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Refugees in Egypt: Violations and Challenges

Dr. Mostafa Gawish

Nigeria's Federal Ministry of Health has released a memo to the Nigerian Medical Association, NMA, to alert Nigerians on the high rate of kidney trafficking in Egypt, according to Daily Post, a Nigerian newspaper, on October 17th. 2017. The memo was aimed to create awareness to Nigerians intending to travel to Egypt for medical attention. The statement by the Nigerian Director for Hospital services revealed that there is an increase in illegal harvesting and transplanting of human organs in that country. The newspaper added that 41 human kidney traffickers have been prosecuted in Egypt.

In December 2016, the Administrative Control Authority raided 10 medical centers and seized one of "the largest international gangs for human organs trafficking in Egypt. Some 40 defendants, including university professors, famous doctors were involved, according to Al-Ahram, an Egyptian state-owned daily newspaper. The network – of Egyptian and Arab nationalities –included about 14 doctors of various specializations, as well as nursing staff, medical center owners and brokers. Millions of dollars and Egyptian pounds, as well as gold bullion, were confiscated during the raid.

This incident and its repercussions had a great resonance within Egypt at the time, and many called for conducting a rapid amendment of Law No. 5 of 2010 on the regulation of transplantation of human organs. The Official Gazette published on July 22, 2017, Act No. 142 of 2017, on amendments of provisions of Law No. 5 of 2010, and the intensification of the penalty of trafficking in human organs in all the cases seized since that date to date.

Although imposition of severe punishment is important, however, strict control and continuous follow-up of all public and private medical facilities is much more important.

Immediately after that incident, in August 2017, the National Security Sector raided a private hospital, where the same crime was committed in complete absence from the Ministry of Health.

A German investigative [documentary](#) on the mafia of human organs trafficking in Egypt was shocking to many people as it revealed that this inhuman crime is wide-spread among Egyptians. The documentary also uncovered those implicated, including brokers, mediators, hospitals, medical bodies, research centers and patients seeking medical treatment. Also according to the documentary, human organs were even removed from healthy people. Millions of dollars were exploited by an international, regional and local mafia amid inoperative laws and formal measures that protect crime and violate the sanctity of human beings.

On the other hand, the documentary highlighted the victims among the African refugees, especially the Sudanese who suffer from miserable living conditions, living in slums around Cairo, in attempt to hide from the eyes of authorities, and to avoid exploitation of their bodies through the inhuman trafficking in their own organs.

Trafficking in human organs is criminalized for the exploitation of human organs as a commodity, which constitutes a violation of human rights. Several studies by the World Health Organization (WHO) revealed that Egypt has become a regional center for the provision of human organs. In 2010, WHO ranked Egypt among the top five countries in the world trading illegally in human organs, namely, China, Philippines, Pakistan and Columbia, and Egypt, which also came on top of Middle East countries regarding this inhuman trade. So, Egypt's parliament passed a law that year banning commercial trade in organs as well as transplants between Egyptians and foreigners, except

between husbands and wives. It is expected that the human organs trade will continue, in the absence of law enforcement, the spread of corruption in hospitals, increasing poverty among Egyptians, and the absence of a law regulating the transplantation of organs of the dead.

The existence of such illegal trade is due to economic, social, religious and legal conditions, in light of the state of imbalance in Egypt's system, in addition to the absence of strict health control and the spread of corruption in the state apparatus.

There are many reasons for the flourishing of human organ trade in Egypt including:

First: Brokers of human organs trade rely on the existence of law gaps to protect them once they are seized by authorities.

Second: The poor economic situation of Egyptians, where 27.8 % of the population live below the poverty line, according to official statistics issued by the Egyptian Central Agency for Public Mobilization and Statistics in 2016.

Third: Human organs traffickers' reliance on criminal acts such as kidnapping citizens, especially children, and stealing their organs while they are anesthetized.

Fourth: The presence of many illegal African immigrants in Egypt, as the safest gateway to Europe. Due to their poverty and need, they resort to selling their own organs; yet they rarely complain of exploitation because of their illiteracy. Comparing the data included in the German investigative documentary and the report of the Egyptian Institute for Political and Strategic Studies on December 24, 2016, titled: "Sisi, Europe and the Scourge of Illegal Immigration", we can explain why the number of refugees in Egypt mentioned by Al-Sisi, during his speech at the UN General Assembly's 71st debate, is completely different from the true numbers of the international statistics.

In his UN General Assembly speech, Al-Sisi said Egypt hosts about 5 million refugees - but in fact not all of them are registered - adding that the country does not allow

refugee camps, but rather integrates refugees within the Egyptian society and “enables them to have a humane standard of living”.

However, these words raised much reaction, especially regarding the number of refugees in Egypt, and the way they are treated by authorities. To what extent are these figures true? Is it in Egypt's interest to ignore registration of millions of refugees with the United Nations High Commissioner for Refugees (UNHCR) in Egypt? What is the relationship between the figures announced by the UNHCR in Egypt - about 250 thousand refugees and asylum seekers, according to the 2015 statistics - and the five million announced by Al-Sisi? How does the current regime deal with the African refugees, in light of Egypt's reservations to five provisions, namely article 12(1) (personal status), article 20 (rationing), article 22(1) (access to primary education), article 23 (public relief and assistance), and article 24 (labor legislation and social security)? Refugees must also deal with the anti-xenophobic sentiments that can quickly turn violent, as it is the case with the dark-skinned African refugees in particular. Taking these factors into consideration, the refugees in Cairo do not seem to have any real hope for integration.

In addition, the Egyptian law does not regulate the issuance of identity cards to foreigners or refugees; but according to an agreement between the Egyptian government and the UNHCR, the UN Refugee Agency in Cairo issues yellow cards with the approval of the Egyptian government. Accordingly, the yellow cards indicate that their holders are registered on the UNHCR lists.

On the other hand, the UNHCR Cairo office was temporarily closed on July 29, 2016 after an Ethiopian asylum seeker reportedly burnt to death while she was attempting to assist a man who had set himself on fire during a protest in front of the UN office in Cairo a week before. In this regard, the UNHCR released a statement expressing condolences to the Ethiopian woman who died during the protest. However, the

statement only attributed the Ethiopian woman's death to a "violent incident". "The UNHCR is mindful of the frustrations and anxieties that asylum seekers and refugees may feel because of lengthy procedures, due to the high number of applicants in Egypt," read the statement. "As UNHCR is committed to ensure fair, consistent and transparent processes for asylum-seekers and refugees of all nationalities, it calls for the cooperation by all refugee communities and appeals for their understanding and non-violence," the statement added. The statement also announced that the UNHCR would close temporarily "due to recent events, until further notice."

It is clear that the "five million refugees" mentioned by Sisi are mostly not registered with the UNHCR in Egypt (only 250,000 refugees). In fact, there are foreigners, mainly Sudanese nationals, who normally live in Egypt under the eye of the ruling military regime, which does not take any legal action towards their registration officially with the UNHCR. On the contrary, Sisi has reiterated the story of the five million refugees several times during his meetings with the German Chancellor, the European Parliament delegation at the parliamentary conference in Sharm El Sheikh, as well as during his interview with Bulgarian TV, and his speech at the 71st debate of the UN General Assembly.

These alleged "five million refugees" have been exposed, either intentionally or unintentionally, to the danger of being prey to human organs trafficking and other extrajudicial crimes amid an administrative, financial and social corruption system as well as security chaos that has recently spread in Egypt.