rights, the Arab region has witnessed many attempts in four Arab countries and the Palestinian National Authority, but such attempts have not achieved the desired results yet. These attempts began with the adoption of a national plan by the Palestinian National Authority, right from the beginning of its foundation, to confirm its commitment to the international standards even though it is not obligated to do so in the light of its legal status. This was followed by a plan prepared by the National Council for Human Rights in Egypt, pursuant to the provisions of its law of establishment, but it was not adopted by the State whose response was limited to its commitment to integrate this plan into the Development Plan 2007 – 2011. The plan did not come to life, and its sole tangible influence remained only in the dialogues between the State ministries and specialized bodies on one side and the National Council on the other side.

Additionally, since the end of 2008, Morocco has been conducting consultative activities on developing the plan. Since mid-2008, Iraq formed a team to prepare the plan, but it has not published the results of its efforts yet. In the second half of 2010, Lebanon has started a serious effort for the preparation of a national plan.

**Box 1: National Institutions and Ombudsman Institutions: Similarities and Differences**

<table>
<thead>
<tr>
<th>National Institutions and Ombudsman Institutions: Similarities and Differences</th>
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<tbody>
<tr>
<td>Despite the fact that the Ombudsman institutions are older and more widespread, National institutions represent the most common mechanism to protect people against violations of their rights due to abuse of authority, negligence or error. Both types of institutions are established according to laws enacted by parliament or decree from the Head of State. Such institutions are supposed to enjoy independence from the Executive Authority in the State, and both should possess semi-judicial jurisdictions, but they are not a substitute for the judiciary. Also, both of them receive complaints from those affected and make resolutions and recommendations thereto, but their decisions are not binding on the government, and their influence depends on the moral authority they enjoy.</td>
</tr>
<tr>
<td>On the other hand, both types differ in several ways. National Human Rights Institutions possess broader powers, while the Ombudsman institutions tend to specialize and they have narrow jurisdiction as they focus on the legality of administrative procedures in the administration of the State, and on certain issues such as equal opportunities, fighting discrimination, consumer protection, and others. Ombudsman institutions also target specific groups such as women, minorities and persons with disabilities.</td>
</tr>
<tr>
<td>The Ombudsman institutions impose strict criteria when considering complaints submitted to them, starting from</td>
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</table>


the criteria of admission to the closure of issues. Sometimes, some of the criteria are more stringent or excessive, such as the requirement of sponsorship from elected members at the representative councils (e.g. Djibouti). They also have stronger powers in the investigation of cases and access to sources, unlike the National Institutions which adopt easier criteria but do not have the same direct investigative powers.

In most cases, the differentiation aspects impose a clear separation between the National Institutions and Ombudsman institutions, which is very common. This sometimes may reach an extent where National Institutions are required not to consider the complaints that fall within the jurisdiction of the Ombudsman institutions and refer such complaints to them. However, some National Institutions combine the jurisdiction of National Institutions and Ombudsman institutions by virtue of established law. The Arab region has both models.

Studies conducted by the AOHR on Ombudsman and NHRIs, comparing the effectiveness of both types of institutions show that the resolved issues and complaints addressed by the Ombudsman institutions are higher than those addressed by the National Institutions. Though this can be attributed, in part, to the nature of the powers vested in the Ombudsman institutions, the conditions set for accepting and resolving complaints or the great emphasis by the State bodies to interact with the Ombudsman institutions, it remains likely that the source of variation lies in the nature of the complaints themselves. Indeed, Ombudsman institutions focus on the administrative aspects of the relationship between citizens and the State administrative bodies, which are not sensitive issues for the State, while the complaints addressed by the National Institutions focus on human rights issues, which are characterized by high political sensitivity.

D. Objective rights protected under the Covenant

The Committee issued recommendations to promote respect for and protection of the objective rights protected by the Covenant. They involved multiple dimensions for fighting poverty and unemployment, reinforcing the rights to education, health, employment, and proper housing from the perspective of supporting the interest in these rights, promoting equality between both sexes, and bridging the gap between rural and urban areas.

In terms of labor rights, although the specialized reports, such as that of the Arab Labour Organization (2009), show that Arab countries made great efforts over the past years to create new job opportunities in the Arab region, making it one of the first region of the world in terms of job creation (it annually created over three million new job opportunities), it also concluded that such efforts are insufficient and inconsistent among the Arab countries. In general, the region maintains the highest unemployment rate among all regions of the world, as it exceeds 14%, and maintains the highest rate of unemployment among the youth, as it exceeds 25%.

But the problem does not only lie in the high unemployment rate in the Arab region but also in the lack of social protection for the unemployed, the weak legal protection for workers, and its complete absence for some categories of workers, undermining their ability to negotiate by restricting the right to organize and the right to collective bargaining. The attitude of Arab countries with regards to ratification of ILO Conventions is revealed by the clear reluctance in joining the Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize. More than the half of the Arab countries did not join this Convention (1948). This was followed by Convention No. 98 concerning the
Right to Organize and Collective Bargaining in 1968 where close to a third of Arab countries decided not to join.

Moreover, education remains a major challenge in most Arab countries, in terms of quantity and quality. The Arab Knowledge Report (2009) shows that, despite the efforts exerted by Arab countries since the early 1990’s to reform education, it seems that many of those countries are still far from achieving the goal of "Education for All", and responding to the international standards with respect to vocational and technical education and higher education. Though there is no doubt that a significant progress has been achieved in the quantitative indicators of education, such as enrollment rates, these indicators have not reached satisfactory levels except in a few countries. Also, the qualitative indicators show that the Arab countries fall behind the industrially-advanced countries as well as many other countries in Asia and South America that made significant strides in the quality of educational services, and achieved results comparable or close to those realized by the industrially-advanced countries.

The allocation of resources for education, whether from the gross domestic product or the budgets of many Arab countries, does not reflect a serious will to overcome the challenges facing education. On the contrary, policies adopted by some Arab countries reflect a desire to relieve themselves from the burden of free education, whether by imposing additional charges or establishing language departments in some colleges with fees almost equivalent to the tuition fees at private universities. Further, some countries limit free education to their citizens by excluding the children of migrant workers, which deprives large segments of children from receiving education.

The right to health has received great attention in the Committee's recommendations. The recommendations included various areas: taking comprehensive measures to ensure that all people have material and economic access to primary health care, fighting maternal mortality, reducing the rate of child mortality, implementing national programs for reproductive health, and fighting the spread of HIV (AIDS).

Although the health indicators show that Arab countries have made significant progress in several areas, they have also shown big gaps among them. While the estimated maternal mortality rate is 4 deaths per 100,000 births in Kuwait, it is more than 400 deaths in Djibouti, Yemen and Sudan. The infant mortality rate is less than 8 deaths per thousand births in the UAE, it reaches more than 76 deaths in Yemen and 88 deaths in Djibouti. The mortality rate in children under five years of age is 20 deaths per thousand children in most countries of the Gulf and more than 100 deaths in Djibouti and Yemen.

It is also noted that there is a disparity between rural and urban areas according to the same indicators. The worst rates appear in the rural areas, and the situation worsens in poor countries ravaged by war.

According to the Arab Human Development report of 2009, the actual expenditure on health reflects a clear regional variation, as it ranges from $25 (in Comoros) to $871 (in Bahrain) per capita. With the exception of the rich Arab Gulf countries, most Arab countries allocate low public expenditure for the health sector.

As for the right to housing, the Committee expressed, during the discussion of the reports of Arab States, its concerns regarding the right to housing. The Committee's recommendations included a number of areas, such as providing social housing, finding solutions to the so-called 'tin neighborhoods'
spread in many Arab countries, providing alternative housing in cases of forced evictions or giving the affected suitable financial compensation, and introducing standards of safety against earthquakes in areas exposed to earthquakes.

The recommendations address the most prominent problems with respect to the right to housing, which plague large segments of Arab societies of the middle and poor classes. However, the government policies have not shown a noticeable response to address this problem in the foreseeable future, which is shared by other developing countries in their stalled efforts to address the situation of poor neighborhoods largely seen in the slum and “tin neighborhoods”. The policies addressing the needs of these neighborhoods have been influenced by social biases causing unfortunate social conflicts.

In the context of the recommendations on the vulnerable groups, progress can be seen in promoting women's human rights, significantly in the public domain by narrowing the gap between males and females in education and work, achieving variable progress in occupying public offices, and taking positive discrimination measures to enable women to fill parliamentary seats, whether through a quota system, appointment in these councils or imposition of priorities for representing women on competing party lists. However, there has been no significant progress in the private domain, i.e. the personal status laws and protection of women from domestic violence. The limited progress realized are below international standards on the one hand, as monitored in the literature of the UN and non-governmental organizations, and below the level achievable through diligence according to the specifics of the region on the other hand. The traditional models continue to represent a primary obstacle for promoting women's rights.

The Arab countries have made progress in promoting the rights of children. Almost all Arab countries have taken steps in this area, whether in the field of education, provision of health insurance for students, establishment of formal or independent childcare establishments, or passing of laws to protect children from domestic violence. Yet, there has been no concrete progress towards certain issues (such as juveniles being detained with criminals in the same premises, and orphans hosted in shelters), towards addressing categories of people (such as street children, persons with disabilities, particularly intellectual disabilities, and refugee and displaced children), or addressing certain contexts (such as armed conflicts and occupations).

The limited successes achieved in reinforcing the rights of women and children have not extended to other vulnerable groups. The Arab countries have not made a significant progress in addressing the problem of stateless persons known as "Bidoon" (without nationality) in several Arab countries. Their dealing with the issue of migrant workers and their families has remained a source of severe criticism. Also, the conditions of the internally displaced persons and refugees remained a depressing component on the Arab scene. The last decade witnessed serious worsening of the problems of refugees and those displaced by the invasion of Iraq, the outbreak of the Darfur conflict, the occupation and internal conflict in Somalia, and the Israeli attacks on Lebanon and Palestine.

With regard to the Committee's recommendations to foster the culture of human rights and its integration into school curricula, there has been widespread activity in most Arab countries to create awareness and to develop the culture of human rights. These recommendations have been supported
by two regional documents issued by the League of Arab States, one for raising awareness on human rights and the other for fostering the culture of human rights.

The area has experienced many patterns of programs, some of which were made in co-operation with national governments, United Nations Development Programme, and the High Commission for Human Rights, such as the "Binaa Project" in Egypt; some others were made by National Human Rights Institutions such as the Advisory Council in Morocco, the National Centre for Human Rights in Jordan, and the National Council for Human Rights in Egypt, with support from various international bodies; and others were made by academic institutions along with the support of international bodies. The non-governmental specialized institutes and centers continued their training programs, such as the Arab Institute for Human Rights in Tunisia, the Cairo Institute for the Human Rights Studies in Egypt, the Amman Center for Human Rights Studies in Jordan, and the Human Rights Information and Training Center in Yemen and elsewhere.

These training programs reached all relevant groups of judges, lawyers, law enforcement officials, parliamentarians, representatives of local councils, media people, journalists, educators, students and others. Moreover, there education programs extended through the mass media.

Though most of these programs have gone along in accordance with the UN programs and bodies, and undergone independent assessment procedures by donors and independent observers, they have not been subjected to impact assessment. It is likely that the quantitative progress has not been accompanied by qualitative progress, and it may be affected by the constant negative phenomena which these programs aim to limit. For example, there has been no tangible impact in reducing the use of cruelty or ill-treatment in prisons and detention centers, and in the treatment of protest demonstrations despite the targeting of many related categories.

This region has seen much action in reviewing the academic curricula and identifying inconsistencies between the values they reflect and the values of human rights. In this respect, several studies on different educational levels have been commissioned. Governments have also integrated the principles of human rights in the curricula of primary and secondary education, and many universities have adopted the teaching of human rights.

Despite this positive development, there is only slow progress in many Arab countries and relapse in some others. These negative trends have been highlighted by several factors, most notably the different reference standards of human rights from the perspective of some Arab countries, and the defects of the educational process in other countries. This is in addition to the fact that the educational environment in most Arab countries was not supportive of human rights values, especially in school activities, student elections, freedom of opinion and expression for school students, and freedom of scientific research for university students.
Part II - Impact of the recommendations adopted by the Human Rights Council on economic and social rights in the Universal Periodic Review (UPR)

The recommendations adopted by the Human Rights Council on economic and social rights in the UPR complement the recommendations of the Committee on Economic, Social and Cultural Rights. However, they also differ in many ways:

(a) The Council's recommendations are optional as the State in question has the option to accept or reject them, unlike the Committee's recommendations which are mandatory;

(b) The adoption of the Council's recommendations is done with the participation of a large number of countries, which makes such recommendations more liable to politicization, unlike those of the Committee which is supposedly less likely to be politicized; and

(c) The recommendations of the UPR put economic and social rights in a more comprehensive context, giving a wider perspective than when being introduced individually by the Committee.

In all cases, addressing the recommendations of the Human Rights Council, in integration with the Committee's recommendations, gives an additional advantage for this study. This is because it sheds light on the reality of economic and social rights in countries not reviewed by the Committee, whether because the country is not a party to the Covenant (Saudi Arabia - UAE - Qatar), their reports have not been reviewed despite their accession (Djibouti - Bahrain), or dialogue has been cut off with them (Iraq).

I. Classification and analysis of the UPR recommendations in the Arab region

The UPR mechanism of the Human Rights Council has, to date, reviewed national reports of thirteen Arab countries: Bahrain, Tunisia, Morocco, Algeria, Jordan, Saudi Arabia, UAE, Djibouti, Yemen, Egypt, Qatar, Kuwait and Iraq. Discussion on Israel's report also included the rights of the Palestinian people by virtue of Israel's legal responsibility as the occupying force.

Similar to the Committee's recommendations, the recommendations of the UPR mechanism included two types: the first is characterized by general principles addressed to the total number of countries reviewed or to a large number of them, the second includes specific recommendations addressed to each Arab country, consistent with each country's interaction within its human rights context and the kind of problems prevailing in that country.

The first type of recommendations can be summarized as follows:

- The recommendations with legal dimensions stemming from the UPR mechanism did not deviate from those made by the Committee on Economic, Social and Cultural Rights. They invited the reviewed countries to join the international conventions and protocols thereto, withdraw their reservations to the conventions acceded by them, harmonize their national legislations with the provisions of these
agreements, and co-operate with UN mechanisms. But unlike the Committee's recommendations, these recommendations did not give attention to the issue of relying on the provisions of international conventions in courts.

- Also, the UPR recommendations on strengthening the mechanisms of promotion of human rights did not differ from those issued by the Committee on economic, social and cultural rights, and they focused on strengthening the independence of the judiciary and the protection of the rights to equity and justice, establishing National Human Rights Institutions and Ombudsman Institutions or developing the existing ones to comply with the Paris Principles, and strengthening and cooperating with the civil society institutions. While the Committee issued only one recommendation relating to fighting corruption (for Algeria), the UPR recommendations expanded to include a number of Arab countries. This expansion may be explained by the entry into force of the UNCAC.

- The UPR recommendations on targeting strategies to promote human rights did not differ from those issued by the Committee, though they cover various topics including, in addition to the recommendations to draw national plans according to Vienna Declaration and Programme of Action, a recommendation on targeting strategies and programs to promote certain sectors such as health and education, or certain categories of people such as women and children.

- The recommendations on the elimination of all forms of discrimination against women took the biggest share in the recommendations of the two mechanisms, and did not deviate, as a whole, from the Committee's recommendations on the elimination of all forms of discrimination against women, ensuring women's integration in development, and empowering and protecting them from all forms of violence. Also, the recommendations on the child's rights received great attention.

- The recommendations on the protection of vulnerable groups received equal attention from both mechanisms, and they expanded to include minorities, stateless persons, migrant workers and their family members, displaced persons and refugees.

