



Convention on the Rights of the Child

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Committee on the Rights of the Child

Fifty-seventh session

30 May - 17 June 2011

Consideration of reports submitted by States parties under article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Concluding observations: Egypt

1. The Committee considered the initial report of Egypt (CRC/C/OPSC/EGY/1) at its 1624th meeting (see CRC/C/SR.1624), held on 7 June 2011, and adopted, at its 1639th meeting, held on 17 June 2011, the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's initial report, which was informative, analytical and self-critical, and the written replies to its list of issues (CRC/C/OPSC/EGY/Q/Add.1, 2011). The Committee appreciates the constructive dialogue held with the State party delegation.

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 report of the State party under the Convention on the Rights of the Child (CRC/C/EGY/CO/3-4, 2011) and on the initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/EGY/CO/1, 2011).

I. General Observations

Positive aspects

4. The Committee welcomes various positive measures in areas relevant to the implementation of the Optional Protocol, in particular:

- (a) The Child Law No. 12/1996 Amended by Law No. 126/2008 (hereinafter "Child Law (2008)"), which, inter alia, strengthens the legal protection of children against offences under the Optional Protocol;

- (b) The supplement to article 291 of the Penal Code providing for stringent penalties for the sale of children, forced labour of children and the transfer from a child of his or her organs or part thereof;
 - (c) The adoption of the Law No. 64 on Combating Trafficking in Persons, in 2010;
 - (d) The adoption of the Organ Harvesting and Transplant Act, in 2010.
5. The Committee also welcomes the progress achieved in the creation of institutions and adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including:
- (a) The establishment of the National Coordinating Committee for Combating and Preventing Trafficking in Persons, in 2007;
 - (b) The establishment of the Child Trafficking Unit in the National Council for Childhood and Motherhood, in 2007;
 - (c) The adoption of the National Plan of Action against Human Trafficking, 2011-2013.
6. In addition, the Committee notes with appreciation the ratification of the following international human rights instruments:
- (a) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), in 2004;
 - (b) The International Labour Convention No. 182 (1999) concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, in 2002.
7. The Committee further welcomes the State party's invitation extended to and cooperation with the United Nations Special Rapporteur on Trafficking in Persons, especially women and children, who undertook a mission to Egypt from 11 to 21 April 2010. The Committee also commends the State party for its leadership role in efforts to prevent and eliminate offences under the Optional Protocol in the Middle East and North Africa region.

II. Data

8. The Committee notes the acknowledgement by the State party that data collection on the offences under the Optional Protocol is a key difficulty in the implementation of the Protocol due to their "complex and delicate" nature (CRC/C/OPSC/EGY/1, para. 27) and the perceived stigma attached to the offences. While also noting efforts by the National Council for Childhood and Motherhood, including the completion of a national study on trafficking in persons (2010), studies on sexual exploitation of children and on "temporary" marriages, as well as the data base of the Ministry of Interior on crimes related to the Protocol on the internet, the Committee nevertheless remains concerned that data collection on offences under the Optional Protocol remains ad hoc, fragmented and seriously limited. The Committee is particularly concerned at the lack of data and information on child prostitution which obstructs the proper monitoring, assessment and prevention of offences under the Optional Protocol.

9. **The Committee urges the State party to:**

- (a) Further develop and centralize mechanisms for the systematic data collection in all areas concerning the implementation of the Optional Protocol;**

- (b) Put in place a coordinated system for the collection of data – disaggregated by age, sex, geographical location and socio-economic background – specifically on offences under the Protocol that cover all persons below the age of 18;**
- (c) Undertake qualitative and quantitative studies and analysis on the root causes and prevalence of all the offences under the Optional Protocol; and**
- (d) Seek the assistance of the United Nations Children’s Fund (UNICEF) and other UN agencies and programmes.**

III. General measures of implementation

Legislation

10. While noting as positive provisions related to the offences under the Optional Protocol in the Law on Combating Trafficking in Persons (2010), amendments to the Penal Code and the Child Law (2008), the Committee is concerned that these laws fail to specifically define and prohibit all the offences as provided in articles 1, 2 and 3 of the Optional Protocol.

11. The Committee urges the State party to continue its efforts to harmonize domestic legislation with the Optional Protocol. In particular, the Committee reminds the State party of its obligation under articles 1, 2 and 3 of the Optional Protocol to define and prohibit all cases of sale of children, a concept which is similar to but not identical with trafficking in persons.

