



ngo group for the crc

STATE PARTY EXAMINATION OF EGYPT'S INITIAL PERIODIC REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

57TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
30 MAY – 17 JUNE 2011

Contents

Opening Comments	1
General Measures of Implementation.....	1
Prevention	2
Prohibition and Related Matters	4
Protection, Recovery and Reintegration	4
International Assistance and Cooperation	5
Other Legal Provisions	5
Concluding Remarks	5

Egypt ratified the Convention on the Rights of the Child (CRC) on 6 February 2007. On 8 June 2011, the Committee on the Rights of the Child (the Committee) examined the initial report of Egypt on the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC).

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 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 co-Rapporteur Ms. Wijemanne noted the positive comments by the State defining the minimum age of conscription as 18 years. She also commended on the Child Law, which indicated an obligation to protect the life of the child and prevent children from participating in armed conflict.

General Measures of Implementation

Legislation

The Committee asked whether the State had legislative texts or judicial decisions concerning armed forces and peacekeeping troops, in line with the provisions of OPAC. The Committee inquired about how the OPAC was implemented throughout the State and the measures taken

to enforce the sanctioning of crimes under this Protocol. The Committee asked whether domestic legislation and military procedures had been reviewed in accordance with the OPAC.

Coordination and monitoring

The Committee asked which ministerial body was responsible for coordination and monitoring of the OPAC.

Data Collection

The Committee asked whether there were efforts to establish a database that would identify cases where refugee and asylum-seeking children were at risk of being returned to countries in conflict. The Committee noted that under article 6 of the OPAC there was an obligation to provide all appropriate assistance and measures to identify victims that could potentially be used in hostilities if returned to their country of origin.

Dissemination and training

The Committee asked whether any research had been conducted to assess the level of awareness among military personnel and peacekeeping forces of the provisions of the OPAC. The Committee asked whether military personnel, police and peacekeeping troops received training on human rights and children's rights. The Committee also wanted to know whether the OPAC was utilised in training of peacekeeping troops and whether peacekeepers were trained to identify child victims that needed protection. The Committee inquired about who monitored training and asked whether the general human rights curriculum in schools covered the OPAC.

The delegation responded that awareness regarding the OPAC was carried out along with awareness on the CRC and the OPSC. The State was implementing a programme to spread the culture of peace and the guidelines concerning children in the OPAC and the African Charter on the Rights and Welfare of the Child. The delegation stated that the human rights curriculum did not contain any information on the OPAC. Members of Youth Networks received information on the CRC and the two Optional Protocols.

Monitoring

The Role of Civil Society and Non-Governmental Organisations

The Committee asked for information regarding the drafting of the State Report and whether civil society had been consulted in the process. The Committee also wanted to know whether the report had been publicly disseminated.

Prevention

Recruitment

The Committee noted that the State Report established there was no conscription until the age of 18 for military purposes but allowed for voluntary recruitment at the age of 16 with the consent of parents. The Committee stated that the age of 18 was the age of maturity and allowing voluntary recruitment for those under 18 would endanger children and asylum-seeking children. The Committee asked for a justification, from the point of view of the 'best interest of the child' why voluntary recruitment before the age of 18 was permitted in a country that was not involved in a conflict. The Committee asked whether there were

preventive steps to ensure a zero-tolerance policy for underage recruitment. The Committee enquired at which stage individuals recruited into the military became a part of the armed forces and asked whether documents were required to verify the age of new recruits. The Committee asked the delegation to clarify whether consent from parents was needed for voluntary recruitment and asked how consent was monitored in the cases of street children and children with no birth certificate. The Committee inquired whether there were legal provisions to lower the age of recruitment during emergencies and which measures were in place to ensure that refugee children were not returned to countries in conflict where they could potentially be recruited by armed forces. The Committee asked whether there were procedures to identify children at risk of recruitment and asked for data collected on 'voluntary recruits', regarding the sex, age, region, social and cultural origins and ranks of these individuals. The Committee inquired about provisions to ensure that the oldest children were given priority in voluntary recruitment. The Committee asked whether there were regulations that prohibited children from carrying weapons.

The delegation clarified that voluntary recruitment was only permitted after the age of 18 requiring no parental consent. Any child, including street children, that did not have a birth certificate, was not allowed to join the military service. The delegation also said compulsory military service was only permitted for individuals over the age of 18. Exceptions were made to students but the average age of recruitment was 21 years. The delegation also said that in emergency situations the age of recruitment could not be reduced; this was only permissible through a law passed by the parliament. The delegation added that recruitment of individuals under the age of 18 was penalised by law and perpetrators would receive a maximum punishment of the death sentence.

The Committee asked whether the Criminal Code or the Military Code stipulated that recruitment of children under the age of 18 was a criminal offense. The Committee also asked whether this prohibition extended to officers in the army, non-state armed groups from neighbouring countries and the general public. The Committee noted that the declaration made by the State upon ratification of the OPAC stated that voluntary recruitment was permitted for children at the age of 16. The Committee asked the State to rectify the declaration if voluntary recruitment was only permitted at the age of 18.

