

**Arab Republic of Egypt**  
**The Ministry of Justice**  
**The Public Department of Human Rights Affairs**

Egypt's preliminary report presented to the African Commission on the Rights of the Child.

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This report has been endorsed by the main committee set up at the Public Department of Human Rights Affairs of the Ministry of Justice in accordance with the decree of the Minister of Justice,

Ref. No.(6445) 2003,

During its session held on 19/4/2005. This report, in its final version, was prepared at the Public Department of Human Rights Affairs, the Ministry of Justice under the purview of the Drafting Committee set up for this purpose.

**(A) Table of Contents**

**A Draft Report on the Rights and Welfare of the Child  
Presented by Egypt to the African Child's Committee**

Egypt has the honor to submit its first periodical report to the committee in compliance with the text of the paragraph of item 1 of Article 43 of the African Charter on the rights and welfare of the child and in keeping with the guidelines issued by the esteemed commission. The report will in-cooperate the following parts:

1. The general rules for protection and respect for the principles of Human Rights in Egypt.
2. The objective discussion of the rights and liberties in order of precedence according to the Article s of the Charter.

While submitting this report to the committee, Egypt wishes to underscore its readiness to respond to all the quarries by the esteemed committee on the implementation of the provisions of the Charter, wishing the committee a continuing success and good luck in the very important task it is performing towards the children of our continent and humanity in general.

**Introduction:**

Egypt has acceded to the African Charter on the rights and welfare of the child by the Republican Decree No.33 issued in 2001, following the approval by the people's Assembly of Egypt's accession to the Charter on 6/5/2001. This was published by the official gazette in the Arabic language under No.44 issue on 28/10/2004, in accordance with the established constitutional procedures. Egypt has expressed reservations about the numbers of each of the Article s as indicated below:

Paragraph 21(2), (240, sub-paragraph (E) and paragraph (5) of the Article s regarding numbers 30, 44.45 "1"

## **Part One: The General Rules of the Protection and Respect for Human Rights in Egypt**

1. The Basic Structure of the State and the Statistical and Economic Indicators of the Arab Republic of Egypt.
2. The Definition of Child and Aspects of the Legal Protection of Childhood within the Egyptian Legal System.
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### **1.1. The Basic Structure of the State, the Statistical and Economic Indicators, of the General Rules of the Protection and Respect for Human Rights in Egypt**

#### **1.1.1. The Basic Structure of the State**

- The political system of the State is a Democratic Republic based on multi-party system.
- The executive power is headed by a head of State chosen in a free and direct election. Presidency is a renewable six year term.
- The legislative power is represented by the Consultative Council and the People's Assembly whose members are elected in a free and direct ballot for a five year term. 10 of the People's Assembly are nominated members whereas one third of the consultative members are nominated.
- The press is a power, free and independent in accordance with the Constitution.
- The judicial power is represented by the ordinary and administrative judiciary as well as by the Supreme Constitutional court.

#### **1.1.2. The Statistical and Economic Indicators of Egypt**

- The land area: 997, 7 SKM (by thousands of square kilo meters).
- The population: 68.6m, in accordance with a general census held on 11/2004 with 51.14% representing male and 48.86% representing female as opposed to 61.4m of the number of the population in 1996.

- The rate of natural increase of population was reduced from 20.4% in 2001 to 19.6% per thousand by the end of 2003.
- The rate of births was reduced from 26.69 per thousand in 2001 to 26.12 in 2003.
- The mortality rate in 2003 (6.48) per thousand.
- The maternal mortality rate was reduced from 174/100,000 babies alive in 1993 to 68/100,000 babies alive in 2003 (the Ministry of Health and Population).

### **1.1.3. The Development of the Maternal Mortality**

<b>Year</b>	<b>Born alive</b>	<b>Percentage</b>
<b>2000</b>	<b>84/100,000</b>	
<b>2001</b>	<b>75/100,000</b>	<b>10%</b>
<b>2002</b>	<b>70/100,000</b>	<b>16%</b>
<b>2003</b>	<b>68/100,000</b>	<b>19%</b>
	<b>The average percentage of decline is: 15%</b>	

### **1.1.4. Estimated Numbers of the Population Based on the Life Spans Distribution**

<b>The slices of age</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Percentage</b>
<b>Less than 5 years</b>	<b>4023344</b>	<b>3854436</b>	<b>7877780</b>	<b>11.47%</b>
<b>5 and less than 25 years</b>	<b>16511834</b>	<b>15268258</b>	<b>31780092</b>	<b>46.20%</b>

<b>25 years and less than 60 years</b>	<b>12531819</b>	<b>12509790</b>	<b>25041609</b>	<b>56.50%</b>
<b>Year</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>60</b>	<b>811043</b>	<b>804448</b>	<b>1615491</b>	<b>2.40%</b>
<b>65</b>	<b>586161</b>	<b>491996</b>	<b>1078157</b>	<b>1.60%</b>
<b>70</b>	<b>362210</b>	<b>345241</b>	<b>707451</b>	<b>1.3%</b>
<b>75</b>	<b>279165</b>	<b>268744</b>	<b>547909</b>	<b>- 8%</b>

<b>and more</b>				
<b>Grand total at the level of the rep. on 1/1/2004</b>				

### 1.1.5. Life Expectancy at Birth

- 67.5 year for males – 71 years for females on 1/12003 as opposed to 64.1 years for males and 69 years for females in 1996.
- The urban population percentage: 42.4% of the total numbers of the population in 2002 as opposed to 44% in 1986.
- The rural population percentage 56.6% of the total numbers of the population in 2002 as opposed to 56%.

### 1.1.6. Characteristics of the Population

- The State of Education
- The illiteracy rate has dropped from only 10 years and above from 38.6% in 1996 to 29.88% by the end of 2002.
- The number of the students enrolled at different levels of pre-tertiary education (public and private sectors) from 1143687 students in 2000/2001 to 15438790 in 2003/2004.
- The number of the university students increased from 1351173 students in 1998/1999(758036 of male students to 593135 of female students) to 1489415 students in 2001/2002 (801714 of the male students – 687701 of female students).

### 1.1.7. Labor Force

The number of the employees rose to 18.2 million in 2002/2003 as opposed to 16m and 9,550, in 1997/1998.

### 1.1.8. Economic Indicators

- **Gross Domestic Product (GDP) and the Real Growth Rate**

	2001/2002	2002/2003	2003/2004
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<b>The Gross Domestic Products with the cost of factors of production (Billion E. Pound)</b>	<b>354.5</b>	<b>365.8</b>	<b>380.8</b>
<b>The Rate of Growth</b>	<b>3.2</b>	<b>3.0</b>	<b>4.3</b>
<b>GDP by the Market price (Billion E. Pound)</b>	<b>281.8</b>	<b>390.7</b>	<b>406.8</b>
<b>The Growth Rate (%)</b>	<b>3.2</b>	<b>3.1</b>	<b>4.1</b>

(The source of information is: the annual report 2003/2004 issued by Central bank of Egypt (P.59)

- **The Development of the Investment uses in the Social Services Sectors**

The investmental uses within the framework of five year plan (2002/2003- 2006/2007) in accordance with Act No.87 of 2002.Million E.P

<b>Social services sectors</b>	<b>Total</b>	<b>Proportionate structure</b>
<b>Housing</b>	<b>8623.5</b>	<b>11.6%</b>
<b>Utilities</b>	<b>6347.0</b>	<b>8.4%</b>
<b>Education</b>	<b>4358.2</b>	<b>5.9%</b>
<b>Health</b>	<b>2849.1</b>	<b>3.8%</b>
<b>Other services</b>	<b>3041.7</b>	<b>4.1%</b>
<b>Total social services sectors</b>	<b>2.5219.5</b>	<b>34.0%</b>



- **Total Implemented Investments**

	2001/2002 2002/2003		2001/2002 2002/2003		2002/2003
	(By billion E. pound)		Structure (%)		The investment growth rate
<b>Gross investment</b>	67.5	68.1	100.0	100.0	0.9
<b>Public</b>		22.3	52.8	47.5	9.4
<b>Private</b>		35.8	47.2	52.5	12.4

(Source of Information: The Annual Report Issued by Central Bank of Egypt 2002/2003).

