

OPERA IN PRACTICE: VISIBLIZING RIGHTS IN POST-REVOLUTIONARY EGYPT

This brief case study examines the use of OPERA, CESR's monitoring framework, to develop a Visualizing Rights Factsheet on Egypt, which was prepared for the Committee on Economic, Social and Cultural Rights in 2013. It is part of a series of case studies produced by CESR to share insights and learning from the use of OPERA in a variety of contexts and settings.

ECONOMIC AND SOCIAL RIGHTS MONITORING



CESR has used short, visually engaging, factsheets as an advocacy tool for several years to help give a statistical snapshot illustrating the level of rights realization within specific contexts. Increasingly, we have modeled these factsheets around the four steps of OPERA. For this factsheet, we partnered with the Egyptian Center for Economic and Social Rights (ECESR) to show how economic, social, and cultural rights had fared in the wake of the country's 2011 revolution.

We used the factsheet in advocacy during Egypt's appearance before the Committee on Economic, Social and Cultural Rights in 2013 and before the Human Rights Council's Universal Periodic Review in 2014. The aim was to encourage these oversight bodies to issue strong recommendations to Egypt on the concerns documented in the factsheet.

Assessing outcomes

For Egypt, the past decade was one of large-scale social upheaval, culminating in the overthrow of the country's authoritarian President in early 2011. A severe economic and social crisis followed. However, the question of how to address Egypt's underlying economic problems received scant consideration from the numerous transitional administrations. In this context, it was important to bring a range of economic and social rights to light. By covering an array of rights in the factsheet, we were able to give an overall picture of the scope and scale of socio-economic deprivation facing the country.

What were we trying to measure? To measure levels of enjoyment across a range of rights—both before and after the overthrow of President Mubarak in 2011—we considered the following norms:

- **Minimum core obligations:** How widespread are socio-economic deprivations among the Egyptian population? In line with this norm, all sectors of a population are entitled to essential foodstuffs, essential primary health care, and basic shelter and housing.
- **Non-discrimination:** Do disparities in levels of deprivation raise red flags in terms of legal discrimination (*de jure*) or discrimination in practice (*de facto*)? These disparities could be based on geographical region, level of education, age, gender or inclusion in a particular social group.
- **Progressive realization:** Have levels of deprivation worsened, suggesting potential retrogression in rights enjoyment? Progressive realization requires looking at changes over time to see if the level of enjoyment is improving or getting worse. This includes looking at differences among groups to see if gaps are widening or narrowing.

How did we measure? We chose indicators for a number of economic and social rights:

- To measure the right to an adequate standard of living we examined poverty rates and perceptions of well-being;
- Labor rights were measured by looking at rates of unemployment and self-employment, wages, and estimates of child labor;
- The right to food was measured by rates of stunting and other food security indicators;
- To measure the right to housing we used the estimated population living in informal settlements.



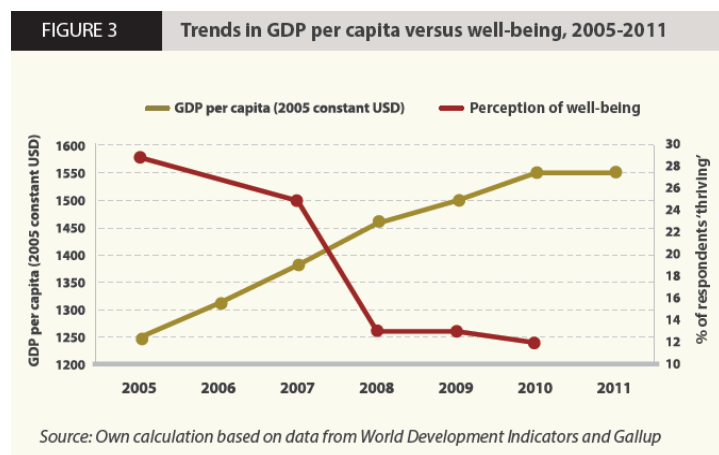
Where possible, data on these indicators was compared to neighboring states, to establish benchmarks against which to judge the scope and scale of deprivation in the country. Much of the data was also disaggregated to identify patterns of discrimination and examined over time to assess progressive realization.

