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STATE PARTY EXAMINATION OF EGYPT'S INITIAL PERIODIC REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

57TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
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Egypt ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 12 July 2002. On June 8 2011, the Committee on the Rights of the Child (the Committee) examined the initial report of Egypt.

Opening Comments

The delegation of Egypt was led by Dr. Lamia Mohsen, Secretary General of the National Council for Childhood and Motherhood. She was supported by a delegation consisting of representatives of the Ministry of Justice, The National Council on Childhood and Motherhood, the Egyptian Youth Network and the Permanent Mission in Geneva.

The Rapporteur, Ms. Aidoo, appreciated the initial report covering the period from 2004 to 2009, which she commented was informative, analytical and self-critical. Ms. Aidoo commended the efforts made by the State to implement legislative measures protecting children from the OPSC-related offenses and summarised that the amendments to the Penal Code imposed severe penalties for violations of children's rights; that there was a comprehensive law to combat human trafficking; and the adoption of the Organ Harvesting and Transplant Act. Ms Aidoo stated that Egypt had played a significant role in Arab, Middle Eastern and African countries in the move towards the criminalisation and eradication of female genital mutilation.

General Measures of Implementation

Dissemination and training

The Committee was concerned that significant efforts made in training focused on human trafficking and not on the sale of children, child prostitution and child pornography. The Committee asked whether the OPSC was referenced during training and whether it had been widely disseminated. The Committee commented that education was an important tool to highlight the problems of sale of children, child prostitution and child pornography and asked what methods were utilised for effective dissemination of the OPSC and a sustainable long-term education programme on the harmful effects of these phenomena on children. The Committee also asked whether relevant professionals were obligated to report offenses. The Committee emphasised that. The Committee asked how constraints regarding coordination and lack of resources would be managed.

The delegation stated that the National Council on Childhood and Motherhood had mobile units that were utilised to disseminate information, raise awareness and implement the National Plan of Action against Human Trafficking. The delegation added that ‘red zones’ – areas identified for high rates of child marriage and child prostitution – were targeted for dissemination and awareness-raising. The delegation added that the Ministry of Interior had on-going training procedures and that awareness seminars on the Convention on the Rights of the Child (CRC) included information on the OPSC and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC). Awareness seminars targeted police, prosecutors and social workers. The delegation stated that the Child Protection Committees were mandated by law to report offenses committed against children and follow up on the information provided.

The Committee asked whether the training and awareness seminars had been evaluated in relation to their effectiveness amongst different groups of children such as school children in poor areas and street children. The delegation answered that no evaluation had been carried out regarding the impact on children and their families.

Legislation

The Committee asked whether the National Plan of Action against Sale of Children and Child Exploitation was different from the National Plan of Action against Human Trafficking that would be implemented between 2011 and 2013.

The delegation responded that the National Council on Childhood and Motherhood worked with the Ministry of Interior, civil society and NGOs to combat trafficking. The National Plan of Action against Human Trafficking targeted child prostitution, sale of children and sexual exploitation of children through the internet in accordance with the OPSC and the ILO Convention 182 on Child Labour.

Coordination and monitoring

The Committee requested information on the nature and level of coordination among different ministries for the implementation OPSC. The Committee asked whether there was coordination between the Ministry of Interior’s General Department of Child Protection with the Child Protection Committees. The Committee asked for more information regarding the role of Child Protection Committees in relation to monitoring and providing services for children.

The delegation responded that the Child Protection Committees were able to monitor the prevalence of sexual exploitation of children, child pornography and child prostitution,

gathering statistics and implementing plans. The delegation added that children were able to ask for a restraining order to protect themselves from offenders.

The Committee was interested in the Child Protection Committees as they were important in the decentralised administration and monitoring system. The Committee asked whether the Child Protection Committees received an adequate budget and human resources. The delegation responded that the Child Protection Committees worked with the Ministry of Local Development, with an irregular budget from the National Council on Childhood and Motherhood.