- **Invest mental uses in the Second Year of the Five Year Plan (2003/2004) in Accordance with the Act No.9 of 2000**

Million E.P

<b>Housing</b>	<b>7448.0</b>	<b>10.6%</b>
<b>Utilities</b>	<b>5931.5</b>	<b>8.5%</b>
<b>Social development human</b>	<b>-----</b>	<b>-----</b>
<b>Education</b>	<b>3373.6</b>	<b>4.8%</b>
<b>Health</b>	<b>2498.4</b>	<b>3.6%</b>
<b>Other services</b>	<b>3057.0</b>	<b>4.4%</b>
<b>Total social services sectors</b>	<b>2208.5</b>	<b>31.9%</b>
<b>Social services sectors</b>	<b>Total</b>	<b>Proportional structure %</b>

- **The Total Implemented Investments**

	2002/2003	2002/2003	2003/2004	2003/2004	2003/2004
<b>Amount by Billion E.P</b>		<b>The structure %</b>		<b>The growth rate of investment</b>	
<b>The total investments</b>	68.1	78.1	100.0	100.0	14.7
<b>Public</b>	35.3	40.3	51.8	51.6	14.2
<b>Private</b>	32.8	37.8			

(Source of Information the Annual Report issued by Central Bank of Egypt 2003/2004)

- The Invest mental Uses in the Third Year of the Five Year Plan (2004/2005) in Accordance with the Act No.91 of 2004

<b>Social services sectors</b>	<b>Total</b>	<b>Proportionate structure %</b>
<b>Housing</b>	130.5.3	1.5%
<b>Utilities</b>	15816.0	18.6%
<b>Social Human Development</b>	-----	-----
<b>Education</b>	3580.1	4.2%
<b>Health</b>	2746.5	3.2%
<b>Other services</b>	7103.5	8.4%
<b>The gross social services sectors</b>	30551.4	35.9%

## 1.2. The Definition of the Child and Aspects of the Legal Protection for Childhood

### 1.2.1. Definition of the Child

The State ensures the protection of the maternity and childhood, care for adults and youths in accordance with Article 10 of the Constitution and in compliance with the international and regional conventions to which Egypt acceded including provisions

concerning the child and childhood. Following accession by Egypt to the international convention on the child, the Egyptian law maker exhaustively gathered every piece of information regarding childhood and all the aspects of his health, social, cultural and educational protection as well as his special rights. These include aspects of the criminal interrogation provided for in the different legislations. To this effect, the Egyptian legislator enacted a consolidated Act on the law of the child No.12 of 1996 in harmony with all the relevant international and regional conventions. According to Article 2 of the said Act the definition of the child is "Any person who has not reached the age of 18, in compliance with the respective provisions of the international and regional conventions on the child.

The child until the age of civil puberty (21) years is subject to the provisions of two laws of self-tutelage and financial competence under Article s Nos. 118 and 119 of 1952. Each of the two laws regulates the limits of the parental guardianship on the person and property and those who follow in order of precedence as well as the cases of dismissal, suspension and appointment of trustees/caretakers.

During this phase of age, the child under 18 years shall have a Legal Capacity to be considered in keeping with the Egyptian Law in regard to certain situations as follows:

- 1.2.1.1. **Capacity to Marry:** 18 years of age for males and 16 years for females. Egypt, therefore, expressed reservations on the provisions of Article 21 of the present Charter. Studies are under way to raise this age regarding the female.
- 1.2.1.2. **Capacity to Employment:** 14 years of age in accordance with the child's law No.12 of 1996 and the Labor Law No.12 of 2003. This law allows the training of the age category from 12 years to 14 years with regard to the seasonal vocation jobs which will not be detrimental to their growth, or their health or their regular attendance of school, by a decision of the Governor of the province concerned and approved by the Minister of Education.
- 1.2.1.3. **Capacity to Participate in the Labor Unions:** 15 years of age in accordance with the provisions of the Labor Union Law No.35 of 1976.
- 1.2.1.4. **The Criminal Capacity: The Child's Criminal Interrogation Law was regulated for the Young Children as Follows:**
  - Waiver of a criminal responsibility from children under 7 years (Article 94 of the child law)
  - The children from 7-15 years old shall not be punishable for crimes they have committed but remedial and preventive measures shall be put in place (Article 101 of the child's law)
  - The children from 15-16 years of age shall be sentenced to imprisonment for dealt penalty crimes or life imprisonment or hard labor or to be detained for a period not less than 3 months for punishable crimes by imprisonment.

- Detention could be replaced by putting them in custody of the social institution for a term not less than one year. In the case of their commission of juvenile crimes for which a sentence could be passed by detaining them, the court shall have the right to replace the penalty by a judicial option or custody in the social institution (Article 111).
- The children from 16-18 years old are subject to criminal interrogation for light penalties and death penalty shall not apply to them or life imprisonment or hard labor. They shall be punished by imprisonment for a term not less than 10 years in the case of crimes punishable by death sentence and for a period not less than 7 years for crimes punishable by life imprisonment and for crimes punishable by imprisonment with hard labor (Article 112).

1.2.1.5. **Capacity for Prosecution with Regard to Personal Status Issues in the Matter of Self-Tutelage:** 15 years of age (Article 2 of the law No.1 of 2000)

1.2.1.6. **Capacity for Testimony before the Criminal Court:** 14 years of age. A child younger than that age could deliver evidence without taking oath (Article 283 of the criminal Act procedures which is considered by the procedural legislator for attaining the age of puberty legally recognized for performing the oath.

1.2.1.7. **Age of Custody:** Article 20 of the decree has been amended by introducing the law No.25 of 1929 regarding the maintenance provisions and other personal status provisions by the law No.4 of 2005 by the virtue or raising the age of custody of women for the child up to 15 years instead of 10 years for the child, and 12 years for the child. This is applicable when the child male or female attains the age of 15 years. The child will be given a choice by the judge after this age between remaining in the woman's custody without paying fee until he attains the age of puberty or marriage for the female child.

## **1.2.2. Conditions of the Criminal Protection for Childhood**

The Egyptian legislations include a provision for incriminating some actions regarding the protection of childhood. This is incorporated in the penal code, the child, anti-adultery and anti: drugs laws as well as the other chargeable offences affecting childhood. These include civil status, education and labor laws. Below are the chargeable offences in detail:

### **1.2.3. The Penal Code No.58 of 1937**

- A rape of a woman without her consent. The penalty shall be even more severe should the offence be committed by her ascendants or guardians or supervisors or those with a mandate from her family. Such persons shall be sentenced to life imprisonment (Article 267)

- Disgracing a person by force or by a threat or an attempt to do so. A severe punishment shall be applied in the previous cases. However, if the victim has not fully attained 16 years of age, imprisonment with hard labor shall follow. The penalty shall also be severe by a life imprisonment if the two conditions apply. (Article 268).
- A disgracing a person under 18 years without a use of force or a threat. In this case, the legislator imposed a penalty of detention. The penalty shall be hardened in the event that the victim is under 7 years or if the culprit is amongst those mentioned in the first crime, shall be condemned to imprisonment with hard labor (Article 269).
- Abduction of a newly born baby or hiding or changing it for another or fraudulently ascribing it to parents other than its own, the penalty in this case according to the legislator is to put him/her in custody (Article 283).
- Failure in handing over the child to its rightful guardian at the latter's own request.
- The legislator, in this case, has imposed a penalty of a detention and a fine (Article 284).
- Abandoning a child under 7 years of age at a place deserted by human beings, the legislator in this regard has imposed a penalty of a detention (Article 285).
- If a disability or death results from the Child's injury, the established penalty shall be carried out with regard to such crimes (Article 286).
- If the life a child under seven years is endanger as a result of abandoning him/her in a populated area, the legislator in this case has imposed penalty of detention or a payment of a fine. (Article 287).
- Whoever adopts by fraud or under coercion, a child under 16 years old, the legislator in this regard has imposed a penalty of temporary hard labor. If the abduction occurs without fraud or coercion, the culprit shall be imprisoned. If the abducted person is a female, the penalty shall be temporary imprisonment with hard labor (2 Article s 288, 289).
- Failure of the parents or grandparents in handing over the small child to a person with a right of custody or safe keeping or if any one of them abducts the child from the person with a right to custody, the legislator in this case has imposed a penalty of detention or payment of a fine (Article 292).