- Similarly, the recommendations on intensifying efforts to promote a culture of human rights and human rights education, and develop programs to strengthen the word done by judges and law enforcement officers received an equal attention.

Along with these general recommendations, the UPR mechanism issued special recommendations to the countries mentioned consistent with each country's interaction within its human rights context and the kind of problems prevailing in that country.

Table No. (4) shows the most important recommendations directed specifically to the Arab countries mentioned here by the Universal Periodic Review mechanism.

II. Analysis of the impact of UPR recommendations on economic and social rights

The analysis of the impact of the UPR recommendations brings out the differences with those of the Committee on Economic, Social and Cultural Rights, due to the difference in the platform of dialogue
itself. Firstly, the UPR mechanism enjoys political and media influence that imposes a degree of attention to its dialogues in the various countries, which is more than that enjoyed by the Committee. Secondly, the UPR mechanism has taken a ‘hands-on approach’ and not just the routine procedures characterizing the Committee's discussions. This resulted in national debates involving many local parties, starting with the governments on which this mechanism imposed a dialogue with the concerned non-governmental organizations. The UPR mechanism also required that the National Human Rights Institutions take part in a broad dialogue with governments and non-governmental organizations. The UPR mechanism, furthermore, promoted partnerships among non-governmental organizations, fostering in the process dialogues among them all. All of this has resulted in important social dialogues. Thirdly, the UPR was an important occasion to discuss all the recommendations of the various human rights committees and UN organizations. It also put the discussion on economic and social rights in its proper context according to the principles of the Vienna Declaration and Programme of Action, considering human rights as integrative, indivisible, interdependent and mutually reinforcing each other.

The impact of the UPR can be observed as follows:

A. In the context of the preparation by Arab countries for the Universal Periodic Review
The impact of this process appeared in the voluntary undertakings, as some Arab countries began to express, in their national reports, their commitment to address some of the concerns anticipated by the review mechanism. For example, Iraq, Kuwait, Yemen, Saudi Arabia, Bahrain and the UAE presented voluntary undertakings relating to their commitment to join the relevant international conventions, establish mechanisms to promote human rights, enact laws or adopt policies to promote economic and social rights, and to enhance the protection of vulnerable groups. Moreover, some of them had already joined various international conventions to strengthen their position in the dialogue, such as Morocco and Tunisia, which joined the Convention on the Rights of Persons with Disabilities prior to the review of their report.

B. In the context of implementing the recommendations with legal dimensions

As for the withdrawal of reservations, Tunisia issued a law to withdraw its reservations on the Convention on the Rights of the Child. Both Bahrain and Algeria declared that they were considering lifting their reservations on the Convention on the Elimination of Discrimination against Women.

In the context of enacting laws recommended by the UPR mechanism, Egypt issued a law against human trafficking in April 2010. The Saudi Shura Council approved a similar law. Bahrain made changes to its family laws (the first section pertaining to the Sunni sect). Now it seeks to obtain a communal accord for
the issuance of the second section. It also passed a law (35 of the year 2009) concerning equal treatment of non-Bahraini wives, as well as the children of Bahraini women married to non-Bahraini men, in the payment for government health and education services. The Legislative Authority in Bahrain is discussing a new labor law for the protection of domestic female workers. Jordan amended the Penal Code to cancel "the mitigating excuse" in crimes of honor, and would pass a draft law to help widows and divorcees. Egypt forwarded to the Parliament a draft law to promote the rights of persons with special needs. Algeria prepared draft laws to make both domestic violence and trafficking in human beings a criminal offence.

With regard to the relevant laws, Jordan passed a law for elections, and amended the NGO law. The Federal National Council in the UAE enacted a law on the Freedom of the Media to replace the law of 1980. The Legislative Authority in Bahrain discussed a law for the press abolishing imprisonment of journalists for expressing their opinions.

C. In the context of implementing the recommendations on the establishment of mechanisms for promoting human rights:

The following aspects can be observed:

In the area of strengthening the judiciary, Saudi Arabia issued royal decrees to establish a Supreme Judicial Council, Supreme Court, Council of the Administrative Judiciary, Supreme Administrative Court under the new judiciary law aiming to strengthen judicial authority.

In the area of establishing National Human Rights Institutions, Bahrain issued a royal order on 11/11/2009 to establish a National Institution in line with the Paris Principles. It was formed on 25/4/2010 with 23 members. Also, Tunisia issued a law to develop its National Institution (Higher Committee on Human Rights and Fundamental Freedoms) to comply with the Paris Principles. Qatar enacted a law to establish the National Commission for Human Rights (August 19, 2010).

In the area of fighting human trafficking, Bahrain formed a national committee comprising members from various government agencies and non-governmental organizations. It also established a unit specializing in the investigation of such crimes at the Ministry of Foreign Affairs, and established a place for the victims of human trafficking. The UAE supported the National Committee to Combat Human Trafficking in January 2009, by increasing the number of prosecutors and training police officials and the judiciary board.

In the area of harmonizing national legislations with international conventions, both Jordan and Yemen established national committees to consider achieving this recommendation.

In the context of protecting the rights of vulnerable groups:

Djibouti prepared a preliminary report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, and it was approved. The government, in response to the recommendations, has adopted a master plan and strategic framework for the period 2009-2013, which will accelerate the institutionalization of the "gender-related issues" and promote the empowerment of women.
Saudi Arabia indicated that it has encouraged women in public office work, and developed a national registry to record cases of domestic violence, and held training courses for judges and prosecutors to deal with such cases. It established a department in the Ministry of Labour to care of and protect the rights of migrant workers in order to provide assistance for these workers, whether directly or through direct telephone lines, and give information in different languages to raise awareness among workers about their rights and duties.

Jordan established a special unit for human rights within the Ministry of Social Development to train women to promote the inclusion of a gender perspective and enhance the role of women as equal partners in the development process. Also, the correctional and rehabilitation centers cooperate with non-governmental organizations and civil society to take care of the situation of women detained without a charge.

The UAE government formed an agency to monitor the complaints relating to the non-payment of wages and the settlement of disputes concerning the wages of foreign workers. Also, a national media campaign was launched to raise awareness about the crime of human trafficking, and an action plan to raise awareness on human rights relating to labor issues was prepared in January 2009 in coordination with 17 government departments and the private sector. Moreover, it passed the Federal Law No. (51) to combat this crime.

In March 2010, Qatar launched the Arab Initiative to Combat Human Trafficking, which will support efforts to combat this phenomenon in Qatar and the Arab region, in partnership with the League of Arab States and the UN Office on Drugs and Crime.

These responses mark a noticeable interest by Arab countries to interact with the UPR mechanism recommendations, whether by implementing the recommendations or by initiating practical steps towards the implementation of some of them. However, the process of assessing the impact of the recommendations remains dependent on two factors: one relates to the nature of the recommendations themselves and how far they address the serious difficulties in the national arenas, while the second relates to their continuity and sustainability.

In the context of the recommendations themselves, it is noted that they had a modest beginning in terms of quantity with the review of the first groups of countries, but also in terms of quality, as they did not address in depth many of the problems discussed. Although they gradually improved, both qualitatively and quantitatively, due to the accumulated experience, recommendations remained characterized by "politicization", as they did not focus on the type of problems but on the parties involved therein, some of them were characterized by generality and courtesy. This phenomenon was reinforced by "safety networks" provided by the alliances within homogeneous groups, and between them and other international homogeneous groups. Therefore, many of the recommendations did not address severe or chronic problems, which, in turn, affected the credibility of some discussions and the seriousness of some recommendations. This matter needs to be addressed when conducting the next assessment review of the UPR mechanism.

As for continuity and sustainability, there is no doubt that some of the steps carried out by the Arab countries are characterized by this quality, such as the accession to certain international conventions or
protocols thereto, or the enactment of some important laws. Nonetheless, some countries are known to face internal social challenges that should be considered seriously. Bahrain, for example, enacted the first section of the Personal Status Code, but noted that it would need social consensus for the issuance of the second part. Also, Egypt passed a legislation to achieve a positive distinction for women by allocating them a "quota" of seats in the People's Assembly, but a citizen instituted a lawsuit disputing the constitutionality of this procedure, a claim which should not be taken lightly as a similar lawsuit had previously blocked a similar positive distinction. Additionally, the open debate among officials in Kuwait about the prospective law to cancel the sponsorship system indicates the kind of challenge facing this positive step.

Some countries adopted adverse reactions in the first tests they faced. In the framework of the right to participate, which is a basic rule for economic and social rights, as also in the civil and political rights, some governments, in the process of implementing election rights, banned some satellite channels, talk shows and international broadcasters, confiscated newspapers, worked to overthrow some journalist leaders, and restricted the use of communication technologies or imposed arbitrary conditions on it.
Part III - Challenges facing the application of economic and social rights, and identification of aspects requiring additional support from the main actors operating in the area of legal empowerment in the Arab region.

The documents of dialogue between the international system of human rights and Arab governments, and other relevant documents issued by the specialized bodies, both governmental and non-governmental, at the national, regional and international level, give a clear road map of the types of challenges facing the realization of economic and social rights in the Arab region. They also reflect the view of the international community regarding the progress in the reinforcement of these rights.

The two main types of challenges are:

- The first type stems from natural or environmental conditions limiting the ability of countries to reinforce these rights; and

- The second relates to the challenges resulting from the State policies for promoting these rights in the light of its economic choices and social bias.

Yet, the topic of discussion remains focused on the type of the policies applied in the interaction with the environmental and natural obstacles, since such policies are subject to the overall standards used to realize the economic and social rights.

This mapping includes a group of issues relating to the protected rights, and includes some of the major challenges relating to the implementation of these rights.

The specialized studies reflect the impact on a wide range of economic and social rights, starting from poverty, which is a fundamental challenge to many Arab countries and is considered, according to the UN literature, as one of the most serious violations of human rights, affecting the enjoyment of all the economic and social rights. This is added to the problem of unemployment, which undermines the right to work, especially when noting that the region suffers from the highest rate of unemployment in the world, not to mention the weak social protection system for the workers, under the weight of social biases towards employers due to the government's desire to attract private national and foreign investments.

Also, the right to adequate housing, which is one of the main disadvantages suffered by the middle and poor classes, is affected. This right culminates in the slums, "tin" neighborhoods and "cartoon" houses found in most Arab countries, and which cause suffering to their residents and result in dangerous phenomena. This adds to the deep-rooted failures in fulfilling the right to education at the quantitative and qualitative levels in most Arab countries, and the relatively weak scientific research and the decline of applied sciences; the inability of health systems to apply preventive measures and essential care requirements to ensure the enjoyment of the right to health; and finally the environmental challenges that exacerbate all these issues as all the countries of the region have entered the era of water scarcity.

Box 2: Note on Social Protection
Social Protection

The United Nations literature defines Social Protection as a set of policies designed to address the risks and vulnerabilities for individuals and groups, both those able to work and those unable to work, in order to help them face and overcome poverty, especially when caused by situations beyond their control. Social protection includes a large number of tools ranging from safety nets, social assistance, social security, and mutual and unofficial risk management.

The Human Development Report (2009) distinguished three forms of obligations borne by the state in the context of social protection. The first is the basic services for the citizens, whether those are free of charge or offered for nominal charges, as in education and health care, and possibly the facilities to provide cheap housing for the poor. These programs are financed from the State budget through the taxes paid by citizens and other sources available to the State. The second form is the social insurance, which the citizens contribute to through deductions from their salaries during their employment term. The final one is the social assistance provided to certain segments of citizens who do not have the opportunity to obtain a regular job or earn an adequate income to cover their basic needs, such as the extremely poor and widows, and perhaps those working in the informal sector or in the countryside and who are not covered by any insurance umbrella.

The Human Development Report concludes that Arab governments, regardless of their social systems, have generally committed themselves to providing social protection to their citizens since the sixties, as part of the social contract. Though most of these countries have remained constitutionally committed to providing this protection, the non-oil countries have tried to mitigate their financial burden in various ways under neo-liberal policies, such as involving the private sector in providing these services, charging certain fees under different names against the offered services, or limiting the free services to the poor citizens. They face problems in managing the other two forms, i.e. social insurance and social assistance, which was tentatively introduced in the late seventies, then became a popular model in the Arab countries since the eighties. As for the oil-exporting countries, they continue to provide these three forms of support for their citizens.

The key challenges are:

I. Weak social protection systems

The social protection systems in all countries of the region are characterized by a marked weakness. Despite the availability of social protection and support systems in some of the oil countries, they do not extend to certain categories of people, the first of which is the "Bidoon" (those without nationality) in the GCC countries, and foreign migrant workers. Indeed, the sponsorship system undermines the workers' rights protected under the international conventions, and puts the migrant workers within the categories of those suffering from slavery-like practices.

The lack of a minimum wage is a common phenomenon in the Arab countries, especially under the high price rises to provide for the basic and necessary living needs.
While some countries do not recognize the rights to form syndicates and representative associations, others practice governmental dominance on the freedom of establishing syndicates and associations with restrictions preventing the multiplicity and diversity of syndicates. The third type of countries that allow multiplicity and diversity exercise pressures on syndicates and associations according to their positions towards the performance of the government and its policies.

Moreover, the insurance rights system is very weak. While insurance usually covers state employees, official and public bodies, as well as the public sector (if any), it is limited for those working in the private and informal sectors. Additionally, legislations suffer legal loopholes in imposing insurance rights for workers, and there is weak control over private economic enterprises.

The legislative amendments made in some Arab countries to labor laws during the last decade provided a cover for business owners to dismiss workers and violate their rights protected under the Covenant and the international labor conventions.

The subsidy system, provided by the majority of Arab medium- and low-income countries during the past decades, declined resulting in the aggravation of the suffering of the poor and low-income classes. That is, these countries made successive withdrawals from offering services they used to offer to their citizens, including a part of their basic jobs. Most of these countries found it mandatory to maintain some forms of subsidy with a limited quantitative and qualitative impact, despite the high population growth rates and increasing numbers of eligible persons.

Box 3: Human Rights Based approach to Development

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<th>Human Rights Based Approach to Development</th>
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<td>It is a conceptual framework for the human development process, which relies on international standards of human rights. It helps to achieve the sustainability and stability of the development work by empowering the people themselves, especially the most vulnerable groups, to participate in policy-making, and calling the responsible into account if they commit a mistake in performing their duties. This approach also aims at promoting and protecting human rights by looking into the factors of inequality lying at the heart of development problems, in order to limit the discriminatory practices and unequal distribution of power, which would disrupt the progress of development.</td>
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Although there is no specific agreed upon definition for this approach, the United Nations agencies agreed that it should include three key features: (I) When drawing up the development policies and programs, the main objective should be to respect the standards of human rights as defined by international conventions in terms of their universality, interdependence, indivisibility and non-discrimination; (II) identification of the rights holders (and their rights) and those with duties (and their obligations), and working to strengthen the ability of right holders to make their demands and duty-bearers to fulfill their obligations; and (III) the principles and standards emanating from international treaties on human rights should guide all aspects of development cooperation, and the process of developing programs in all areas and in each stage of the programs formulation.

The UN Office of the High Commissioner for Human Rights specifies seven advantages and practical values for this approach: highlight the rights of marginalized and excluded people whose rights are more exposed to abuse; take into account an overall view for the development environment, including the family and society, civil society and local and national authorities, and the social, political and legal frameworks that define the relationship between these institutions and their relative demands, duties and responsibilities; help countries
translate their commitments stemming from international conventions into results that can be achieved within a specified time; contribute to ensuring that democratic processes and participation are institutionalized; promote transparency and accountability; and support control as regards the State's implementation of its obligations based on the recommendations made by the human rights committees.

