



Convention on the Rights of the Child

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Summary record of the 1622nd meeting

Held at the Palais Wilson, Geneva, on Monday, 6 June 2011, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties *(continued)*

Third and fourth periodic reports of Egypt (CRC/C/EGY/3-4; CRC/C/EGY/Q/3-4)

1. *At the invitation of the Chairperson, the delegation of Egypt took places at the Committee table.*
2. **Mr. Badr** (Egypt) said that it was the first time that a delegation officially representing the new Egypt had appeared before a treaty body since the revolution of 25 January 2011. He welcomed the presence in the room of 11 representatives of the Egyptian Youth Network and of the famous Egyptian actress, Mona Zaki, an influential person, an advocate for freedom and someone his country was counting on to uphold children's rights.
3. Since the revolution, Egypt had made important breakthroughs, notably the referendum held on 19 March, through which 18 million people had voted in favour of a road map with the ultimate objective of making Egypt a country subject to the rule of law. The Supreme Council of the Armed Forces had pledged to hand over power to the President to be elected in September 2011.
4. Human rights were at the heart of the ongoing transformation. Two independent inquiry commissions had been established; one by the Government and one by the National Council for Human Rights. The reports that had been submitted by the commissions to the Office of the Public Prosecutor had led to criminal proceedings being instituted against those responsible, at all levels, for brutal repression of the demonstrations.
5. The Government was considering the possibility of signing or ratifying a number of international instruments after the parliamentary elections, including the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A review of requests for special procedures visits and treaty body recommendations was in progress and a team from the Office of the United Nations High Commissioner for Human Rights (OHCHR) had visited Egypt between 27 March and 4 April 2011.
6. **Ms. Mohsen** (Egypt) said that the National Council for Childhood and Motherhood, which was the national mechanism responsible for coordinating efforts to implement the Convention, conducted numerous activities promoting the rights of children, monitored the application of legislation to combat violations of children's rights and ensured wide dissemination of the concluding observations of the treaty bodies, which were the pillar of the policies and programmes developed and implemented by the Council since 2001. It coordinated the work of the ministries and various related entities, brought together communities, civil society, children, the media and donors to discuss which policies to adopt, and coordinated the drafting of periodic reports and written replies to lists of issues.
7. The National Council for Childhood and Motherhood had adopted a national strategy on children with the aim of guaranteeing child rights, the respect of children's best interests and their participation within the community. The Child Act, No. 126 of 2008, provided protection for the most vulnerable children. Egyptian legislation had been comprehensively reviewed to fully incorporate the provisions of the Convention and its Optional Protocols, which were used as the basis for programmes of the National Council and the training of the various actors. The framework document for the Second Decade for the Protection and Welfare of Egyptian Children (2000–2010) contained provisions for awareness-raising activities on the rights of marginalized children and the rights of girls, particularly with regard to education and protection against harmful traditional practices. Female genital mutilation had been made a criminal offence. School enrolment and

reintegration for girls were being encouraged, as part of the policy for the empowerment of women and the fight against early marriage and child labour.

8. The Council had also formulated various strategies and action plans, in particular on the protection, rehabilitation and reintegration of street children. The Council's activities had made it possible to prevent 3,000 early marriages between 2009 and 2010. A number of different authorities had been established, including an Advisory Committee on Forced Domestic Labour; a network aimed at developing, in conjunction with non-governmental organizations (NGOs), a plan to address the difficulties faced by street children; and a child trafficking prevention network. The National Council had also established the Egyptian Youth Network, which brought together more than 24,000 Egyptians of all ages, backgrounds and regions, divided into three groups: the youth coalition, the coalition of volunteers against the use of narcotics and the coalition for peer education.

9. Numerous telephone helplines had been set up since 2003 for use by disabled children, child victims of violence or anyone wishing to report an early marriage or a case of trafficking. In collaboration with authorities, research institutes, donors, civil society and children, the Council was currently working on the development of a 10-year national action plan for the protection of mothers and children, which would define priorities, responsibilities and roles.

10. She drew attention to the fact that Egypt had supported the preparation of a study on violence against children commissioned by the United Nations Secretary-General (A/61/299) by hosting three regional consultative conferences for the Middle East and North Africa. The Council was working with various development partners. Egypt was aware that the fight against poverty was a key issue, since it represented a major obstacle to the realization of many rights.

11. **Ms. Lee** (Country Rapporteur) outlined the follow-up to the Committee's concluding observations resulting from its consideration of the second periodic report of Egypt (CRC/C/65/Add.9) in 2001. The main advance had been the adoption in 2008 of Law No. 126/2008, amending Child Law No. 12/1996, which aligned the minimum age for marriage for girls with that for boys, namely 18; authorized mothers to register the birth of their child and obtain a birth certificate with their maiden name; criminalized female genital mutilation; and established Child Protection Committees at the governorate and district levels.