#### **1.2.4. The Law of the Child No.12 of 1996**

- The profession of mid-wifery shall not be performed by non-doctors and the licensed female mid-wives, the penalty against that offense, shall be a detention and a fine or either of them (Article s from 8 – 13).
- Failure in controlling the child after receiving a warning, any delinquency follows a recurrence of the same, the legislator accordingly, has imposed a fine (Article 20).
- Failure of whoever to whom a child was handed over, in performing his duty in this regard, if, as a consequence a crime was committed or the child was subject

- to Juvenile delinquency, the legislator in this case, has imposed a penalty of a fine (Article 21).
- Prohibition of the dissemination or display or circulation of the publications, audio and video artistic works, addressing the instincts of the child or instigating him towards delinquency, the legislator accordingly, has imposed a penalty of a fine together with the confiscation of the materials (Article 89).
  - Allowing children to enter cinema halls where the banned materials were shown, the legislator in this case has imposed a penalty of a payment of a fine (2 Article s 90, 91).
  - Hiding a child from whom the court ruled to be handed over or to a responsible party, or convince him to flee or assist him to do so, under the law, the penalty shall be a detention or the payment of a fine or one of them. The parents, the grandparents and husband shall not be questioned about this action (Article 115).
  - Subjugation of a child to juvenile delinquency or assisting him or her or instigating him or her to do so, the law in this case has provided for the penalty of detention. If this occurs from his or her ascendants or guardians or supervisors or those to whom he was legally handed over or if the culprit resorted to a coercion or a threat, a penalty in this regard, shall be a detention for a term not less than three months. If the crime involves more than one child the penalty of detention shall not be less than six months (Article 116).
  - Prohibition of exposing the child by his or her guardian to the juvenile delinquency, the legislator in this case, has imposed a penalty of custody (Article 116).

#### **1.2.5. Anti – Prostitution Law No.10 of 1961**

- Instigating or assisting or facilitating or using or enticing to commit fornication or prostitution, accordingly, the legislator has imposed the penalty of a detention for a term not less than one year and not more than 3 years with the payment of a fine. If the victim is under 21 years, the penalty of detention and fine will be rated to the maximum terms of detention and fine, or if the crime occurs under duress or threat or deception or abuse of power (2 Article s 1, 2 of the law).
- Instigating or using a facilitating or accompanying her to live the country or to enter there in for the purpose of practicing fornication and adultery, to this effect the legislator has provided for a penalty of detention for a term not less than one year and shall not be more than five years with the payment of a fine. If the victims are 2 or more, penalty of detention shall be increased to the maximum of seven years or if the crime is committed under duress or a threat (2 Article s 3, 5) of the law. If the victim of the crimes mentioned in the previous items is under 16 years of age or the culprit is of the ascendants of the victim, the penalty of detention shall range from 3 – 7 years terms (Article 4) of the Law.
- Exploiting the immorality of a person or his moral degradation or assisting a female to practice adultery, the legislator in this case has provided for the penalty of detention, ranging from 6 months to 3 years. If the crime is accompanied with

aggravating circumstances referred to above in the previous crime, the term of penalty shall range from 1 year to 5 years (Article 6) of the Law.

- Opening or managing a place for an immoral business or adultery or renting out or setting aside a place to practice an immoral affair or adultery or engaging as a practice in licentious acts and prostitution, the law maker in this regard, provides for a penalty of detention from three months to three years together with the payment of a fine or one of them and a lock up. If the culprit is of the ascendants of those practicing fornication or adultery or those responsible for his upbringing, the term of penalty will be increased from a 2 years detention to four years (Article s 8, 9, 10) of the Law
- Any one exploiting or managing a public place or an entertainment place using those practicing an immoral affair and adultery with the intension of facilitating such an act for them or exploiting them in promoting the place, the law in this case, provides for a penalty of detention for a term not more than two years together with a fine and a lock up for three months. If the culprit is from the progenitors of those practicing the immoral affair and adultery or those of their guardians or those with authority over them, penalty in this case shall double, and a decision for the lock up shall be irrevocable. (Article 11).

#### **1.2.6. Anti-Drug Law No.182 of 1960**

- If the culprit uses a person under 21 years in committing one of the aforesaid crimes or uses one of his progenitors or his offspring or his wife or those in charge of their upbringing or their supervision or those with an absolute authority over them in terms of controlling and directing them (Article 34/1).
- If the culprit brings him drugs or hands over or sell them to a person under 21 years or provides drugs to be taken by any coercive means or cheating or instigating to use or assaulting or facilitating to do so

#### **1.2.7. Education Act No.139 of 1980**

Article 19 provided for incriminating disobedience of guardians regarding provisions for compulsory education term.

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#### **1.2.8. The Civil Status Act No.143 of 1990**

Article 19 and 29 have provided for the procedures, conditions and the persons who are under an obligation to report about the babies and registering them as well as naming and keeping the record of the foundling.

Article 66, 67 provide for incriminating actions contravening the provisions of the registration of babies and failure to report on them.

The aforesaid provisions refer to the keen interest of the Egyptian law maker in incriminating some actions related to childhood with a view to upbringing the child within the framework of the social and family health environment. The objective is not to expose the child to any disgraceful acts on the part of those responsible for his welfare. The Egyptian law maker has also provided for a tough penalty on certain crimes, if the victim of such crimes is young. This shows how keen the Egyptian Law maker is in providing a general deterrent means geared towards the protection of childhood. In addition, the most severe penalty has been endorsed against individuals who are in the habit of violating the innocent children or denying them security and sense of relief or exploiting their weakness, lack of awareness and their naivety, in a drive to promote their own interests and objectives without taking into consideration the right of children to a sound upbringing and training.

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### **1.3. Egypt's International Contribution to the International and Regional Charters on Human Right**

The legacy of Egypt's civilization and its historic experience throughout the centuries bring together characteristics and qualities by which Egypt has been distinguished and associated with strengthening human values, emanating from the tolerance of Islam. This has been the motivating factor behind the Egyptian dynamic move in this direction. It has naturally led to Egypt being in the forefront of the states, sharing the entire international community in its continuing efforts to establish the principles of Human Rights and its basic liberties as well as allowing the entire nations of the world to enjoy these principles and rights. Therefore, Egypt was one of the fifty states which drafted and signed the Universal Declaration on Human Rights in 1948. Egypt has also taken the lead in acceding to all the international and regional Charters issued in this regard.

