



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues in relation to the combined fifth and sixth periodic reports of Egypt\*

1. The State party is requested to submit in writing additional, updated information, of 10,700 words maximum, by 15 February 2024. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

#### Part I

2. Please explain the measures taken or envisaged:

(a) To implement the provisions of the 2014 Constitution concerning the rights of children, to harmonize legislation, in particular the Criminal Code and legislation concerning personal status, with those provisions and to finalize the process of amending the Children's Act to fully align it with the Convention and the Optional Protocols thereto;

(b) To evaluate the implementation of the Strategic Framework for Childhood and Motherhood 2018–2030 to date and to adopt a comprehensive children's rights strategy and corresponding action plan to cover all areas under the Convention and the Optional Protocols thereto;

(c) To ensure that the National Council for Childhood and Motherhood enjoys autonomy from the Ministry of Health and Population, occupies a prominent position and is able to influence all ministries and other government entities at the central, provincial and local levels;

(d) To strengthen the children's rights analysis of and increase budgetary allocations for health, education, child protection and social housing, with particular attention to children in marginalized or disadvantaged situations, including children in rural areas of Upper Egypt;

(e) To ensure the systematic collection and analysis of quality and complete data – disaggregated by age, sex, geographical location and socioeconomic background – on the implementation of children's rights, in particular with regard to children in street situations, child labour and children in contact with the justice system, and to intensify efforts to ensure the proper functioning of the central database of the Child Rights Observatory and to make the database available and accessible to the public;

(f) To review legislation, in particular Act No. 149 regulating the activity of civil society associations and its 2021 implementing regulations, to ensure freedom of association and the functioning of civil society, including civil society actors working on children's rights, to establish a legal and institutional framework to ensure that civil society operates independently and to guarantee that persons who work for non-governmental organizations

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\* Adopted by the pre-sessional working group on 29 September 2023.



are not subjected to travel bans, asset freezes and criminal investigations as a result of their work.

3. Please explain the measures taken:

(a) To repeal all legislation that discriminates against girls and women, with a view to eradicating discrimination, negative perceptions and stereotypes relating to the role of girls and women in society, such as discrimination against girls and women with regard to inheritance rights;

(b) To adopt a comprehensive anti-discrimination law aimed at eradicating discrimination against, *inter alia*, children belonging to racial, religious and ethnic minorities, children with disabilities, children in street situations, children living in poverty, migrant, asylum-seeking and refugee children and lesbian, gay, bisexual, transgender and intersex children;

(c) To implement article 80 of the Constitution and article 3 of the Children's Act, which set out the concept of the best interests of the child, and to ensure that the right of children to have their best interests taken as a primary consideration is integrated into, and consistently interpreted and applied in, all legislative, administrative and judicial proceedings and decisions;

(d) To implement article 111 of the Children's Act, which prohibits the imposition of a sentence of death on any person under the age of 18 at the time of the alleged offence, to adopt the principle of presumption of minority in the event of doubt and to commute death sentences already imposed on those who were under the age of 18 at the time the offence was allegedly committed;

(e) To systematically consult children and allow them to express their views freely on all matters affecting them, including by implementing articles 3 and 116 of the Children's Act, which are mentioned in paragraph 64 of the State party report.<sup>1</sup>

4. Please describe the measures taken:

(a) To ensure universal birth registration for all children, irrespective of their circumstances of birth, including abandoned children, children born to single mothers, children of migrants, asylum-seekers or refugees and children born to unmarried parents, and to facilitate late birth registration;

(b) To eliminate the obstacles or delays faced by Egyptian women married to foreign husbands in transferring their nationality to their children and registering their children's births;

(c) To enforce article 3 (c) of the Children's Act, which concerns the right of the child to freedom of expression, including the freedom to receive, seek and impart information, to finalize the development of a programme aimed at mitigating risks to children on the Internet and to provide reparations in the case of the Egyptian Scholastic Test, in which the data of more than 72,000 children were made accessible in 2022.

5. Please explain the measures taken:

(a) To prevent the torture, ill-treatment and enforced disappearance of children who are taken into custody, including where such acts are committed by security officials, and to promptly investigate, prosecute and bring those responsible to justice;

(b) To establish an explicit legal prohibition on corporal punishment in the home, alternative care settings, day-care centres and schools;

(c) To implement the strategy to address and prevent all forms of violence against children, to strengthen child protection infrastructure at the local level and to respond to all forms of violence against children, including abuse, neglect and domestic violence, by strengthening detection, reporting, investigation, protection and judicial intervention;

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<sup>1</sup> CRC/C/EGY/5-6.