We relied on publically available data, sourced online from intergovernmental organizations, such as UNICEF and the World Bank; Egyptian government agencies, in particular the Central Agency for Public Mobilization and Statistics (CAPMAS); news articles from Al Jazeera, and non-governmental organizations, such as ECESR, the Egyptian Food Observatory (EFO), and Amnesty International to provide data on each indicator.

What did we find? Analysis of the data showed that large numbers of people in Egypt were not able to enjoy their social and economic rights. For instance, 18.9 million people were classified as at risk of poverty in 2013. The rate of children under five suffering from stunting (an indicator of chronic malnutrition) was estimated to be 31% in 2011, which is considered “high” by the WHO. Estimates of people living in informal settlements without facilities, amenities, and proper infrastructure ranged up to a quarter of the population.

There were vast differences in how these deprivations were felt by different parts of the population. For example, certain regions saw poverty rates of under 20% in 2009, while others were in excess of 40%. Youth unemployment stood at 30% in 2011, three times the national rate. Rates of self-employment, which correlates strongly with informal labor, were increasing among all sectors but especially for women and youth.

Enjoyment of many of these rights was also backsliding, especially for vulnerable groups. Between 1995 and 2011, poverty rates and the number of people in poverty increased from 16.7% to 25.2% and 9.9 million people to 20.1 million people, respectively. Overall perceptions of well-being also declined in the years leading up to the revolution, despite rising levels of GDP per capita. Wages were also shown to have stagnated in the private sector, which contributed greatly to high poverty rates.



Assessing policy efforts

As a party to the International Covenant on Economic, Social and Cultural Rights, Egypt is obligated to take steps to ensure the rights of its people are realized. Determining whether the government had taken adequate steps to meet this obligation required examining the legal and programmatic measures it had put in place. Given its visual format, a comprehensive assessment of economic and social policies in Egypt was beyond the scope of the factsheet. Nevertheless, our analysis did highlight particularly pertinent policy decisions Egypt had made that impacted the socio-economic wellbeing of its people.

What were we trying to measure? To assess Egypt’s conduct we measured the following:

- **Obligation to take steps:** What legal, policy and programmatic commitments did Egypt make to ensure that its population realizes their economic and social rights? These commitments must demonstrate deliberate, concrete and targeted efforts.
- **AAAAQ criteria:** Are necessary goods and services available, accessible, acceptable and of adequate quality? In order for individuals to realize their rights, Egypt is obligated to provide goods and services that are available in sufficient quantities, physically and economically accessible to all, acceptable according to local cultural norms, and of appropriate quality.
- **Participation, transparency, accountability, and right to remedy:** Have policy steps been implemented with public input? Rights holders must be allowed to participate in the creation and implementation of laws and policy. If policies have negative effects on individuals, mechanisms that allow for complaints to be heard and remedies to be sought must exist.

How did we measure? We looked at the international commitments Egypt had made as well as its policies and programs related to economic and social rights. We then considered indicators on the kinds of goods and services made available through these policies and programs, where they were available, their quality, and who was able to use them. For example, we analyzed food prices and ration card coverage in relation to the right to food; the construction of low-cost dwelling units in relation to housing; skilled birth attendance in relation to health; and teacher-student ratios in relation to education. Data for these indicators came from government ministries and agencies, in particular CAPMAS; international organizations, such as the World Food Program; and civil society organizations such as the Egyptian Food Observatory. We relied on benchmarks from UNICEF and the World Economic Forum to compare this data and evaluate whether Egypt was meeting the AAAAQ criteria. We also used a number of articles and reports from Egyptian NGOs to establish whether the country complied with human rights norms concerning policy formulation and implementation.

What did we find? Our analysis showed that Egypt’s policies hadn’t translated into necessary goods and services on the ground. For instance, consumer prices dramatically increased over a three-year period, contributing to vulnerable households consuming less and

increased food insecurity. The number of low-cost housing units constructed had decreased, limiting the ability of low-income people to secure adequate housing. Underfunding led to a fragmented healthcare system, with people increasingly forced to turn to private care – a fact that raised serious questions about affordability.

The data also showed that the quality of many goods and services were not of an adequate standard. Reports examined indicated that less than 10% of Egyptian schools met national standards for quality. This was confirmed by the Global Competitiveness Report which placed Egypt in last place out of 148 countries for quality primary education.