II. Discrimination

The phenomena of methodological discrimination and weak commitment to the citizenship principle in Arab countries constitute a key challenge. Discrimination based on ethnicity, tribal affiliation, religious, sectarian or cultural affiliation, social and class affiliation, or sex is a common approach in the countries of the region. It grows at a phenomenal pace due to the rising tensions that threaten civil peace and social stability in light of the governments' fallback on their commitments to make necessary reforms or the repercussions of foreign intervention in the region. Discrimination results in the prevalence of deprivation from meeting needs and services, and thus undermining the realization of economic and social rights for many groups and communities, including the denial of equality before the law.

III. Challenges of human development and realization of the standards of good governance in social policy

In their attempts to join the international economic system, the Arab governments have tended to make structural adjustments to their policies and legislations, and to give precedence to the considerations of making a breakthrough in economic growth over the achievement of sustainable human development. These policies have resulted in social structure disruptions accompanied by injustice in distributing the fruits of growth, and similar injustices in distributing the burdens of economic performance as reflected in tax policies; rise in the prices of services and facilities, and in the licensing of economic activities; and the decline of education and health services. This is in addition to the injustice in the distribution of privileges and exemptions, as reflected in the policies of bank crediting and land allocation, as most of them are directed towards big investments and business magnates at the expense of small and medium enterprises and the poor. This has negatively affected the rights of private business and property rights of the poor.

The legislative system is characterized by a weak legal framework, a framework necessary for protecting resources and public wealth in the midst of the confusion such as that of the state government acting on behalf of the people and the state government acting on behalf of the state itself as is evident in the policies of allocating state-owned lands in some cases, and disposing of the main wealth of the country, such as oil, in other cases.

The lack of commitment to move to democracy affects the establishment of real and serious control mechanisms because of the weak freedom of the elected representative councils, and therefore their inability to exercise their controlling and legislative roles. This weakens the right to participate as well as the rule of law. This is aggravated by the agreement of the governmental and non-governmental sources to limit the independence of the judiciary, causing the rule of law and accountability to become weaker. Moreover, this is accompanied by extensive restrictions on the freedom of the circulation and flow of
information, which, in turn, affects transparency and the right to know, and hides the facts required for the realization of accountability.

The existing anti-corruption mechanisms are affected by the lack of political will, independence, appropriate legal jurisdiction and necessary expertise, along with the weakness of financial and human resources needed for the performance of their work.

The administrative systems and techniques in place represent an additional challenge, as they depend on hierarchical structure, lack creativity and participation, and weaken the elements of overall, coordinated planning, which is a necessity in the efforts of achieving development.

IV. Challenges of the international environment

The countries of the region suffer, collectively and individually, from chronic political crises since their independence. These crises are topped by the long Arab-Israeli conflict, and the accompanying regional wars, successive crises and political disturbances during the Cold War and beyond, largely hindering the Arab development projects and economic cooperation and integration. Such crises continue to adversely affect development efforts, especially after their aggravation due to the invasion of Iraq, the international campaign against terrorism, and the spread of civil conflicts.

The international and Arab region specific documents stress the grave negative impact of foreign occupation and armed conflicts on the development process in the Arab countries. This is because these conflicts undermine the protection of human rights in general, making it impossible to activate and realize the economic and social rights requiring extensive and accumulative efforts, and thus compromises the minimum standards of living. This was evident in the areas of accumulated crises, such as Iraq, Palestine, Sudan and Somalia, as well as in the effects left by the international campaign against terrorism on all countries of the region.

This is coupled with the challenge of international cooperation which is essential in addressing a set of major problems hindering development. The United Nations Committee on Economic, Social and Cultural Rights notified all the reviewed Arab countries, along with the various countries of the developing world, that they should abide by their commitments to the rights protected under the International Covenant during their negotiations with the IMF, World Bank and World Trade Organization.

Box 4: International Participation in Development

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<th>International Participation in Development</th>
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<td>The UN Millennium Development Goals Report 2010 stresses the failure of major economies to meet their commitments to provide 0.7% of their annual gross national income as development assistance for the developing countries, despite the previous emphasis on this point in the Summit of the G8 Economies in 2004 and the promise of achieving it by the year 2010. According to the report, only five countries (Sweden, Norway, the Netherlands, Luxembourg and Denmark) have fulfilled their obligations in this area.</td>
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<td>The development assistance in 2009 reached about $119.6 bn compared to $122.3 bn in 2008, while the actual estimate of &quot;aids&quot; amounts to $71.6 bn.</td>
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V. Challenge of regional cooperation

Regional cooperation is the door of hope for enhancing the Arab economic performance, which contributes to the two demands of growth and human development at the same time. There is an increasing need to realize regional cooperation in light of governments' interest to raise economic growth rates, face the international competitiveness and economic blocs, and also when noting that some Arab countries have financial surpluses exceeding the ability of their economies, as well as all the Arab economies, to absorb.

The League of Arab States possesses many documents relating to Arab economic cooperation and integration agreements, and projects supported by resolutions from Arab Summits, the Arab League's Ministerial Council, and Conferences of Arab Ministers. The League realized the importance of putting these documents together, and prepared, in cooperation with the UN-ESCWA, the Arab Economic and Social Summit in Kuwait (January 2009).

But the implementation of these resolutions and projects requires a political will as well as a deep study of the defective aspects that affected the previous resolutions and projects, to identify the causes and develop appropriate solutions.

With respect to human rights, the Arab region witnessed the establishment of the first regional conventional mechanism, i.e. the "Arab Commission for Human Rights", based on the Arab Charter on Human Rights, and which is concerned with the application of the Charter. This completes the structuring of an Arab system for human rights, through the integration between this mechanism and the Permanent Arab Commission on Human Rights, and other relevant mechanisms of the League of Arab States. Through its general nature, the Charter provides an important means to bridge the gap caused by the reluctance of four Arab countries from joining the International Bill of Human Rights (the two International Covenants), as three of them have agreed to join the Charter.

Despite the difficulties facing the work of this Commission, whether due to the slow ratification of the Charter by the Arab countries, or the delay of the member states in presenting their initial reports, it remains an important tool in continuing the progress made in the application of the Charter and in identifying the difficulties facing its application.

It is important to stimulate efforts to reinforce the role of this mechanism to undertake its responsibilities and support the independence of its work. It would be useful for complementing and developing the Arab system of human rights to benefit from some of the effective models and mechanisms, evaluate them to capitalize on their positive aspects, and exclude their negative ones, such as the UN-Universal Periodic Review Mechanism and the African Peer Review Mechanism.

VI. Aspects of weakness that require additional support in the area of Legal Empowerment

A close study of documents and literature show that using economic and social rights as entry points to the legal empowerment of the poor faces important obstacles, including:

1- The reluctance of four Arab countries (Saudi Arabia, Qatar, Emirates and Oman) from joining the International Covenant on Economic, Social and Cultural Rights, or ratification with reservations on
essential articles (equality), and full Arab reluctance from joining the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights.

2- The legal status of the Covenant in national legislation, and the fact that the majority of national legislations do not comply with the provisions of the Covenant.

3- The scarcity of human rights institutions specialized in monitoring the implementation of the Covenant's provisions, and the lack of necessary expertise to propose policies and programs putting rights in operational frameworks, including through national plans to promote human rights, or projects prepared by a number of countries in the region.

4- The limited reference to the Covenant when resorting to justice, and the absence of knowledge, awareness and skills among those working in the judiciary system, public prosecution and legal profession with regard to the international human rights systems, making the settlement of disputes subordinate to the national laws that do not comply with many international standards.

5- The lack of awareness on economic and social rights among the stakeholders protected under the Covenant, including their representative associations and organizations (unions, for example).

VII. Required additional support

The last decade witnessed a significant growth in the human rights movement in the Arab world, through the emergence of new generations of specialized NGOs. The establishment and development of National Human Rights Institutions have reinforced the recognition of the importance of respecting and protecting human rights, reflecting on the effectiveness of the human rights movement and the recognition of its role.

The human rights movement (civil society and National Human Rights Institutions) is the best mechanism to take the lead role in strengthening the efforts on legal empowerment of the poor, by relying on the economic and social rights, especially after it managed to influence many policies relating to civil and political rights and the emergence of its influential potential in the field of economic and social rights.

It is necessary to recognize that the human rights movement in the Arab countries is a relatively recent movement, and that it suffered restrictions that hindered its quantitative and qualitative growth during the last two decades of the twentieth century. The movement directed most of its attention to civil and political rights, at the expense of economic and social rights, under the retarded democratic transition, the increased restrictions on public freedoms, as well as the international focus on civil and political rights.

In their evolution, the regional human rights organizations have shown increasing attention to the economic and social rights since the Vienna Declaration and Programme of Action (1993). They have been followed by many emerging human rights organizations working at national level in some Arab countries. Some of those organizations have specialized in the economic and social rights, especially after the increasing deterioration in the protection of this category of rights.

Strengthening and enhancing the role of human rights movement in the field of legal empowerment of the poor require adopting a strategy based on the following:
1- Increase the attention of human rights organizations and institutions on economic and social rights, through the establishment of committees and units specialized in economic and social rights and launching relevant projects.

2- Supporting the capabilities of human rights organizations specialized in economic and social rights through:
   - Supporting the efforts of these organizations to acquire and develop skills, and build knowledge among their active cadres;
   - Strengthening their role in increasing awareness and knowledge of the economic and social rights, and the mechanisms of applying them through awareness programs and specialized training for human rights activists;
   - Enhancing their role in observation, monitoring, documentation and reporting;
   - Reinforcing their role in screening legislation and policies, and strengthening their ability to propose alternatives;
   - Strengthening their role in preparing and implementing campaigns;
   - Promoting their role in providing assistance and legal representation for victims.

3- Establishing a mechanism for cooperation and networking among institutions specialized in and concerned with the promotion and protection of economic and social rights, to ensure the achievement of coordination goals and exchange of solidarity, support, experiences and best practices.

4- Establishing a "Think Tank" mechanism to support knowledge among activists in the network and those interested in economic and social rights.

5- Establishing a platform for social dialogue to promote dialogue between government representatives, civil society organizations, National Human Rights Institutions, specialized international organizations, academics, and experts.

6- Urging governments that have not acceded to the International Covenant on Economic and Social Rights to ratify it, and work on using regional covenants on human rights to strengthen the guarantees of protecting rights.

7- Urging the various governments to accede to the Optional Protocol of the Covenant, and withdraw the reservations that affect the essence of the international conventions on human rights.

8- Bringing pressure to recognize the important legal status of the Covenant in national legislation, and accelerate the implementation of the obligations that ensure the compliance of national legislation with the international standards.

9- Giving attention to increasing the awareness and knowledge on international obligations in the field of economic and social rights among judges, public prosecutors, and lawyers.

10- Directing attention to increase awareness and knowledge of the international obligations in the field of economic and social rights among stakeholders and their representative organizations.
Part IV - Best practices on legal empowerment of the poor in the Arab region: the role of civil society organizations in strengthening economic and social rights of the poor.

Strengthening the protection of human rights guaranteed by international conventions through litigation is one of the main concerns, as it relates to unresolved problems or issues liable to various interpretations. The most notable of these issues include the status of international conventions in the national legal system, the type of laws in force, the degree of public awareness on using this mechanism to reinforce rights, and the degree of awareness and experience of the judges and lawyers in activating such rights.

However, these problems cannot be resolved without achieving important steps in promoting civil and political human rights in some Arab countries using the judicial mechanism. The constitutional, supreme and administrative courts, as well as courts of cassation have issued many decisions relying on the provisions of the International Covenant on Civil and Political Rights as can be seen abundantly in the regional human rights’ literature.

Yet, the matter differs much when we move to the field of economic and social rights. To illustrate that fact, the scarce use of this mechanism has been criticized repeatedly by the International Committee of the Economic, Social and Cultural Rights in its discussions with all Arab countries. Even the only example reported of the strike by railway workers in Egypt (1987) goes back to more than two decades in time.

This is attributable to objective reasons. The International Covenant on Economic and Social Rights itself adopts the principles of ability and gradual step-by-step approach (progressive realization) in enforcing its provisions, depending on the economic and social circumstances and the requirement, in most cases, of the allocation of financial resources. This is based on the fact that realizing such rights requires time, unlike the civil and political rights, which involve "abstention" from certain acts and need a political will, rather than resources, to enforce them. Although the two principles are true, they are often used as an excuse to evade legal and international obligations. It also highlights an issue disputed by some countries, i.e. that economic and social rights express demands and needs and do not represent rights.

However, it is important to note that the covenant lies the principle of progressive realization of economic, social and cultural rights, it also states very clearly (and it is reflected in HR literature) that some rights, such as non discrimination, require immediate realization as they do not depend on the availability of national resources.

It gets more difficult when it comes to the legal empowerment of the poor and other vulnerable groups whose abilities are weakened by poverty, who lack identification papers, and who have been failed by social security systems, local governments' social choices, prevalent patterns of economic philosophy, and loose influences of globalization. But with the increasing deprivation linked to the negative effects of globalization, causing the Arab societies to slide into the mire of severe financial and economic crises and increasing class inequality, and with the withdrawal of the State from many social functions, there has been a large-scale advocacy and social movement promoted by increased awareness of human rights, and a growing role of civil society institutions. This movement is working on transferring the legal
debate on economic and social rights to courts. It has also succeeded in imposing new dimensions of the social struggle in order to promote the realization of these rights, and has formed, with its legal and social arguments, a platform for social dialogue in the Arab arena.

I. Using litigation mechanism to promote the rights protected under the Covenant

The most significant questions in the field of social protection in Egypt are the issues of minimum wages, "privatization" of health insurance, and discrimination against pensioners in determining the raises by specifying a maximum limit. The most prominent example in the area of respecting the right to health is the decision of the Minister of Health linking the price of drugs with the world prices, which affected the access of citizens to medicine at affordable prices. Another example related to the right to education is the legal action taken to cancel the decision of the Supreme Council of Universities to increase university tuition fees by ten-fold. The most outstanding example relating to forced eviction is the case of collective expulsion of the inhabitants of "Al-Qursaia" Island inhabited by five thousand people. Another example in the protection of state resources relates to exportation of natural gas at a price below the average world market prices, and the allocation of vast tracts of the state lands for some real estate investment companies without transparency or bidding, and in a discriminating manner.

Litigation mechanisms in other Arab countries have been used to protect the rights of certain groups or certain rights. The most prominent example related to the protection of women is the cancellation of discriminatory rules for travelling outside Kuwait. Another well known example, in Lebanon, is the cancellation of the decision of the Minister of Interior, restricting the right to establish civil societies, which is one of the best laws of societies in the Arab region.

These cases in detail:

With regard to social protection, the issue of minimum wages occurred with the inflation and rise of prices of goods and services that profoundly affected a large section of citizens, and caused large segments of society to slide into poverty. This was not met by the government's implementation of its constitutional and legal obligations to specify the minimum wage proportionally with these developments. This led to the formation of a broad social movement involving a number of human rights organizations concerned with economic and social rights. One of these organizations, The Egyptian Center for Economic and Social Rights, filed a lawsuit to obligate the government to set minimum wages. The Center relied on the applicable laws and the International Covenant of the Economic and Social Rights, and provided the court with studies related to prices and minimum wages, and the possibility to implement and fund them. The court issued its ruling on 30/3/2010 to compel the government to specify the minimum wages.

The case of health insurance came as a response to the Prime Minister's decision to transfer the health insurance organization into a holding company that provides health insurance services for the insured as an investment, which undermines their insurance rights in what is known in media as "privatization" of health insurance. The lawsuit was filed by the Egyptian Initiative for Personal Rights, which demanded the cancellation of the Prime Minister's decision based on national laws and the International Covenant
on Economic and Social Rights. The Court decided to cancel the resolution on 4/9/2009, and its considerations did not only include the provisions of the International Covenant, but went beyond them to adopt the general notes of the Committee on Economic, Social and Cultural Rights.