National Plan of Action

12. The Committee welcomes the adoption of a National Plan of Action against Trafficking in December 2010, the launch of a National Plan of Action against Sale and Sexual Exploitation of Children and information by the delegation that an action plan on pornography and prostitution is currently being formulated and will be incorporated into both the National Plan of Action against Trafficking and the new ten-year National Plan of Action for Children currently under elaboration. The Committee is nevertheless concerned at the lack of a comprehensive plan addressing specifically all issues covered under the Optional Protocol.

13. The Committee recommends that the State party ensure that the new ten-year National Plan of Action for Children comprises a separate comprehensive programme of action targeting specifically all issues covered under the Optional Protocol and provide adequate human, technical and financial resources for its implementation. To this end, the State party should pay attention to the implementation of all provisions of the Optional Protocol, taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First, Second and Third World Congresses against Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro in 1996, 2001 and 2008, respectively.

Coordination and evaluation

14. The Committee notes that the National Council for Childhood and Motherhood is the highest authority for the coordination, follow-up and evaluation of implementation of the Optional Protocol. However, the Committee is concerned at its principal focus on child trafficking to the exclusion of other issues relating to the sale of children, child prostitution and child pornography as defined in the Protocol. While noting with interest the establishment of a national working group tasked to implement the National Plan of Action against Human Trafficking and ensure prosecution of offenders as well as a working group

under the Ministry of Communication to protect children from sexual exploitation through the internet, the Committee is concerned that systematic coordination between the National Council for Childhood and Motherhood and relevant ministries, including the Ministry of Interior's General Department for Child Protection, is not yet in place. It is further concerned that the role of the Child Protection Committees, mandated to monitor, report and follow up on child rights violations relevant to the implementation of the Optional Protocol has not yet been adequately utilized, largely due to their lack of regular funding and other resources.

15. The Committee recommends that the State party:

- (a) Take immediate measures to ensure that the National Council for Childhood and Motherhood is provided with the necessary human, technical and financial resources to enable it to effectively coordinate and evaluate activities relating to the implementation of the Optional Protocol;**
- (b) Strengthen cooperation and coordination on the Optional Protocol between the National Council for Childhood and Motherhood, the Ministry of Interior's General Department for Child Protection in particular, and other relevant ministries and government entities;**
- (c) Provide adequate human, technical and financial resources to the Child Protection Committees and Sub-Committees in order to enable them to fulfil their mandate in the implementation of the Optional Protocol.**

Dissemination and awareness-raising

16. The Committee notes as positive awareness-raising activities on child prostitution and pornography in particularly vulnerable rural areas by mobile units of the National Council for Childhood and Motherhood. The Committee is nevertheless seriously concerned at the lack of systematic and comprehensive dissemination and awareness-raising activities in the State party on the Optional Protocol, which contributes to a low level of understanding and awareness of the offences of sale of children, child prostitution and child pornography among the public, children and professional groups working with and for children. The Committee is all the more concerned in the light of information that the issues of sale of children, child prostitution and child pornography remain largely invisible and unspoken of in view of the socio-cultural sensitivity surrounding these crimes in the State party.

17. The Committee recommends that the State party:

- (a) Develop, in close cooperation with the community, children and child victims, information and education programmes on preventive measures and harmful effects of the sale of children, child prostitution and child pornography;**
- (b) Disseminate the Optional Protocol among all relevant professional groups, especially members of the police, judges, prosecutors, representatives of the media and social workers, and members of the Child Protection Committees and of the National Council for Human Rights;**
- (c) Undertake in-depth studies in different regions and sociocultural groups to identify specific obstacles and opportunities for advocacy and awareness raising on the offences of the Optional Protocol.**

Training

18. The Committee welcomes the comprehensive training programmes organized by the National Council for Childhood and Motherhood through the National Trafficking Coordination Committee on issues related to the offences prohibited under the Optional Protocol, but notes that such training activities are ad hoc and focus primarily on child trafficking, early marriage and “temporary” marriages, and child prostitution. It regrets that professional groups working with and for children, including members of the Child Protection Committees, civil servants working on children’s rights at the Ministries of Health, Justice, Social Solidarity, and Interior, police, social workers, judges and prosecutors, do not receive adequate and targeted training specifically on the provisions of the Optional Protocol. It further notes with particular concern that no evaluation has been undertaken with respect to the impact of these training programmes due to the social stigmatization attached to the offences under the Optional Protocol.