Egypt's approach is in agreement with the noble principles adopted by the International Community on the universality of Human Rights which is indivisible and unchangeable. The permanent Egyptian Constitution issued in 1971, has endorsed this principle when it states in Article (53) that the state should grant right to a political asylum to any foreigner subject to the political persecution for reasons of a defense of the interests of peoples or Human Rights or peace or justice. The Egyptian Constitution was the only Constitution which endorsed the principle of non-prescription of the criminal and civil complaints arising from violations of Human Rights, being the expression of the resolve of society to establish justice by penalizing anyone who might find it palatable to infringe on the rights of the others or on their basic liberties No.matter how long it takes. The idea of the society forgetting about these crimes on the basis of the passage of time must be rejected. In compliance with this Egyptian view point, Egypt shares the family of the international community in pursuing the following Conventions:

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#### **1.3.1. The International Charters on Human Rights to which Egypt Acceded**



- A Convention on Slavery – 1926 and the protocol on the amendment of the Convention issued in 1953 and 1956.
- Convention on Anti-Human Genocide and penalty there on – 1948.
- International Convention on Labor No.(29) on forced labor and work under duress – 1930.
- A Complementary Convention on the abolition of slavery and slave trade trading, norms and practices similar to slavery – 1956.
- The International Convention No.(105) on the Prohibition of Forced Labor – 1957.
- A Convention on Banning the Human Trafficking and Exploitation of the others engaged in Prostitution 1949.
- International Convention on the status of Refugees and the Protocol attached to it -1967.
- Convention on the Political Rights of Women 1952.
- Convention on the Elimination of all forms of Discrimination against Women – 1979.
- The International Convention Civil and Political Rights – 1966.
- International Convention on checking the Crime of Apartheid and its attendant penalty 1973.
- International Covenant on economic, social and cultural rights – 1966.
- A Convention on Combating Torture and the other forms of Maltreatment or a Cruel or Inhumane or Degrading Punishment – 1984.
- A Convention on the Rights of the Child – 1989.
- The International Convention on Anti-Apartheid in Sport Games – 1985.
- The International Convention on the Protection of Human Rights for the Immigrant Workers and Members of their Families – 1990.
- The International Labor Convention No.182 – 1999 on the prohibition of the worst forms of Child Labor. Egypt acceded to it by the Republican Decree No.69 of 2002.
- The First Optional Protocol to the Convention on the Rights of the Child, Adopted in 2000 on the Anti-Child trade and the Exploitation of Children for Prostitution and in the Trade of Immoral Materials by the Republican Decree No.104 – 2000.
- The second optional protocol to the Convention on the Rights of the Child, adopted in 2000 on the Prohibition of the Participation of Children in the Armed Conflicts by the Republican Decree No.105 of 2002 (Procedures for Gazeting is Underway).

### **1.3.2. The Regional Charters on Human Rights Acceded to by Egypt**

- The African Convention on the problems of Refugees – 1969.
- The African Charter on Human and people's Rights – 1980.
- The Arab Charter on the Rights of the Child – 1983.
- The African Charter on the Rights and Welfare of the Child -1990 by the Republican Decree No.33 – 2001.

- The Agreement of the Arab Women's Organization – 2002 by the Republican Decree No.133 – 2001.

In view of above the extent to which Egypt has internationally contributed to the International and Regional Charters on Human Rights has become clear, underscoring its keen interest in imparting international legality on these Rights. Egypt's continued efforts will also be evident in enacting and incorporating those principles into clear-cut and illustrious international Charters through which a commitment to respect, protect and develop these Rights will be shaped. It will seek to bring into effect relevant mechanisms for the protection and monitoring the implementation of these conventions on the international plane. It stresses at the same time that this legality has been well-established at the national level in view of the fact that the International Conventions officially gazette are considered, to be some of the countries laws and shall be complied with.

#### **1.4. The General Legal Framework of the Protection of the Principles of Human Rights in Egypt**

The Egyptian legal system is based on a constitution, regarded as the basic law which defines the structure of the state and the system of governance of the state, public authority and its competences, the Rights of individuals, their freedoms, the basic guarantees for these rights, their means of protection, and the independence of the judicial authorities, overseeing these rights and freedoms. The Constitution occupies a special place being a national and historic requirement around which the movement of national struggle revolved.

The first Constitution of this country was issued in 1882. Thereafter, Constitutions were issued in succession in response to the political situations through which the country lived. It should be recalled that the country was also resisting occupation until a permanent Constitution came into effect in 1971. It is the current effective constitution which contains all the elements discharged by the International Charters such as the principles of Human Rights and its basic liberties. In response to the variations on the political and socio-economic plane and keeping abreast with new developments in the international arena on the international course towards Human Rights a Constitutional amendment was effected by the virtue of the referendum which took place on 22/5/1980. As a result, a second representative council was created, consequently, a political system based on pluralism and the press authority was put in place. The Constitution was also amended in a referendum which took place in May 2005 by introducing the system of election of the President of the Republic in a direct balloting involving multiple candidates in support of democracy in Egypt.

By incorporating the principles of Human Rights and its basic freedoms into the Egyptian Constitution, significant advantages follow:

- The country will enjoy normalcy and stability and will remain intact thanks to the necessary procedures involving the Constitutional Amendment aimed at the end of the day, at going back to the people in a referendum to be conducted on this Constitutional amendment (Article 189 of the Constitution)
- It will provide Constitutional principles which transcend the levels of other legal rules enacted by the legislative power or by any other power. For it is incumbent upon these powers to act accordingly, without prejudice.
- These principles will provide a Constitutional judicial protection through the Supreme Constitutional Court, instituted by the Constitution which is competent to decide the Constitutionality of the laws through a binding court judgment on all the international authorities.
- The reason being to prevent issuing by the legislative powers the laws which may be inconsistent with those laws.
- It enjoys a special guarantee unique to the Egyptian Constitution with respect to the entire Human Rights and its freedoms as provided for in that Constitution and stipulated in Article 57 of the Constitution. According to this Article , any violation of any of these Rights and freedoms which the constitution guarantees for the individuals, is a crime which the prescription and the State's guarantee for compensating the persons affected , shall not drop the civil or the criminal claim against the crime .

### **1.5. The Legal Status of the International Conventions on Human Rights in the Legal System in Egypt**

With regard to the legal status of the International Conventions on Human Rights in Egypt, including the African Charter on the Rights and Welfare of the Child, the subject of the Report, the International Conventions in general in Egypt, are governed by principles stipulated in Article 151 of the permanent Constitution in 1971 by the virtue of which those Conventions, once the Constitutional procedures are completed, shall serve as the laws of the land.

In view of the order of precedence, the relevant International Conventions on Human rights and its freedoms including the African Charter on the Rights of the Child, the subject of the current report, this shall be considered, after being ratified and officially published in the gazette, to be a law passed by the legislative power. Consequently, its provisions good for implementation and capable of being acted on in relation to all the authorities of the State be it legislative or executive or judicial. On the basis of that legal status of Human Rights Conventions in Egypt, the Human Rights principles and freedoms stipulated in the International Conventions including the African Charter on the Rights of the Child, the subject of this Report, enjoy a special legal status in Egypt as detailed below:-

#### **1.5.1. The Established Protection of the Constitutional Principle**

As the principles of Human Rights and liberties and corporate in the provisions of the Constitution including a care for childhood as mentioned, these principles will enjoy a firm protection of the Constitutional base. It will mean considering all the legal provisions actually in force at the time when the Constitution was passed, and are inconsistent with those principles or in conflict with them as unconstitutional. This would also apply to any laws that may be passed by the legislative power following the coming into force of the Constitution. Therefore, every stakeholder could resort at any time and under the prevailing circumstances, to the Supreme Constitutional Court to obtain its judgment on the unconstitutionality of the provisions or laws and the judgments passed by that court are irrevocable and effective, binding on all the authorities of the State and shall be published in the official gazette of the country.

### **1.5.2. An Established Protection of the Legal Principles**

While all the International Conventions including the African Charter on the Rights of the Child to be considered as a law of the land by direct and immediate implementation and operation in relation to all the authorities of the State. These authorities shall comply with the provisions and the rules stipulated therein. This shall directly grant a right to those affected as a result of non-implementation of these provisions to resort to the relevant court in accordance with the nature of the offence and established circumstances to obtain the rights resulting there from.

### **1.5.3. The Criminal Protection**

All the rights and liberties provided for in the Constitution enjoy the criminal protection well-established by Article 57 of the Constitution and according to which any violation of any of these Rights and freedoms which the constitution guarantees for the individuals, is a crime which the prescription and the State's guarantee for compensating the persons affected , shall not drop the civil or the criminal claim against the crime .

## **1.6. The National Action Mechanisms Overseeing the Effective Implementation of the Charter on Human Rights**

### **1.6.1. The National Council of Human Rights**

- The National Council of Human Rights was created under the law No.94 of 2002. It is an Independent National Mechanism. According to this law the Council has been granted powers well-established internationally for such Councils in compliance with the Paris principles issued in 1990. The law provides for the Council's role regarding cases presented to it and imposing upon the Government Authorities to respond to the Council and provide it with the required information, obliged by the law to prepare an annual report for submission to the President of the Republic and to both legislative Councils about the situations of

Human Rights in Egypt (A copy of the above stated law is hereby attached to the Report).