The policy-making process in Egypt remained opaque. The factsheet noted that, “Reliable state-produced data is unavailable and many relevant policy documents and plans are not publicly released. Troublingly, critical voices from NGOs and civil society groups, union and opposition parties continue to be repressed – at times violently.” Excessive force is often used to scatter protests and demonstrations, leaving people with little recourse to address problems in realizing their rights.

Assessing resources

A State must act to the “maximum extent of its available resources” to ensure that people can progressively realize their economic and social rights. Assessing how economic and fiscal policy had changed after the revolution was thus a major focus of the factsheet. To determine whether Egypt had fulfilled its fiscal policy obligations by overcoming the legacy of an inequitable and unsustainable economic model, it was necessary to examine how resources were generated and allocated, and also how fiscal policies were developed.

What were we trying to measure? To evaluate the equitability and effectiveness of resources used in Egypt we considered:

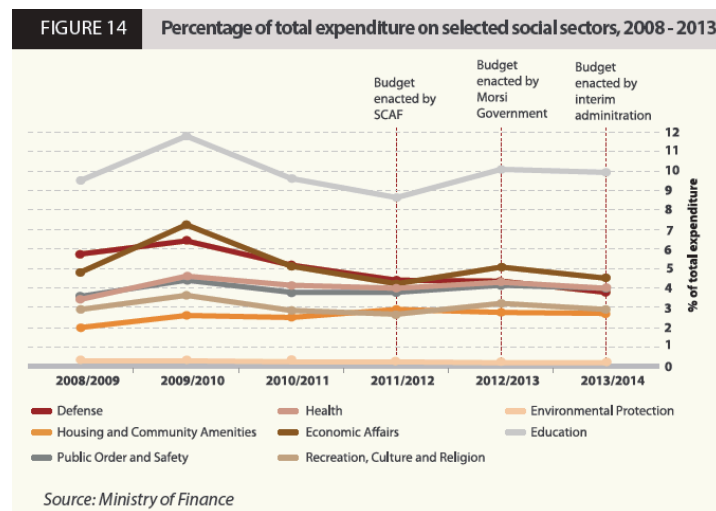
- Resource allocation for relevant social programs: How much of its budget does Egypt allocate to social spending? States should allocate a reasonable amount to social policies and programs.
- The methods of resource generation: What have been the main sources of revenue? Revenue should be adequate to meet government obligations and revenue generation burdens should be fairly and equitably distributed throughout the society.
- Levels of transparency, participation by civil society, and accountability: Are all fiscal policies made transparently and available for public scrutiny and input? There should be public participation in fiscal and monetary policies, and the policy process should be transparent.

How did we measure? To assess whether Egypt had fulfilled its obligation to use maximum available resources to progressively realize rights, we analyzed how much money the government had

allocated to social and economic rights policies relative to other areas, how revenue was generated, and whether fiscal policy was transparent and open.

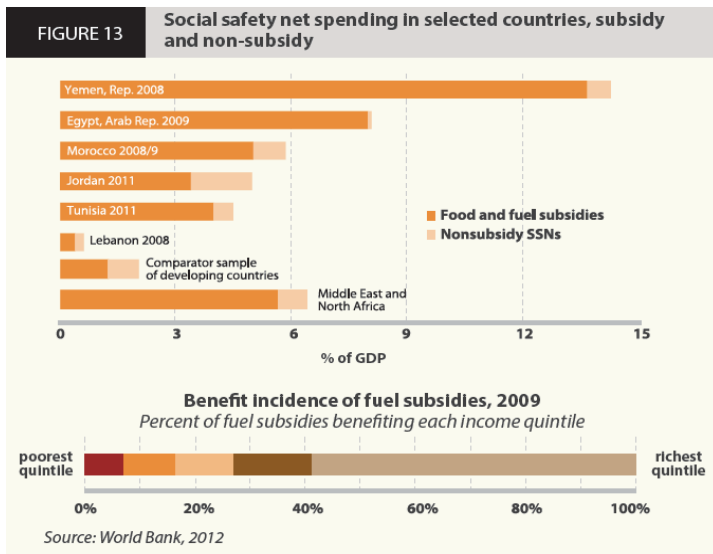
To analyze Egypt’s allocations to social programs we calculated the percentage of the budget allocated to specific sectors including health, education, housing, etc. and tracked how these percentages had changed since 2011. To better understand how revenue was generated, we compared Egypt’s revenue-to-GDP ratio and estimates of annual illicit financial flows to neighboring countries. Data for these indicators came from the Ministry of Finance, the International Monetary Fund and the international NGO Global Financial Integrity. To assess how transparent, participatory and accountable the budget process was, we examined Egypt’s scores on the Open Budget Index compared to neighboring countries and how this had changed over time.

