



Convention on the Rights of the Child

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Held at the Palais Wilson, Geneva, on Tuesday, 7 June 2011, at 10 a.m.

Chairperson: Mr. Zermatten

Contents

Consideration of reports of States parties (*continued*)

Initial report of Egypt on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued)

Initial report of Egypt on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

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

Consideration of reports of States parties (continued)

Initial report of Egypt on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) [CRC/C/OPSC/EGY/1, CRC/C/OPSE/EGY/Q/1; written replies by the State party to the list of issues (document without a symbol, distributed during the meeting, available only in English)]

1. *At the invitation of the Chairperson, the delegation of Egypt took places at the Committee table.*
2. **Mr. Koompraphant** asked what measures the State party had adopted to protect child victims of pornography, what factors made children more liable to exposure to pornography, trafficking or sexual exploitation and who was tasked with safeguarding the rights of the child victim in cases where the parents committed the offence.
3. **The Chairperson** wished to know whether victims and witnesses were protected against potential reprisals during criminal proceedings, and if the courts could order social reintegration measures or redress for the victim.
4. **Ms. Mohsen** (Egypt) said that there were no data on child prostitution but that a national action plan against child prostitution and pornography was being drafted. A data-collection mechanism had also been set up under the Child Rights Observatory of the National Council for Childhood and Motherhood.
5. **Ms. El Ashmawy** (Egypt) said that in 2008 the National Council for Childhood and Motherhood, in cooperation with civil society, had put in place a system for children based on fundamental provisions such as article 291 of the Criminal Code prohibiting the sale of children and child pornography, the Children's Code and which was inspired by ILO Worst Forms of Child Labour Convention, 1999 (No. 182).
6. The National Council for Childhood and Motherhood had organized buses that travelled to remote areas of the country to raise children's awareness of the dangers of the Internet and designed a textbook on the subject.
7. An emergency helpline had also been set up to encourage children to report any violence they suffered, thus enabling the Ministry of the Interior to establish a database on Internet-based child pornography.
8. In conjunction with civil society, staff of the Ministries of the Interior, of Foreign Affairs and public prosecutors received training on trafficking in persons. Awareness campaigns had been carried out in two test villages where prostitution and the sale of children were widespread and shelters for victims of prostitution, both girls and boys had been refurbished there. A pilot centre for child victims of prostitution had been founded in Cairo, where the practice was especially prevalent.
9. **The Chairperson** noted that sex tourism was not limited to Cairo and it was therefore advisable to establish such centres in other tourist areas.
10. **Ms. Aidoo** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked if shelters for child victims of prostitution had been built across the country and if the training programmes for staff explicitly referred to the Optional Protocol.
11. **Ms. Lee** asked what role the Child Protection Committees played in following up the implementation of the Optional Protocol and in providing the services stipulated in it.

12. **Ms. El Ashmawy** (Egypt) said that of all the information available to the Ministry of the Interior regarding child prostitution, only victims' names were kept confidential. As a result, the database was perfectly usable and allowed the Ministry to gauge the scope of the phenomenon. Furthermore, the two rehabilitation centres for victims set up in partnership with the International Organization for Migration were to be replicated across the country, and staff of the shelters managed by NGOs were trained in the principles of the Optional Protocol.
13. **Ms. Wijemanne** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether the State party was considering a mechanism to monitor child trafficking and prostitution on the Internet.
14. **Mr. Bagato** (Egypt) said that a bill jointly drafted by the Ministries of the Interior, of Communication and Information Technology and of Education on monitoring pornographic websites had been due for submission to parliament shortly before the revolution of 25 January 2011 and would therefore be submitted soon. The Government had also implemented parental control measures to avoid children accessing illegal content online.
15. The Child Protection Committees formulated general policy with regard to protecting children, collected data and developed plans, while other committees were more specifically tasked with protecting children from sexual exploitation and pornography by removing them from persons who could harm them and placing them in foster families, rehabilitation centres or institutions providing psychological and medical care.
16. The age for criminal responsibility was set at 15. Children from 15–18 years of age who were forced into prostitution by a third party were considered victims; only those who voluntarily engaged in prostitution without any incitement by an adult could be prosecuted.
17. **Ms. Lee**, seconded by **Ms. Wijemanne** and **the Chairperson**, said that the Convention made no provision for the possibility of minors consenting to prostitution; accordingly they could be nothing but victims of that offence.
18. **Ms. Mohsen** (Egypt) said that all the workshops and seminars for law-enforcement personnel, public prosecutors and social workers included training in the principles of the two Optional Protocols. The Child Protection Committees were responsible for collecting data on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, including via the emergency helpline.
19. **Ms. Aidoo** wished to know whether the State party had assessed the effects of its training and awareness programmes on the various population groups, such as street children, schoolchildren in poor areas and children from wealthy families. She asked if the Child Protection Committees were funded through the taxpayers and if so, if those funds were sufficient and whether they came from local or national authorities or the governorates.
20. **Ms. Mohsen** (Egypt) said that no such assessment had yet been carried out and that victims of prostitution and child pornography were still discriminated against, which explained why they seldom filed complaints. The funding for the Child Protection Committees was erratic and mostly came from the National Council for Childhood and Motherhood.
21. **Mr. Gastaud** wished to know if, given the transnational nature of trafficking in persons for purposes of sexual exploitation, the police services of the State party cooperated with their foreign counterparts in that field.
22. **Ms. El Ashmawy** (Egypt) said that all the Child Protection Committees drew up preliminary budgets on the basis of the awareness campaigns they were planning and met