- The Council has been formed headed by Dr. Boutros Boutros Ghali the renowned international personality. He served as the UN Secretary General.
- The Council now continues to perform its functions as provided for by the law through its efficient committees which have been formed according to the law through activities aimed at preparing future plans to enlarge the role it is required to perform at the national, regional and international levels.

### **1.6.2. The National Council of Women**

The Council has been formed in accordance with a Republican Decree No.90 of 2000. It is charged within the framework of supporting the Egyptian efforts to promote women and to overcome all the obstacles which might hinder the performance of their role in the society. It is assigned with the following:

- Proposal of general policy for the community and its Constitutional institutions in the area of the women's development and their empowerment to perform their economic and social role and to incorporate their efforts into the comprehensive development.
- Drawing up a draft national plan for the development of women and solving the problems faced by them.
- Follow up and evaluation of applications of the general policy regarding women and to present proposals and observations to the competent authorities in this regard.
- Expression of a view point about the bills and decisions concerning women before presenting them to the competent authority including a recommendation for proposing draft bills and decisions requiring the enhancement of the conditions of women
- Expression of a view point about all the Conventions regarding women.
- Representation of women in the relevant international fora and organizations addressing the affairs of women.
- Creation of a documentation centre for information gathering and data, studies and researches on women as well as conducting researches and studies in this field.
- Holding of conferences, symposia and panel discussions, as well as conducting a research into the subjects that affect women.
- Organization of training courses for education and raising awareness about the role of women in society and about their rights and duties.
- Issuing news letters, magazines and publications with regard to the objectives and jurisdictions of the Council.
- The other subjects which the president of the Republic may refer to the Council.
- The efforts, studies and researches conducted by the Council have led to a number of results and programs currently being implemented. The law maker also has responded to a number of the legislative proposals by abolishing the

legislative provisions prejudicial to the principle of the equality or passing new legislations with a view to facilitating the prosecution procedures for women. One of the most important legislative amendments in this regard (abolition of the condition of masculinity from the law of the Chamber of Commerce – and the law of the Governorship and Sheikhs – the establishment of a right to the Egyptian nationality for the children of the Egyptian mother married to a foreigner – formation of family codes with a view to facilitating the proceedings of the prosecution in the issues of personal status – the setting up of a family insurance fund).

- We will make reference in detail to the efforts made by the National Council in the second part during a comment on Article 18 of this report.

### **1.6.3. The National Council of the Maternity and Childhood**

This Council has been established by the Republican Decree No.54 of 1988. The Decree stipulates that the National Council is the highest authority which undertakes the presentation of the proposals for the general policy under which the Council will be run. It has the right to take any necessary decisions according to its own view point so as to realize the purpose for which it has been created and in particular it has the power to perform the following:

- The proposal of the general policy in the area of childhood and maternity. Drawing up a comprehensive national draft plan for childhood and maternity within the framework of the general plan of the state. It aims at protecting childhood and maternity in different areas and in particular with regard to the area of social and family welfare. This is in addition to the health, education, cultural, information and social protection.
- A follow-up action and evaluation of the implementation of the general policy and the national plan for childhood and maternity in the light of the reports introduced to it by the Ministries, different organizations and authorities as well as giving directives to remove obstructions.
- Gathering available information, statistics and studies in the area of childhood and maternity as well as their indicators and results arrived at, defining the beneficial areas from them.
- Proposal of training programs which help to raise the level of performance in the implementation of the activities regarding childhood and maternity.
- Proposal of the relevant cultural, educational and information programs for raising awareness and the public opinion mobilization on the needs of childhood and maternity, its problems and the methods of addressing them on a sound scientific basis.
- Promoting and broadening the size and base of the voluntary activity in both the fields of childhood and maternity.
- Co-operation with the Governmental and non-Governmental organizations in the fields of childhood and maternity at the regional and international levels.

- Expression of opinion on the Conventions on childhood and maternity as well as participation in the implementation of agreement on aid and assistance being rendered by the foreign countries and organizations to Egypt in this area.
- Passing decisions on the internal laws on the financial, administrative and technical matters without complying with the governmental principles as well as issuing by-laws on the matters of the workers after taking the opinion of the central organ of the organization and administration.
- The decision stipulates that the Ministries, the public bodies, the units of the Local Government with data, reports and researches in connection with its functions and are a requirement. Therefore the
- Council and the said organs shall be provided with periodical reports about the measures which have been taken to implement the policy, plans and programs of the Council on childhood and maternity.
- It has also stipulated that the decisions of the Council shall be final and operational, and it is incumbent upon all the Ministries, the public bodies, the units of the local Government and units of the public sector to implement the plans, projects and programs which were designed by the Council to address the question of childhood and maternity in collaboration with it and with its support organs.
- We shall address the efforts made by the Council in the second part through my comment on Article 18 of this Report.

#### **1.6.4. The Management of Human Rights Affairs or the International Social and Humanitarian Issues**

Consistent with the mandate of the Ministry in its capacity as the official channel of communication responsible for bringing out what is already achieved at the national level in different regional and international circles and believing in the importance of the issues of Human Rights with its interacting and overlapping dimensions including its direct influencing reflections on the image of Egypt abroad, the Ministry has taken the initiative at the outset of the 90's by creating a specialized department concerned with the follow-up to Human Rights issues. The mandate of department has been broadened to cover the international social and humanitarian issues in addition to its principal jurisdiction in the area of a follow-up action to all the matters regarding Human Rights which will be presented and elucidated in different international and regional fora in a form of declarations and resolutions as well as conventions or protocols or otherwise. Indicated below, are the most important activities, programs and projects to be implemented by the Ministry with a view to promoting and strengthening Human Rights:

The Different Activities Being Performed by the Department of Human Rights Affairs at the Ministry with a View to Promoting and Strengthening Human Rights

- The Ministry in collaboration with the United Nations Development Program (UNDP) executes training programs for the Police Officers, Prosecuting

Attorneys Judges, Media and Journalists aimed at strengthening the Egyptian national capacities to disseminate the culture of Human Rights in Egypt.

- Compliance with Egypt's commitments to treaties in the area of Human Rights through participation at the meeting of the Ministerial Committee at the Ministry of Justice in charge of preparing Egypt's periodical reports to be presented to the United Nations Treaties Committees.
- Furthermore, it is responsible for coordination with different relevant Ministries and specialized National Council for the preparation of these periodical reports.
- The formation of relevant mechanisms of an Advisory Committee on Human Rights (comprising the Ministries of Justice, Foreign Affairs, the Interior and Attorney General). This committee holds its meeting periodically at the Ministry to consider responses about the complaints of Human Rights and about the queries of the different international mechanisms on Human Rights (The UN Committees of Treaties, different Human Rights Committee Mechanisms) this is in addition to the establishment of a permanent co-ordination mechanism with the National Council of the Human Rights.
- Submission of specific recommendations to the political leadership with a view to promoting and protecting the Human Rights in Egypt. They include the proposals as to how to deal with the other countries in the areas of Human Rights.
- Employing the communication network of the Ministry of Foreign Affairs so as to enable the latter to transmit a picture of its achievements to the international constitution in a drive to support the State programs and to provide it with opportunities of cooperation with the donor organizations in addition to extending information required by the State organs and embassies, as well as to provide them with the latest discussions conducted on the international arena relevant to its activities.
- Presentation of Egypt's initiatives before the International Human Rights for a aimed at mustering the international support for Egypt's vision on Human Rights issues based on the defense of humanitarian principles, impartiality and keeping away from transitionalism and polarization as well as protecting of people's rights. The Human Rights Committee during its last session held in Geneva in April 2005, has endorsed with a large majority an Egyptian resolution for the protection of the civilians in armed conflicts. The resolution includes the emphasis by the international community in compliance with the commitments of the humanitarian international law, and the protection of the civilians during the armed conflicts and those under foreign occupation.
- The preparation of the Egyptian position at different international and regional fora concerned with Human Rights.
- The Ministry's continued role as a basic liaison linking the country with the outside world in the area of Human Rights.
- The response to the external complaints regarding Human Rights violations.
- The contribution in the preparation of Egypt's periodical report on Human Rights.

