



COALITION TO STOP THE USE OF CHILD SOLDIERS

EGYPT

Report to the Committee on the Rights of the Child
in advance of the examination of Egypt's initial report
On the
Optional Protocol to the Convention on the Rights of the Child
on the involvement of children in armed conflict

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Who are child soldiers?

The Coalition considers the term child soldier to be equivalent to the following description of children associated with armed forces or groups:

A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking, or has taken, a direct part in hostilities.

Source: Paris Principles and guidelines on children associated with armed forces or armed groups, UNICEF, February 2007.

The Coalition to Stop the Use of Child Soldiers is an independent human rights organization. It undertakes research and analysis to inform and promote effective action nationally and internationally to end and prevent child soldiering. It contributes to policy debates and works with and supports national NGOs to achieve common goals and objectives. The Coalition's member organizations are Amnesty International, Human Rights Watch, International Federation Terre des Hommes, International Save the Children Alliance and the Jesuit Refugee Service.

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Introduction and principle recommendations

The Coalition to Stop the Use of Child Soldiers (the Coalition) submits this report for consideration by the Committee on the Rights of the Child in view of its examination in June 2011 of Egypt's initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC).

This report was compiled through desk-based research of available secondary sources. Very limited information was publicly available in relation to the relevant issues. Requests for a meeting with the Defence Attaché to the Egyptian Embassy in London were unanswered.

On the basis of the information gathered, this report summarizes the Coalition's concerns about Egypt's implementation of its obligations under OPAC, including in relation to:

- The possibility for deployment into hostilities of under-18s in the Egyptian armed forces.
- The lack of legislation criminalizing recruitment and use of children by armed groups.
- The risk of refoulement and subsequent human rights abuses including unlawful recruitment and use in hostilities of child asylum seekers, refugees and migrants and the inadequate assistance for former child soldiers seeking asylum in Egypt.
- The potential for detention and prosecution of children under security legislation and their prosecution by military tribunals.
- The export of small arms and light weapons to countries where children are known to be participating in hostilities.

The Coalition was unable to locate information to clarify the military status of children attending military schools, and notes that the state party report did not include detailed information on this issue from official sources. Further information is also needed in order to clarify whether such schools fully respect and protect the rights of the child, including the right to education, in line with Articles 28 and 29 of the Convention on the Rights of the Child.

In light of these concerns, the Coalition makes the following recommendations for immediate action by the government of Egypt:

- End forcible returns of child refugees, asylum-seekers and migrants to countries where they may be at risk of recruitment and use in hostilities by armed groups, or underage conscription by state armed forces.
- Raise the minimum voluntary recruitment age into the Egyptian armed forces to at least 18 years old.
- Expressly criminalize the recruitment and use of children by armed groups in national legislation and establish extraterritorial jurisdiction for crimes of recruitment and involvement of children in hostilities.
- Ratify the Rome Statute of the International Criminal Court.

In addition, the Coalition recommends that the government of Egypt provide information to the Committee on:

- The right of discharge from the armed forces for recruits aged under 18 and what procedures are in place to ensure that no under-18 is at risk of deployment into hostilities.

- The status of students in military schools and academies in Egypt, their right to leave these establishments at any time, and any obligation to join the armed forces upon coming of age; whether children studying at military schools are trained with weapons or liable to be called into active service; and information on the curriculum at such schools in relation to Articles 28 and 29 of the Convention.
- What measures are taken to identify former child soldiers amongst refugee, asylum-seeking and migrant children in Egypt and how many former child soldiers are believed to be present in Egypt; information on what programs are in place to address their specific needs and ensure their adequate physical and psychological recovery, including support, assistance and integration into the local community; and provide information on how these programs specifically address girls' needs.
- The numbers of children who have been detained under the Emergency Law and/or have been prosecuted by military tribunals under any charge.
- The existence of any safeguards in national legislation to prohibit the sale or transfer of small arms and light weapons to countries where children are known to be participating in hostilities.
- Training, including training on the provisions of OPAC, provided to Egyptian military personnel, including peacekeeping personnel deployed on UN missions.

Background and context

In addition to OPAC and the Convention on the Rights of the Child, Egypt is party to Additional Protocols I and II to the 1949 Geneva Conventions, ILO Conventions 138 and 182 concerning the minimum age of employment and the worst forms of child labour respectively, and the African Charter on the Rights and Welfare of the Child. Egypt signed the Rome Statute of the International Criminal Court in 2000 but has not yet ratified it.