19. The Committee recommends that the State party allocate adequate and earmarked resources for multidisciplinary training programmes developed through a participatory process involving communities and other stakeholders on all areas covered by the Optional Protocol. Such training should be provided to all relevant professional groups, ministries and institutions working with and for children. The Committee further urges the State party to ensure systematic evaluation of all training programmes on the Optional Protocol with a view to enhance their impact and relevance.

Allocation of resources

20. While noting the budgetary allocations for some activities carried out by the National Council for Childhood and Motherhood, the Committee regrets the lack of information in the State party’s report on clearly identifiable budget allocations assigned to activities designated to implement the Optional Protocol by other line ministries, notably the Ministry of Interior and its General Department for Child Protection and the Ministries of Health, Social Solidarity and Local Development. In addition, the Committee regrets the absence of information relating to budgetary needs of and allocations to the Child Protection Committees and Sub-Committees.

21. The Committee recommends that the State party take all possible measures to ensure that sufficient resources are allocated for the implementation of the Optional Protocol. In particular, the Committee recommends that the Child Protection Committees, the Ministry of Interior’s General Department for Child Protection, law enforcement agencies and social protection centres be provided with adequate human, technical and financial resources necessary for their activities in respect of the Protocol.

IV. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)

Measures adopted to prevent offences prohibited under the Protocol

22. The Committee notes with appreciation information by the delegation regarding the draft bill on the surveillance and monitoring of child pornography on the internet which is due to be submitted to Parliament for adoption. While noting that poverty, social stigma, and “misguided gender perceptions” constitute major factors in the sale of children, child prostitution and child pornography, the Committee is concerned that existing laws, administrative measures, social policies and programmes of the State party are insufficient and do not adequately prevent children from becoming victims of these offences. This

situation is particularly worrisome in view of information by the State party that prostitution activities are on the increase and that children as young as 10 years may be affected.

23. The Committee is also seriously concerned at:

- a. The lack of adequate information with respect to preventive measures for children engaged in forced labour and in street situations;
- b. Reports that child domestic workers, who may be victims of sale, have been subjected to inhumane treatment;
- c. Reports of sale and transfer of organs among children in street situations and of abduction of children for organ transplantation;
- d. The limited capacity of the State party to monitor the adoption of children due to its illegal nature. In this regard, the Committee regrets that the State party has not yet ratified the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption; and
- e. The weak monitoring mechanisms available in the State party, in particular the insufficient use of the Child Protection Committees and of the labour inspection system of the Ministry of Manpower and Migration.

24. The Committee recommends that the State party:

- (a) Ensure concerted and coordinated activities by law enforcement agencies, the Specialized Child Prosecution Offices and the Child Protection Committees to prevent, detect and eliminate offences under the Optional Protocol;**
- (b) Strengthen poverty reduction and supportive social protection measures for poor families to prevent their children from becoming victims of the offences under the Protocol;**
- (c) Undertake comprehensive and multidisciplinary research among different socioeconomic and cultural groups on the nature and extent of sale of children, child prostitution and child pornography and, on the basis of the findings, adopt a comprehensive and targeted approach to prevent and address offences under the Optional Protocol;**
- (d) Consider increasing the number and power of labour inspection units to inspect private homes when there are sufficient reasons to believe that children are engaged in forced domestic labour;**
- (e) Amend the Labour Code and Child Law (2008) to specifically prohibit exploitative child domestic work, as recommended by the Special Rapporteur on Trafficking in Persons, especially women and children;**
- (f) Strengthen its mechanisms for monitoring the adoption of children; and**
- (g) Consider ratifying the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

Child Sex Tourism

25. In view of the problem of child sex tourism in the State party, the Committee is concerned at the lack of adequate legislative and administrative procedures and social policies to prevent child sex tourism and protect children from becoming victims. The Committee is further concerned at the lack of public awareness of child sex tourism, including awareness of the *WTO Global Code of Ethics for Tourism*, and the fact that no

company in the travel or tourism industry has yet signed up for the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. In this regard, the Committee reiterates the concern expressed by the Special Rapporteur on Trafficking in Persons, especially women and children, following her visit to Egypt in April 2010, at the lack of awareness-raising activities on safe tourism or child sex tourism in the State party (A/HRC/17/35/Add.2, para. 48). The Committee also regrets that the national *Charter of Honour for Tourism*, comprising standards and guidelines on preventing offences under the Optional Protocol, has not been widely disseminated.