Concerning the right to health, the case relates to linking of the prices of medicine to the world prices, which would cause a substantial increase in the prices of medicines and deprive a large segment of citizens from accessing medicines at affordable prices. The Egyptian Initiative for Personal Rights and the Pharmacists Syndicate filed a lawsuit to cancel the decision of the Minister of Health based on the national laws and the International Covenant on Economic and Social Rights. The court ruled to cancel the decision in order to protect the right of citizens to access medication, which it considered an integral part of the right to health and the protection of vulnerable groups.

As for the protection of the State's public resources and the discrimination associated with them, there was the issue of allocating over 33 million square meters on the outskirts of Cairo to a real estate investment company against very low compensation in kind, and without conducting the due public biddings while refusing, in a clear violation of the principle of equality, to allocate lands for individuals to build houses without conducting bids. One of the affected persons, with the support of a number of lawyers and the Egyptian Center for Economic and Social Rights, relied on national laws, and filed a lawsuit to recognize the invalidity of the contract allocating the land of "Madinaty". The case was based on non-compliance with the Law on Organizing Tenders and Bids, the undervaluation of the contract, and its unfair conditions causing loss to the public exchequer. On 14/09/2010, the Court ruled on the invalidity of the contract for lack of transparency, misuse of public money, favoritism in the allocation of land, and wasting of the State's economic resources.

There was also a lawsuit filed to invalidate the decision of the government to export natural gas for prices lower than the world prices, for being a waste of state resources which would affect the standard of living and services provided by the state. The lawsuit was filed by a group of citizens. The court ruled to invalidate the government's decision, and considered it a defective administrative decision for squandering States resources, and it was not an act of sovereignty, as pleaded by the administration. But this ruling was canceled by the Supreme Administrative Court.

As for protecting citizens from forced eviction, there was a decision by the Prime Minister to expel the inhabitants of Al-Qursaya Island, one of the islands in the middle of the River Nile, located at a special place coveted by investors. That decision came as an example of violation to the right to recognition of possession and ownership for a group of common people. The island's affected inhabitants filed a lawsuit before the State Council demanding the cancellation of the legally groundless eviction process, and to compel the Government to recognize the people's usufruct from the land on which their homes and businesses are built. The affected people received great social and media support and attention. The Court ruled to cancel the decision based on the citizen's right to housing and employment as basic rights, and considered that the failure of Government to recognize that the inhabitant's usurpation would threaten social peace, and that protecting the River Nile and its islands as nature reserves would require the island's population to stay where they are.

With regard to the limitations to the right of association, one of the most important pillars for enjoying the economic and social rights, the Association for the Defense of Rights and Freedoms in Lebanon filed
a lawsuit against the State (Rev. No. 6825/1996) before the State Consultative Council, to stop the implementation of the Minister of the Interior's Communication issued on 16/1/1996, containing regulatory procedures undermining the guarantees of the Lebanese Law on Associations and leading to withdrawing licenses considered as notices of incorporation. On 18/11/2003, the Council issued a decision to annul the Communication, considering the freedom of assembly and association as one of the basic freedoms guaranteed by the Constitution, and stating as not permissible to place restrictions on the establishment or dissolution of associations except through a legal provision, and the validity of their formation may not be subject to any prior intervention by the administration or the judiciary. The Council's decision refuted, in an outstanding legal argument, the defenses of the State Cases Authority about the capacity and interest, and considering the Communication an administrative decision subject to the judiciary.

In facing discrimination against women in Kuwait, the Constitutional Court issued two rulings in favor of women. On 29/10/2009, it refused to obligate women to wear the hijab (veil) during the exercise of political action, after a session devoted to judging 12 appeals submitted after the parliamentary elections held in May 2009. The Court also ruled on 20/10/2009 as to enable the Kuwaiti female citizens to obtain passports without the consent of their husbands.

Concerning the protection of the right to safe drinking water, the Society for Consumer Protection in Sudan presented a statement to the Prosecution of Consumer, Environment and Public Health Protection on the grounds of Articles (74-83) of the Criminal Code «... selling of foods and beverages harmful to health» and Article (30) of the Environmental Protection Act against Khartoum State Water Corporation. The Society relied on the results of the water tests conducted by the National Laboratory (ESTAC) and proved that there was dangerous bacterial contamination in the drinking water in Khartoum and it was not safe to drink. The Society for Consumer Protection continues the procedures to call those responsible into account. However, the Government denied the existence of severe pollution as described by the Society. Also, the Ministerial Council of Khartoum formed an emergency media and legal committee under the chairmanship of the Minister of Culture and Information "to address the effects of the negative handling of the issue and to take legal action against anyone taking the issue of water as an entry to shake the security and stability of citizens."

These examples given in the context of the litigation mechanism to promote economic and social rights raise a number of important issues related to the usefulness and social consequences of this mechanism. When assessing its usefulness and results, it is no exaggeration to say that it proved useful in the cases responded to or rejected by courts, or the cases implemented by governments or sought to be expunged. In the cases supported by courts in Egypt, the usefulness of such mechanisms was not limited to canceling the defective decision, but it resulted, in the case relating to the review of the Health Insurance Authority, in the Government's call for an organization, that was against the Ministry in the lawsuit, to discuss the draft of the new health insurance law, and listened to its comments.

As for the cases rejected by courts, such as the one relating to exports of natural gas, the Government was forced to reconsider the contracts selling gas internally to the big factories, and externally to foreign importers, resulting in approximating these prices to the world levels, and yielding good positive revenues to the state treasury.
In the cases where decisions were rendered, and those in which the government tried to get their impact contained and content emptied, such as the issues of minimum wages and the allocation of state lands, which led to review of the social policies of the State, the cases raised significant social awareness by quoting the provisions of the Constitution and the Covenant at the heart of social dialogues.

These models indicate a diversity of social actors that became more aware than others of the usefulness of using the litigation mechanism in promoting economic and social rights. They included immediate stakeholders, and also extended to include lawyers with social awareness and advocacy for rights, as well as organizations specializing in economic and social rights. It is to be noted that these groups are limited despite the number of important issues involved as also the absence of other actors that should support these claims, such as the formal unions and organizations. A unitary example is the Pharmacists Syndicate which supported the affected.

Additionally, the legal debate on these issues raised a number of substantive legal issues, the most notable of which were the Government's compliance with the Constitution's provisions, and the legitimacy and integrity of the administration's actions and decisions. They also reinforced the concept of "passive decision" taken by the administration represented in not interfering in the case of minimum wages, and reaffirmed the control and jurisdiction of the judiciary on the administration's actions in the face of the administration's claims of sovereignty for gaining immunity for its decisions. Moreover, such issues expanded the concept of "interest and capacity" in litigations.

II. The role of civil society institutions in reinforcing the economic and social rights

In addition to using the litigation mechanism to promote economic and social rights, civil society institutions established outstanding practices to remove obstacles that were preventing some vulnerable groups from enjoying their economic and social rights, or from empowering them to enjoy their rights. They played that role when the litigation mechanism was not possible or feasible due to the political nature of these issues or their regional or international dimensions. The most prominent examples were the issue of civil, economic and social rights of Palestinian refugees in Lebanon, and the issue of "Bidoon" (persons without nationality) in Kuwait.

A. Economic and social rights of Palestinian refugees in Lebanon

The political and demographic complexities in Lebanon over the past six decades limited the possibility to address the rights of Palestinian refugees in Lebanon, amounting to about half a million people living in camps after the division of Palestine in 1948 and the subsequent wars, at which time their presence was considered as temporary. This reflects the refusal of both the Palestinians and the Lebanese towards settlement due to the adherence of Palestinians to the Right to Return. In this regard, Decree No. 10845/1968, as amended by Law No. 296/2001, via a decree as to "protect property rights in Lebanon and preserve its nationality", excludes Palestinians from "the right to ownership". Under this law, the Palestinians, after 2001, are not entitled to own any property in Lebanon whether through
purchase or legacy. This is in addition to the administrative decisions that prevent entry of any construction materials to the camps, forbidding Palestinians from practicing 72 professions (restrictions were relatively reduced in 2005), preventing affiliation to unions, and preventing them from enjoying the benefits of the retirement system and social security.

This resulted in an advocacy movement in the camps population, which found supporters from the Lebanese political spectrum, members of Parliament, human rights organizations, including the Arab Organization for Human Rights, the Lebanese Association for Human Rights, the Palestinian Human Rights Organization (Al-Haq), and other active Palestinian organizations in Lebanon, as well as the media, which coincided with the demands of the International Labour Organization and UNRWA. The Lebanese Parliament issued amendments to the Labour and Social Security Laws to acknowledge a number of demands promoting the rights of Palestinian refugees to work, and to the enjoyment of retirement and insurance systems and equality in some of the provisions of the Labor Law. Although some supporters of the rights of Palestinian refugees considered these efforts insufficient, demanding to expand them to include all aspects previously mentioned, especially property rights, the steps taken so far were important to protect the rights of Palestinian refugees in Lebanon and to improve their standard of living.

B. The problems of Bidoon and stateless persons in Kuwait

The enjoyment of citizenship in the Gulf States represents an access point to the enjoyment of many economic and social rights offered by the social welfare systems in these countries, including Kuwait. Nationality offers a wide range of rights, such as the right to free education, housing, health care, social security and health as well as labor and employment rights.

The issue of bidoon is one of the most significant examples. The bidoon are the stateless persons who have been living in Kuwait for several decades without having Kuwaiti or any other country’s nationality. The Kuwaiti authorities argue that these people are not original citizens but belong to tribes that have come to Kuwait from neighboring countries. On the other hand, those people protest by declaring that they do not hold the nationality of any other country and they settled in Kuwait prior to its independence and before the enactment of citizenship laws. The bidoon are considered one of the vulnerable groups in Kuwait due to the absence or lack of legal protection stemming from the absence of their nationality, which deprives them from economic and social rights.

The social and human rights advocacy movement supporting bidoon in Kuwait and abroad, contribute to crystallizing specific demands to prevent discrimination against them, grant them nationality, or at least to allow them to enjoy economic and social rights. These efforts resulted in the nationalization of a limited number of bidoon on a gradual basis and according to gradually widening standards. Also, a number of draft laws were introduced in the National Assembly to address the conditions of the bidoon and for discussion by the Legislative Committee. One of these laws was ratified and it dealt with important rights relating to the bidoon people to enjoy civil, economic and social rights. The bidoon-supporting movement seeks to speed up the discussion of the draft law. The Kuwait Society for Human
Rights, a branch of the Arab Organization for Human Rights in Kuwait, is one of the main movements in this regard.

These and other examples indicate the ability of the civil society to interact with social demands that cannot be achieved all at once through a single lawsuit brought before courts. This is due to the complex nature of these demands; though they may have legal dimensions, they may also have interrelated and complicated political and social dimensions.

As for the case of claiming economic and social rights for the Palestinian refugees in Lebanon, it was presented to the "Constitutional Council" after it had gained the required quorum of the signatures of Parliament members. However, the case was dismissed. Further, the delicate and sensitive balance between the various sects in Lebanon was tying up the political will for allowing Palestinian refugees to enjoy the civil, social and economic rights they seek, not to mention the regional and international dimensions resulting from the developments in connection with the Palestinian cause.

In the case of bidoon in Kuwait, the legal system does not allow this sect the right to litigate to obligate the government to grant them nationality. There is also another legal problem which is represented in the state’s sovereignty and its right to grant nationality, together with the social and political dimensions in Kuwait (as there is a trend in the upper classes to oppose this step), in addition to the political circumstances surrounding the position of some members of the sect as regards the occupation of Kuwait in 1991.

The last decade witnessed a gradual improvement of the status of bidoon in the context of the local and international demands supporting them. These developments led to granting some of them nationality or economic and social rights under strict terms, including the stipulation to mention their other foreign nationalities, if any, and their pledge not to claim nationality. The latest developments, as in introducing a draft law allowing them to enjoy economic and social rights, represents a step forward in this direction.

The fact remains that the ability of civil society to influence policies or laws needs a cumulative action and formation of alliances in the society and with the State actors, which may lead to partial gains reinforced by the continuity of the advocacy movement and its persistence to proceed with its demands. However, the ability of the movement to act remains dependent on objective circumstances in the communities in which they operate; that is, it succeeds in effecting its impact when there is at least a minimum level of freedoms. This explains the success of advocacy movements in some cases in some countries and their failure in similar cases in other countries.
Appendixes

I. List of Sources and References

A. Documents of the Committee on Economic, Social and Cultural Rights


B. Reports of Special Procedures


51. Human Rights Council, Universal Periodic Review Mechanism, the first session, the national report of the Kingdom of Morocco, A/HRC/WG.6.1/MAR/1, March 11, 2008.


69. The General Assembly, Sixty-fifth session, the Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/65/255, August 6, 2010.


72. The General Assembly, Sixty-fourth session, the Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/64/272, August 10, 2009.
73. The General Assembly, Sixty-fourth session, the Special Rapporteur on the right to education, A/64/273, August 7, 2009.

C. Reports

(A) Arab Human Development Reports:


(B) Reports of the Arab Organization for Human Rights:


(C) **Other Reports:**


6. Egyptian Cabinet: Information and Decision Support Center, "Millennium Development Goals ... only five years remaining" (Cairo: Information and Decision Support Center, September 2010).


**D. Books**

1. Ahmed Al-Najjar, "Fairness of the State Budget," (Cairo: The Egyptian Center for Economic and Social Rights, Ed. 1, 2010).


**E. Guides**


**II. Case Studies of Lawsuits**

**A. Minimum Wage**

**Litigants and Stakeholders in the Case**

The lawsuit was filed by the Egyptian Center for Economic and Social Rights\(^1\) against the President, the Prime Minister and the President of the National Council for Wages before the Administrative Court for

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\(^1\) The Egyptian Center for Economic and Social Rights is a legal non-governmental organization taking as references for its actions, the international conventions on human rights, especially the International Covenant on Economic, Social and Cultural Rights, and the conventions and recommendations of the International Labour Organization. It believes in the interaction with
an injunction against the negative decision of refraining from setting a minimum wage at the national level taking into account the living expenses, and finding means and measures to ensure balance between wages and prices.

Such injunction is expected to benefit millions of workers working below minimum wage, and help many families to rise above the poverty line. Also, this case has an effect on employers.

**Summary of Litigants' Requests**

The lawsuit was filed (Case No. 21606/JY63) on 16/02/2009 to request an urgent ruling. The demands are based on the grounds that the appealed decision would violate the provisions of the Constitution, international covenants on human rights, the International Covenant on Economic and Social Rights, the Arab Charter on Human Rights, and Article (34) of the Labour Law.

The lawsuit further added that the minimum wage is a means for "Social Security", and it is not measured just by the money earned by a worker, but by what it can guarantee for the worker by way of a decent standard of living, taking into account the number of his dependents. It also stated that the minimum wage, according to the lowest estimate, should not be less than L.E. 1008 per month. The contested decision ignores the criteria for determining wages and does not take into account the high inflation rates. The lack of a minimum wage threatens social peace, causing the working class to make the biggest wave of protests in its history, despite the state of emergency and restrictions on the right to strike. The litigants presented to the Court, economic and human rights-related studies and reports on the minimum wages and the possibilities of funding it from the State budget.

It is interesting to note that the party that filed the lawsuit based its case on the human rights and economic reports on the minimum wage, and transferred the scientific and research discussion to the people in the street.

On 30/03/2010, the Court ruled against the decision of the National Council for Wages to refrain from setting a minimum wage along with the consequent effects.

**Grounds and principles on which the judgment was based**

The ruling was based on a number of legal principles laid down in the Egyptian Constitution, international covenants and the Unified Labour Law.

