



Convention on the Rights of the Child

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Committee on the Rights of the Child

Fifty-seventh session

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Consideration of reports submitted by States parties under article 8, paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Concluding observations: Egypt

1. The Committee considered the initial report of Egypt (CRC/C/OPAC/EGY/1) at its 1624th meeting (see CRC/C/SR.1624), held on 6 June 2011, and adopted, at its 1639th meeting, held on 17 June 2011 (see CRC/C/SR.1639), the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's initial report under the Optional Protocol and the written replies to its list of issues (CRC/C/OPAC/EGY/Q/Add.1). While appreciating the constructive dialogue held with the State party, the Committee regrets that the delegation did not include representation from line ministries of relevance for the implementation of the Optional Protocol. In particular, it regrets the absence of the Ministries of Defence and Military Production which were both involved in the preparation of the report.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the third and fourth periodic reports of the State party under the Convention on the Rights of the Child (CRC/C/EGY/CO/3-4) and on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/EGY/CO/1).

I. General observations

A. Positive aspects

4. The Committee notes with appreciation:

(a) The declaration made at the time of ratification that the minimum age for conscription into its armed forces is 18 years;

(b) The adoption of the Child Law No. 12/1996 Amended by Law No. 126/2008, in 2008 (hereinafter “Child Law (2008)”), which obliges the State party to ensure “the protection of the life of the child, his safe and secure upbringing away from armed conflicts, and ensure that he shall not engage in any acts of war” (article 7 bis (b));

(c) The significant contribution of the State party to United Nations peacekeeping operations, as noted in its participation in all United Nations peacekeeping operations currently deployed in Africa;

(d) The active role of the State party in policy coordination, training and capacity-building relating to peacekeeping and conflict resolution for countries in the Arab region.

II. General measures of implementation

Legal status

5. While noting with appreciation that treaties ratified by the State party acquire the force of domestic law, the Committee is concerned that the State party has not fully incorporated the Optional Protocol into its domestic legislation.

6. **In light of article 6 of the Optional Protocol, the Committee urges the State party to fully incorporate the Optional Protocol into its domestic legislation.**

Coordination

7. The Committee is concerned at the lack of clarity regarding the governmental entity tasked with overall responsibility for the implementation of the Optional Protocol subsequent to the dissolution of the Ministry of State for Family and Population in January 2011. The Committee therefore shares the concern expressed by the State party in its written replies that effective and meaningful coordination of the implementation of the Optional Protocol is a major challenge, including systematic coordination between relevant ministries. While noting the role of the National Council for Childhood and Motherhood as “the national focal point” with respect to some activities related to the Optional Protocol, the Committee is concerned that the role of the Council in regard to coordination of the Optional Protocol is not well defined. The Committee further regrets information on the involvement of the Child Protection Committees at governorate and district levels and the National Council for Human Rights in coordination efforts.

8. **The Committee urges the State party to designate the governmental entity with overall responsibility for the implementation of the Optional Protocol and to put in place an institutional mechanism for effective coordination among ministries and other government entities with respect to the implementation of the Optional Protocol. In particular, the Committee recommends that the State party strengthen coordination between the National Council for Childhood and Motherhood, the Ministries of Defence, Military Production, Interior, Foreign Affairs (Refugee Affairs Department), Education, Justice, and Information. It also recommends that the State party ensure meaningful involvement of the Child Protection Committees in coordination efforts.**

Dissemination and awareness-raising

9. The Committee notes efforts by the National Council on Childhood and Motherhood and its Youth Network to raise awareness of the Optional Protocol, notably through the development of curricula for awareness-raising, civic education and training on the Convention and its two Optional Protocols. Notwithstanding these efforts, the Committee is concerned that the State party has not taken targeted measures to promote and disseminate the Optional Protocol among the public at large, and children in particular, and relevant State agencies. It is further concerned that the National Council on Childhood and Motherhood may lack the necessary resources to effectively disseminate and promote awareness of the Optional Protocol.

10. In light of article 6, paragraph 2 of the Optional Protocol, the Committee recommends that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated among the general public, children and relevant central and local authorities. To this end, the Committee recommends that the National Council for Childhood and Motherhood consider the establishment of a special unit or focal point for the Optional Protocol and provide it with the necessary technical, human and financial resources.