12. She welcomed the withdrawal of reservations to articles 20 and 21 of the Convention in 2003, the establishment of the National Child Rights Observatory in 2009, the creation of a National Committee to Combat Violence against Children, the organization of the Second Decade for the Protection and Welfare of the Egyptian Child (2000–2010) and the recent decision of the Minister of the Interior to grant Egyptian nationality to the children of Egyptians married to Palestinians, with the first phase covering six governorates (Alexandria, Damietta, North Sinai, Port Said, Ismailiya and Gharbiya).

13. She also welcomed the ratification of major human rights instruments, in particular the two Optional Protocols to the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), and thanked Egypt for its support for the preparation of a third Optional Protocol to the Convention on the Rights of the Child. However, the Committee remained concerned by the fact that Egypt had not adopted other important instruments, such as the Convention relating to the Status of Stateless Persons.

14. With regard to the 2008 law on children, she requested further information on the right of parents to chastise their children and on the minimum age of criminal

responsibility. She noted with concern that female genital mutilation constituted a crime but reporting of cases was not mandatory.

15. She enquired whether systematic coordination among ministries and between central and local authorities was ensured. She wished to know the composition of the National Council for Childhood and Motherhood and the budget that was allocated to it, as well as which ministry was responsible for coordinating children's issues. She also requested additional information on the status of the Child Protection Committees and the resources available to them.

16. She asked which provision prevailed in the definition of a child, since article 2 of the 2008 law on children and the 1948 Civil Code were contradictory. She expressed the Committee's concern regarding the death sentence handed down to a 17-year-old boy by the Supreme Military Court of Cairo in May 2011 and requested further information on Decree No. 11 adopted by the Supreme Council of the Armed Forces, which stipulated that the punishment for the rape of a minor was death by hanging, regardless of the age of the perpetrator. That was contrary not only to international law, but also to article 111 of the Egyptian law on children. She requested clarification on the situation of children injured during the uprising who had been refused treatment because they did not have an identity document.

17. Sectarian violence and religious tensions continued to exist. She requested further details on article 19 of the Constitution, which stipulated that religious education was one of the principal subjects in courses of general education.

18. **Mr. Gastaud** (Country Rapporteur) said that children made up 30 per cent of the Egyptian population. Since Egypt was experiencing a sudden and profound political, economic, social and sociological transformation, it was appropriate to assess the progress made in implementing child rights and the challenges that remained in that area.

19. Among the progress made, he drew attention to the strengthened legal framework; the increase in budgetary resources allocated to matters concerning children; the development of a number of national programmes and accompanying awareness-raising campaigns; the organization of educational meetings, conferences or seminars; the training of judges, social workers and teachers; the allocation of grants and pensions; and the refurbishment of schools and youth centres.

20. He stressed that a number of difficulties remained, such as the lack of legislation relating to persons with disabilities or protecting children from labour exploitation; disregard for laws prohibiting forced and early marriages, female genital mutilation and work by children under the age of 14; the age of criminal responsibility; and the lack of statistical data.

21. He asked the delegation to indicate whether there was any judicial review of compliance by legislation with the international instruments ratified by Egypt and how national plans and programmes were implemented at the governorate and local levels.

22. He enquired about the measures taken to ensure equal access to schools for girls and boys and for Egyptian and foreign children, as well as to promote access to education for children from poor families. He would also like to know what measures had been taken to combat violence in schools and prevent children from dropping out of school.

23. **Mr. Gurán** enquired how many complaints had been made by or on behalf of children to the National Council for Childhood and Motherhood and how many of those complaints had been acted upon. He asked whether the Council cooperated with the Statistics Office and whether it used statistics as a basis for assessing the progress made in implementing the Convention and formulating policies. He also wished to know if the Government was planning to ratify the Hague conventions, in particular the Convention on

the Civil Aspects of International Child Abduction and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

24. **Mr. Koompraphant** asked how the State party ensured that children were not victims of ill-treatment by law enforcement agents and how many agents had been brought to justice and convicted for such acts.

25. **Ms. Maurás Pérez** requested clarification on the sentencing to death of a minor by the Supreme Military Court and the adoption of Decree No. 11 of 1 April 2011, which authorized the death penalty for persons, including minors, who had been found guilty of the rape of a minor. She was concerned about the fate of children who had been injured during the recent events and of those who were detained by the military authorities, and requested information on the number of children being held and their age and sex, as well as on the measures the State party planned to take to address the situation. She considered that they should be brought before the civil courts, in accordance with Law No. 126 on children.