26. The Committee urges the State party to establish and implement an effective regulatory framework and take all necessary legislative, administrative, social and other measures to prevent and eliminate child sex tourism. In this regard, the Committee encourages the State party to strengthen its international cooperation by multilateral, regional and bilateral arrangements for the prevention and elimination of child sex tourism. The Committee further urges the State party to strengthen its advocacy with the tourism industry on the harmful effects of child sex tourism, widely disseminate the Charter of Honour for Tourism and the WTO Global Code of Ethics for Tourism among travel agents and tourism agencies and encourage them to sign up for the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

V. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)

Existing criminal or penal laws and regulations

27. The Committee remains concerned that the domestic legislation does not fully incorporate all offences under the Optional Protocol and is not harmonised as regards the prohibition and criminalization of these crimes. In particular, it is concerned that the offences are brought under the legal framework on anti-trafficking rather than defined and criminalized as specific offences as required by the Optional Protocol, in particular articles 2 and 3. While noting new article 291 of the Penal Code (1937) and article 116 bis (a) of the Child Law (2008), the Committee is particularly concerned that the engagement of the child in forced labour and improperly inducing consent, as an intermediary, for the adoption of a child are not explicitly prohibited and criminalized in the domestic legislation in accordance with articles 2 (a) and 3 (1) (a) (c) and (ii) of the Optional Protocol.

28. The Committee recommends that the State party continue to revise and bring its Penal Code and other relevant legislation into full compliance with articles 2 and 3 of the Optional Protocol. In particular, the State party should prohibit and criminalize in the context of sale of children as defined in articles 2 and 3:

- (a) The engagement of the child in forced labour;**
- (b) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable legal instruments on adoption;**
- (c) Any attempt to commit any of these crimes and complicity or participation in any of these crimes.**

29. While noting cases of prosecution and conviction of perpetrators of the sale of newborn and infant children, child marriages and child abduction referred to in the written replies of the State party, as well as prosecution of cases of child prostitution and sexual exploitation of children, the Committee is concerned that comprehensive data were not provided in the State party reports on investigations, prosecution and punishment of perpetrators of all offences under the Optional Protocol. The Committee is also concerned

that limited access to justice, including legal aid and accessible complaints and reporting mechanisms, seriously limits investigation, prosecution and punishment of perpetrators of offences under the Optional Protocol.

30. The Committee urges the State party to take all necessary measures to ensure that crimes under the Optional Protocol are investigated and that alleged perpetrators are prosecuted and duly sanctioned. The Committee recommends that the State party provides specific information on investigations, prosecutions and punishments of perpetrators of offences under the Optional Protocol in its next periodic report.

Jurisdiction and extradition

31. While welcoming amended article 291 of the Penal Code which establishes extraterritorial jurisdiction with respect to the offences stipulated therein, the Committee nevertheless regrets that legislation does not explicitly allow extraterritorial jurisdiction for all the cases referred to in article 4, paragraph 2, of the Optional Protocol. The Committee also regrets that jurisdiction over offences under the Protocol necessitates double criminality. Furthermore, the Committee is concerned at the lack of information as to the possibility of invoking the Optional Protocol as legal basis for extradition and that, under the Code of Criminal Procedure, extradition is subject to the existence of a treaty between the State party and the requesting State.

32. The Committee recommends that the State party take steps to ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction, including extraterritorial jurisdiction without the criterion of double criminality, over the crimes under the Optional Protocol. The Committee further recommends that the State party consider the Optional Protocol to constitute a legal basis for extradition without the condition of the existence of a bilateral treaty.

Assets seizure and confiscation

33. The Committee is concerned that domestic legislation does not provide for the seizure and confiscation of goods used to commit or facilitate offences under the Optional Protocol as well as the proceeds derived from such offences in accordance with article 7, and that the law does not specifically provide for the closure of premises.