Data Collection

The Committee stated that a database was necessary to monitor the child violations under the OPSC. The Committee stated that the studies and mechanisms which related to children's rights under the OPSC had been minute and incomplete, adding that some data from the Ministry of Interior was confidential and could not be disseminated. The Committee asked how protection of children could be enlarged if there was insufficient data relating to existing centres working for child protection.

The delegation replied that there was ample research on sexual exploitation but that there was limited data. The National Plan of Action on Human Trafficking aimed to create a database. The delegation said the identity of the victims and witnesses, pictures of the victims in the data collected were confidential. The Ministry of Interior was capable of using other information to illustrate the extent of the problem and the measures to address it. The data was used to prosecute the offenders and to train police officers.

Prevention

Sex Tourism

The Committee noted that while more than 12 million tourists visited the State in 2009, which was beneficial to the economy, tourism exposed young girls between the ages of 10 and 15 to the phenomenon of 'summer marriages'. The Committee stated that the problem of sex tourism extended throughout the State. The Committee emphasised that sex-tourism was prohibited under article 10 of the OPSC and asked what measures were being implemented to address sex tourism.

The delegation responded that seasonal or 'summer' marriages were a form of prostitution and were criminalised under Egyptian Law. A study had been conducted to understand the cultural roots of sex tourism. The delegation added that inspectors were trained on a code of conduct regarding sex tourism.

The Committee asked whether the companies and brokers involved in sex tourism were aware or involved in the protocol. The delegation responded that it was a code of ethics that tourism business would sign up to, which sought to protect children from sex tourism. The business community and tourism professionals were aware of the process.

Internet

The Committee noted that the internet was used for soliciting and networking for child trafficking purposes. The Committee asked whether there were any plans implement a system of cyber surveillance to combat child prostitution.

The delegation responded that there was a draft bill by the Telecommunications Ministry and

the Ministry of Justice related to surveillance and monitoring of pornographic sites on the internet. The delegation added that the National Council on Childhood and Motherhood prepared guidelines for safe usage of the internet and trained family members and parents to follow-up on children's internet use. The delegation added that there was an international conference in 2009 related to the exploitation of children through the internet. The Minister of Telecommunications called for experts to study and follow up on this crime.

Prohibition and Related Matters

Definition of offenses

The Committee was concerned that the definition of offenses was only covered under Law 64. The Committee noted confusion in the definition of human trafficking as it extended from sale of children, to begging. The Committee stated that Law 64 was in accordance with the Palermo Protocol ratified by the State in 2004 yet there was no reference to the Palermo Protocol in the related definitions. The Committee asked for statistical information regarding the sale of children, including new born babies and migrants. The Committee referenced the definition of pornography and exploitation in the OPSC and expressed concern that the legislation protecting children did not criminalise all offenses named under article 3 of the OPSC such as illegal adoption of children, and the role of the mediator in the sale of children.

The delegation said the State had embraced the broadest definition of offenses including those provided by the OPSC. The Egyptian law considered international conventions part of domestic law. When Egyptian law criminalised an act it either adopted the same definition in the international convention or increased criminalisation to cover all crimes. In these cases the level of criminal liability may be increased for perpetrators, to provide more protection to children.

Prostitution

The Committee was concerned that the number of children in prostitution, especially those from poor families, was increasing. The Committee noted the legislation that prohibited prostitution and addressed the gender stereotypes that existed in the State. The Committee asked whether the State prosecuted the perpetrators of forced child prostitution, while protecting children as victims, not offenders.

Extraterritorial Jurisdiction

The Committee stated that the OPSC required States to expand jurisdiction to enable prosecution of crimes that were perpetrated outside of the State if the victim is a resident of the State. The State Report did not indicate whether this provision had been reflected in national legislation. The Committee asked for clarification on whether the State had extraterritorial jurisdiction. The Committee asked whether extraterritorial jurisdiction extended to Egyptian offenders in another State or when an Egyptian child was harmed in another State.

The delegation said the State had regional territorial and personal competence over certain crimes such as trafficking of children not committed in Egypt and by non-Egyptians.

Extradition

The Committee stated that extradition was only possible where bilateral extradition agreements existed between Egypt and the country concerned. The Committee asked whether

there were measures in accordance with the OPSC to make the OPSC the basis of prosecution of offenders that were extradited. The Committee asked whether police officers were able to exchange information concerning offenders from other States.