What did we find? Overall, social investment in Egypt was low – a trend which began before the revolution and continued afterwards – while taxes placed an inequitable burden on the poor. The budgetary process was also characterized by a lack of transparency.



Egypt’s investment in key social sectors was low compared to other countries in the region and, in some instances, had decreased. Additionally, money often did not go to programs benefitting those most in need. For example, Egypt invested 6% of GDP in fuel subsidies in 2009, compared to 2% in food subsidies. Nevertheless, 60% of fuel subsidies went to the richest 20% of the population.

Low spending was linked to inadequate and inequitable resource mobilization. Egypt’s estimated tax effort (a ratio that measures actual versus potential tax collection) was 0.72 in 2012, compared to 0.93 in Morocco, for example. A large part of Egypt’s tax revenue came from taxes on goods and services, which placed a disproportionate burden on low income individuals and families. Corporate income tax amounted to just 12.8% of tax revenue. Further, Egypt lost an estimated \$57.3bn to illicit financial flows, including cross-border tax evasion, between 2000 and 2009.



Assessment

The factsheet was designed in a way that combined the data from the previous three steps to make an overall assessment of whether Egypt had fulfilled its commitment to realizing the economic and social rights of its people. To help contextualize this data, the cover page of the factsheet also provided an overview of other social, economic and political issues impacting the Egyptian people's ability to claim their rights and the government's capacity to meet its obligations.

What were we trying to measure? In assessing the social, economic and political context in Egypt we considered:

- Contextual factors that limit the enjoyment of rights: What other factors may be inhibiting people from enjoying their rights? This analysis considered social, economic, political and cultural factors that may prevent people from accessing their rights.
- Constraints placed on the state by outside actors: Are the acts or omissions of third parties or structural dysfunctions impacting the state's ability to fulfill rights? This analysis looked at external political, social, cultural or economic forces that could prevent the Egyptian government from fulfilling its obligations.

How did we measure? We relied on newspaper reports, as well as expertise and literature from our partner organizations, such as ECESR, to develop our understanding of structural factors in Egypt and set the scene for the data and findings presented in the factsheet.

What did we find? The immense political upheaval and socio-economic instability the country experienced since the overthrow of President Hosni Mubarak in January 2011 had compounded long-standing patterns of social deprivation. Foreign investment and tourism dropped dramatically, and the economic crisis in Southern European markets further exacerbated matters. In 2013, the Egyptian pound was at its lowest value in nearly a decade. In 2013, the budget

deficit stood at 11.5% of GDP. As a result, successive administrations had prioritized austerity so as to secure international assistance. International financial institutions and other creditors had promoted such measures with a disregard for their human rights consequences. Critical voices from NGOs and civil society groups, unions and opposition parties were frequently repressed—at times violently.

Outcomes, conclusions and lessons learned

Structuring the factsheet according to OPERA helped provide a robust visual snapshot of social and economic rights in Egypt and demonstrate how the country's economic and fiscal policies had impacted those rights. Guided by the factsheet, the Committee on Economic, Social and Cultural Rights made strong recommendations to the Egyptian Government, including that it increase the proportion of government spending on health, education, housing, and food. It also called on it to strengthen legislation to combat corruption at all levels of government; to allow workers to more freely form and join unions; and to effectively address the problem of unemployment. Similar recommendations were made a year later by the Human Rights Council, when Egypt appeared before its Universal Periodic Review. Although, in that instance, the participation of Egyptian NGOs was severely curtailed, in the context of a broader government crackdown on independent civil society groups.

To date, the Egyptian government has not acted in a meaningful way on these recommendations. Poverty remains a major problem in the country, and corruption and the suppression of civil and political rights persist. Nonetheless, providing quantitative and qualitative analysis of the economic and social rights situation through a short, visual and statistical factsheet exposed the UN Committee and member states taking part in the UPR to the ESC rights violations taking place in Egypt and the economic and fiscal policies causing these. CESR and its partners have continued to draw these concerns to the attention of influential actors such as the International Monetary Fund, in the hope that with additional international and domestic pressure, the Egyptian government will be pressed to enact meaningful economic and social reforms.

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