Egypt continues to operate under a state of emergency which was renewed in May 2008, having been in operation continuously since 1981. Anti-terrorism legislation intended to allow the lifting of the state of emergency has not yet been enacted. An estimated 5,000 – 10,000 individuals are believed to be held under the Emergency Law (Law No. 162 of 1958) many on suspicion of security offences or involvement in terrorism.¹ It is not known how many under-18s are within this number.

In recent years incidents of armed violence, including of a sectarian nature, have occurred sporadically. Such incidents included a shooting at a church in Naj Hammadi in Southern Egypt on 6 January 2010, in which an estimated seven people were killed.² There were bomb attacks on civilian targets in Cairo in February and May 2009; one person was reported to have been killed and 25 injured. The Egyptian government attributed the February 2009 attack to a group connected with al-Qaeda and the Palestinian Islamic Army.³ There have also been three bomb attacks in the Sinai Peninsula since 2004.⁴

The Coalition was unable to source official statistics on Egyptian military strength. According to the most recent information available from other sources, the Egyptian military is estimated to comprise

¹ HRW, *World Report 2010*, available at www.hrw.org.

² Foreign and Commonwealth Office Travel Advice for Egypt, available at <http://www.fco.gov.uk>

³ Amnesty International, *Global Report 2010*, available at www.amnesty.org.

⁴ Foreign and Commonwealth Office Travel Advice for Egypt, available at <http://www.fco.gov.uk>

of some 450,000 personnel with an additional 410,000 in reserve forces. This includes some 320,000 army, 20,000 navy, and 30,000 air force personnel, in addition to some 330,000 members of the Central Security Forces 250,000, National Guard forces of 60,000, Border Guard forces of 20,000 and Coast Guard forces of 2,000.⁵ Egypt is one of the largest military powers in the region, with a defence budget in 2009 of some USD 5.85 billion.⁶

Prevention

Article 3

Military schools

A number of military schools are operated by the Egyptian government. The entrance requirements listed on the Ministry of Defence website specify the maximum age on entrance for students (21 for most institutions) but no minimum age. The Military Academy accepts students who have obtained their Secondary School General Certificate, which may include individuals under the age of 18. According to previous research by the Coalition, Law 122 (1982) on Establishing Elementary Technical Military Schools, allows for children aged between 11 and 15 to be accepted in certain military schools provided that they had completed their primary school education.⁷ The Coalition was unable to verify if this remains the case.

The Coalition was unable to gather any further information on military schools in Egypt and notes that very little information on this issue was included in the state party report.

Recommendations

The Coalition recommends that Egypt is requested to provide detailed information from official sources on:

- The number of military schools in Egypt including information on age-related entry requirements, disaggregated data on the social and economic background of students, and information on the curriculum at such schools in relation to Articles 28 and 29 of the Convention on the Rights of the Child.
- Whether students at Egyptian military schools and academies, including students aged under 18 years old, are classified as members of the armed forces, and whether they may be called into active service in the event of an outbreak of hostilities.
- Whether children attending military schools have access to independent complaints and investigation mechanisms.
- Whether children attending military schools have the right to leave the school on demand.
- Whether children attending military schools are trained with weapons.
- Whether students at military academies are subject to military discipline and punishment.

Prohibition and related measures

⁵ Federation of American Scientists, available at <http://www.fas.org>. The Federation of American Scientists (FAS) is a non-profit organization founded by scientists which seeks to provide timely, nonpartisan technical analysis on complex global issues that hinge on science and technology.

⁶ Jane's Intelligence Weekly, *Defence budget (Egypt)*, available at <http://www.janes.com>.

⁷ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*.

Articles 1, 2 and 3

Participation in hostilities, conscription and enlistment

According to the Egyptian constitution and Military and National Service Act 1980, military service is compulsory for males from the age of 18. It is not clear whether this is the age at which recruits receive notification for call up, or whether this is the age at which they enter training. Conscripts serve for a period of one to three years in the military, depending on the individual's background, followed by reserve duty.

The Egyptian armed forces also accept volunteers from the age of 16. Volunteers for the military must provide reliable proof of age and permission of a parent or guardian is required for the enlistment of an under-18 into the military. It is not clear who gives consent for children who are not in the care of their family (including street children, orphans, and children in state care).