twice a year to assess their respective activities and coordinate with their partners. The National Council for Childhood and Motherhood had formulated guidelines on better protecting children against the dangers of the Internet and avoiding their recruitment by prostitution rings.

23. **The Chairperson** recalled that several matters were pending, namely conformity of legal definitions with those of the Optional Protocol, in particular the definition of the sale of children, the terms of extradition and extraterritorial jurisdiction, as well as the protection of child victims and witnesses in criminal procedures.

24. **Mr. Bagato** (Egypt) said that the Convention and the Optional Protocol were an integral part of the domestic legal order and that all acts covered under the Optional Protocol were banned under Egyptian law, which was more restrictive in some respects than the Optional Protocol. The sale of children and the dissemination, sale and possession of child pornography — via the Internet or otherwise — were a criminal offence. Judges, police officers and public prosecutors were trained in the principles of the Optional Protocol. The Ministry of the Interior, the Ministry of Justice and the Office of the public prosecutor exchanged information on the sexual exploitation of children which could then be transmitted to the relevant foreign authorities for the purpose of international cooperation. It was prohibited to disclose any information about the identity of a child victim, witness or perpetrator of an offence covered under the Optional Protocol. Child victims and witnesses were heard in camera to ensure confidentiality, and hearings or statements could be made via videoconference for security purposes.

25. **Ms. Lee** asked whether seasonal marriages were covered by the law on trafficking in children and thus actively suppressed.

26. **Mr. Kotrane** asked if Egyptian courts were competent to hear actions for offences under the Optional Protocol committed abroad and involving an Egyptian national, either as victim or perpetrator.

27. **Mr. Bagato** (Egypt) said that seasonal marriages were considered a form of prostitution and sexual exploitation of children and as such were an offence under Egyptian law. Since the Criminal Code did not set out precise definitions based on those of the Optional Protocol, it was left to the judge to characterize the offence based on case law, doctrine and the international instruments to which Egypt was party. All Egyptian nationals were accountable to the law, regardless of where the offence was committed. The courts were therefore competent to hear cases involving acts committed abroad, in accordance with the principle of extraterritorial jurisdiction under the Children's Code.

28. **The Chairperson** asked whether the Optional Protocol could be grounds for an extradition request if no bilateral extradition agreement existed with a given country.

29. **Mr. Kotrane** requested clarifications on whether extradition was contingent upon the conclusion of a bilateral extradition agreement.

30. **Mr. Bagato** (Egypt) replied that there was no such provision in the Code of Criminal Procedure.

31. **Ms. El Ashmawy** (Egypt) said that rehabilitation measures for child victims were part of a support plan designed in agreement with victims and comprising the following services: psychological and social support, legal advice, vocational training assistance, family mediation and rehabilitation and reintegration assistance.

32. The issue of sex tourism, which had cultural roots and entailed a large number of intermediaries, was taken very seriously by the Government. The Ministry of Tourism was formulating a code of ethics for tourism which would be used to train labour inspectors, and

a memorandum would be signed shortly with a reputable tour operator which undertook to comply with the code of ethics.

33. **The Chairperson** asked if travel agencies and other tourism professionals were aware of their role in combating sex tourism and when the final version of the code of ethics would be published.