#### **1.6.5. The Public Department for Human Rights Affairs at the Ministry of Justice**



The public Department of Human Rights Affairs was established in accordance with the decision No.3081 of 2002 by the Minister of Justice. It is concerned with the following:

- The preparation of a data and information about all the Charters, resolutions, recommendations of international and regional efforts, laws, decisions and the Egyptian judicial provisions regarding Human rights.
- The representatives of the Ministry at the committees meetings concerned with Human Rights held at the governmental, scientific and academic quarters.
- Participation and preparation of the legal aspects of the periodical reports of Egypt to be presented before the UN committees, the covenant, and regional committees on Human Rights.
- Conducting researches and legal studies to the extent of harmonizing the legislations and national laws with the respective Charters and international resolutions on Human Rights.
- Expression of opinion on the quarries regarding the legislations concerned with Human Rights.
- A follow-up action to laws and decisions issued in connection with judicial provisions relating to Human Rights.
- Preparation of responses, legal reports, enquiries and information sought for the United Nations and its respective agencies or the African Commission or the Arab Commission on Human Rights.
- Representations of the Ministry at the UN committees of treaties, conferences, seminars and respective international or regional or national committees on Human Rights as well as preparation of necessary studies on the implementation of the recommendation issued there from.
- Holding an organization of conferences and scientific and specialized seminars in the area of Human Rights.
- Holding and organizing training courses for the members of the judiciary and the administrative employees in coordination with the respective international or regional or national bodies.
- Data and statistic gathering relating to the areas addressing Human Rights and which emanate from the specialized Government quarters.
- Any other business assigned to the department.
- The post of the Assistant Minister of Justice for Human Rights Affairs was created in accordance with the Republican Decree No.233 of 2003.
- Principal Committee at the Public Department referred to above was headed by the Assistant Minister to undertake in association with the respective Governmental quarters, the preparation of the international reports for Egypt to be presented before the international and regional mechanisms on Human Rights. The present reports will be made available to the esteemed committee as the first fruits of the above named committees work.
- The Department in collaboration with the United Nations Development Program (UNDP) conducts training courses involving members of the judiciary and the office of the Prosecutor with a view to disseminating and raising awareness about the international and regional Charters on Human Rights. It has also prepared an Egyptian encyclopedia compiling all the international and regional

Conventions acceded to by Egypt as well as laws and resolutions relating to the national mechanisms in a drive to facilitate access to reference by the judges considering the fact that this Charter served as Egyptian laws acting on the provisions of the Egyptian Constitution.

#### **1.6.6. The Supreme Commission on Human Rights at the Ministry of the Interior**

In accordance with the Ministerial decision (No.22562) of 2001 a higher committee on Human Rights was formed at which all the leadership of the security organs and Police at the Ministry were represented and whose functions are defined as follows:

- Consideration of means ensuring preservation of Human Rights in the Ministry's different organs' dealing and interaction with the citizens monitoring the methods of the necessity respecting Human Rights and basic freedoms by all the employees of the Ministry's' organs.
- Consideration of all the obstacles that may hinder a human being from enjoying all his rights and basic freedom and putting in place most appropriate solutions to eradicate such obstacles.
- Consideration of concerns which might have been raised about Human Rights in the Country and take the necessary measures to address those including making proposals geared towards supporting the Ministry's plan in the area of Human Rights protection.
- Proposal of organizing (seminars-conferences-training courses) with a view to deepening the concept of Human Rights to the offices and the individuals of the Ministry.
- The study of methods of developing different procedures aimed at enlarging protection established for Human Rights.
- The Commission has endeavored to put in place a mechanism of respect for Human Rights and to safeguard its basic freedoms. It has also made an effort to disseminate the culture of Human Rights among the different sectors of the Ministry including officers, individuals and civilians. The purpose of this is to deepen the concept of Human Rights in them and to view the necessary measures which must be followed as to facilitate things for the citizens and speedy realization of services concerning them in an advanced modern form. It also means conducting an investigation into any allegations that might tarnish the image of the Egyptian security organ and to insure the integrity of the measures taken by the security, police and legal authorities and to announce such as to for the security institution their efforts and desire to protect Human Rights and safeguard its freedom, the effort of the Commission led to the realization of a number of achievements at the different sectors of the Ministry.

#### **1.6.7. The Human Rights Committee at the Ministry of Social Welfare**

In accordance with the Ministerial decision No.41 dated 1/3/2004 a committee was setup at the Ministry of Social Welfare comprising senior officials of the Ministry. The Committee is concerned with the following:

- (The function of this Committee shall be to prepare the periodical reports about the efforts of the Ministry in the area of Human Rights and to consider complaints lodged by the citizens to the Ministry and relate to Humanitarian Rights of certain categories such as children, women handicapped and old aged.
- The growth of formation of the specialized national and the governmental mechanisms in the area of Human Rights and its freedoms reflects the desire of the state for implementing its international commitments arising from the International Conventions acceded to by Egypt. Furthermore, it is to consolidate the areas of its activity by creating mechanisms aimed at monitoring and promoting the work in this areas as well as preparing ambitious plans to disseminate the culture of Human Rights and to impact its implications in the system of the daily life of the citizens. It also serves as a work method, a lifestyle and a futuristic vision in favor of mankind as a whole.

#### **1.6.8. Human Rights Committee at the Peoples Assembly**

In the light of a succeeding development in strengthening and consolidating the national mechanisms of Human Rights, the Egyptian People's Assembly has established a special committee on Human Rights so as to powers of the People's Assembly. It constitutes in particular a new mechanism for monitoring the Governmental performance in this area.

#### **1.6.9. The Organizations of the Civil Society**

- The organizations of the civil society constituted a significant ingredient of the profile of Human Rights in Egypt. The Law No.84 of 2002 regarding the local societies has permitted the establishment of the organizations of a civil society serving in the area of Human Rights. It has also authorized the establishment of the branches for the international organizations in Egypt. The number of the registered societies has risen in this field to 81 societies.
- The organizations play an important role in the framework of disseminating the culture of Human Rights and awareness about the International Charter on Human Rights.

#### **1.6.10. The Press Authority**

The press is considered as one of the important mechanisms in the area of Human Rights, Article 207 of the Constitution stipulates that press is a free authority performing its mission independently in the service of the society through all means of expression

as a contribution to and expression of the public opinion within the framework of the basic component of the society. One of its functions also is to safeguard freedoms, rights, public duties and respect for the sanctity of the private life or the citizens in conformity with the Constitution and the law. A number of newspapers be it national partisan or otherwise which are issued by public and private, the body corporate, serve in the journalistic profession. Press in consideration of its circulation, is regarded as one of the important mechanisms, disseminating the International Charters as well as observing and monitoring all the important international regional and national events.