26. She was pleased that the Government had raised the minimum age for marriage from 16 to 18 for both boys and girls, but believed that “summer” marriages were continuing to take place. Those marriages constituted a form of child prostitution and she requested further information on the subject.

27. She enquired whether the Government intended to regulate certain private-sector activities, such as the tourism industry, export agriculture and the textile and footwear industries, all of which used informal, low-paid labour. Lastly, she asked the delegation to explain why maternity hospitals advocated and marketed breast-milk substitutes, since many years previously the State party had adopted a law implementing the International Code of Marketing of Breast-milk Substitutes.

28. **Ms. Al-Asmar**, expressing surprise that the National Council for Childhood and Motherhood collaborated with only about 170 of the 2,000 NGOs in the country, enquired about the criteria used to select those organizations. In addition, she wished to know the extent to which the Government had an influence on the independence and freedom of opinion of the NGOs that it supported financially. Taking into account the large number of services provided by those NGOs, she asked whether they ran the risk of becoming State contractors.

29. Noting that 96 per cent of children were registered at birth, she enquired whether any studies were taking place to establish why 4 per cent of births were not registered.

30. **Ms. Al-Shehail**, noting that children were tried by military tribunals, asked whether that procedure was to be reviewed and amended. Expressing concern that there might be public disturbances during the upcoming presidential elections, she asked whether the age of the persons arrested would be taken into account in judicial proceedings and whether any minors who were placed in detention would be separated from adult detainees.

31. **Ms. Sandberg** noted that the best interests of the child did not seem to be taken into account in decisions of the courts and administrative bodies. For example, in the award of custody of a child following the separation of the parents, the child’s age seemed to be a more important criterion than the child’s best interests. It would be interesting to know the measures taken by the State party to ensure that the principle of the best interests of the child was applied systematically.

32. **Mr. Pollar** asked if children’s views were always taken into account in matters that concerned them.

33. **Ms. Wijemanne** asked whether the current birth registration system ensured that all children, including abandoned and street children, were registered. She wished to know

whether the State party planned to prohibit corporal punishment and whether programmes had been developed to eliminate the practice within families, institutions and police stations. Lastly, she asked whether any measures were planned to expand the network of foster families.

34. **The Chairperson** enquired whether, as part of the new openness resulting from the revolution, the restrictions imposed on freedom of information, expression and association would be lifted or relaxed, and whether children would be able to exercise their right to privacy, in particular their right to have their image respected in the media.

35. **Ms. Lee** enquired whether it was planned to increase budgets for children's issues. Noting that a large number of children were living in institutions, she asked whether the State party intended to take measures to reduce that number; whether such children were monitored; and whether the institutions themselves were subject to assessment and supervision.

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

36. **Mr. Badr** (Egypt) noted that presidential and legislative elections would take place in September 2011 and said that he was unable to comment on the policies that would be implemented by the new government. However, the country was experiencing a period of transition and the decision makers were guided by the spirit of the revolution; the measures adopted would thus take into account the demands of the population with regard to respect for dignity, human rights, social justice and personal liberty.

37. **Mr. Bagato** (Egypt) said that international instruments signed by Egypt were immediately incorporated into its domestic law. The Supreme Constitutional Court had recognized the supremacy of international instruments over national laws. The new 2011 Constitution, which was based on the same principles as the 1971 Constitution, upheld respect for human rights, the rule of law and human dignity as supreme values.

38. The young man who had been sentenced to death by the Supreme Military Court had not been aged 17; at the time of the events he had been over the age of 21 and thus not covered by the juvenile justice system. Since 1983, Egypt, which had been the second country in the world to establish juvenile courts, had never sentenced a minor to death.

39. He noted that, since 2003, the law on nationality had been amended and now permitted Egyptian mothers to pass on their nationality to their child, regardless of the nationality of the father or the marital status of the parents. That provision of course applied to children with a Palestinian father; however, owing to complex administrative procedures, some of those children born since 2003 had retained their Palestinian nationality and had not taken Egyptian nationality.

40. The age of criminal responsibility was set at 15. Between the ages of 12 and 15, a minor implicated in a criminal case could not be given a custodial sentence, but could be subject to preventive and rehabilitation measures.

41. The difference between the age of civil majority, which was 18, and the age of majority laid down in the Code of Personal Status, which was 21, was due to practical considerations: at the age of 21, a person acquired full enjoyment and management of personal property and financial assets. Prior to the age of 21, a person had only restricted rights in those areas.