**Egyptian Constitution:** Articles 4, 13, 23, 26, 29 and 32 contain the principles for ensuring social justice, preserving the rights of workers, increasing national income and ensuring its fair distribution, increasing job opportunities, linking wages with production, fixing minimum wages, protecting private property and capital, and guaranteeing the balancing of the performance of the social function with public interests.

the Egyptian social movements, and seeks to enable members of the community to enjoy their economic and social rights, and create a community movement that is able influence decision making.
International Law of Human Rights: Article (7) of the International Covenant on Economic, Social and Cultural Rights, in which the states parties recognize a number of commitments, including the minimum wage.

International Labour Law: More particularly, the international conventions on labour, beginning with Convention No. (26) in the year 1928 and the subsequent conventions.

Local Labour Law No. 12 of 2003: Article (34), which sets out the powers of the National Council for Wages, including setting a minimum wage at the national level, taking into account the living expenses, and achieving a balance between wages and prices.

The Court addressed the element of interest, and concluded that, although the interest should be personal, direct and existing, yet with regard to this lawsuit that concerns the rules and considerations of legality and public order, the condition of interest expands to include every case whose filing party is in a similar legal situation, especially with respect to the challenged decision, that will cause this decision to affect their interests seriously. This should not be confused with the hesba cases.

In its response to the defense of the government as to changing the political approach, the judgment stated that regardless of the political and economic approach, the Egyptian Constitution has built the Egyptian socio-economic structure on a number of principles that have not changed in content by departing from the Socialist System. Such principles include social justice and the establishment of a balance between ownership and work. While the Constitution guarantees ownership and its protection, it expresses ownership as "the ownership of unexploited capital", subjects it to the control of the people, and assigns for it a social function in the service of the national economy without deviation or exploitation or conflict with the public interest.

The judgment also added that the Constitution gives a higher value for work; obligates the State to foster it and preserve the rights of workers by ensuring a fair pay for their work, setting a minimum wage, linking wages with production, and setting a maximum for wages to lessen the disparities between incomes; and guarantees for workers, a stake in project management and profits.

Additionally, the judgment stated that the constitutional organization of the relationship between ownership, represented in capital, and work did not originate from the idea of conflict between workers and capital owners, but rather from the idea of cooperation and integration between them to serve the national economy, increase national income and ensure fair distribution, raise living standards, eliminate unemployment and increase job opportunities in a manner that does not disregard or violate the rights of workers.

Further, the judgment added that the economic and social development witnessed by the world and reflected in all economic systems, affecting constitutions, including the Egyptian Constitution, revealed the need to adhere to the principles of fair wage and the principles of the minimum wage.

In stressing the principles of fair wage, the judgment stated that the fair wage for a worker, regardless of the dispute over determining it in economic terms, must ensure a decent life for a worker and his dependent family. That is, everyone who works should be able to lead a decent life along with his family members from the yield of his work, taking into account the value of the work he does and the
economic conditions of society. If that equation is disrupted, it becomes a social and economic defect. There is no other way to achieve a fair wage except by setting a minimum wage for workers; a worker is the weaker party in the work relationship and thus he should be protected.

The Legal Nature of Minimum Wage

The judgment clarified that the constitutional protection for the wages of workers is not just slogans or directives devoid of legal value, but it is included in a constitutional framework putting it among the topmost legislations in the Egyptian legal hierarchy. The Constitution did not leave the guarantee of workers' minimum wages to the will of the legislature who may recognize or withhold it. But the Constitution ensures a minimum wage for workers as a constitutional right for them, imposing an obligation on the legislature to develop the rules of the Constitution, in this regard, in a legal framework governing the extent of this right and ensuring its protection. It also assigned to the Executive Authority, the duty to implement the provisions of the Constitution and to enact a law to ensure a minimum wage for workers.

The judgment explained that the legislature has to, as obligated by the Constitution; guarantee a minimum wage, which necessitated, in turn, fixing a minimum wage as indicated in Article (34) of the Law of Labour. It considered the minimum wage relating to public order and it may not be agreed on its violation. Though the employment relationship is a special one, and the wage is determined by the agreement between the employer and the worker, yet the minimum wage may not be less than the minimum wages as set out under the Labour Laws. The legislature states in Article (5) of the Law of Labour that any condition or agreement violating the Law of Labour, if it involves prejudice to the worker's rights set forth therein, shall be null and void.

Also, the judgment stated that it is neither true nor correct to claim that the constitutional and legislative provisions referred to are only guiding provisions that stipulate the government to set a minimum wage, but that the mentioned constitutional provisions stress that the legislature is legally and constitutionally bound to fix a minimum wage in order to ensure justice among workers, and it has set a date that must not be exceeded or neglected, and that the government should hasten to set this minimum wage.

In addition, the National Council for Wages has been formed to achieve two goals: (1) to accelerate fixing a minimum wage, and (2) to continue studies to review wages for a period not exceeding three years. Therefore, if the administration thinks that the formation of the mentioned Council represents its full commitment by presenting a civilized picture to the world, without having an actual impact on workers' everyday lives, then it has misunderstood the provisions of the law and the Constitution, and abandoned its obligations towards workers, whether in the private sector or public enterprise sector. Such a course of action then constitutes a flawed and negative administrative decision contrary to law.

The State's role in setting a minimum wage is a positive one. It is not permissible for the administration to leave setting the workers' wages to the whims of the employers, without being committed to a minimum wage, taking advantage of the need of workers to work, and forcing them to take unfair payments not befitting the work performed nor keeping pace with the price rises and increased living expenses. The administration should fulfill the obligation assigned to it by the Constitution and by the
law through ensuring the rights of workers and guaranteeing fair pay for them. It should intervene to guarantee a minimum wage for workers, and should not abandon its duty either by negligence or by collusion.

The National Council for Wages should comply with the provisions of the Constitution and the text of Article (34) of the Law of Labour, and set a minimum wage that must be paid to workers, taking into account the living expenses, and in a way that achieves a balance between wages and prices. The legislature does not authorize the Council to refrain from setting a minimum wage, and it is not permissible for the Council to refrain from undertaking such an obligation, which is the reason for its establishment; otherwise, it would be disregarding the rule of the Constitution, guaranteeing a minimum wage and the provisions of Article (34) of the Law of Labour, assigning it to fix a minimum wage.

**Importance and Impact of the Case**

Even though the judgment in this case has not yet reached its logical conclusion of implementing the court's ruling, and the government is still looking for "economic" exits to avoid the implementation of the ruling, which has prompted the party that has filed this case to file another lawsuit to compel the government to implement the ruling, the case has caused a significant impact. It has attracted attention to the system of wages in Egypt in both the government and private sectors, and has been the subject of discussions by trade unions, parliament, political parties, press, private sector, and government. Such discussions have introduced various views reflecting the nature of the interests pertaining to the labor market, employment policies, social security, setting of wages and linking them to productivity and competitiveness, the rules and standards of minimum wages and their periodical review. In addition, the case has prompted the trade union to carry out its role, and the labor movement, outside the trade union's framework, has found a legal basis for strengthening its negotiating ability with the employers and government.

The case has also raised awareness for correction of the glaring disparity between the maximum and minimum wages in the public sector. The case has further influenced the programs of the alleged presidential candidates, and led to the preparation of a lawsuit aiming to set a maximum limit for wages in the public sector, and review of the determinants of tax on income and employment earnings. It has also opened a discussion on the definition of the poverty line and social security, concept of minimum wage, and fair pay.

**B. Linking the price of drugs to world prices**

**Litigants and Stakeholders in the Case**

The lawsuit was filed by the Egyptian Initiative for Personal Rights\(^2\) (Case No. 2457 of JY64), before the Administrative Court of the State Council on 22/10/2009, against the Minister of Health to stop

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\(^2\) An Egyptian advocacy organization concerned with personal rights, litigation and the right to health.
implementing his decision\(^3\) "on the pricing of pharmaceutical products for human consumption" and to nullify the same. The Court passed its judgment on 27/04/2010.

The stakeholders in this case include the pharmaceuticals manufacturing and trade companies, pharmacists, and a wide range of medicine consumers and medical patients.

**Summary of Litigants' Requests**

The plaintiffs requested canceling of the decision of the Minister of Health as he had implemented rules and criteria for pricing of locally traded medicines and pharmaceuticals based on the prices of these drugs in the international markets. Such decision will actually "liberate" the drug market and "float" the prices of drugs like any other commodity, causing a devastating impact on the price of pharmaceutical drugs in Egypt and adversely affect the healthcare needs of the Egyptians. Those rules and criteria are completely different from the rules and criteria in practice since 1991\(^4\), which set the price of drugs so that it is accessible to everyone at the real economic cost of drug, including administrative and industrial expenses, cost of research, in addition to a profit margin for the manufacturer, the distributor, and the pharmacist.

The plaintiffs based their claim on the principle that the right to access medicines is an integral part of the right to health care guaranteed in accordance with Article (16) of the Egyptian Constitution, Article (12) of the International Covenant on Economic, Social and Cultural Rights, and Article 16/2 of the African Charter on Human and Peoples' Rights ratified by Egypt.

**Court ruled on 27/04/2010 to stop the implementation of the decision of the Minister of Health concerning drug pricing.**

**Grounds and principles on which the judgment was based**

The determination of a fair price for drugs is based on the idea of balancing the project's economic feasibility and the consumer's ability to buy it. The decision of the Minister of Health gives free scope to liberate drug prices in violation of the provisions of the law, and in subversion of the legal and economic philosophy of the legislature in setting the price of drug by considering it as an important strategic commodity.

Moreover, the decision exceeds the limits of citizens' health security by linking them to international prices and disregarding the principles of fixing drug prices by basing them on international prices in countries that differ in their socio-economic conditions from Egypt, neglecting the social dimension.

**Importance and Impact of the Case**

This judgment protects citizens from violation of their rights to access medication, which is an integral part of the right to health and the right to life. The decision of the Minister of Health would practically cause a rise especially in the prices of alternate drugs which citizens depend upon largely due to their low price. The system imposed by the decision would result in setting the price of drugs ranging


\(^4\) The previous rules were placed under a decision No. 314/1991 by the Minister of Health.
between 30% and 60% of the price of the original international drug prices unlike the old pricing system which determined the price of alternative drugs based on the cost price in addition to fixed profit margins. The new pricing decision was issued despite the findings of a study conducted by the Ministry of Health and published in 2004, which confirmed that the price of the original drug equals, on average, three times the price of alternative drug, not to mention that there are alternative drugs whose prices are lower than those of the original drugs by up to 95%.

The Government responded to the Court's judgment by canceling the Minister's decision and reverting to the application of the previous rules. Also, the case opened the door for a serious debate to demand the involvement of stakeholders from civil society and the Pharmacists’ Syndicate to discuss the issue of drug pricing in full transparency, and emphasized the right of citizens to medication without distinction in a way that maintains the right to health and right to life.

C. Privatization of Health Insurance

Litigants and Stakeholders in the Case

The lawsuit No. 21550/61 was filed by the Egyptian Initiative for Personal Rights before the Administrative Court against the Prime Minister to cancel the Prime Minister's decision to establish the Egyptian Holding Company for Health Care and to transfer all assets of health insurance hospitals and clinics to the holding company and its subsidiaries in lieu of the Health Insurance Authority. Such a decision would affect a large sector of the millions of patients and persons insured according to the health insurance system. It would directly affect their interest as it represented a step backward by raising the cost of health services, reducing the offered services, depriving some individuals of health services and products, and charging of additional fees for health services.

Summary of Litigants' Requests

The plaintiffs demanded the cancellation of the Prime Minister's decision to establish the Holding Company for Health Care as a substitute for the Health Insurance Authority. The judgment was based on the decision's violation of the protection guaranteed by the Constitution to the right to health and the right to access health insurance services.

The Court ruled on 04/09/2008 to cancel the Prime Minister's decision to establish the Holding Company for Health Care

Grounds and principles on which the judgment was based

The judgment was based on Article (12) of the International Covenant on Economic, Social and Cultural Rights, including "the right of everyone to "the enjoyment of the highest attainable standard of physical and mental health."

The judgment went beyond that to adopt the official interpretation of the text of this article by the UN Committee on Economic, Social and Cultural Rights in 2000 (General Comment No. "14"). The judgment states, "The provision of health insurance is at the top of the means and features of the right to health,

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5 Prime Minister's decision No. 637/2007.
which, in turn, represents a citizen's right in the laws and legislatures governing human rights both domestically and internationally, due to the close correlation between the right to health and the right to life. Also, the guarantee by the State to provide health care prevents using the right to health as an object of investment, bargaining or monopoly."

The Court also decided that "ensuring citizen's right to health care is not just a recognition of a fundamental human right, but also a guarantee for achieving development and social justice." Further, the crucial nature of the rules of social health insurance, and their importance to public benefit being important interests of society, and the protection of the vulnerable classes in order to achieve equitable distribution make these rules part of the public domain, as confirmed by the Constitution and provided for by health insurance laws and international charters and conventions.

Importance and Impact of the Case

After the government lost the case in the Court, it proceeded to introduce a new health insurance draft law, and published its draft in some Egyptian newspapers in October 2009. The new law raised intense controversy in the Egyptian society. In response, the Committee for Defending the Citizens Right to Health (CDCRH), a popular committee comprising about 50 organizations, associations and parties, held a conference to respond to the government's plan for health insurance. The conference expressed its rejection of making distinctions between citizens in their access to health insurance services by offering various insurance packages for each individual according to his financial ability; and further rejected the requirement of the insured to pay a percentage of the cost without a specific standard; and also rejected the right of the management to specify the components of insurance packages without referring to the insured; and also rejected the proposal of managing the health insurance system through a profit making private body.

Such a step made the Minister of Health announce the withdrawal of the draft law of health insurance in March 2010, for further consultation and for considering the opinions of civil society.

D. Disposal of State Land: The Case of Voiding Madinaty's Contract

Litigants and Stakeholders in the Case

A citizen (whose application for allocation of a housing plot was rejected though he was supported by a number of lawyers as well as the Egyptian Center for Economic and Social Rights) filed a case before the Administrative Court, and defended it thereafter before the Supreme Administrative Court, against the New Urban Communities Authority at the Ministry of Housing and Construction, and Arab Company for Projects and Urban Development, a real estate investment company.

Summary of Litigants' Requests

The Plaintiff demanded that the Madinaty's land allocation contract made by and between the Authority and the investment company be declared void for violating the Law on Organizing Tenders and Bids, as well as the principles of equal opportunity.

http://el7a2felse7a.wordpress.com
The Court of Administrative Justice ruled in Case No. 12622 of the judicial year 63 to declare as void the mentioned contract on 22/6/2010. The judgment was endorsed by the Supreme Administrative Court (appeals No. 30952 and 31314 for the Supreme Judicial Year 56) on 14/09/2010.

**Grounds and principles on which the judgment was based**

The judgment was based on the ground that the contract litigated upon as well as its supplement is the disposal, from the New Urban Communities Authority to the Arab Company for Projects and Urban Development, of 8000 acres for the establishment of residential units of free housing to be sold to others, and thus the contract should have been subjected to the Law Organizing Tenders and Bids, and not through a decision of allocation.

When comparing the terms of sale to others, it "seemed to be something unusual." That is, with regard to the contract of Madinaty, it was a disposal of public property shrouded in secrecy and not known to anyone except the parties involved. The State land was sold in return for very low compensation in kind to be paid over 20 years that may be increased to 25 years. This is in addition to the fact that the contract included unfair terms.

The Court emphasized that the difference between Madinaty sale contract and the selling price in the other later cases seemed enormous, although the sales included, in some cases, lands in the same area of New Cairo where the project of "Madinaty" is established. These sales were made with time intervals not exceeding few months in some cases. The confidence placed in the real estate market has been shaken after investors came to know the circumstances surrounding the sale of Madinaty land and its price and terms. The citizens were suspicious of the manner of allocation of the land, and how public property is disposed of to others, especially to a particular favored promoter, unlike other cases wherein bidders entered auctions and bids in daylight, thus increasing the value of the country's resources and making real estate investment grow and prosper.