## **1.7. The National Approaches of a Fairplay Ensuring an Effective Implementation of the Principles of the Human Rights in Egypt**

The legal system in Egypt is based on the rule of law and the independence of the judiciary. The permanent Egyptian constitution has embodied a provision for the judicial power and illustration of the aspects of the judiciary. It has also provided for the establishment of the Supreme Constitutional Court to monitor the constitutionality of the laws. We will in this regard make reference to the Egyptian judicial system in accordance with the Constitution as detailed below:

### **1.7.1. The Supreme Constitutional Court**

- Article s from 174 to 178 of the Constitution provide for the establishment of the Supreme Constitutional Court. It is an independent judicial body undertaking uniquely the judicial control over the constitutionality of the laws and statues. It also undertakes interpretation of the legislative provisions, with the members of the Supreme Constitutional Court enjoying judicial immunity as they are in dismissible. For the court undertakes the interrogation of its members and publishes in the official gazette, its judgments regarding the Constitutional cases and interpretational decisions. Its judgments are considered final and binding on all the authorities of the State in the course of exercising its powers regarding the judgment about the Constitutionality of the laws. A number of Constitutional judgments have been issued from the Supreme Constitutional Court concluding that the legislative provisions which are inconsistent with the provisions of the Constitution are non-Constitutional and to which we would make a reference in the second part within the framework of the rights and freedoms.
- These Constitutional provisions which are binding on all the authorities of the State, in keeping with the Constitution, indicate the fact that the Supreme Constitutional Court, one of the national means of appeal for justice is performing its functions by making a judgment in Constitutional dispute which were referred to it by the individuals and judicial quarters. This indeed reflects its keen desire for the State to continue with its commitment to the principle of the rule of law and the independence of the judiciary. This would lead to unifying the judicial performance while its decision will constitutionally be concluded. It also reflects the commitment of the Egyptian law-maker to the conclusion of the Constitutional

judgment regarding the unsound legislative provisions which contravene the Constitution and its initiatives to introduce the necessary legislative amendments for implementation.

### **1.7.2. The Judicial Power**

- The Constitution discusses the judicial power in Section 4 of Chapter 5 in Article s (from 165 to 173).
- The Constitution provides in those Article s for the independence of the judicial power and that the judges are independent and not subject to control by anyone other than the law. There shall be No.interference during the performance of their duty and are in dismissible. The law of the judicial power issued by the law No.46 of 1972 regulates all the provisions regarding the appointment of the judges and organization of their functional matters.
- (Article 172) of the Constitution stipulates that the Council of the State is an independent judicial body concerned with a decision in the administrative dispute and disciplinary cases. In support of the above statement, the judicial power in Egypt is divided into civil and criminal courts with all its categories, the administrative judiciary and Council of the State. We would in this respect make a reference to both of them separately.

### **1.7.3. The Judiciary**

- The courts of both its civil and criminal branches undertake the judgment in all the civil disputes of its different kinds and criminal disputes relating to the crimes legally established. This is in accordance with the law within the framework of disputes brought before the courts and guided by the existing Constitutional principles and in keeping with the rules and procedures established in the law of civil submissions effected by the civil courts or the law of the criminal proceedings in force brought before the criminal courts. Both laws have regulated the categories and types of the court and the area of its competence, categories of appeal in the judgment passed, means of resort to the court and proceedings of consideration of cases, guarantees established for the litigants and defense.
- The law authorized the victim to claim civilly compensation before the criminal court at the time of looking into the claims relating to the crime legally provided for. Of course, these include crimes of violations of the public rights and freedoms of the individuals. The Egyptian judicial structure is based on the prosecution conducted in two categories. The courts in Egypt are divided into Magistrate and cassation courts.
- The law has defined the jurisdiction of the courts in their different categories and namely: the value of the case, and the type of the case. The courts are wide spread in Egypt at the posts and stations levels with a view to bringing the areas of prosecution closer to the criminal quarters. The Magistrate Courts are also found in the provincial capitals and are numerous in provinces with a high density

of population. The court is composed of tripartite circuits of members of the judiciary.

- There are in Egypt 8 Appeal Courts covering provincially all the governorates of Egypt and are composed of tripartite circuits of Chief Judges, Prosecuting Attorneys and Counselors at the Appeal Court and are held in Civil and Criminal Chambers.
- The cassation court is one single court with its headquarters in Cairo. It is composed of a five member panel of prosecuting Attorneys and Judges at the court. Judgments passed by the Appeal Courts and Magistrates Courts pertaining to the cases which they have looked into as an appeal body is challenged before it. The cassation shall be a form of an appeal for legal reasons defined by the law.

#### **1.7.4. The Public Prosecution**

- It is a deeply-rooted branch of the Judicial Power, constituted of the public Prosecutor assisted by Prosecution Attorneys, Senior Public Lawyers, Public Lawyers, Chief Prosecutors, Agents, Assistant and Aides. (The members of the Public Prosecution are appointed by a way of exchanging members of the judiciary according to their corresponding ranks, as from the Deputy Prosecutor of First Class, equivalent to the ranks of a Judge) The Public Prosecution is formed of specialized prosecuting members and Prosecutors at the level of the Appeal Courts circuits as well as those of the Magistrates Summary Courts. The members of the Public Prosecution of an assistant rank and above, all of whom are indissmissible. They enjoy the judicial immunity. The Public Prosecution represents power of both the investigation and the prosecution. It may conduct the proceedings of the Magistrate investigation into public cases. It may keep records of cases for legal reasons and is empowered to refer cases as viewed by it to the competent criminal courts. (It should be recalled that granting the members of the Public Prosecution, a judicial immunity, is provided for in the amendments of the judicial power law which took place in 1984. Following the respective international resolutions issued on the matter of the separation of the investigation power, the prosecution and the independence of the members of the Public Prosecution).
- The Public Prosecution is vested with the investigation power into cases of the complaints received by it from the police or presented directly to it and it has the power to issue warrant of arrest, apprehension, inspection and detention for a period of four days. Extension of the period of detention can only be ordered by the competent summary Judge. The Office of the Public Prosecution appears at the presentation of some civil cases such as personal status and bankruptcy. It also undertakes supervision and a periodical and surprise inspection to the prisons and other places of detention legally established.
- It should be recalled that on 27/7/2005 the Attorney General issued the decision No.1221 of 2005 to create special section of the protection of Human Rights for

investigation, a follow-up action and a identification of any violations or reports relating to Human Rights

#### **1.7.5. The Administrative Court and the Council of the State**

- Within the framework of the exercise by the executive power of its competences and jurisdictions as well as decisions issued by it accordingly or statutes regarding the interest of the individuals or groups whether they relate to the services it renders or is committed to undertake procedures towards the citizens, it is incumbent upon the executive power to naturally, adhere to the constitutional principles and the existing legal bases in force in the country. The target was to issuing decisions within the confines of its executive power for the public interest and the abstract objective standards and to conclude the interests of the citizens in keeping with those standards and in compliance with the recognized legal fundamentals.
- The Council of the State and the Administrative Court constitute a means of making available to all, the judicial justice, to resort to it for the sake of appealing against the decisions issued by the executive power whether positive or negative or abstention from issuing a decision of undertaking the required procedures.
- The applicant who resorts to the administrative court could seek the abolition of the decisions inconsistent with the law or jurisdiction or the form or a defect for reasons of an error in the application or interpretation or abuse of power as well as applying for compensation.
- The Council of the State is an independent judicial body (Article 172 of the Constitution).The Law No.47 of 1972 in the matter of the Council of the State has defined the competence of the Courts of the Council of the State in issuing a judgment in the appeals against the final decisions and applications for abolishing the administrative decisions and compensation about it for the above mentioned reasons. The refusal from taking the decision in the judgment of the administrative decisions should be respected as well as the appeals against the disciplinary decisions.
- The law has also regulated means, procedures and degrees of the appeal against the judgments. The Law considered the judgments issued for abolition to be a pretext for all. The refusal from executing it is considered to be an incriminating crime according to the Egyptian penal code (Article 123).
- The Council of the State in accordance with the law No.47 of 1972 regarding the Council of the State constitutes three sections namely (judicial, religious legal opinion and legislation). The judicial section comprises the Supreme Administrative Court, the Administrative Judicial Court, the Administrative and Disciplinary Courts and the State plenipotentiaries' body:

##### **1.7.5.1. The Judicial Division**

- The administrative and disciplinary courts constitute tripartite circuits headed by an assistant judge and a membership of two of the prosecuting attorneys at the

level of the Governorates. These are considered to be First Instance courts since it appeals against their judgments be the administrative judicial court whether from the litigants or the state plenipotentaries' body.

- The supreme administrative court is composed of five judges and it is concerned with looking into appeals brought against the judgments passed by the administrative court or disciplinary courts for legal reason defined by the law (M).
- The State plenipotentiary body represents all the prosecution ranks at the Council of the State. It is concerned with the preparation of the opinion and verification of the administrative complaints.