The delegation said the Department of Transcooperation in the Ministry of Justice and the Ministry of Interior exchanged information regarding offenders of sexual exploitation from different countries.

The Committee asked whether the State extradited criminals from countries that Egypt did not have bilateral agreements with. The Committee asked whether the State was obliged to sign such an agreement with the concerned country in order for an extradition to be able to take place. The delegation said that Egyptian criminals are held accountable by Egyptian laws and foreign offenders in Egypt are extradited to the country where the crime was committed. The delegation stated there was no requirement in the Egyptian law for an extradition agreement with another country.

Protection of the Rights of Victims

The Committee asked what measures were available to protect victims of sale of children, child pornography and child prostitution and whether victims of child pornography were treated as offenders. The Committee also asked what risk factors made children vulnerable to become victims of sale, child pornography and child prostitution. The Committee inquired who protected the children.

Victim Compensation

The Committee welcomed the anti-trafficking law which established a fund for child victims and inquired about how often and to what extent child victims received compensation. The Committee asked whether children were aware that they could seek compensation.

Victim Support

The Committee stated that the services available for recovery catered to a small number of children. There was no indication of the availability of psychological services for children that had been victims of OPSC-related crimes. The Committee asked what measures the State would take to provide these services. The Committee also asked what technical support or expertise was extended by the helplines available for children. The Committee inquired how children were rehabilitated.

The Delegation said there was a shelter available for rehabilitation of girls and boys located in the capital city as this was the main area in which child prostitution, sale of children and child pornography occurred.

The Committee asked whether the prototype shelter established was in use and had been duplicated by civil society. The delegation answered that two shelters had been created with collaboration from the International Organisation on Migration, which provided support for victims and could be replicated throughout the State. The delegation added that psychological assistance was provided for families in shelters for children. Child victims of sexual assault were questioned in closed, confidential rooms. The delegation added that rehabilitation programmes focused on the best interest of the victim and provided vocational training and family reintegration.

International Assistance and Cooperation

The Committee asked for examples of concrete agreements with neighbouring countries to prevent child sex tourism and child labour. The Committee asked how the State cooperated with other countries to bring offenders to justice.

The delegation responded that there was international cooperation.

Other Legal Provisions

The Committee asked what legal measures were taken to ensure that child victims and child witnesses were protected from reprisals. The Committee asked how access by children to courts was facilitated.

The delegation stated that the age of criminal responsibility was 15, but that children between the ages of 15 and 18 involved in sexual exploitation and prostitution were treated as victims. The delegation stated that there was a small percentage of children that participated in prostitution voluntarily and that these children were held accountable for their actions under the law if they were over the age of 15.

The Committee responded that under the OPSC any child under the age of 18 involved in prostitution or pornography was protected by the OPSC and considered a victim. There was no element of voluntary participation or consent for children in the OPSC. The Committee emphasised that a child under the age of 18 was considered an adolescent by the World Health Organisation, the CRC and other international conventions. The Committee urged that these standards be upheld. The delegation stated that there was a difference between use of pornography and exploitation of children in pornography. The State did not have any statistical data of cases in which children were viewed as perpetrators but if there was no incitement, intervention or confinement from adults the state did not view these children as victims.

Concluding Remarks

The Co-Rapporteur, Ms. Aidoo, thanked the delegation for the useful information. She commended the State's efforts to protect children through legislative reform and to bring Egyptian legislation in line with various child rights instruments. Ms. Aidoo also commended the efforts endorsed by the National Council on Childhood and Motherhood to mobilise support throughout the country through research programmes and other plans. She hoped the work of the National Council on Childhood and Motherhood would continue to expand. Ms. Aidoo noted the challenges faced by the State relating to poverty and socio-cultural sensitivity which made children vulnerable to offenses. Ms. Aidoo encouraged poverty reduction action to be taken as well as in-depth studies for social policies to understand socio-cultural hindrances in protecting children and to proceed in a progressive manner. Ms. Aidoo hoped the transition period to a new system of government in Egypt would bring new opportunities for children.