

**Individual NGO submission to the Office of the High Commissioner for Human Rights on the occasion of the seventh session of the Universal Periodic Review 2010
Egypt**

A submission on compliance with peoples' rights under the Common Article No. 1 of the ICCPR and ICESCR and the rights of individuals who belong to this group of people

I-Introduction

1. This report is submitted by a the Egyptian Center for Housing Rights to the Office of the High Commissioner for Human Rights on the occasion of the Universal Periodic Review of Egypt's fulfilment of its human rights obligations.
2. Without disregarding the importance of having specific category of indigenous peoples' rights, we can find some of the rights that the indigenous peoples claim under general international human rights law such as non-discrimination and the right to self-determination. Besides, individuals who belong to that group of people are entitled to the individuals' rights under the international human rights law.
3. This submission focuses on Egypt's compliance with its obligations in relation to people's rights under Common Article No. 1 of the ICCPR and ICESCR and the rights of individuals who belong to that group of people especially under Article No. 27 of the ICCPR. It presents a violation of Nubian's right to self-determination through presenting a number of governmental violations of Nubians' rights including a continuation of violating their right to their original land and natural resources. In addition, a violation of their right to preserve their culture, their right to participate to the government, their collective and individual rights to adequate housing, and their freedom from discrimination, and many other violations of their rights that threatens Nubian people and culture by extinction.
4. One of the reasons why it is important to address this issue is that the Egyptian government is selling now the land that Nubian reclaim for Egyptian, Arab, and foreign investors, resettling the non-Nubians in villages it constructs on the land that Nubian reclaim, and changing the names of the Nubian land and territories to Arabic names.

II. Background on the issue

5. Nubians are a distinct ethnic, cultural and linguistic group of people who used to inhabit the portion of the Nile Valley that is historically known as Nubia, which extends from the first cataract at Aswan, Egypt, to the fifth cataract near Dongola in what is now Sudan.¹ Before the construction of the High Dam, Egyptian Nubia occupied some three hundred miles between Aswan and Wadi Halfa and included several linguistic subgroups. "Between Aswan and Sebuah were the Kenuz speakers; between Sebuah and Korosko lived a Nubian group that spoke only a special dialect of Arabic; and from Korosko to Wadi Halfa were the Mahass speakers called the Fadija or Nubieen."²

¹ See, JOHN G. KENNEDY, STRUGGLE FOR CHANGE IN NUBIAN COMMUNITY; AN INDIVIDUAL IN SOCIETY AND HISTORY 13 (Mayfield Publishing Company 1st ed. 1977).

² *Id.*

6. No recent official statistics exist in Egypt around the number of Nubians because all official statistics and even the national census do not consider the Nubians as a distinct subgroup requiring separate statistics for them. The last official statistics on Nubians were in 1960, which estimated their numbers at 98601. Some non-official studies estimate the number of Nubians in Egypt to be about three million.³
7. Nubian people in Egypt have suffered from four forced migrations during the last century from the year 1902 to the year 1963, for the building of the Aswan Dam and the High Dam, during which they lost their homes, original lands and generations of their infants and elders.
8. The consequences of the displacement of Nubians and their disbursement to various locations were not manifested only through the physical and economic damage, the impact was far more profound. Those successive waves of displacement and eviction represented an overwhelming threat to an indigenous group of people with unique cultural characteristics that distinguished them from the rest of the Egyptian society. The uniqueness in which the Nubians were endowed was essentially due to the geographic and economic environment that evolved through history along the Nile in a way in which we can say it modeled the features character of Nubian culture. Consequently, displacing this population away from this special environment, and removing them to other habitats in which those conditions were not available, has threatened the essence of their uniqueness.
9. Adding to the cultural threaten, the new locations were contiguous with intervening Non-Nubian families with different customs and traditions. That led to a state of estrangement of the Nubians in this new community. In addition, lack of public facilities and failure to address non-arable land upon which those houses were built made them prone to frequent landslides and collapses.
10. A number of 5221 families have not been compensated for their confiscated homes and lands from 1963 and until now.
11. More than 45 years have passed from the last migration in 1963 and Nubian still struggle for their right to return to the closest point to their original lands around Naser Lake after the stabilization of the level of water of the lake.