34. **Ms. El Ashmawy** (Egypt) replied that tourism professionals were participating in the formulation of the code of ethics which would be ready shortly.

35. **The Chairperson** asked if the State party punished the sale of children in itself since the offence of selling did not necessarily imply exploitation: the sale of organs or using adoption for fraudulent ends came under the scope of the sale of children.

36. **Mr. Bagato** (Egypt) explained that the sale of children was prohibited under Egyptian law. Any person found guilty of selling or purchasing a child or participating in such a transaction was liable to imprisonment for a minimum of 5 years.

37. **Ms. El Ashmawy** (Egypt) added that the sale of children under the guise of adoption was prohibited by law; cases had been reported and the perpetrators brought to justice. The National Council for Childhood and Motherhood had written a manual for maternity-ward staff, listing precautions to avoid situations that facilitated the sale of children and other illegal practices.

38. **Ms. Mohsen** (Egypt) said that the bill on the rights of persons with disabilities, drafted by all relevant state bodies and civil society, including associations for the disabled, provided a clear definition of disability. As part of a prevention and training campaign coordinated by the National Council for Childhood and Motherhood, methods of early detection of disability had been implemented during pregnancy and at birth. The plan was to equip each governorate with an early-detection centre within the next five years. The Ministry of Education was planning to outfit 500 schools with the necessary facilities to promote the integration of disabled children in mainstream schools. The National Council for Childhood and Motherhood had set up a helpline for receiving complaints from disabled children and providing them support and counselling. Under the Ministry of State for Family and Population, a plan of action for the rights of disabled persons with a focus on corporate social responsibility had been formulated in close cooperation with the Ministry of Investment. Lastly, thanks to crafts training and social reintegration through work, more than one hundred disabled persons had received vocational training.

Initial report of Egypt on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/EGY/1; CRC/C/OPAC/EGY/Q/1)

39. **Mr. Pollar** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) asked whether civil society organizations had participated in drafting the initial report and whether documents could be made available to the Committee demonstrating the application of the Optional Protocol, such as instructions to military personnel being sent on peacekeeping missions.

40. Referring to paragraph 9 of the report, he enquired how the State party implemented the Optional Protocol throughout the country and if the recruitment and participation of children in armed conflict were clearly prohibited under the law. He also wished to know whether the State party had established extraterritorial jurisdiction for these offences and how it coordinated the implementation of the Optional Protocol. Further details were needed on the mandatory enlistment process for those over 18 and at what age a recruit became a fully-fledged member of the armed forces. He also asked what documents were used to attest to and verify the age of a recruit.

41. He asked if the law provided for lowering the enlistment age in exceptional circumstances such as a state of emergency or war, and which of the legislative or executive branch would be responsible for such an amendment.

42. He also asked the delegation to indicate what measures had been taken to ensure that child refugees from inter alia Palestine, Eritrea, Sudan or Côte d'Ivoire were neither deported nor recruited by irregular armed groups or used in hostilities.

43. It would also be useful to know whether the State party provided assistance to countries in need of it, such as Sudan, Eritrea and Palestine, for implementing the Optional Protocol and whether it received any assistance itself or cooperated with UNICEF on matters relating to the Optional Protocol.

44. It was also relevant to know if the State party had a law prohibiting the sale and transfer of small arms and light weapons to countries notorious for recruiting or using children in hostilities. If Egypt did export such weapons, how did it ensure they did not fall into the hands of children?

45. He asked for further information on how the State party planned to ensure that the law authorizing the voluntary enlistment of children from the age of 16 complied with the African Charter on the Rights and Welfare of the Child which prohibits the enlistment of children under 18.

46. **Ms. Wijemanne** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) asked if the State party was re-examining its domestic legislation and military procedures with a view to incorporating the Optional Protocol, which body was tasked with following up on its implementation, and whether military and law-enforcement personnel were aware of its provisions. She asked the delegation whether any efforts were being made to create a database on children enrolled in military schools, whether measures had been taken to ensure zero tolerance for the recruitment of children under 18 into the armed forces, and if there were any protection, rehabilitation and reintegration programmes for children involved in armed conflicts.

47. **Ms. Nores de García** said that permitting children to enlist voluntarily from the age of 16 presented a risk to them, particularly asylum-seekers and refugees.