The delegation said there was a penalty provision in the Criminal Code and Child law prohibiting recruitment by non-state armed groups. Any individual that attempted to recruit a child in Egypt would be penalised. The Committee asked for a copy of the legislation which criminalised the recruitment of children under the age of 18 into the military. The delegation stated that the Egyptian Penal Code would be sent through the National Council for Childhood and Motherhood.

Military Schools

The Committee asked whether the Ministry of Defence or the Ministry of Education monitored the statistics of children attending military schools. The Committee asked whether military schools permitted the use of weapons in training and activities for children. The Committee asked whether Child Protection Committees had unfettered access to military schools.

The delegation responded that children attending military schools were not obliged to attend military service or participate in hostilities. The delegation added that supervision of military schools was jointly handled by the Ministry of Education and the Ministry of Defence. The curriculum was similar to public schools with a greater emphasis on sports and children were

exempted from degrees and national scores required for national universities. Children were not trained in the use of weapons. The delegation added that there were approximately 30 military schools and the Child Protection Committees monitored legal procedures and complaints of any violations.

Prohibition and Related Matters

Terrorism

The Committee asked whether there was a draft law protecting children from terrorism. The Committee inquired whether the use of children in terrorist activities was punishable by law. The Committee noted that the Emergency Law allowed the arrest of children linked to terrorist groups.

Participation

The Committee inquired about how the State defined direct participation in hostilities and whether there were any legal provisions regarding this. The Committee asked what measures were taken to avoid a member of the armed forces being deployed to an area where hostilities could occur.

Protection, Recovery and Reintegration

The Committee asked whether there were programmes for protection, recovery and integration of child victims.

Extraterritorial Jurisdiction

The Committee asked whether the State had extraterritorial jurisdiction over crimes committed under OPAC.

Refugees and asylum seekers

The Committee noted reports of refugees and asylum seekers forced to return to countries, such as Eritrea, with no assistance from UNHCR. The Committee asked the delegation to comment and inquired what the State would do to comply with the OPAC in this regard.

The delegation responded that Egyptian law prohibited refugees from being recruited in military services and working. The delegation had no statistics.

The Committee noted that there were refugees in Egypt that had fled from armed conflict. The Committee asked whether the State provided assistance to these refugees. The delegation responded that Catholic Relief Agencies prepared programmes to assist refugees from Sudan, Iraq, Somalia and Eritrea. Approximately six million of the refugees were children. The Catholic Relief Agencies provided scholarships for refugee children to attend schools. The delegation said the role of the State was supporting the Catholic Relief Agencies and the areas these agencies worked in.

The Committee noted that under the OPAC, States were obligated to identify refugee children that had been used in hostilities and provide specialised care for them. The Committee asked whether there had been cases of repatriated refugee children to countries in which the children were at risk of being re-recruited. The delegation responded that the Catholic Relief Agencies and UNHCR utilised different indicators, including psychological indicators, as well as the prevalence of diseases and wounds to identify refugee children that had participated in hostilities.

Detained children

Concerning the January 25th Revolution in Egypt, the Committee asked how many children had been detained during the state of emergency when Marshall Law had been imposed in the State.

The delegation responded that there was no data collected which indicated if there were children detained but that there were currently no children detained in military prisons. Children detained under Marshall Law had been detained prior to the January 25th Revolution. The delegation added that the Cabinet and Supreme Court were reviewing cases of detained children and releasing them. The delegation stated that if there were detained children, these children would be detained in different facilities from adults.

International Assistance and Cooperation

The Committee asked whether Egypt offered assistance to other States for dissemination, awareness raising and implementation of the OPAC. The Committee also asked whether the State cooperated with UNICEF regarding implementation of the OPAC provisions. The Committee asked whether there was collaboration with neighbouring countries to monitor flows of children across the borders.

The delegation responded that there was no cooperation in this direction with neighbouring countries or UNICEF. There was technical assistance with UNICEF on other issues.

Arms Exports and Military Assistance

The Committee asked whether the State exported weapons and whether national legislation prohibited exportation of small arms and light weapons to countries that used children in hostilities.

The delegation responded that the State did not have private sectors that produce armaments. Armaments in the State were produced by the military. The delegation added that exportation of arms occurred after an agreement with the recipient country was reached and the Egyptian parliament approved the proposal. The State did not export armaments to countries in military conflicts or that had children participating in armed conflict. The State gave defence tools to some Arab countries such as Kuwait.

Other Legal Provisions

The Committee noted that the State had ratified the African Charter on the Rights and Welfare of the Child, which prohibited recruitment of children. The Committee asked how the State handled the inconsistency of recruiting volunteers that were still children.

Egypt had organised two regional conferences for the African Child for States to exchange information and experiences of the rights of refugees and children in armed forces in accordance with the commitment of Egypt to the African Charter.

Concluding Remarks

The co-Rapporteur, Mr. Pollar, stated that the OPAC was intended to take a preventive and proactive approach as opposed to a reactive approach to children in armed conflict. Mr. Pollar added that implementation and operationalisation of OPAC would help to prevent children being involved in armed conflict and thus reduce the need for programmes that addressed

extracting children from armed groups. Mr. Pollar noted the leadership of Egypt in implementing the OPAC and urged that the concluding observations be disseminated to the children and to the general public.