III. The governmental policies towards Nubian People

12. Nubian people in Egypt are suffering from continued governmental policies of de-Nubianization through first; re-settling Arab groups in the lands that Nubians reclaim; second; pushing the Nubians into Arabicization through biased educational curricula at the expense of their own languages and culture; third, nursing a culture of complicity among the Nubian intellectuals to help facilitate these policies; forth, providing non adequate political representation of Nubians to the Egyptian government; fifth, not upholding its obligations in protecting Nubian people from discrimination acts.

III- Nubians'right to land and adequate housing

13. A serious disregard was the way in which the successive Egyptian governments dealt with the demands of the Nubian people to return to their original land, as the

³ See, PAN-AFRICAN, ISSUES IN CRIME AND JUSTICE; INTERDISCIPLINARY RESEARCH SERIES IN ETHNIC, GENDER AND CLASS RELATIONS 49 (Anita Kalunta-Crumton et al. eds., Ashgate Publishing 1st ed. 2004); and GAMES S. OLSON, THE PEOPLES OF AFRICA; AN ETHNOHISTORICAL DICTIONARY 448 (Greenwood Press 1996).

governments are favoring the logic of investment and profits over the human rights of indigenous people (Nubians) in the developmental projects constructed by the State on the banks of the lake. Now, the State is selling the reclaimed lands to Egyptian, Arab, and Foreign investors and resettling non-Nubians in the villages that the government is building on the land that the Nubian reclaim.

14. A serious governmental violation is that the government is changing the names of Nubian land and territories to Arabic names
15. Recently, the government only agreed to build new villages around Naser Lake for Nubians who have not been compensated yet for confiscating their homes and land since 1963. Mr. Mostafa Al-Sayed, Governor of Aswan, declared repeatedly "Nubians have no other rights to claim", however; Nubians claim for their right to return to the lands around Naser Lake as a natural extension of the existing Nubian villages in Com Ombo (the villages that they have been rehabilitated in), which is by no means suitable to preserve Nubian culture or to absorb the natural extension of Nubian families.
16. Even in building the new villages, the government does not consult Nubians community leaders about the location, the design, or even the economic activity of such villages. The government is building now these villages by cement, however; Nubians do not live in cement houses as they use natural materials that suitable to their culture and conditions. Thus, the new houses, that the government is building, are not culturally appropriate for Nubians.
17. Nubians declared repeatedly their refusal to the way that the government build these villages and they protested against the locations, however; the government is continuing the construction without listening to Nubians' demands.

IV- The right to education and the right to language

18. One of the most dangerous impacts of the governmental policies is the threat of the distinction of Nubian languages and culture. Thus, the new generations of Nubians do not speak Nubian languages any more with all what it means of losing the Nubian heritage. No governmental support is provided for Nubians to preserve their indigenous languages. Nubians have to communicate all governmental premises in the Arabic language, and there is not any educational programmes to teach children the Nubian language, history or heritage. Educational programmes do not mention Nubian culture or history at all in the educational curricula. The educational curricula are biased to the Arabic culture and language on the expense of the Nubian culture and languages.

VIII- Discrimination

19. Despite the fact that no discriminatory legislation in Egypt against Nubians on the grounds of citizenship, the constitution and the national laws do not recognize Nubians as a distinct group who entitled to special measures to protect their rights. For instance, the constitution recognizes only the Arabic language as the language of the state.
20. In addition, there is discrimination in practice against Nubians.⁴ Thus, Egyptian media or newspapers, whether governmental or private, often portray Nubians as servants,

⁴ See, Mohamed Jalal Hashim, *the Policies of De-Nubianization in Egypt and Sudan: an Ancient People on the Brink of Extinction*, 6 RESPECT SUDANESE JOURNAL FOR HUMAN RIGHTS' CULTURE AND ISSUES OF CULTURAL DIVERSITY 1, 2 (November-December 2007).

drivers, or gatekeepers or even slaves with very narrow minds.⁵ Almost no drama, whether public or private, presents the Nubian people's life despite, presenting the rest of Egyptian society. This has led to stereotypes in presenting negative images of Nubians.