48. **Ms. Sandberg** asked what procedures had been put in place to identify children who had been recruited or risked being recruited into the armed forces and used in hostilities. Some sources contended that the State party conducted forcible removal of children to countries where they risked being used in hostilities, such as Eritrea, without giving them the opportunity to claim asylum or refugee status. She requested additional information on that matter and, should the information be corroborated, asked what the State party intended to do in order to comply with the Optional Protocol.

49. **Ms. Al-Asmar** asked if students in military schools received weapons training, were given the opportunity to file complaints for rights violations, could decide not to study at such schools, and if the Ministry of Education had oversight of those establishments.

50. **Ms. Al-Shehail** asked if the State party was considering drafting a law to protect children in the context of the fight against terrorism and if children had been detained under the Emergency Law which provides for the arrest of children linked to terrorist groups. According to some sources, approximately 5,000 people were being detained under that law, including children under 18.

51. **Mr. Cardona Lloréns** asked why voluntary enlistment of children over 16 was permitted in a country that was not involved in any armed conflicts.

52. **Ms. Lee** asked if the Child Protection Committees had unimpeded access to military schools and whether children who did not possess documentation proving their age, such as street children, were able to join a military school or volunteer for the armed forces.

53. **Ms. Aidoo** commended the State party for its contribution to peacekeeping missions, on the African continent and elsewhere, and wondered if the military and police officers who participated in such missions were trained in the Optional Protocol. If so, was the training provided solely by the Ministry of Defence or also by the National Council for Childhood and Motherhood and children's rights specialists? She also asked if staff on peacekeeping missions were trained to identify children who had been used in hostilities and ensure that they received the requisite protection.

54. **Mr. Pollar** asked whether Egyptian law included a definition of the term "direct participation" and what concrete measures existed to avoid the direct participation in hostilities of a child under 18.

55. It would be useful to receive disaggregated data on youths who volunteered for the armed forces, according to gender, age, region of origin, social or ethnic origin, and rank occupied. He asked if there were administrative guidelines stipulating that, among children under 18 who wished to enlist, priority be given to the eldest.

The meeting was suspended at 11.40 a.m. and resumed at noon.

56. **Ms. Mohsen** (Egypt) said that many measures had been taken to raise awareness of the Optional Protocol among the military, police officers and children.

57. Students in military schools were under no obligation to join the armed forces and under no circumstances would be made to take part in any hostilities or wars that broke out during their training in such schools.

58. **The Chairperson** asked whether the military schools came under the Ministry of Education or the Ministry of Defence, if the students underwent weapons training, what their status was and whether they were subject to military discipline.

59. **Ms. Mohsen** (Egypt) replied that military schools were run jointly by both Ministries and the curriculum was the same as in public schools, with additional sports activities. None of the Egyptian military schools offered weapons training.

60. Child Protection Committees could act on complaints of rights violations committed in military schools. There were approximately 30 military schools in Egypt but no data was available as to the number of students enrolled.

61. Contrary to information given in the initial report, it was not possible to enlist voluntarily before the age of 18.

62. Youths without documentation proving their age, such as an identity card or birth certificate, could not enlist in the armed forces; therefore there was no risk that street children would be recruited.

63. **Mr. Bagato** (Egypt) said that the National Military Service Act, amended in 2010, stipulated that only persons over 18 could perform their military service. In practice, most persons doing their military service were over 20. The law did not provide for lowering the recruitment age when a state of emergency was declared.

64. Egypt had no small arms and light weapons industry. All arms exports were subject to an agreement with the importing country which required parliamentary approval. There had been instances of Egypt supplying military equipment other than small arms to other Arab countries for defence purposes, such as Kuwait. It did not export small arms to countries embroiled in armed conflict and in which children might be used in hostilities.