It is not clear what measures are in place to ensure that, in the event of hostilities, Egyptian military personnel aged below 18 are prevented from taking a direct part in hostilities. Egypt's initial report does not specify its understanding of the terms "direct participation" or "hostilities".

The minimum period of service for volunteers under the age of 18 is not specified in Egypt's declaration on accession to OPAC, nor in its initial state party report.

Recommendations

The Coalition recommends that Egypt is requested to:

- Expressly prohibit in law the compulsory recruitment of any individual under the age of 18, including in times of war or national emergency.
- Raise the voluntary recruitment age to a minimum of 18. In the case of any doubt concerning a potential recruit's age, they should not be admitted into the armed forces.
- Collect and provide disaggregated data on the numbers of recruits in the armed forces under the age of 18, as well as information on their social and economic background and ethnicity.
- Ensure that parents of recruits aged under 18 are fully involved throughout the recruitment process and that their written consent is required to authorize recruitment.

The Coalition further recommends that Egypt is requested to provide detailed information from official sources on:

- The minimum term of service for voluntary recruits aged under-18 and the right of under-18s to be discharged on demand.
- Whether under-18s in the armed forces are trained with fire arms.
- Whether under-18s in the armed forces are subject to military discipline, including court martial.
- What procedures are in place to ensure that, in the event of an outbreak of hostilities, members of the armed forces who are under the age of 18 do not take part.

Article 4

Armed groups

The state party report indicates that the establishment of armed groups has been criminalized in national law and that Egypt has interpreted its obligations under OPAC through Article 7(bis)(b) of

Law No. 12 of 1996 Promulgating the Child Law amended by Law no. 126 of 2008. This article states that:

The State shall guarantee priority to safeguarding the lives of children, to ensuring that they have a healthy and secure upbringing away from armed conflict and to ensuring their non-involvement in military activities. It shall guarantee respect for their rights in states of emergency, disaster, war and armed conflict, and shall ensure the respect of all his rights, and shall take all necessary measures to prosecute and penalize any person who commits against the child any acts of war crimes, genocide, or crimes against humanity.

However, the Coalition is concerned that this piece of legislation does not explicitly criminalize the recruitment of under-18s by non-state armed groups.

Egypt has signed but not ratified the Rome Statute of the International Criminal Court, and does not operate universal jurisdiction for international crimes. According to Egypt's initial state party report under OPAC, extradition of a suspect is only permitted where a valid treaty exists with the requesting state. It is not specified whether a suspect can be extradited for crimes which are not explicitly recognised in Egyptian law (including child recruitment and use).

Recommendations

The Coalition recommends that Egypt is requested to:

- Clarify whether the criminal code has been amended to explicitly criminalize the recruitment and military use of children under the age of 18 by non-state armed groups
- Establish extraterritorial jurisdiction for child recruitment and use when these crimes are committed by or against a person who is a citizen of or has other links with Egypt.
- Ratify the Rome Statute of the International Criminal Court.

Protection

Article 6.3

Appropriate assistance

Egypt is a signatory to the 1951 Refugee Convention and its 1967 Protocol but lacks national asylum legislation. Consequently, UNHCR is responsible for all aspects of refugee status determination in Egypt on the basis of a Memorandum of Understanding signed with the government in 1954. According to the UNHCR Global Report 2009, 107,970 refugees, asylum seekers and stateless persons were residing in Egypt in 2009 of which 52,923 (49 per cent) were aged under 18.⁸ The main countries of origin were the Occupied Palestinian Territories, Sudan, Iraq, Somalia, Eritrea, and Côte d'Ivoire – all countries currently or recently affected by conflict and where children are known to have been recruited as soldiers by government armed forces or non-state armed groups.⁹

Although the state party report includes information on refugees and asylum-seekers - including children - in Egypt, it does not specify whether any former child-soldiers were identified amongst this

⁸ UNHCR *Global Report 2009: Egypt*, available at <http://www.unhcr.org>.

⁹ Ethiopia was also a country of origin for asylum seekers. Low levels of birth registration in Ethiopia meant that it was possible that under-18s could have been recruited into armed forces but there was insufficient information available to confirm concerns of under-18 recruitment and use.

population, or what measures are in place to identify such individuals. The report refers to programs in place for refugee children but again does not detail specific programs to provide appropriate assistance to any former child soldiers present in the territory. The Coalition is therefore concerned that Egypt may be failing to provide appropriate assistance including measures for the physical and psychological recovery of refugee and asylum-seeking children within its territory who may be former child soldiers, in line with its responsibility under OPAC Article 6.3.