Training

11. The Committee notes as positive that human rights and child rights are included in training at the Military College and police colleges and in pre-deployment training sessions for military personnel participating in peacekeeping operations. While further noting information by the delegation that the Optional Protocol is also part of training for peacekeepers as well as for border guards, police and judges, the Committee is concerned that the Optional Protocol may not be specifically included in the training curricula for military and law enforcement personnel. The Committee is particularly concerned that training on the protection and rights of children in armed conflict, including the Optional Protocol, is inadequate. The Committee is further concerned at the lack of systematic awareness-raising, education and training on the Optional Protocol for military officials involved in recruitment as well as for prosecutors, immigration officials, staff in charge of asylum and refugee determination procedures and assistance, members of the Child Protection Committees, and social workers.

12. The Committee recommends that the State party:

(a) Introduce the Optional Protocol in modules on human rights and child rights in training programmes for members of the armed forces and for law enforcement personnel;

(b) Develop systematic education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children, in particular among military officials involved in recruitment, judges, prosecutors, immigration officials, personnel working with asylum-seekers and refugees, members of the Child Protection Committees and social workers.

Data

13. The Committee regrets the lack of data and statistics on many areas covered under the Optional Protocol, in particular the number of persons under the age of 18 voluntarily recruited into the armed forces of the State party, the number of children enrolled in military schools and refugee and asylum-seeking children who have been or may have been involved in armed conflict.

14. The Committee recommends that the State party establish a comprehensive data collection system on all areas relevant for the implementation of the Optional Protocol and to use the information and statistics collected as a basis for designing comprehensive policies and programmes with respect to the protection of children affected by and involved in armed conflict. The Committee recommends that the State party seek the assistance of the United Nations Children's Fund (UNICEF) in this regard.

III. Prevention

Compulsory recruitment

15. The Committee welcomes the State party's ratification of the African Charter on the Rights and Welfare of the Child which commits States parties to take all necessary measures to ensure that no child is recruited or take direct part in hostilities (art. 22, para. 2). The Committee notes that according to the National Service Act No. 127 (1980) military service of three years is compulsory for males between the age 18 and 30. The Committee is nevertheless concerned at the lack of clarity whether persons under the age of 18 are expressly prevented and prohibited from taking direct part in hostilities. In this respect, the Committee is concerned at the absence of a definition of "hostilities" and "direct participation" in domestic legislation. While noting that students in military schools are not classified as members of the armed forces and cannot be called into active service in the event of an outbreak of hostilities on the basis of article 96 of the Child Law (2008), the Committee is concerned that this provides inadequate legal protection against recruitment.

16. **The Committee recommends that the State party review its domestic legislation and military procedures to ensure that members of the armed forces who are under the age of 18 do not take direct part in hostilities in accordance with article 1 of the Optional Protocol. In this regard, the Committee further recommends that the State party define the concepts of "direct participation" and "hostilities" in relevant domestic legislation.**

Voluntary recruitment

17. Notwithstanding the statement by the delegation that voluntary recruitment into the armed forces of persons under 18 is prohibited under domestic law, the Committee notes that the State party's declaration upon ratification of the Optional Protocol that 16 years constitute the minimum age for voluntary recruitment into the armed forces is still in place and was confirmed in the written replies of the State party. The Committee further regrets the lack of information whether consent for voluntary recruitment by parents, guardians or custodians of the child is compulsory and specified in law. In view of the constraints in ensuring birth registration and other forms of identification documentation in the State party, in particular for street children, the Committee further expresses concern at difficulties for state authorities to identify the real age of recruits.

18. **The Committee calls upon the State party to inform without undue delay the Secretary-General of the United Nations on its new provision in domestic law which sets the minimum age of voluntary recruitment into the armed forces at 18 years and which will replace the State party's current declaration under article 1 of the Optional Protocol. The Committee recommends that in recruiting volunteers who have not yet attained the age of 18 years, priority be given to the oldest. If the age of the volunteer cannot be determined, he or she shall not be admitted into the armed forces.**

Military schools

19. The Committee notes the high number of military schools in the State party (30), including “military sports schools” and military schools under the joint supervision of the Ministries of Education and Defence. The Committee is concerned that Law No. 22 (1982) on Establishing Elementary Technical Military Schools permits children aged between 11 and 15 to enrol in certain military schools – despite a minimum age of admission of 15 years – provided that they have completed primary school education. In this regard, the Committee is deeply concerned at the lack of data on the number and age of children enrolled in military schools. While noting that the Child Protection Committees may undertake legal proceedings and report on violations of provisions of Law No. 22 (182), the Committee nevertheless regrets the lack of information on access to independent complaints and investigation mechanisms for children attending military schools. While further noting information that students enrolled in military schools follow the public education curricula, the Committee expresses concern that a clear prohibition on the use of firearms in military schools may not be in place.