The contract of sale was concluded through direct order in clear violation of the provisions of the Law of Tenders and Bids, and the principles of good governance which require concluding it through public bidding or closed envelopes submitted by bidders, reflecting its effects on the financial balance in the price and terms of the contract. Hence the contract was declared void.

The Court emphasized that State lands should be protected and may not be sold for throwaway prices.

**Importance and Impact of the Case**

This case retained the attention of the state and society at the highest political levels. It discussed the limits of the authority of the State, administration and government to dispose of natural resources and wealth, and discussed the government's commitment to the rule of law with respect to the application of standards of disclosure, transparency, equality and equal opportunities, and the implementation of the judicial ruling.

The government announced its compliance to the Court's judgment to void Madinaty's contract, but it turned around the judgment by forming an "independent" committee that recommended selling the land to the same company after amending some secondary conditions, citing the imperatives of protecting the interests of investors and workers in the project.
Nevertheless, the case made headlines and stimulated discussion of the national policies in the allocation of land for housing, the pricing policies of land in new urban communities, and how land is to be allocated to individuals and companies. It also showed the economic value of desert land outside the major cities, and its impact on development. In this regard, the President decided to develop a comprehensive vision plan for the disposal of state land, within a specific time frame.

E. Forced Eviction (Expulsion of Inhabitants of Al-Qursaya Island)

Litigants and Stakeholders in the Case

The case was filed by a number of inhabitants of "Al-Qursaya Island", located in the middle of the Nile in Cairo with a population of more than five thousand people, against the Prime Minister and the Governor of Giza to cancel the government's decisions for not renewing the usufruct contracts for the Island's inhabitants and evicting them from it.

Summary of Litigants' Requests

The residents requested cancellation of the Prime Minister's decision to expel the residents of the island by force, without the support of the law, and to acknowledge the residents' usufruct of the land on which their homes and businesses are established, and protect the real estate rights and established legal ownership of residents.

The Supreme Administrative Court ruled on 06/02/2010 to endorse and confirm the judgment of the Administrative Judicial Court to suspend the implementation of the Prime Minister's decision to expel Al-Qursaya's inhabitants, and rejected the appeals by the Prime Minister and the Governor of Giza.

Grounds and principles on which the judgment was based

The judgment considered that the government's abstention from acknowledging the rights of usufruct of Al-Qursaya's residents threatens social peace and violates the law and the Constitution.

The Egyptian Constitution has promoted the citizen's right to housing and employment as basic rights, and placed great emphasis on the dignity of the citizen as a reflection of the nation's dignity and being the foundation stone upon which the Egyptian national community is built. It added that the State's ownership is to be linked to the individual's ownership in achieving social peace for society members.

The judgment stressed that the River Nile was and still is the lifeblood of Egypt and the Egyptians, and that protecting the Nile is not restricted to its valley but extends to its islands. Such protection is a duty on the State and the people. For this reason, the Law of Natural Reserves, and the Prime Minister's decision to specify natural reserves of the River Nile, including Al Qursaya Island, were issued, constituting a principal legislative goal represented in not encroaching upon natural reserves and forbidding the establishment of any buildings on them except by permission.

The Court emphasized that, in all cases, the duty to maintain the nature of Al Qursaya Island as a natural reserve requires the Island's residents to stay where they are.

Importance and Impact of the Case
The case represents an example of forced evictions of people, especially the inhabitants of the islands in the River Nile which are the focus of investors or fall within the development plans and urban development\(^7\). Tens of thousands of people dwelling in random areas or who have set up homes on State-owned lands since decades and whose livelihood has been associated with them\(^8\) face the risk of forced eviction and relocation in new areas unrelated to their sources of work. Also, the forced eviction ignores the legal dimensions of properties and legal possession. Moreover, the case is closely connected to the issue of urban development and combating poverty, as well as the rehabilitation of slum areas inhabited by people ranging between 11 to 17 millions. According to some experts, 70% of these areas could be developed\(^9\).

This case sheds lights on the ability of local communities to organize themselves and defend their own interests without significant assistance from civil society organizations. Al Qursaya’s residents refused to yield to the government's attempts to evacuate them, and resisted attempts by the authorities to drive them out by force over six years. They have not only filed a lawsuit, but they have organized a number of actions and associated activities, and launched a campaign to cancel the decision with the active support of some of the social forces and the media.

F. The Right to Organize

Litigants and Stakeholders in the Case

The Association for the Defense of Rights and Freedoms in Lebanon filed a lawsuit against the State (Rev. No. 6825/1996) before the State Consultative Council to stop the implementation of the Minister of the Interior's Communication issued on 16/1/1996, containing regulatory procedures undermining the guarantees of the Lebanese Law on Associations.

Summary of Litigants' Requests

In its claim, the Association stated that the regulatory procedures undermine the guarantees of the Lebanese Law on Associations, and lead to withdrawing licenses considered as notices of incorporation, which violates constitutional provisions.

The State Consultative Council ruled on 18/11/2003 to cancel the Communication.

Grounds and principles on which the judgment was based

The Council's decision refuted, in an outstanding legal argument, the defenses of the State Cases Authority about its capacity and interest, and considered the Minister of the Interior's Communication an administrative decision subject to the judiciary.

\(^7\) The State's plans to benefit from Imbaba Airport land crisis experience : the people's rejection of the developmental plans. This has resulted in formation of people's committees, working systematically to stop the State's plans through the judiciary, media and protests with the aim of directing the land to development and housing projects and services to serve the poor and middle classes.


\(^9\) The National Council for Human Rights, Egypt, Fifth Annual Report, the Right to Housing.
The judgment considered the freedom of assembly and association as one of the basic freedoms guaranteed by the Constitution, and it is not permissible to place restrictions on the establishment or dissolution of associations except through a legal provision, not through organizational and administrative procedures. It also stated that the validity of their formation may not be subject to any prior intervention by the administration or the judiciary.

**Importance and Impact of the Case**

It is known that the Lebanese NGO Law is one of the best laws relating to civil society in Arab countries. The attempts of the Ministry of the Interior to limit the rights and guarantees granted by the Lebanese Constitution and law came in the form of an administrative communication from the Ministry of the Interior stating that regulatory procedures are to be immune from judicial control over administrative decisions.

But the initiative of the Association for the Defense of Rights and Freedoms to confront this serious undermining of rights, and the response of judiciary, how it handled these procedures, included in the Minister of the Interior's Communication, considering it an administrative decision liable to appeal, and how it correctly understood the concept of "capacity and interest", enabled the Lebanese civil society to maintain one of its best legal victories.

**G. Equality between Men and Women in Kuwait as to Obtaining a Separate Passport**

**Litigants and Stakeholders in the Case**

A Kuwaiti female citizen filed a case against the Passports and Nationality Authority before the Kuwaiti courts to enable her to obtain a separate passport without the requirement for the husband's prior approval, and challenged the unconstitutionality of Paragraph No. 1 of Article 15 of Law No. 11 of 1962 on Private Passports, amended by Law No. 105 of 1994, for violating the principles of the Kuwaiti Constitution.

**Summary of Litigants' Requests**

The plaintiff requested the declaration of Paragraph No. 1 of Article 15 of Law No. 11/1962 which states "Passports shall not be issued to women without the prior approval of their husbands" as unconstitutional, as it violates the Constitution.

**The Court ruled as to the unconstitutionality of Paragraph No. 1 of Article 15 of Law No. 11/1962.**

**Grounds and principles on which the judgment was based**

The Article challenged violates (i)Article (29) of the Constitution, which states "All people are equal in human dignity and in public rights and duties before the law, without distinction to race, origin, language, or religion," (ii)Article (30) which states "Personal liberty is guaranteed," and (iii) Article (31) which states "No person shall be arrested, detained, searched, or compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the provisions of the law."

**Importance and Impact of the Case**
With respect to this case and the judgment issued thereto, it has become possible for every Kuwaiti married female citizen to obtain a separate passport without her husband's consent.

In addition to the legal impact, this case has a social dimension represented in stressing women's enjoyment of their rights on an equal footing in a Gulf traditional society characterized by social and political dynamism, not to mention its leading role in the Gulf region. The judgment also directed the State of Kuwait to execute the ruling in the face of some conservative interpretations that undermine the human rights of women.

III. Examples of Organizations Working in the Field of Economic and Social Rights

This paper sheds light on some organizations active in the field of economic and social rights, and which have been selected as examples relevant to the subject of the paper. However, there are other organizations and networks active at the national and regional levels operating in the development and protection of vulnerable groups or those most vulnerable to abuses.

A. National Organizations

The Egyptian Center for Economic and Social Rights

A legal non-governmental organization, founded in 2009, taking the international conventions on human rights, especially the International Covenant on Economic, Social and Cultural Rights, and the conventions and recommendations of the International Labour Organization as references for its actions. It believes in the interaction with the Egyptian social movements, and seeks to enable members of the community to enjoy their economic and social rights, and create an influential community movement.

Link: www.ecesr.com

Hisham Mubarak Law Center

A non-governmental organization in Egypt, founded in 1999. It aims to confront the violations of human rights and provide possible assistance to the victims of these violations through litigation, prosecution and punishment of the perpetrators of human rights violations. In 2006 the Center established an Observatory on Economic, Social and Cultural Rights which issued its first report in 2009.

Link: www.hmlc-egy.org

The Egyptian Center for Housing Rights

ECHR is a non-governmental organization specialized in claiming for and defending the right to adequate housing, particularly for the weakest strata of the society. It aims to:

- Put an end to all the forced evacuation processes.
- Provide assistance in claiming compensations and/or offering alternatives to the people affected by the forced evacuation processes.
- Arrange campaigns in order to create public awareness to sustain housing rights.
- Work to increase people's awareness (victims) about their housing rights.
- Providing legal advice and aid to people suffering from problems related to housing rights.

Link: [www.echreg.org](http://www.echreg.org)

*The Land Center for Human Rights*

A non-governmental organization in Egypt, founded in 1996 to:

- Defend the rights of farmers and agrarian workers, especially in the absence of legal regulations for their protection;
- Support and promote the role of farmers' unions, cooperative associations and syndicates;
- Combat the increasing phenomena of child labor;
- Work on empowerment of rural women; and
- Defend agronomical environment and educate the farmers about environmental pollution, and occupational safety and health, and social security.

Link: [www.lchr-eg.org](http://www.lchr-eg.org)

*The Center for Trade Union and Workers' Services (CTUWS)*

CTUWS is a non-governmental organization founded in 1990 to:

- Assist and develop the labor movement.
- Call to put into effect the basic labor standards and improve the existing work conditions.
- Strengthen and increase the capabilities of labor movement.
- Advocate the involvement of women in the labor and trade union movements.
- Build bridges between workers and trade union movements at the international level.
- Develop cooperation and joint action.

Link: [www.ctuws.com](http://www.ctuws.com)

*The Sudanese Consumers Protection Society*

A Sudanese non-governmental organization, founded in 1996. It aims to:

- Address the consumption issues of citizens, starting from the quality, kind and price of goods up to fighting corruption;
- Provide food and medicine for all; and
- Provide a healthy environment for living.
It helped establish a prosecution department for consumer protection, and it participates in standards committees, the Economic Committee at the National Council, and other committees. It contributed to stopping many suspicious deals, such as the deal by which human waste was to be used as fertilizers, and the issue of power pylons and communication towers.

**The Kuwaiti Society for Human Rights**

A non-governmental organization in Kuwait, registered in 2004. It aims to:

- Raise awareness among the people on international covenants of human rights;
- Work on respecting and promoting human rights and fundamental freedoms for all Kuwaitis and others living in Kuwait; and
- Cooperate with similar human rights societies and organizations abroad.

The Society had played a prominent role in the case of Bedoon (without nationality) and immigrant workers.

**The Moroccan Association of Human Rights**

MAHR is a non-governmental organization in Morocco, founded in 1979, working for the preservation of human dignity, the respect for all human rights and for the protection, the defense and the promotion of these rights. MAHR aims notably to:

- Raise awareness and educate the citizens on human rights;
- Work for ratification by Morocco of all international pacts on human rights, for the integration of their provisions in Moroccan law and to ensure its compliance with these pacts;
- Monitor, denounce and condemn any human rights violation and work to put an end to it; and
- Support the victims of the violations.

Since the mid-nineties, MAHR has been paying attention to the economic, social and cultural rights.

Link: [www.amdh.org.ma](http://www.amdh.org.ma)

**The Egyptian Organization for Human Rights**

EOHR is a non-governmental organization in Egypt, founded in 1985, aiming to:

- Promote total respect for civil, political, economic, social and cultural human rights;
- Reform the Egyptian constitution and legislation to bring them into accord with international human rights covenants and conventions;
- Promote the rule of law and full respect for an independent judiciary;
- Ensure the right to fair trial;
- Disseminate and promote human rights values at all levels of society; and
- Promote women’s rights, and raise awareness about the difficulties faced by women in Egypt in getting their rights.

Link: [www.eohr.org](http://www.eohr.org)

**Egyptian Initiative for Personal Rights**

The Egyptian Initiative for Personal Rights (EIPR) is an independent Egyptian human rights organization that was established in 2002 to promote and defend the personal rights and freedoms of individuals. Its programs focus on the right to health, the freedom of religion and belief, the right to privacy, and the rights against violence and threats to bodily integrity. It uses the litigation mechanism to promote economic and social rights.

Link: [www.eipr.org](http://www.eipr.org)

**Association for Freedom of Thought and Expression**

An independent Association, established in 2006, interested in issues related the protection of freedom of thought and expression, through all forms of freedom of expression it sees fit while being guaranteed the reception and transfer of information without the intervention of a censor. It also stresses the importance of respect and tolerance among different people, in order to achieve democracy, through respecting the relative human rights system included in the Constitution and international treaties and conventions. The Association is working on three programs: Academic Freedom, Censorship, and the Right to Knowledge.

Link: [www.afteegypt.org](http://www.afteegypt.org)

**Center for Egyptian Women’s Legal Assistance**

CEWLA is a non-governmental organization in Egypt, founded in 1995, to:

- Provide legal support and assistance to Egyptian women and defend their rights;

- Provide women with the skills and abilities that enable them to exercise control over their lives and overcome their problems;

- Change the anti-woman cultural heritage in Egypt; and

- Work to empower women and fight all forms of violence against women.

Link: [www.cewla.com](http://www.cewla.com)

**TAMKEEN Center for Legal Aid and Human Rights**

A non-governmental organization, founded in Jordan in 2007. It aims to:

- Enhance human rights and fundamental freedoms in all society sectors, especially marginalized groups, such as children, women, workers, refugees, people with disabilities, and many others, according to the national legislations and the international conventions;

- Provide legal services and advice to those in need, empower them and inform them of their rights and duties; and
Provide specialized programs in the field of human rights to various groups in society.

Link: www.tamkeen-jo.org

**Arab Organization for Human Rights in Jordan**

A Jordanian non-governmental organization aiming to:

- Respect and promote human rights and freedoms in the Arab world;
- Help the Jordanian citizen who suffers any violation of human rights, providing him with legal and judicial support;
- Cooperate with similar human rights societies and organizations abroad in order to implement the goals of the Organization; and
- Reveal the aggressive practices in the Arab occupied territories.

Link to a sub-page: www.jfhr.org/index

**The Palestinian Centre for Human Rights**

A Palestinian NGO, founded in 1995, and it aims to:

- Protect and respect human rights;
- Create and develop democratic institutions and an active civil society, while promoting democratic culture within the Palestinian society; and
- Support all the efforts aimed at enabling the Palestinian people to exercise their inalienable rights with regard to self-determination and independence in accordance with international law and UN resolutions.