42. Egyptian law formally prohibited corporal punishment in schools. Parents had the right to use mild physical punishment, as long as such punishment did not cause any visible or durable injury or bruising and was not liable to inflict psychological trauma on the child.

43. **Ms. Al-Asmar**, noting that the State party's periodic report mentioned cases of child deaths caused by violence, asked what the authorities were doing to prevent such deaths and to prosecute the parents responsible.
44. **Mr. Gastaud** (Country Rapporteur) asked what a judge would do if there was an inconsistency between an international instrument and domestic law, in particular with regard to age limits. Referring to Decree No. 11/2011 on the implementation of articles 267 et seq. of the Criminal Code, which stated that the perpetrators of certain crimes and offences would be sentenced to death by hanging, he asked whether that also applied to juvenile offenders.
45. **Mr. Bagato** (Egypt) said that the decree in question did not apply to children; the punishments for minors were laid out in the Child Law. Juvenile offenders could not be sentenced either to death or to forced labour. The severity of the punishment handed down to an offender over the age of majority depended, in part, on the age of the victim.
46. He acknowledged that a number of cases of family violence went unreported, despite the obligation of all witnesses of violence to inform the relevant authorities. Since 2008, the punishment laid down by law had been twice as severe for acts of violence against children as for acts of violence against adults, and the judicial authorities did not show any leniency in that regard. A number of parents who had caused the death of their child had been sentenced to death.
47. **Ms. Lee** (Country Rapporteur) asked for clarification on the results of a joint study by the National Council for Childhood and Motherhood and the United Nations Children's Fund (UNICEF) in 2006 according to which 91 per cent of children had been beaten at school.
48. **Mr. Bagato** (Egypt) said that the State had established a number of administrative and legal procedures to enforce the legislation related to violence against children. However, the real problem was not a lack of repressive measures or prosecution, but rather the cultural aspect of the violence. Numerous awareness-raising and training workshops geared to judges, teachers and police officers had been organized, and civil society organizations and the media were endeavouring to change attitudes.
49. **Ms. Sandberg** asked whether there were any complaints mechanisms allowing children to report instances in which they had been the victim of abuse.
50. **Mr. Bagato** (Egypt) replied that there were numerous mechanisms in place in that regard, in particular the children's helpline number, 16000, which children could use to report acts of violence of which they were victims. In addition, children or their families could go to child protection units in police stations in order to make a complaint. They were also able to lodge a complaint directly with the Office of the Public Prosecutor or the Department of Education.
51. With regard to the hierarchy of laws, the Constitution was the supreme instrument within the domestic legal order; international instruments ratified by Egypt and national legislation had equal weight. In addition, certain major principles recognized by international human rights law were considered to have constitutional force and took precedence over domestic law.
52. **The Chairperson** said he wished to know whether all the provisions of the Convention took precedence over domestic law, given that the principles enshrined in the Convention were interdependent and could not be considered individually.
53. **Mr. Bagato** (Egypt) explained that a number of matters of regulation, such as the judicial procedure applicable to minors, came within the sphere of domestic law. On the other hand, basic children's rights, such as freedom of expression, the right to life, respect

for dignity and the right to information, were enshrined in the Constitution. All the provisions of the Convention were, however, applied and reflected in domestic law, the only distinction being the higher value accorded to the principles in question.

54. The constitutional declaration of March 2011 guaranteed freedom of expression, association, assembly and opinion. Those rights could be exercised without restriction by Egyptians of any age. Children and young people were free to form associations and express themselves in that context. Political parties were governed by specific laws and had their own age criteria.

55. **Ms. Aidoo** enquired as to the position of sharia within Egypt's legal system and asked whether it had any influence on legislation governing, in particular, the right to life and the death penalty.

56. **Mr. Bagato** (Egypt) said that the principles of sharia were the main source of law in Egypt. The Supreme Constitutional Court had ruled that those principles could not be interpreted by the legislator, although the legislator was still able to freely interpret all principles that did not form part of sharia.

57. Capital punishment could only be imposed on adults. There were four different doctrines within sharia regarding the age of criminal responsibility. Egyptian legislation had drawn on one of those doctrines to establish 18 as the age at which a defendant could be sentenced to death.

58. With regard to custody of children, the decision as to who would be entrusted with the child did not depend on the child's age. The Family Code established that a child should stay with his or her mother until the age of 15; after that point, the father could have custody if that was in the best interests of the child, who would be consulted.

59. **The Chairperson** asked whether, in accordance with article 3 of the Convention, the best interests of the child were taken into consideration in all circumstances, including in administrative procedures, regardless of the age of the child in question.