20. **The Committee recommends that the State party:**

(a) Undertake a comprehensive review of all military schools under its jurisdiction with a view to ensuring their compliance with the provisions of the Optional Protocol;

(b) Amend Law No. 22 (1982) on Establishing Elementary Technical Military Schools and restrict by law the enrolment in military schools to children above 15 years or older, in line with the minimum age of enrolment;

(c) Establish a comprehensive registration system of all pupils enrolled in military schools which collects data disaggregated by sex, age, socio-economic background and geographical location, and which is centralized and regularly monitored;

(d) Consider regular joint monitoring of military schools by the Ministry of Education, the Ministry of Defence and the Child Protection Committees to ensure that such schools comply with the provisions of the Optional Protocol;

(e) Ensure that children attending military schools have adequate access to independent complaints and investigation mechanisms and are free to leave such schools at any point in time;

(f) Ensure a clear prohibition of training on the use of firearms in military schools.

Human rights and peace education

21. While noting with appreciation that the Ministry of Education has incorporated the subjects of peace and citizenship into the curricula of schools, the Committee regrets that human rights education, including the Optional Protocol, is not specifically incorporated in the primary and secondary school curricula or in the teachers’ training programme.

22. **With reference to its general comment No. 1 (2001) on the aims of education and in line the objectives of child education outlined in article 53 of the Child Law (2008), the Committee recommends that the State party include human rights education in the school curricula, with special reference to crimes covered by the Optional Protocol. The Committee further recommends that the State party consider and adopt a plan of action for the second phase (2010-2014) of the World Programme for Human Rights Education, focusing on human rights education and on human**

rights training for teachers and educators, law enforcement officials and military personnel (see A/HRC/15/28).

IV. Prohibition and related matters

Criminal legislation and regulations in force

23. The Committee takes note of information provided by the delegation that domestic legislation criminalizes the recruitment of persons under the age of 18 into the armed forces as well as by non-State armed groups. It further notes the State party's obligation under article 7 (bis)(b) of the Child Law (2008) to secure children a healthy and secure upbringing away from armed conflict and ensure their non-involvement in military activities and that article 96(1) criminalizes any person who puts the child's safety, morals, health or life at risk. Nevertheless, the Committee is concerned that there are no specific provisions in the State party's legislation prohibiting and criminalizing the recruitment of a person under the age of 18 or any other violation of the provisions of the Optional Protocol.

24. **In order to strengthen the national and international measures for the prevention of the recruitment of children by armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:**

(a) Explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;

(b) Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.

Jurisdiction

25. While noting information that the State party can exercise extraterritorial jurisdiction over the crimes under the Optional Protocol, the Committee is concerned that domestic legislation does not explicitly provide for this. The Committee also regrets that the State party has not yet ratified the Rome Statute of the International Criminal Court.

26. **The Committee recommends that the State party provide explicitly, within the Penal Code or otherwise, for extraterritorial jurisdiction over acts prohibited under the Optional Protocol, including conscripting or enlisting children into armed forces or armed groups, or using them to participate actively in hostilities, if such crimes are committed by or against an Egyptian national or a person who otherwise has a close link with the State party. Reminding the State party of its commitment under its universal periodic review (A/HRI/14/17/Add.1), the Committee also recommends that the State party ratify the Rome Statute of the International Criminal Court without undue delay.**

V. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

27. The Committee notes that almost a third of refugees and asylum-seekers residing in the State party are children, the majority having fled countries which are or have recently been affected by armed conflict and where children are known to have been recruited by State armed forces or by armed groups. While noting as positive the State party's programme for protection and integration of refugee children, the Committee is seriously concerned at the absence of official statistics and data on asylum-seeking and refugee children in the State party and at the lack of procedures to identify victims of crimes under

the Optional Protocol. The Committee notes with concern information by the delegation that the perceived stigma attached to offences under the Optional Protocol among refugee children pose challenges in identification efforts. Such circumstances seriously undermine the capacity of the State party to provide these children with the necessary assistance, including physical and psychological rehabilitation and social integration. The Committee is further seriously concerned at reports of forced returns of refugees, asylum-seekers and migrants among whom may be victims of crimes under the Optional Protocol, and at the risk that child victims of crimes under the Optional Protocol may be among those returned. It notes with interest the Memorandum of Understanding between the National Council for Childhood and Motherhood and the Catholic Relief Service on peace and civic education for refugee children and their families.