(d) To adopt comprehensive legislation to criminalize all forms of violence against women and girls, including domestic violence, marital rape, sexual violence, sexual harassment, institutional violence and crimes committed in the name of so-called honour;

(e) To implement legislation, policies and plans to prohibit and prevent female genital mutilation, especially in Upper Egypt, and child marriages, including through the increased reporting of cases and the effective prosecution of perpetrators, in particular medical professionals who carry out female genital mutilation and families and religious clerks who perform religious marriages involving children;

(f) To address the online sexual exploitation and abuse of children and cyberbullying of children.

6. Please provide information on the measures taken or envisaged:

(a) To secure children's right to grow up in a family environment in which the parents have equal rights in all matters relating to marriage and family relations, in particular to amend personal status laws to prohibit polygamy, and to ensure that women and men enjoy equal rights in the context of divorce, including equal rights of legal guardianship, in accordance with the best interests of the child;

(b) To help parents and other caregivers to provide guidance to children on exercising their rights in a manner consistent with their evolving capacities;

(c) To ensure adequate safeguards and clear criteria, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care, including with relatives, in foster care, under a *kafala* arrangement or in an institution;

(d) To finalize the adoption of the draft alternative care law, to implement the national strategy for alternative care, to accelerate the deinstitutionalization of the childcare system, in particular for children with disabilities, and to ensure the availability and quality of foster care.

7. Please explain the measures taken or envisaged:

(a) To implement the provisions of the Children's Act and the Persons with Disabilities Act (No. 10 of 2018) relating to children with disabilities and to ensure the availability and accessibility of health-care services and inclusive education for children with disabilities;

(b) To adopt a specific national strategy on the rights of persons with disabilities, with a special focus on children, so as to ensure respect for difference and the acceptance of persons with disabilities;

(c) To ensure that statistical data on the situation of children with disabilities and their enjoyment of their rights are collected, stored and analysed.

8. Please inform the Committee of the measures taken:

(a) To improve and expand preventive interventions in primary health care, including nutritional interventions, and training for medical personnel, giving priority to rural areas of Upper Egypt where there are high levels of poverty;

(b) To reduce the neonatal mortality rate, including by improving the quality of and access to antenatal and postnatal services and facilities and the availability of trained neonatal specialists and birth attendants;

(c) To provide access to sexual and reproductive health services, including access to abortion services and counselling for adolescents;

(d) To include sexual and reproductive health education in school curricula;

(e) To improve mental health services and increase the number of well-trained and qualified mental health professionals working with children;

(f) To assess the impact of the Fund to Combat and Treat Addiction on efforts to address tobacco, alcohol and drug use by children, including through rehabilitation services and awareness-raising activities.

9. Please describe the measures taken:

(a) To guarantee an adequate and sustainable standard of living for all children in the territory of the State party, with a particular focus on children in the most marginalized and disadvantaged situations, to improve social security benefits and schemes for low-income families with many children, to raise social security pensions to the level of the minimum wage and to focus on anti-poverty programmes in rural areas of Upper Egypt;

(b) To mitigate the socioeconomic impact of the coronavirus disease (COVID-19) pandemic and related measures on children and their families;

(c) To adopt legislative and administrative measures to address the adverse effects of environmental degradation and climate change on the enjoyment of children's rights and to take steps and devote sufficient resources to achieving the full and effective enjoyment of children's environmental rights, including their right to a healthy environment.

10. Please describe the measures taken:

(a) To increase the enrolment and retention of children in secondary education, especially by addressing cases of dropout due to violence, in particular in rural areas;

(b) To improve school infrastructure, including school capacity and the number of trained teachers, to accommodate the growing number of children of school age in the country;

(c) To address disparities in educational participation and learning outcomes across regions and demographic groups that are based on, *inter alia*, gender, poverty, geographical location (urban or rural) and disability and to ensure that all children, in particular children belonging to minority groups, children living in rural areas, children of migrant workers and asylum-seeking and refugee children, have access to free, compulsory and quality education;

(d) To increase the number of preschool establishments in rural areas of Upper Egypt.