The work of the Centre is conducted through documentation and investigation of human rights violations, provision of legal aid and counseling for both individuals and groups, and preparation of research articles relevant to such issues as the Palestinians' human rights situation and the rule of law. The Centre also provides comments on Palestinian draft laws and urges the adoption of legislation that incorporates international human rights standards.

Link: www.pchrgaza.org

**B. Regional and International Organizations and Networks**

**Arab Organization for Human Rights**

AOHR was founded in 1983, as a regional non-governmental organization that aims to promote and protect human rights in the Arab World. AOHR signed a headquarters agreement with the Government of Egypt, for having Cairo as its headquarters. Since the beginning of the nineties, AOHR has been working to attract attention to the activation of economic and social rights, and has developed that approach since the late nineties by working on integrating the concept of human rights in development. During the period 2002 to 2005, AOHR implemented a regional ambitious project for this purpose with

Link: [www.aohr.org](http://www.aohr.org)

*Arab NGO Network for Development*

ANND is a regional network, founded in 1997, and located in Beirut. It is working in 10 Arab countries with 6 national networks. ANND aims at strengthening the role of civil society, enhancing the values of democracy and sustainable development in the region, which integrate the concepts of sustainable development, gender justice, and the human rights-based approach. The Network issues an annual report on its activities, as well as specialized studies dealing with socio-economic rights in the Arab region.

Link: [www.annd.org](http://www.annd.org)

*Center of Arab Women for Training and Research (CAWTAR)*

CAWTAR is a non-governmental organization founded in 1993 under the Headquarters Agreement between the Government of Tunisia and the Arab Gulf Programme for United Nations Development Organizations (AGFUND) in response to the need of Arab governments and local, regional and international organizations to establish a center for research and studies to be concerned with the status of women in the region. The Center works according to strategic action plans distributed over five years. The Center's objectives for the years 2008-2012 are: to strengthen the role of women and empower them in the social, economic and political fields, support the role of women in sustainable development of the environment through the support of institutional abilities, and work to amend the legislation that prevents women from exercising their human rights and from achieving equality between men and women.

Link: [www.cawtar.org](http://www.cawtar.org)

*International Network for Economic, Social and Cultural Rights (ESCR-Net)*

ESCR-Net is an international non-governmental organization founded in 2000 to promote economic, social and cultural rights. It aims to:

- Develop a supportive structure that enables groups from different parts of the world pursuing common interests in human rights and social justice to work together;
- Enhance the capacity of groups, organizations, activists and other actors;
- Establish direct links between groups from different parts of the world to strengthen and support each other's work, through a variety of means which include: exchanging information, coordinating actions, and developing common agendas or strategies.

- Facilitate the development of a collective voice on important ESCR issues worldwide.

Link: [www.escr-net.org](http://www.escr-net.org)

ESCR-Net also established a network base for legal precedents on the economic, social and cultural rights in order to exchange experiences in litigation worldwide and exchange information.

Link: [www.escr-net.org/caselaw/](http://www.escr-net.org/caselaw/)
### III. Tables

**Table (1): The Position of the Arab States on the Ratification and Signing of the International and Regional Conventions on Human Rights**

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## Table (3): The Most Important Recommendations of the Committee on Economic and Social Rights

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<tr>
<th>State</th>
<th>Recommendations with Legal Dimensions</th>
<th>Strengthening Mechanisms for the Promotion of Human Rights</th>
<th>Objective Rights</th>
<th>Vulnerable Groups</th>
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<tr>
<td><strong>Jordan</strong></td>
<td><strong>Accelerate the publication of the Covenant in the official newspaper and take necessary actions to enforce it. Amend the Labour Law to ensure the protection of the rights of workers in family-owned enterprises, agricultural activities, domestic service in an effective way, and extend inspection to these sectors.</strong></td>
<td><strong>Develop a national action plan for human rights in accordance with the Vienna Declaration and Programme of Action.</strong></td>
<td><strong>Lift restrictions imposed on the freedom to form syndicates and unions and remove the conflict between the Labour Law and Article 8 of the Covenant.</strong></td>
<td><strong>Provide procedures and mechanisms for receiving complaints, and for the investigation and rehabilitation of victims of domestic violence. Make sure that the Family Protection Unit is equipped with adequate means and that its capabilities and services cover every region in the state.</strong></td>
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<td><strong>Tunisia</strong></td>
<td><strong>Review the actions that caused syndicates to be in one confederation from the perspective of ensuring the exercise of the right to strike.</strong></td>
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<td><strong>- Determine a minimum wage</strong>&lt;br&gt;<strong>- Continue work to eradicate unemployment, develop curricula and training programs to be consistent with the needs of the market to provide job opportunities to the highest percentage of graduates, take necessary measures to prevent detaining those expressing their opinion or participating in strikes, and review the formation of syndicates and unions and ensure the right to strike.</strong>&lt;br&gt;<strong>- Ensure basic education for all children, including those who fall behind their peers, and address the phenomenon of dropouts and to increase attendance of the pupils in classrooms, and the also the percentage of teachers.</strong></td>
<td><strong>Monitor the cases and facts of domestic violence, and re-select the laws and policies pertaining to this phenomenon.</strong></td>
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<td><strong>Algeria</strong></td>
<td><strong>Urge the government to consider, on the basis of the principles of necessity and proportionality, the lifting of the state of emergency imposed since 1992 in view of its negative effects on the enjoyment of economic and social rights.</strong></td>
<td><strong>Take urgent steps to establish the National Commission for the Fight against Corruption as stipulated in Law No. (06-01), dated February 6, 2006, granting it appropriate powers and resources to perform its work effectively and independently, and take additional steps to combat corruption.</strong></td>
<td><strong>- Accelerate setting the minimum wage to make sure of its adequacy, take the necessary measures to ensure an adequate standard of living for workers and their families, and take measures to ensure that families of missing persons receive social security without limitation or conditions, especially retirement and benefits of survivors and children.</strong>&lt;br&gt;<strong>- Work to reduce the wage gap between women and men, reduce the unemployment rate, create stable job opportunities for women and youth, address the low wages of workers in the public sector, especially in health and education sectors, and extend the criteria for obtaining unemployment benefits to include all the unemployed.</strong>&lt;br&gt;<strong>- Take urgent measures to guarantee that the free trade unions in the public sector perform their functions effectively and independently, ensure the right to form syndicates and unions, and address regional disparities in the access to education and fully recognize the status of victims of sexual violence, especially that committed by armed groups, and adopt urgent measures for rehabilitating the victims medically, psychologically and socially.</strong></td>
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| Sudan | Review the Public Order Act in 1996 in order to eliminate discrimination against women. | • Ensure the independence of the judiciary  
• Establish an independent national organization on human rights in accordance with the Paris Principles.  
• Develop a comprehensive action plan for human rights.  
• Provide accurate information on poverty and unemployment, the status and activities of syndicates and unions, and the mechanisms responsible for receiving complaints on violations of economic and social rights.  
• Combat the phenomenon of abducting women and children and eradicate its causes, eliminate legal discrimination against women and combat harmful traditional practices against women such as female genital mutilation and restrictions on the freedom of movement.  
• Address the problems of internally displaced persons, and take measures to meet their needs with respect to shelter, employment, food, health and education of children. |
| Syria | Take legislative and administrative steps to ensure that refugees and stateless persons enjoy the economic and social rights. | • Develop a national action plan for human rights in accordance with the Vienna Declaration and Programme of Action in 1993  
• Determine the minimum wage to improve the standard of living of workers and their families, ensure equitable distribution of wealth, achieve an adequate system of social security, especially with regard to unemployment benefits and provide the next report with detailed information on levels of poverty and the actions taken to reduce it as well as the unemployment rates. Take measures to prevent forced labor in prisons, and ensure the right to form syndicates and trade unions and the right to strike without restriction. Apply the comprehensive national plan for education for all.  
• Address the problems of low legal age of marriage for girls and inequality between men and women in the laws of ownership and social security. |
| Kuwait | Take the necessary steps to ensure completion of the Labor Law and implementing it without delay. | • Set the minimum wage in the private sector to improve the living standards of workers and their families, especially immigrants, extending its application to non-Kuwaitis.  
• Extend the social insurance system to cover work accidents and illnesses, and include non-Kuwaiti workers. Take necessary measures to ensure the implementation of the Labor Law without delay, which should contain measures to prevent practices that reach the level of forced labor, punish those who violate labor laws, compensate victims of violations, ensure the right to strike, and extend the right to form trade unions to include all workers, including migrant workers. Ensure that non-Kuwaiti children living in Kuwait receive compulsory education.  
• Continue all measures necessary to ensure the right of women to vote and take actions to combat trafficking in persons, especially women and children. |
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<th>Country</th>
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| **Libya** | - Adopt legislative measures to prohibit racial discrimination, particularly against Africans, enact a law to protect economic and social rights, as well as refugees and asylum seekers, and make laws in matters relating to the right of everyone to form trade unions and join them.  
- Abolish Law No. 24 of 1991, as well as the Committee of Arabizing Names, and ensure the full observance of the rights of any person to use his title in his private and public life.  
- Include household workers in the Labor Law, and liberate the right to strike from the restrictions imposed on it.  
- Extend the right to join trade unions to include all workers, including migrant workers, and ensure the right of all children, including those born outside marriage, to get the same rights. |
| **Egypt** | - Amend the Nationality Law, which prohibits children born to Egyptian mothers married to non-Egyptian fathers from the nationality of their mothers.  
- Amend the NGO Law No. 153 to confirm the right of citizens to form their own organizations, and enact stricter laws to protect children from abusive situations at work.  
- Develop a national action plan for human rights in accordance with the Vienna Declaration and Programme of Action in 1993  
- Develop effective strategies to face unemployment, and take measures to address the economic and social factors representing the root causes of the problem of inequality in access to education, high dropout rates for boys, and high illiteracy rates among adults, especially women.  
- Ensure non-discrimination in the laws, policies and practices relating to HIV (AIDS), the protection of people with mental illness from violence, adopt a strategy and an action plan to address the severe shortage in housing, and provide housing units with low rentals, especially for the vulnerable and low-income groups. |
| **Morocco** | - Adopt legislative and other measures to regulate work conditions, ensure the protection of home employees and the enjoyment of their rights, and make sure that the approved Labor Law complies with Article (8) of the Covenant and change Article (88) of the Criminal Code.  
- Intensify efforts to reduce poverty, and take necessary measures to ensure that the poor families in the shanty towns receive public services.  
- Improve the strategies of social development and equitable distribution of the social security system between urban and rural areas, especially with regard to provisions for unemployment, sickness, maternity and family allowances, and increase the minimum retirement benefits to raise the standard of living of retirees.  
- Incriminate sexual harassment in the workplace, and ensure that the National Plan of Action for Children (2005-2015) will work on the inclusion of street children and reinforce measures against the abandonment of children. |
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| - Adopt legislative measures to regulate work conditions, ensure the protection of home employees, and adopt a specific action plan to combat youth unemployment.  
- Develop effective remedies for workers who have been unfairly dismissed and remove the administrative obstacles hindering the exercise of the right to organize. Strengthen the public schooling system and achieve equality in education between girls and boys and between rural and urban areas. Take measures so that private companies could benefit from the actual attendance of practicing doctors. Work to improve the housing conditions in shanty towns, provide assistance to earthquake victims, particularly children and women, and increase efforts to re-house the victims of Al Hoceima city.  
- Develop a national action plan for human rights in accordance with Vienna Declaration and Programme of Action in 1993  
- Establish an independent national human rights organization in accordance with Paris Principles.  
| - Take the necessary measures to address poverty, take actions to ensure that the social security measures includes all workers and their families, and ensure equal wages for the same job. Fully implement the country's national plan for education for all, and take effective actions to eradicate illiteracy. Intensify efforts to reduce child and maternal mortality, provide access to health services and vaccination programs, especially for women and children in rural areas, apply national programs for reproductive health, increase efforts to control the spread of HIV (AIDS), and take effective actions to combat the spread of Qat and smoking.  
- Take effective actions for equal pay for equal work, and fight domestic and sexual violence and provide protection to the victims of such practices. |
| - Take effective actions to eliminate discrimination between Jews and non-Jews, especially Arabs and Bedouins, and to ensure that all enjoy economic and social rights in the territory of the State. The Committee emphasized that the stress on describing the State as a "Jewish State" encourages discrimination and places non-Jewish citizens in the rank of second-class citizens. Take measures to improve the low standard of living for the Arabs, reduce high unemployment rates between them, eliminate disparities in wages, take measures to ensure the accession of the Arabs to syndicates and trade unions and their participation or formation of their own unions, and ensure their representation in the civil service, and universities. Work to reunite the Palestinian families. Recognize the |
villages of Bedouins, and their rights to ownership and basic services, especially water, and to stop the demolition and destruction of crops and agricultural fields.