65. In addition to the subjects taught in public curricula and the additional sports activities, students in military schools were taught military science to prepare them for the armed forces should they choose to enlist.
66. Any Egyptian national who recruited or attempted to recruit a child under 18 into the armed forces or an armed group, in Egypt or abroad, was liable to prison.
67. **The Chairperson** asked if the ban on recruiting children under 18 into the armed forces or an irregular armed group was covered in the Criminal Code or military law.
68. He emphasized that if the State party did not in fact authorize volunteer enlistment in the army until the age of 18, the statement made upon becoming a party to the Optional Protocol — which set the age at 16 — should be rectified.
69. **Mr. Bagato** (Egypt) said the ban on recruiting children under 18 into the armed forces or irregular armed groups was covered under the Criminal Code, the Children's Code and military law.
70. The law prohibited the recruitment of refugee children into the armed forces and there was no information to suggest that any such cases existed in Egypt.
71. **The Chairperson** wished to know how child refugees involved in an armed conflict outside Egypt were identified and what support they received.
72. **Ms. El Ashmawy** (Egypt) said that a Catholic relief organization had set up an assistance programme for refugee families, including families from Iraq, Sudan and Eritrea. Children received study grants and psychological support. The goal of the programme was also to fight discrimination and promote peace and tolerance, in accordance with the Paris Principles, the resolutions of the Human Rights Council and the African Union Charter.
73. **The Chairperson** asked whether child refugees had ever been deported to a country where they risked enlistment in armed groups.
74. **Mr. Pollar** recalled that the Optional Protocol applied to refugees involved in hostilities in a third country and that it was thus necessary to identify them.
75. **Ms. El Ashmawy** (Egypt) explained that children bore the scars of combat which made it easy to identify them. The main difficulty was their reluctance to submit to malaria and HIV/AIDS testing.
76. **Ms. Mohsen** (Egypt) said she did not know whether children were currently being detained under the martial law in force under the state of emergency or, if they were, how many were concerned.
77. **Mr. Bagato** (Egypt) said no children were being detained in military prison and that the Supreme Council of the Armed Forces had already released many children. The Children's Act stipulated that child detainees be placed in penitentiary facilities for minors.
78. **The Chairperson** wished to know if the military received training on the Optional Protocol, if there was concomitant training in mainstream education, and how peace and citizenship training was integrated into mainstream education.
79. **Ms. Mohsen** (Egypt) said that the peace and citizenship plan, launched in 2008 with the establishment of the Ministry of State for Family and Population, did not include a programme exclusively devoted to the Optional Protocol but that members of the Egyptian Youth Network were responsible for raising awareness among children of the Convention and both Optional Protocols. Peacekeeping personnel, border guards, judges and police officers were routinely trained in the provisions of the Optional Protocol on the involvement of children in armed conflict.

80. **Ms. El Ashmawy** (Egypt) noted that two regional conferences on combating the involvement of children in armed conflict and on child refugees had been held in Egypt.

81. **Ms. El Laban** (Egypt) referring to paragraphs 104, 105, 108 and 109 of the periodic report (CRC/C/EGY/3-4) described how vital the participation of children was to the child policy of the National Council for Childhood and Motherhood. Nearly 24,000 young Egyptians between 15 and 21 participated in the various networks run by the National Council, namely the anti-narcotics network, the Youth Network, the National Child Rights Observatory network, and the Y-PEER network. The Committee's general comments Nos. 10 and 12 relating to Children's rights in Juvenile Justice and the right of a child to be heard, as well as the United Nations Economic and Social Council's Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (E/2005/99) had been reformulated for a child audience.

82. **Ms. Lee** (Country Rapporteur for the Convention on the Rights of the Child) said that the revolution could provide an opportunity to design new programmes and laws to hasten the implementation of international commitments, which were valid in all situations. Children's rights should always be a focal concern and the National Council for Childhood and Motherhood should always be sufficiently endowed to act independently and shape decision-making by ministries and local authorities. She called for the establishment of an independent and accessible children's rights monitoring mechanism, the strengthening of Child Protection Committees at all levels and the launch of an independent investigation into the demonstration-related deaths and of criminal proceedings against the perpetrators. She urged the State party to resist pressure to repeal certain provisions of the 2008 law modifying the Children's Act, particularly regarding the criminalization of female genital mutilation, and to bolster its legal and institutional system for protecting and promoting children's rights.

83. **Ms. Aidoo** stressed that it was crucial to continue the actions undertaken to protect children and that priority should be given to poverty and the social and cultural barriers to the enjoyment of children's rights.

84. **Mr. Pollar** recalled that the goal of the Optional Protocol was preventive and insisted that Egypt should be the region's forerunner in that regard.

85. **Ms. Mohsen** (Egypt) assured the Committee of Egypt's resolve to use its comments and final observations to continue formulating a national action plan for children, improving domestic legislation and implementing programmes for children, and reiterated its commitment to transparency.

86. **The Chairperson** commended Egypt for its determination despite the political transition period and told the Youth Network representatives in attendance that they were hitherto ambassadors tasked with transmitting to all Egyptian children what they had heard during the dialogue.

The meeting rose at 12.55 p.m.