34. The Committee recommends that the State party ensure, including through the adoption of relevant legislation, the seizure and confiscation of materials, assets and other goods used to commit or facilitate any of the offences under the Optional Protocol, the seizure and confiscation of proceeds derived from them, and the closure of premises used to commit such offences, in accordance with article 7 of the Optional Protocol.

VI. Protection of the rights of child victims (arts. 8 and 9, paras. 3 and 4)

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Protocol

35. In addition to article 116 bis (d) of the Child Law (2008) protecting the rights of child victims and witnesses, the Committee welcomes the adoption of several protection measures, including training programmes on victim identification in prostitution and trafficking and training manuals and victim identification indicators. Nevertheless, the Committee is concerned that such efforts are insufficient and have not been adequately institutionalized, in particular in view of the State party's acknowledgment in its written

replies that children subjected to the offences under the Optional Protocol may not always be perceived as victims. The Committee notes with particular concern information by the delegation that elements of coercion or forced exploitation are necessary for children over fifteen who are involved in prostitution to be considered victims and that children in this age who enter into prostitution on their “own free will” are held responsible under domestic legislation which criminalizes prostitution. It is further deeply concerned at reports, albeit limited, that children exploited in pornographic activities have been victimized by being prosecuted.

36. The Committee recommends that the State party strengthen measures to protect the rights and interests of child victims of all offences under the Optional Protocol and, in particular:

- (a) Develop guidelines on child protection for personnel at Child Protection Committees at governorate and district levels respectively, social workers and law enforcement officials and ensure training on such guidelines;**
- (b) Establish mechanisms and procedures for the early identification of child victims of the offences under the Optional Protocol, including by establishing cooperation mechanisms between law enforcement agencies, relevant ministries and the Child Protection Committees;**
- (c) Ensure that child victims of offences under the Optional Protocol are not treated as offenders.**

Recovery and reintegration of victims

37. The Committee welcomes article 98 bis of the Child Law (2008) which stipulates that any person knowing that a child is at risk must provide immediate assistance to the child and article 22 of the Law on Combating Human Trafficking guaranteeing the protection of victims’ right to rehabilitation and reintegration into society. It also notes as positive measures taken by the State party to provide assistance to child victims of offences under the Optional Protocol, including a pilot trafficking victim support unit within the National Bank Hospital and through activities of the El Salam Centre for the Rehabilitation and Integration of Child Victims of Exploitation in Cairo which provides children with medical services and psychological counselling. Notwithstanding these efforts, the Committee is seriously concerned at the close to total absence of state-run shelters for child victims and that all identified child victims do not have access to appropriate care, assistance and remedies. The Committee is further concerned at the lack of information on compensation for victims of offences under the Protocol.

38. The Committee urges the State party to:

- (a) Strengthen the capacity of the National Council for Childhood and Motherhood to ensure and coordinate assistance and support to children victims of offences under the Optional Protocol;**
- (b) Expand the mandate of the Council’s Child Trafficking Unit to cover all offences under the Protocol;**
- (c) Take all necessary measures to ensure that child victims of the offences under the Optional Protocol are provided with appropriate assistance, including for their full social reintegration and physical and psychological recovery;**
- (d) Guarantee that all child victims have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9, paragraph 4, of the Optional Protocol,**

and establish a fund for compensation for victims, for those cases where they cannot obtain compensation from the perpetrator; and

(e) Seek technical assistance from UNICEF and the International Organization for Migration (IOM) in the implementation of these recommendations.

Helpline

39. The Committee welcomes information that the State party has established two helplines for children victims of offences under the Optional Protocol, one on trafficking and one on child pornography and internet abuse, and that it has created a web helpline (“Safe Child”) to prevent internet abuse.

40. The Committee recommends that the State party allocate sufficient resources to ensure continuity and sustainability of the existing helplines and ensure that they are fully accessible and known to all children throughout the country. The Committee further recommends that the State party conduct systematic training for persons operating the aforementioned helplines in order to effectively prevent and respond to cases of sale of children, child prostitution and child pornography.

VII. International assistance and cooperation

41. In the light of article 10, paragraph 1, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms to coordinate the implementation of such arrangements, with a view to improving prevention, detection, investigation, prosecution and punishment of those responsible for any of the offences covered under the Optional Protocol.

VIII. Follow-up and dissemination

Follow-up

42. 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, Supreme Court and 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 of concluding observations

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

X. Next report

44. In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and these concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