21. The government does not play any role to change this discriminatory image of Nubians or to protect Nubians from discrimination by a third part.
22. Insulting Nubians by discriminatory verbal abuse existed even in the governmental premises. Recently, a governmental employee in the Youth and Sport Ministry insulted a Nubian man by calling him "Barbary" a word that similar to Negro. The official investigation ended by reserving the complaint of the Nubian man because "it is not important".

V- Consultation and the right to participate in the decision-making process

23. In the consultation process, the government relies only on the local council and the parliament members, who do not actually represent Nubian people because of the electoral system that does not allow Nubians people to deliver their representatives to the government, National Assembly or al-Shoura Council, as we will mention later. Accordingly, Nubians are prevented from their right to participate in the decision making process even in issues that affect their own life.

VI- The right to adequate political representation

24. The political representation of Nubians in the government or national assembly is very little due to the official division of the electoral provinces. Before the displacement and resettlement process, Nubians used to have separate electoral province that allowed Nubians to have a representation in the Parliament or al- Shoura Council. However, after the displacement and rehabilitation process because of the establishment of the High Dam, the government decided to merge the Nubian electoral province with another one (Com Ombo and Nasr al-Nuba). Accordingly, the population of Nubians has become very low compared to the non-Nubians who are living in the same province. This situation has led to great difficulty for Nubians to have adequate representation in the parliament or al-Shoura Council.
25. The Egyptian government never consulted Nubians about this decision or any other decisions that affect Nubians life.

VII- The economic situation and the right to work

26. The lack of development projects that Nubians can benefit from has led to poor economic conditions for them. Thus, men have to leave Nubian villages and migrate to urban areas to search for work. Hence, the lack of work opportunities has led young and adult Nubians to emigrate to other governorates especially, Cairo and Alexandria; and to some Arab and Western Countries. Such a situation leads to a disconnection between Nubians and their origins and the ignorance of the new generations about their own culture and language.

⁵ See, Ahmed Sukarno, *Nubia and Nubians in Movie and Egyptian Television* (Al-Nüba Ü Al-Nubīn fi A-Sīnīma Ü Al-Tilīfīziūn Al-Masrī) unpublished paper, introduced to the Conference (Nubians between Resettlement and Development): and *Wealth, Business and Slaves in Al-Hūdabī Family* (Al-thrūah Ü Al-business Ü Al-Abīd fi 'ailate Al-Hūdabī), Al-Fagr New Paper, issue no. 196, 30 March 2009, in which the newspaper mentioned that Al-Hūdabī Family used to have Nubian slaves. However, it is well documented that Nubians were never been slaves at any time of the history.

Recommendations

27. The government has a responsibility to respect, protect, promote and fulfill the rights of the Nubian people. If the government has the will to heal such violations, it has to recognize Nubians as an indigenous people who are entitled to peoples' rights under international human rights law. This could be done through adopting special measures for Nubians and similar peoples. The special measures would include providing amendments to the constitution to recognize the existence and the rights of indigenous peoples, and adopting or changing the existing laws in order to meet the rights of Nubians and similar peoples within the state and to provide access to the courts for them.
28. The recognition of the Nubians as an indigenous people is a precondition for the fulfillment of their rights. If the state recognized Nubians as indigenous people, then it has an obligation to respect, protect, promote and fulfill:
29. The right of Nubians to their traditional lands and natural resources and their right to restitution. This includes allowing Nubians to return to their traditional lands around the High Dam Lake at the same places of their traditional lands and under the same names of their traditional villages.
30. The right of Nubians to non-discrimination through adopting laws, raising the public awareness and provide access to remedy.
31. The right of Nubians to participate in the decision-making process in national policies regarding laws or projects that affect their way of life. This would include also the state's duty to respect and protect the customary law of Nubians and their community's local government, represented by their natural community leaders.
32. The right of Nubians to their culture, including their right to learn their own languages and Nubian heritage in schools. In this context, the state has to discuss and design the education curricula with the participation of Nubians and assist them in establishing their own educational institutions.
33. The right of Nubians to adequate representation in the government, including the separation of the electoral province of Nasr Al-Nuba Center from the electoral province of Kom Ombo.
34. The right of Nubians to development. This would include establishing and assisting Nubians to establish development projects that can benefit them.
35. The right of Nubians to establish their own political institutions such as a Nubian parliament. This institution would help in expressing the Nubians' concerns and negotiating with the Egyptian government about such concerns.