11. Please inform the Committee of the measures taken:

(a) To end the detention of all asylum-seeking or migrant children below the age of 18 and families with children by amending legislation, considering alternatives to detention and ensuring the timely provision of safe and dignified accommodation, support and services;

(b) To uphold the principle of *non-refoulement* in respect of children seeking or in need of international protection and to ensure that they are not expelled or returned to a country where there is a real risk of irreparable harm to their life or freedom;

(c) To provide all asylum-seeking, refugee and migrant children, irrespective of their country of origin, with unimpeded access to public health-care facilities and systems, including health insurance coverage, and access to the public education system on an equal footing with Egyptian children.

12. Please inform the Committee about the efforts made:

(a) To guarantee the economic, social and cultural rights of children belonging to racial, ethnic, religious and linguistic minorities, including the right of religious minorities to access places of worship;

(b) To repatriate children affected by armed conflict from the Syrian Arab Republic and to ensure that such children, including those over the age of 12, are treated primarily as victims and not as perpetrators, are reunited with their families and are provided with reintegration and rehabilitation services, including information on the laws and policies governing the treatment of children returning from the Syrian Arab Republic;

(c) To prevent schools in North Sinai from being used as military bases and uphold the rights of children in North Sinai, including their rights to education, health and protection from violence;

(d) To implement the 2021 amendments to the Labour Code aimed at increasing penalties for the economic exploitation of children and to strengthen monitoring mechanisms to guarantee the effective enforcement of labour law and penal law insofar as they apply to the economic exploitation of children, in particular in the agricultural sector and quarries, by enhancing the role of child protection committees and labour inspectorates;

(e) To operationalize the national referral mechanism for victims of trafficking in persons and to protect children, in particular girls, from transactional marriages and trafficking in persons for the purposes of begging, forced labour, including domestic servitude, sexual exploitation and organ harvesting.

13. Please explain the measures taken or envisaged:

(a) To implement the Children's Act by accelerating the establishment of specialized child courts and child prosecution offices and abolish the provision under which children above the age of 15 may be tried alongside adult co-defendants in adult courts;

(b) To implement non-custodial measures, such as diversion, probation, counselling, mediation, community service and suspended sentences, wherever possible, in line with article 107 of the Children's Act, and to ensure that places in which children are deprived of their liberty are regularly visited by independent monitors;

(c) To provide children below the age of 18 with fundamental legal safeguards from the outset of their detention, including access to quality legal aid;

(d) To review legislation to ensure that no child is prosecuted in an adult criminal or military court as part of a mass trial and to review the cases of all children held in military detention;

(e) To raise the minimum age of criminal responsibility as established under the Criminal Code and the Children's Act to at least 14, in line with the Committee's general comment No. 24 (2019).

14. With reference to the Committee's concluding observations on the State party's initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography,<sup>2</sup> please provide information on the implementation of the recommendations contained therein, in particular the recommendations:

(a) To ensure concerted and coordinated activities by law enforcement agencies, the specialized child prosecution offices and the child protection committees to prevent, detect and eliminate the offences covered under the Optional Protocol;

(b) To undertake comprehensive and multidisciplinary research on the nature and extent of the sale of children and the sexual exploitation of children for prostitution and in the production of child sexual abuse material among different socioeconomic and cultural groups and, on the basis of the findings, to adopt a comprehensive and targeted approach to prevent and address offences covered under the Optional Protocol;

(c) To strengthen mechanisms for monitoring child adoption placements;

(d) To establish and implement an effective regulatory framework and take all necessary legislative, administrative, social and other measures to prevent and eliminate the sexual exploitation of children in the context of travel and tourism;

(e) To revise and bring the Criminal Code and other relevant legislation into full compliance with articles 2 and 3 of the Optional Protocol;

(f) To establish and exercise extraterritorial jurisdiction, including extraterritorial jurisdiction without the requirement for double criminality, over the crimes covered under the Optional Protocol and to consider the Optional Protocol as a legal basis for extradition without the need for a bilateral treaty;

<sup>2</sup> CRC/C/OPSC/EGY/CO/1.

(g) To develop guidelines on child protection for the personnel of the child protection committees and to establish mechanisms and procedures for the early identification of children who are victims of offences covered under the Optional Protocol.