60. **Ms. Lee** (Country Rapporteur) noted that many children lived in institutions and asked what measures were planned to address that issue. Observing that the definition of disability was not consistent, she asked whether there were plans to adopt a comprehensive definition. Noting with concern that disabled children born before 1997 and children who were not part of the public education system were not covered by health insurance legislation, and that the constitutional declaration of 2011 did not include sex or disability as prohibited grounds for discrimination, she requested clarification from the delegation. She also wished to know why information on anatomy, reproductive health and sexually transmitted diseases had been removed from school curricula in November 2010.

61. She commended Egypt for its efforts in the area of teaching, while also deploring the persistence of inequalities and the inadequacy of public funding for the education system. She wished to know what share of the budget was allocated to education and what the State party planned to do in order to prevent school dropout between primary and secondary levels.

62. Child labour, particularly in the agricultural sector, was a source of concern. Setting the age from which children could engage in certain forms of work at 17 was contrary to the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). In addition, she requested clarification on the practice of temporary marriage and on the report that large numbers of young girls had been the victims of harassment and sexual violence.

63. She asked whether refugee and asylum-seeking children had access to free public education. She understood that, among the refugee population, only Sudanese children had

had access to primary and emergency health-care services and asked why those measures were not applicable to children of other nationalities.

64. **Mr. Gastaud** (Country Rapporteur) asked whether there were any juvenile courts and whether the judges received any special training. The delegation might also wish to explain why begging was treated as an offence.

65. **Mr. Kotrane** said he hoped that children would be the first to benefit from the advent of democracy in Egypt. Concerned by a report that 16 per cent of young married girls were under the age of 18, he noted that the new law of 2008 had led to some improvements but had not prohibited marriage before the age of 18. He asked what guarantees were provided by law to ensure that the best interests of the child were taken into account in disputes within mixed couples, regardless of the religion of the non-Egyptian partner.

66. He regretted that certain workers, such as domestic workers or workers in the informal sector, were not taken into consideration by national legislation, and were thus not subject to any control. With regard to children in conflict with the law, the delegation might indicate if there were plans to adopt legislation on pretrial detention that would take account of the situation of children.

67. **Ms. Herczog**, noting that maternity leave was very short and virtually only applied to civil servants, asked whether any amendments were planned as a result of recommendations by ILO and the World Health Organization (WHO). She also enquired what measures were planned for childcare when the mother returned to work after giving birth or taking maternity leave. The delegation could perhaps provide clarification on the childcare facilities available, particularly in rural areas. A very ambitious plan for young children had been announced in 2003 and it would be useful to know whether Egypt was continuing to pursue the objectives of that plan.

68. She regretted that no information had been supplied on the number of disabled children in institutions, or on the number of children deprived of a family environment. With regard to the abandonment of newborns, she asked what was known of the parents of such children and what prevention programmes had been established. She also wished to know the measures taken to give those children an identity.

69. **Ms. Nores de García**, noting that many children were abandoned, lived on the street or worked, asked whether Egypt planned to launch an awareness-raising campaign on children's rights. Referring to the high level of illiteracy among the population, including children, she noted that the level of education of the parents influenced that of the children and asked whether any measures had been taken to address illiteracy among adults. Lastly, 30 per cent of children under the age of 5 suffered from malnutrition; it would be useful if the delegation could indicate the measures planned to reduce that rate.

70. **Mr. Cardona Llorens** said that the situation of children with disabilities as described in the report was very worrying. Very few children had access to services or specific benefits and only 1.1 per cent of such children attended school. The solutions proposed by the previous government had excluded disabled children rather than helping them integrate into society. The delegation could perhaps outline the measures planned to include children with disabilities in the education system, indicate whether associations representing persons with disabilities and their families had been associated with the development of policies for disabled children, and specify whether the next budget would contain funding for disabled children.

71. Noting that the age of criminal responsibility was 15, he asked whether that meant that the Criminal Code was applied to children between the ages of 15 and 18, except for the most serious punishments, or whether specific norms were applied. He also asked

whether children aged between 15 and 18 were tried by the regular courts or by juvenile courts. He further enquired how the principles of protection of child victims of crimes were applied and whether those caring for such children, in particular judges and doctors, received special training. He also wished to know whether the telephone helpline for children who were victims of abuse was connected with other emergency services.

72. **Mr. Koompraphant** asked what social programmes were in place to help families in need, particularly single-parent families. He wished to know about the measures taken to prevent and combat sexual violence and the sale, abduction, trafficking and exploitation of children, as well as rehabilitation measures for victims of such acts. He asked whether there were plans for protection measures for vulnerable children.

The meeting rose at 1 p.m.