28. In light of its obligations under article 7 of the Optional Protocol, the Committee urges the State party to:

(a) Put in place a national system of data collection and registration of all asylum-seeking and refugee children under its jurisdiction;

(b) Establish an identification mechanism for children, including asylum-seeking and refugee children, who have been or may have been involved in armed conflict abroad, and ensure that personnel responsible for such identification are trained on child rights, child protection and interviewing skills;

(c) Provide children who have been or may have been involved in armed conflict with appropriate assistance for their physical and psychological recovery and their social reintegration;

(d) Immediately end any forcible return of children who may have been, or are at risk to become, victims of crimes under the Optional Protocol to their countries of origin;

(e) Implement the Memorandum of Understanding on peace and civic education for refugee children and their families;

(f) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF in this regard.

Arrest and detention of children under emergency legislation

29. The Committee welcomes the announcement by the Supreme Council of the Armed Forces that it intends to lift the state of emergency, in force since 1981, before Parliamentary elections scheduled for 2011. The Committee is, however, concerned that persons under the age of 18 can be arrested and detained under the Emergency Law (Law No. 162 of 1958) solely on the basis of suspicion of association with armed groups and transferred to military courts. The Committee notes with concern in this regard that article 122 of the Child Law (2008) gives the Supreme State Security Court, in exceptional cases, jurisdiction over children above the age of fifteen.

30. The Committee calls upon the State party to lift the state of emergency as indicated by the Supreme Council of the Armed Forces. It urges the State party to review Emergency Law No. 162 (1958) and the Child Law (2008) with a view to prohibiting criminal proceedings against children before military courts. In the meanwhile, the Committee calls upon the State party never to prosecute any person below the age of 18 solely for association with an armed group and to ensure that no child is held in military detention under Emergency Law No. 162 (1958).

Arms export

31. While taking note of the statement by the delegation that Egypt has not exported arms to countries involved in conflict, the Committee is seriously concerned at reports of export of small arms and light weapons by the State party to Sudan where children have been recruited by armed forces and armed groups. In this regard, the Committee is concerned at the lack of information with respect to legislation explicitly prohibiting and criminalizing trade and export of arms to countries where children are known to have been or are involved in armed conflict. The Committee is further concerned that the State party has not ratified the 2008 Convention on Cluster Munitions, the 2001 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, and the 1980 Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects.

32. **The Committee recommends that the State party:**

(a) Ensure the explicit prohibition of trade and export of arms, including small arms and light weapons, to countries where children are known to have been or are involved in armed conflict;

(b) Ensure that illicit activities, including the manufacturing and trafficking of small arms and light weapons, are criminalized, that records are maintained and firearms marked;

(c) Ratify the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, the Convention on Cluster Munitions and the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects.

VI. International assistance and cooperation

International cooperation

33. The Committee notes as positive the State party's very significant contribution to and participation in United Nations peace operations. It recommends that the State party, in its capacity as Rapporteur of the United Nations Special Committee on Peacekeeping Operations (C-34), promote and strengthen activities on the protection and rights of children in United Nations peace operations and promote synergy and coordination of United Nations initiatives related to the Optional Protocol. The Committee further recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General on Children and Armed Conflict and to explore increased cooperation with UNICEF and other United Nations entities in the implementation of the Optional Protocol.

VII. Follow-up and dissemination

Follow-up

34. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by

transmitting them to the Head of State, the Supreme Council of the Armed Forces, the Supreme Constitutional Court, the Council of State, the Parliament (both the Shura Council and the Majlis al-Sha'b), relevant ministries and to local authorities, as well as to Child Protection Committees and Sub-Committees at governorate and district levels respectively, for appropriate consideration and further action.

Dissemination

35. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VIII. Next report

36. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and these concluding observations in the next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