15. With reference to the Committee's concluding observations on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict,<sup>3</sup> please provide information on:

(a) The national legislation that establishes a minimum age of voluntary recruitment into the armed forces, and plans to increase the minimum age for voluntary recruitment into the armed forces and to amend military procedures to ensure that members of the armed forces who are under the age of 18 do not take a direct part in hostilities;

(b) The announcement on the Government's website that the armed forces accept volunteers aged 15 and over;

(c) The measures taken to verify the age of children who volunteer for recruitment and to ensure that the recruitment is voluntary and based on the consent of both parents;

(d) The number of children enlisted in the armed forces and enrolled in military schools, disaggregated by age, sex, ethnic origin and geographical location;

(e) The measures taken to prevent and investigate the recruitment or use of children by non-State armed groups and to provide the victims with appropriate assistance for their physical and psychological recovery and social reintegration;

(f) A mechanism to identify children, including asylum-seeking and refugee children, who have been or may have been recruited or used in armed conflict abroad and to provide them with appropriate assistance for their physical and psychological recovery and social reintegration;

(g) The measures taken to ensure the explicit prohibition of the trade in and export of arms, including small arms and light weapons, to countries where children are known to have been or are involved in armed conflict and to ensure that illicit activities, including the manufacture of and trafficking in small arms and light weapons, are criminalized, that records are maintained and that firearms are marked;

(h) To grant monitoring institutions, including international organizations, access to the territory of North Sinai where children are allegedly recruited to take part in armed conflict and to investigate and prosecute cases of such recruitment and allegations of the torture and enforced disappearance of children in North Sinai.

## Part II

16. The Committee invites the State party to provide a brief update, of no more than three pages, on the information set out in its report with regard to the following:

(a) New bills or laws, and their respective regulations;

(b) New institutions and their mandates or institutional reforms;

(c) Recently introduced policies, programmes and action plans and their scope and financing;

(d) Recent ratifications of human rights instruments.

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<sup>3</sup> CRC/C/OPAC/EGY/CO/1.

## Part III

### Data, statistics and other information

17. Please provide consolidated information for the past three years on the budget lines regarding children and the social sectors, indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographical allocation of those resources.

18. Please provide, if available, updated statistical data for the past three years, disaggregated by age, sex, ethnic origin, national origin, geographical location and socioeconomic status, on the following:

(a) Cases of the imposition and execution of the death penalty in respect of persons who were under the age of 18 at the time of the alleged offence;

(b) Children on death row;

(c) Children of Egyptian mothers and foreign fathers who have been granted Egyptian citizenship;

(d) Investigations and prosecutions of cases of the torture, ill-treatment and enforced disappearance of children and penalties imposed on perpetrators, including security officials;

(e) Cases of abuse and violence perpetrated against children, including all forms of corporal punishment, domestic violence, sexual violence and abuse, sexual harassment, marital rape and crimes committed in the name of so-called honour, and investigations carried out, prosecutions brought and sentences handed down in such cases;

(f) Cases of female genital mutilation and child marriage and the prosecutions brought and sentences handed down in such cases;

(g) Children in alternative care;

(h) Children living in poverty;

(i) Asylum-seeking, refugee and migrant children.

19. Please provide data for the past three years, disaggregated by age, sex, socioeconomic background, ethnic origin, national origin and geographical location, on the situation of children deprived of a family environment, including the number of children who are or who have been:

(a) Separated from their families, including data on the duration of the separation;

(b) Placed in institutions, indicating the specific institution in each case and the overall number of institutions;

(c) Placed with foster families;

(d) Placed with relatives or under a *kafala* arrangement.

20. Please provide data for the past three years, disaggregated by age, sex, type of disability, ethnic origin, national origin and geographical location, on the number of children with disabilities who are or who have been:

(a) Living with their families;

(b) Living in institutions;

(c) Attending day care;

(d) Attending preschools;

(e) Attending primary schools;

(f) Attending secondary schools;

(g) Receiving individualized support;

- (h) Attending special schools;
- (i) Out of school;
- (j) Abandoned by their families.

21. Please provide, if available, updated statistical data for the past three years, disaggregated by age, sex, type of offence, ethnic origin, national origin, geographical location and socioeconomic status, on children in conflict with the law who have been:

- (a) Arrested;
- (b) Referred to diversion programmes;
- (c) Held in pretrial detention;
- (d) Detained alongside adults;
- (e) Convicted and sentenced to a period of detention, with data further disaggregated by the length of the sentence.

22. Please provide, if available, updated statistical data for the past three years, disaggregated by age, sex, type of offence, ethnic origin, national origin, geographical location and socioeconomic status, on asylum-seeking, refugee and migrant children, including children entering the State party from areas where children may have been recruited or used in hostilities.

23. Please provide information on how a children's rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and how those measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

24. Please provide the Committee with an update of any data in the combined fifth and sixth periodic reports that may have become outdated by more recent data collected or other new developments.

25. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

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