- As regards the Palestinian territories occupied in 1967, the Committee called upon Israel to stop building settlements, confiscating land, water and resources, demolishing houses, and making arbitrary evictions. The Committee also called upon Israel to ensuring the Palestinians' rights to housing, water, electricity, health care and education, and to take actions to address the effects of the construction of the separating barrier to ensure the Palestinians' right to access resources of land, water, and places of work, ensure safe passage for Palestinian medical staff and people seeking treatment at checkpoints without impediments, and ensure the safe passage of students and teachers to their schools.
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| Jordan | Enact legislation to make violence against women a crime, amend laws to prevent all forms of corporal punishment, provide protection for all workers in Jordan under the Labour Law, and improve both the legislative and judicial authorities. | • Strengthen cooperation with civil society.  
• Continue the implementation of national plans for the protection of human rights, children and persons with disabilities. | Eliminate poverty and disparity between regions and between men and women. Accelerate efforts to achieve the Millennium Development Goals, work to provide better living standards, and improve and enhance the quality of the health system, access to water through effective management of water resources, and access to basic education for all. | Review the practice of “protective custody” and increase the role of accommodation to replace it. Eliminate discrimination against minorities, improve the living conditions of children with disabilities, and protect the rights of foreign workers. Seek financial support from the international community to continue to assist thousands of Iraqi refugees in Jordan. |
| UAE   | • Ratify the International Covenant on Economic and Social Rights, the two conventions on the protection of the rights of migrant workers and their families, and rights of persons with disabilities, the main ILO Conventions and the convention on the status of refugees. Ratify the Additional Protocol to the United Nations Convention against Transnational Organized Crime.  
• Enact national laws to protect children, migrant workers and household workers, enact a law to prevent human trafficking, and enact a modern law on the press and publications. | Establish an independent national human rights organization and continue the dialogue with civil society in following up and implementing the review recommendations. Strengthen the independence of the judiciary and the right to a fair trial. Ensure freedom of expression and access to information, and put an end to the attacks on human rights defenders and journalists. | Continue the implementation of the comprehensive economic and social plan, and organize a workshop on education and infrastructure development under the Human Rights Council resolution 9/12. | Promote equality between men and women, combat discrimination and improve the situation of women, empower them and protect them from violence including domestic violence. Protect religious and ethnic minorities. Invite the Special Rapporteur on the victims of trafficking in human beings to visit the country. Improve working and living conditions of migrant workers and household workers, and cooperate with the countries exporting those workers. |
| Bahrain | • Withdraw its reservations to the Women’s Convention and ratify the Optional Protocol thereto, and cooperate with the special rapporteurs.  
• Amend the Nationality Law to grant the child nationality in cases where the father is not a Bahraini citizen. Adopt a new law on household workers and ensure freedom of opinion in the Press Law to be issued. | Strengthen the independence of the judiciary and ensure the right to a fair trial and access to information. Continue to establish wise governance and the rule of law. | Strengthen the educational and health systems. | Promote equality between men and women. Adopt legal amendments granting citizenship to children of a non-Bahraini father. Protect the families of household service workers. Combat trafficking in persons, and provide the right to remedies for the victims of such violations. |
| Tunisia | Withdraw its reservations to women’s convention. | • Develop the powers of the Higher Committee for Human Rights and Fundamental Freedoms to be in line with the Paris Principles. | Promote the rights to education and health and eradicate poverty. Facilitate the registration of civil society organizations, trade unions and political parties. Promote the protection of human rights under the campaigns of countering terrorism. | • Enhance the status of women and empower them. |
| Algeria | • Withdraw its reservations to women’s convention.  
• Adopt a law to combat trafficking in children. | • Cooperate with the special mechanisms of the United Nations and facilitate visits by the special rapporteurs. | • Strengthen its efforts in the field of economic and social rights, particularly in the area of health, and continue its efforts in the area of the right to education and in | • Fight violence against children, and strengthen the country’s efforts to protect the rights of women and consider the gender mainstream. |
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<td>Djibouti</td>
<td>Enact a law to ensure that the crimes committed against children are investigated.</td>
<td>Establish an independent body to monitor the implementation of the Convention on the Rights of the Child, and promote access to justice and ensure the authority of the judiciary.</td>
<td>Establish regional societies to bring services to rural areas. Work to achieve the Millennium development goals, especially in education, improving its quality, providing basic education for all children and expand the scope of higher education. Reinforce the efforts to combat extreme poverty, unemployment, illiteracy, protect the right to food, improve the health care system, fight female genital mutilation, and reduce child mortality.</td>
<td>Strengthen the efforts to combat child labor and sexual abuse.</td>
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| KSA        | • Ratify the International Covenant on Economic and Social Rights, the International Convention for the Protection of Migrant Workers and Their Families, and the optional protocols to the main treaties.  
• Amend laws to ensure equality between men and women, amend the legislation on religious freedom to provide protection to minorities, and enact a law allowing the formation of civil societies and another to prohibit the trafficking in human beings. | • Strengthen the independence of the judiciary and the legal profession. Ensure the right to a fair trial and support judicial capability to implement the amended laws. Ensure the freedom of opinion and expression, and promote an active and effective civil society. Put an end to the assault on the freedom of journalists and human rights defenders.  
• Launch a large-scale media campaign to address the rights of migrants in the languages of their major groups. | Promote the enjoyment of economic and social rights, include human rights in school curricula, continue policies to provide adequate housing to the vulnerable groups, provide health services to all residents, and strengthen the protection of human rights in the context of combating terrorism. | Ensure equality between women and men, facilitate women's access to employment, protect them from violence including domestic violence, and increase community awareness of the importance of their rights. Protect religious and ethnic minorities, prevent discrimination based on religion or belief, and strengthen dialogue between religions and civilizations. Protect the rights of migrant workers and household female workers. Proceed quickly in addressing the issue of forced labor raised by the ILO Committee of Experts. |
| Iraq       | • Ratify the conventions on persons with disabilities, enforced disappearances and the status of refugees, and the optional protocols to the main treaties.  
• Enact a specific law to combat trafficking in human beings, and comply with the International Humanitarian Law. | Complete the process of establishing the Independent Higher Commission for Human Rights, continue to establish good governance and the rule of law, strengthen the independence and impartiality of the judiciary, enhance security for judicial officers, and ensure the right to a fair trial. | Protect the economic and social rights, implement the comprehensive economic plan, and promote the efforts in the field of development and attainment of the Millennium goals. Reinforce the right to food, reduce the mortality rates of mothers and children, enhance the educational system, include an approach based on human rights in the efforts exerted to achieve security and sustainable development, and realize the goal set in the Millennium plan to build 3.5 million houses. | Promote gender equality, combat discrimination, improve the situation of women and empower them, increase community awareness of the importance of their rights, and protect them from violence including domestic violence, and the so-called "honor crimes". Strengthen the protection of children's rights and their access to basic services, make the recruitment of children in military actions, a crime and stop the practice of female genital mutilation. Protect religious and ethnic minorities, eliminate discrimination based on religion and belief, and promote dialogue among religious communities. |
| Qatar      | • Ratify the International Covenant on Economic and Social Rights, the International Convention on the Protection of Rights of Migrant Workers and Members of Their Families, and the optional protocols to the main treaties. Join all the ILO convention and reconsider its reservations to the two conventions on the rights of children and women.  
• Enact a law to combat trafficking in human beings, review the Family Law and Nationality Act, increase the age of criminal responsibility, and amend Law No. 2 of 2004 on people with special needs to be in line with the relative international convention. | • Continue to ensure fair trials, share experiences in promoting the judicial system and lifting restrictions on the right of association and the freedom of opinion and expression, and take steps to promote freedom of the press.  
• Develop a national action plan on children's rights in the juvenile judicial system. | Take further measures to facilitate access to health care services, ensure the access of all segments of society to education, and to continue the country's development policy based on respect for human rights. | Promote gender equality, empower women, protect them from violence including domestic violence, involve them in the development process, and give them the opportunity to participate effectively in public life. Promote the rights of children and the disabled. Enhance the abilities of institutions dealing with vulnerable groups. Prohibit child labor, and improve the protection of the families of household service workers from violence and sexual abuse. Continue the State’s efforts to prevent the escape of perpetrators of trafficking in human beings from punishment, protect the rights of migrant workers and immigrants, and reform the sponsorship system. |
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<td>Kuwait</td>
<td>Enact laws to combat trafficking in human beings, prohibit corporal punishment of children, and make a law for family. Enact a comprehensive law to protect the environment, and laws to protect migrant workers and household workers, and participate in the process of drafting and amending the discriminatory legislation including the Personal Status Law.</td>
<td>Clarify the powers of the National Authority for the Advancement of Women, and closely cooperate with civil society and nongovernmental organizations.</td>
<td>Eliminate illiteracy and strengthen the links between higher education and labor market. Provide health care to all segments of society, fight drugs and remove anti-personnel mines and explosives left after wars.</td>
<td>Adopt a national plan to promote equality between men and women. Provide care for the elderly and the disabled and fight trafficking in human beings. Protect the rights of migrant workers and household workers, and prosecute and punish employers who violate the rights of migrant workers. Find humane solutions for the &quot;Bidoon&quot; (people without nationality) by granting them stays and providing them with personal documents enabling them to access the basic services such as education, health, housing and employment.</td>
<td>Pay attention to alternative care for children and ensure the rights of persons with disabilities. Adopt plans to combat discrimination against women, empower them, combat violence against women and girls, increase the number of women in decision-making positions, and continue efforts to eradicate female genital mutilation. Implement programs to combat child labor. Promote the identity and culture of different communities and support international obligations relating to refugees and their integration in society.</td>
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<td>Egypt</td>
<td>• Withdraw its reservations to the convention on women, ratify the Optional Protocol thereto, and join the Optional Protocol to the Covenant on Economic and Social Rights. • Reinforce the legal framework for combating crimes against children. Ensure that the law to be enacted to combat violence against women includes provisions aimed to eliminate legal and actual discrimination against women. Enact a law to combat trafficking in human beings, modify the Personal Status Law and the Penal Code to ensure equal rights for women, and provide guarantees for the effective prosecution of perpetrators of domestic violence.</td>
<td>• Support the NCW Ombudsman’s Office and the help line of the National Council for Childhood. Encourage the civil society to take an active role. • Develop and implement national programs to promote the rights of people with disabilities.</td>
<td>Ensure that all sectors of society enjoy their rights to food and social services, improve standards of living for the low-income classes, strengthen efforts to secure housing for all citizens, and address poverty and unemployment. Intensify efforts for the distribution of wealth, continue efforts to eliminate illiteracy, and promote education for adults and girls, especially in rural areas. Increase the employment programs for youth and create job opportunities. Continue efforts to enhance the quality of the educational and health systems, and continue the comprehensive development programs, especially in rural areas.</td>
<td>• Pay attention to alternative care for children and ensure the rights of persons with disabilities. Adopt plans to combat discrimination against women, empower them, combat violence against women and girls, increase the number of women in decision-making positions, and continue efforts to eradicate female genital mutilation. Implement programs to combat child labor. Promote the identity and culture of different communities and support international obligations relating to refugees and their integration in society.</td>
<td>Ensure respect for human rights of all migrants.</td>
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<td>Morocco</td>
<td>Ratify the Convention on the Disabled, withdraw the State's reservations to the convention on women, and achieve consistency between domestic laws and international obligations.</td>
<td>• Continue to implement the recommendations emanating from the Equity and Reconciliation Commission. • Continue to train the staff responsible for law enforcement.</td>
<td>Combat poverty, take measures to mitigate the impact of the economic crisis on the people, improve the social security system, promote education and combat illiteracy, and support the vulnerable groups in rural areas. Ensure the people's rights to food, health care and work, combat discrimination against new entrants, and allocate resources for housing projects for low-income families.</td>
<td>• Combat discrimination against women and protect them from violence. Ensure that births are effectively recorded, especially in rural and remote areas, fight the so-called &quot;tourist marriage&quot;, and address the problems arising from trafficking in and smuggling children to neighboring countries, and prohibit the practice of marrying girls forcibly. Make basic education accessible to all, not to impose the death penalty for crimes committed by persons under eighteen years, and protect persons with disabilities, as well as migrants, refugees and internally displaced persons.</td>
<td>Ensure respect for human rights of all migrants.</td>
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<tr>
<td>Yemen</td>
<td>• Enact the Motherhood Law presented to the Parliament and implement it without delay, raise the legal age of criminal responsibility for children, amend the Personal Status Law which authorizes the marriage of girls under the age of fifteen, and implement the House of Representatives’ Resolution specifying the age of marriage as at least seventeen year. • Establish a national institution in accordance with the Paris Principles, accelerate the establishment of an information center at the Ministry of Human Rights, reform the justice system, and strengthen the powers of judges and facilitate guarantees of fair trials. • Formulate a strategy for human rights.</td>
<td>• Strengthen cooperation with the UN procedures and mechanisms concerned with promoting the Palestinians’ enjoyment of human rights and immediately implement all Security Council resolutions relating to the status of human rights in the occupied Palestinian territories.</td>
<td>Ensure the right to employment, education and health services and ownership, and ensure the access of the Bedouin to the basic public services.</td>
<td>• Refrain from evacuating the Arab population from their homes in Jerusalem, address the problem of discrimination against minorities, particularly the ability to access justice, end the siege imposed on the Gaza Strip, and stop the collective punishment practiced in the occupied Palestinian territories.</td>
<td>Ensure the right to employment, education and health services and ownership, and ensure the access of the Bedouin to the basic public services. Ensure that the Palestinian people have access to all basic services, lift the restrictions imposed on the Palestinians’ right to health, education and employment, work to secure adequate standard of living.</td>
</tr>
<tr>
<td>Israel</td>
<td>• Ensure Israel’s compliance with its obligations under International Law of Human Rights and International Humanitarian Law, and apply it in the occupied Palestinian territories, as indicated by the treaties and the International Court of Justice. • Recognize the right of Palestinian people to self-determination and the right to establish an independent Palestinian state with sovereignty.</td>
<td>• Strengthen cooperation with the UN procedures and mechanisms concerned with promoting the Palestinians’ enjoyment of human rights and immediately implement all Security Council resolutions relating to the status of human rights in the occupied Palestinian territories.</td>
<td>Ensure the right to employment, education and health services and ownership, and ensure the access of the Bedouin to the basic public services.</td>
<td>• Refrain from evacuating the Arab population from their homes in Jerusalem, address the problem of discrimination against minorities, particularly the ability to access justice, end the siege imposed on the Gaza Strip, and stop the collective punishment practiced in the occupied Palestinian territories.</td>
<td>Ensure the right to employment, education and health services and ownership, and ensure the access of the Bedouin to the basic public services. Ensure that the Palestinian people have access to all basic services, lift the restrictions imposed on the Palestinians’ right to health, education and employment, work to secure adequate standard of living.</td>
</tr>
<tr>
<td>Palestine</td>
<td>• Ensure Israel’s compliance with its obligations under International Law of Human Rights and International Humanitarian Law, and apply it in the occupied Palestinian territories, as indicated by the treaties and the International Court of Justice. • Recognize the right of Palestinian people to self-determination and the right to establish an independent Palestinian state with sovereignty.</td>
<td>• Strengthen cooperation with the UN procedures and mechanisms concerned with promoting the Palestinians’ enjoyment of human rights and immediately implement all Security Council resolutions relating to the status of human rights in the occupied Palestinian territories.</td>
<td>Ensure the right to employment, education and health services and ownership, and ensure the access of the Bedouin to the basic public services.</td>
<td>• Refrain from evacuating the Arab population from their homes in Jerusalem, address the problem of discrimination against minorities, particularly the ability to access justice, end the siege imposed on the Gaza Strip, and stop the collective punishment practiced in the occupied Palestinian territories.</td>
<td>Ensure the right to employment, education and health services and ownership, and ensure the access of the Bedouin to the basic public services. Ensure that the Palestinian people have access to all basic services, lift the restrictions imposed on the Palestinians’ right to health, education and employment, work to secure adequate standard of living.</td>
</tr>
<tr>
<td>whose capital is Jerusalem. Respect the right of Palestinian refugees to return to their homes, compensate them and return their property to them in accordance with United Nations resolutions and the relevant rules of International Law.</td>
<td>and stop the destruction of houses owned by Palestinians.</td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td>End the occupation of the Palestinian territories and other Arab territories occupied since 1967, including Jerusalem and the Golan Heights. Recognize the Advisory Opinion of the International Court of Justice on the illegal separating wall, and fully implement it and remove such a wall.</td>
<td>Implement international resolutions on the preservation of the nature and characteristics of Jerusalem, not to change its legal status and to preserve its landmarks. Cease all illegal measures aimed at Judaizing and taking over East Jerusalem.</td>
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<td>Ensure equality in the application of the law without discrimination against the Arab minority.</td>
<td>End the illegal settlement and stop destructing the natural and agricultural resources of the Palestinian people.</td>
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<td>General government expenditure on health as a percentage of total expenditure on health</td>
<td>Private expenditure on health as a percentage of total expenditure on health</td>
<td>General government expenditure on health as a percentage of total government spending</td>
<td>External resources allocated to health as a percentage of total expenditure on health</td>
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Table (6): Commitment to Education: Public Spending
### Table (7): MDG progress

<table>
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<tr>
<th>Country</th>
<th>Eradicate extreme poverty and hunger</th>
<th>Achieve universal primary education</th>
<th>Promote gender equality and empower women</th>
<th>Reduce child mortality</th>
<th>Improve maternal health</th>
<th>Combat HIV/AIDS, malaria and other diseases</th>
<th>Ensure environmental sustainability</th>
<th>Develop a global partnership for development</th>
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</table>

**Icon legend**

- 🌟 Achieved
- 🌘 Very likely to be achieved/on track
- 🎤 Possible to achieve if some changes are made
- 🚫 Off track
- 🎩 Insufficient info
Table (8): Refugees, asylum seekers and IDPs in the Arab States

<table>
<thead>
<tr>
<th>State</th>
<th>Refugees and their Like</th>
<th>Refugees Supported by UNHCR</th>
<th>Asylum-Seekers</th>
<th>Returning Refugees</th>
<th>Internally-displaced persons and their like</th>
<th>Returning internally-displaced persons</th>
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Source: UNHCR: [www.UNHCR.ch](http://www.UNHCR.ch)
**Note:** The above table does not include Palestinian refugees as they fall under the jurisdiction of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The following table shows the number of Palestinian refugees during the years from 2007 to 2009, noting that these numbers do not reflect the real number of Palestinian refugees as the UNRWA adopts special criteria for registration.

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