In this regard, the Coalition notes that in its second periodic report under the Convention on the Rights of the Child (CRC/C/65/Add.9, 11 November 1999) under the heading of Special Protection Measures the government of Egypt stated that:

A. Children in situations of emergency

186. It must be pointed out that articles 22, 38 and 39 of the Convention, relating respectively to refugee children, children in armed conflicts, and the physical and psychological rehabilitation and social reintegration of such children, refer to situations which do not obtain in Egypt; as a result, no special provision is made for them under Egyptian law.

Nothing in the combined third and fourth state party report appears to contradict this statement. In this respect, the Coalition highlights that the obligation under OPAC Article 6.3 to provide all appropriate assistance for the physical and psychological recovery and social reintegration of children recruited or used in hostilities applies to all affected children residing “within [the state’s] jurisdiction” and not only to those children affected by a conflict which was itself within the state party’s territory.

Recommendations

The Coalition recommends that Egypt is requested to:

- Clarify its interpretation of its responsibilities under Article 6.3 of OPAC and provide information on programs implemented to provide appropriate assistance to all children identified as former child soldiers within its jurisdiction, including comprehensive measures for their physical and psychological recovery, and with specific attention to the particular needs of girls.

The Coalition further recommends that Egypt is requested to provide detailed information from official sources on:

- The processes in place to identify at the earliest possible stage refugee, asylum-seeking and migrant children entering Egypt who may have been or are at risk of being recruited and/or used in hostilities. If no such processes exist they should be developed and implemented as soon as possible.

Refoulement

As noted above, the lack of adequate recognition of and protection for asylum-seeking children, particularly those who are unaccompanied, may put them at risk of refoulement and consequent human rights violations including unlawful (re-)recruitment by armed forces or groups.

It is reported that Egypt also detains refugees, asylum-seekers and migrants and charges them with “illegal entry” before military courts, without granting them access to UNHCR officials to pursue

asylum claims.¹⁰ Would-be asylum-seekers, including children fleeing from unlawful recruitment, may therefore be returned to their country of origin without being given the opportunity to make a claim for international protection, in violation of their right to seek asylum. The Coalition also notes reports that Egyptian border guards have shot at individuals and groups of refugees, asylum seekers and migrants attempting to cross from Egypt into Israel, resulting in at least 19 deaths in 2009.¹¹ It is not known whether children were among them.

The Coalition is particularly concerned at reports of the forced returns of refugees, asylum-seekers and migrants to Eritrea, including at least 100 people who are reported to have been forcibly returned between December 2008 and January 2009¹² and up to another 1,200 people who were forcibly returned in June 2008 after crossing into Egypt from Sudan.¹³ Although detailed information on the affected individuals is not available the possibility that children were amongst these and other groups of forcible returnees cannot be ruled out. Forced recruitment of under-18s into national service (including military service) is pervasive in Eritrea.¹⁴ If children are among those who have been forcibly returned to Eritrea, Egypt is putting them at risk of unlawful underage conscription and reprisals for attempting to evade conscription.

In cases of unaccompanied children seeking asylum, the Coalition is concerned that Egypt may be failing to comply with its specific obligations as clarified in the Committee's General Comment No.6 (2005) on the treatment of unaccompanied and separated children outside their country of origin. This General Comment states under paragraph 58 that "State obligations deriving from article 38 of the Convention, in conjunction with articles 3 and 4 of [OPAC] entail extraterritorial effects and States shall refrain from returning a child in any manner whatsoever to the borders of a State where there is a real risk of under-age recruitment or participation, directly or indirectly, in hostilities."

Recommendations

The Coalition recommends that Egypt is requested to:

- Develop and implement systematic awareness-raising, education and training in OPAC provisions for all relevant professional groups (e.g. teachers, medical professionals lawyers, judges, police, and military personnel) working with asylum-seeking, refugee and migrant children from countries affected by armed conflict or underage conscription.
- Allow all refugees, asylum-seekers and migrants, including children, unimpeded access to UNHCR officials in order to allow for full examination of any claims for international protection.
- Immediately end the practice of forcibly returning refugees, asylum-seekers, and migrants, including children, to countries where they are at risk of serious human rights violations including recruitment and use in hostilities or underage conscription.

Detention and prosecution

¹⁰ Human Rights Watch, *Global Report 2010: Egypt*.

¹¹ Amnesty International, *Annual Report 2010: Egypt*.

¹² Amnesty International, *Egypt: Further information on forcible return/ torture and other forms of ill-treatment* (MDE 12/001/2009), 26 January 2009, available at www.amnesty.org.

¹³ Human Rights Watch (2009) *Service for Life: State repression and indefinite conscription in Eritrea*, available at www.hrw.org.

¹⁴ See for example: Mekonnen, Daniel, 2009. *Transitional Justice Implications on the Use of Child Soldiers in Eritrea*, presented at the International Interdisciplinary Conference on the Rehabilitation and Reintegration of War-Affected Children, 22 October 2009; United Kingdom: Home Office, *Country of Origin Information Report - Eritrea*, 8 June 2010, available at: <http://www.unhcr.org>.

The Coalition does not have information on specific cases of children arrested or detained under the Emergency Law (Law No. 162 of 1958). However, the Coalition is concerned that this legislation allows children to be arrested and detained solely on suspicion of association with armed groups, and that they may be referred by the President for trial by a military tribunal on any offence. The Coalition is concerned that children detained for offences under the Emergency Law may be detained and prosecuted under procedures which do not adequately conform to juvenile justice standards, as contained in Articles 37 and 40 of the Convention on the Rights of the Child and the Committee's General Comment No. 10.

Recommendations

The Coalition recommends that Egypt is requested to:

- Ensure that no child is prosecuted before a military tribunal.
- Ensure that no child is prosecuted solely for association with an armed group.

Ensure that children in conflict with the law, irrespective of its military or civil nature, are always dealt with in the juvenile justice system and are treated in accordance with the standards enshrined in the Convention and illustrated in the Committee's General Comment No.10 on "Children's rights in juvenile justice". The Coalition further recommends that Egypt is requested to provide detailed information from official sources on:

- The number of under-18s detained and/or prosecuted under the Emergency Law.

International assistance and cooperation

Article 7

Arms trade

In recent years, Egypt has exported small arms and light weapons to Sudan, despite the fact that children are known to participate in hostilities there. According to data compiled by the Norwegian Initiative on Small Arms Transfers¹⁵ from the UN Commodity Trade Statistics Database, Egypt exported small arms and light weapons (including sporting and hunting shotguns; parts and accessories for small arms and light weapons; small arms ammunition; military rifles and machine guns; and pistols and revolvers) worth approximately USD 2,131,305 in 2008 (the most recent year for which data were available). Of this total, Sudan imported small arms and light weapons worth a total of at least USD 447,085 from Egypt in 2008.¹⁶

Recommendations

The Coalition recommends that Egypt is requested to provide detailed information from official sources on:

- The existence and implementation of national legislation relating to arms sales and transfers, including details of any safeguards prohibiting the sale of small arms and light weapons to countries where children have been known to be or may potentially be recruited or used in hostilities.

Peacekeeping operations

¹⁵ <http://www.prio.no/nisat>

¹⁶ <http://www.prio.no/nisat>

Egypt is an important contributor of troops to UN peacekeeping operations. In 2010 Egypt was the fifth highest troop contributor to UN missions supplying between 5,200 – 5,500 troops, police and experts every month.¹⁷ Egyptian peacekeepers participated in UN missions in conflict situations where child soldiers were present, including the Democratic Republic of Congo (MONUC / MONUSCO), Darfur (UNAMID), Sudan (UNMIS), and Chad/Central African Republic (MINURCAT). In paragraphs 20 – 21 of Egypt’s initial report under OPAC the government states that peacekeepers, military academy students and police are trained in children’s rights. However, it is not specified whether OPAC and other international law pertaining to children’s involvement in armed conflict is explicitly included in this training.

Recommendations

The Coalition recommends that Egypt is requested to:

- Develop ongoing and systematic education and training on the provisions of OPAC for military personnel, including military personnel to be deployed in UN peacekeeping operations.

Other legal provisions

Article 5

Regional law

Article 22.2 of the African Charter on the Rights and Welfare of the Child, to which Egypt is party, states that:

States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child [defined in the Charter as “every human being below the age of 18 years].

Consequently, the Coalition considers that Egypt’s ongoing voluntary recruitment of children under the age of 18 is unlawful under this regional instrument.

Recommendations

The Coalition recommends that Egypt is requested to:

- Raise the voluntary recruitment age into the national armed forces to a minimum of 18 years.

¹⁷ <http://www.un.org/en/peacekeeping/contributors/>



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