#### **1.7.5.2. The Fatwa Division – (Religious Legal Opinion)**

It is concerned with the expression of opinion on the issues for which it is approached with a request from the competent department of the Ministries for an opinion or verification of complaints (Article 58).

#### **1.7.5.1. The Legislation Division**

- This is concerned with a review of the relevant legislative laws and Decrees of the Republic. It meets with the General Assembly body to look into the international issues and disputes between the Governmental Departments (Article 66).
- This organizational structure of the judiciary of all its constitutional, civil, criminal and administrative types represents national means of seeking justice. In turn, it is engaged in the protection of rights and freedoms and punishment against violations of Human Rights which constitute criminal offenses and payment of compensations to the victims for damages affecting them. The administrative court also constitutes a justice body concerned with the abolition of the administrative decisions which might be issued contravening the provisions of the Constitution or the law or constituting an arbitrary action in the use of right together with compensation for the victim affected by those decisions.



## **Part Two: Objective Discussion of Human Rights as Stated in the African Charter on the Rights of the Child**

### **2.1. (Article 3 of the Charter) Non – Discrimination**

Every child is entitled to enjoy all the rights and freedoms recognized and guaranteed by this Charter without discrimination for reasons of ethnicity or ethnic group or colour or race or language or religion or political affiliation or for any other opinion or the national, or social origin or for wealth and birth or any other status without discrimination of this kind by cautioning the parents or the legal guardian about this.

Article 40 of the permanent Egyptian Constitution provides for equal rights and duties and non-discrimination. It provides that the citizens are equal before the law; they are equal in the rights and public duties and without discrimination among them for the reasons of race or origin or the language or the religion or faith.

The Egyptian lawmaker adheres to this Constitutional principle under the Constitutional and judicial monitoring undertaken by the Supreme Constitutional Court in Egypt. These Egyptian laws therefore, did not include discrimination or abuse of the principle of equality. The principle of equality and non discrimination is considered to be one of the principles around which the constitutional disputes already tabled before the Constitutional Court, revolved. The latter has put in place a number of important provisions as follows:

- The Constitutional Court has defined forms of discrimination contravening the principle of equality, as forms of discrimination contrary to the Constitution. Although they are incalculable, they include every differentiation or restriction or incapacitation or exhaustion which arbitrarily affect the rights and freedoms guaranteed by the Constitution or the law whether by denying or suspending them or decreasing their effects so as to prevent exercising them on the full equal footing against those legally qualified to benefit from them especially at the level of the political, social, and economic and cultural life as well as aspects of the public life. (Its judgment issued on the case No.39 in 51Q the Constitutionality of the session held on 4/2/1995 published in the official gazette – No.28 dated 11/7/1985)
- The Constitutional Court has also ruled the non-constitutionality of the exceptional treatment for acceptance in the higher educational institution which has been incorporated into the legislative provisions which imply acceptance of exceptional groups in place of those applying according to the objective and fixed conditions for acceptance. This constitutes a violation of Article s 8 and 40 of the Constitution and is detrimental to all those who have a right to equal opportunities and right of equality. (Its judgment issued on this case No.106 for the year 6Q. The Constitutionality of the session held on /1985 published in the official gazette, issue No.28 dated 11/7/1985).

- It has ruled unconstitutionality of the contents of the item A of Article 3 of the Law No.99 of 1992 in the matter of Health Assurance involving the students. This will oblige the students of the private schools and private nurseries to bear-annual subscriptions for the financing of this insurance amounting to more than what is already fixed for other students. For this entails a violation of the right of equality already affirmed by the text of Article 40 of the Constitution. (Its judgment issued on this case No.40 of the year 16Q on the Constitutionality of the session held on 2/9/1995 published in the official gazette, issue No.37 dated 14/9/1995).
- Finally it ruled the unconstitutionality of Article 134 of the statute of the personal status of the orthodox Coptic on child nursing due to difference of nursing age established from of the Muslim children and the because the mother is denied access to the judge with her application for keeping the female child until the age of marriage and the male child up to 15 years. This is if the interest of both children lies in this, following the example of the Muslims, since it violates the right to equality already affirmed in Article 40 of the Constitution. (Its judgment issued in the case No.74Q the Constitutionality of the session held on 1/3/1973) published in the official gazette No.11 dated 13/3/1997.
- The judgment issued in the case No.2 of the year 24 the Constitutional judiciary of the session held on 14/12/2003, first the unconstitutionality of the text of item (2) of Article 106 of the Law of the Social Insurance issued under the law No.79 of 1975. Secondly unconstitutionality of the text of the item (4) of Article 112 of the said law which did not include the right of the husband to combine his livelihood in separate from his wife and his livelihood in his capacity as a beneficiary from the provisions of this law. This is in addition to his combining of, his livelihood and his income from his work or his profession without any limit. (For this entails a violation of the right to equality and the right to proper emoluments accruing from his job and preserving the rights of the family). These provisions relate to childhood and the laws regulating matters involving them such as the education Act, the Health Assurance and the personal status.

## **2.2. (Article 4 of the Charter) The Most Favorable Interest of the Child**

- The interest of the child shall be the basic consideration in any action taken by any person or authority pertaining to the child.
- Any judicial or administrative action affecting a child capable of expressing his own opinion, care must be taken for the views of this child to be heard whether directly or indirectly through an impartial representative taking part in this action. It is incumbent upon the competent authority to take his views into consideration in a way that is in agreement with the provisions of the laws in force in this respect.
- In keeping with the commitment to the international and regional conventions on childhood acceded to by Egypt including the present Charter the Egyptian law No.12 of 1996 in Article 3 on the child provides that the interests of the child be given the priority in all the resolutions and procedures pertaining to the childhood issued or acted upon by which ever organization. This criterion

is general since it covers all the measures and resolutions whether objective or formal and all the organizations which issue them, whether judicial or administrative or non-governmental including the legislative power. For it is in keeping with the provision of Article 3 of the International Convention on the Child. This criterion which the law has made it an obligation for all the organizations responsible for childhood reflects the need to endeavor, to make it real and to demonstrate a keen interest in implementing it through all the decisions emanating from them or the measures taken by them. The interest of the child shall be taken into account without any other considerations. This criterion shall apply to all the measures and decisions taken by the judicial bodies when looking into the situations in which the child is involved for a criminal liability. An abuse of this criterion is regarded as discrepancy affecting the decisions and measures taken on this matter and could cause an appeal or a complaint to arise against them in accordance with the procedures legally established.

- With respect to listening to the views of the child and taking them into consideration, the Egyptian lawmaker adheres to this matter when conducting the amendments regarding the nursing age. The Law No.4 of 2005 has made it an obligation to respect the view of the child in determining the extension of the nursing age, be it male or female.

### **2.3. (Article 5 of the Charter) The Right to Life (Survival and Development)**

1. Every child has the right to life. This right is not subject to prescription and shall be protected by the law.
2. The States party to this Charter shall ensure as much as possible the survival, and the protection of the child.
3. Death sentence arising from crimes committed by the children shall not be passed.

Care for the child embodied in the Egyptian legal system begins with the pregnancy period and the formation of the embryo. The Egyptian laws regulate the conditions pertaining to the protection and safeguarding of childhood within the framework of freedom and human dignity. The Egyptian Law guarantees the protection of the pregnant mother, the embryo and the child through the following incriminating actions:

- Knocking down a pregnant woman the law provides for aggravating prison term if the act intentionally committed by beating her or doing any kind of harm to her. (Article from 260 to 263 Penalties)
- The law enjoins that process of giving birth shall only be conducted by the doctors and registered midwives at the Ministry of Health. The law provides for penalty or detention of any person who practices these professions without a license. (Article s from 8 to 13 the law of the child No.12 of 1996).

- Jeopardizing a child under 7 years to a danger by abandoning him whether by himself or otherwise and if he dies as a result of this danger the penalty sentence shall be that of a premeditated murder. (Article s from 285 to 287 penalties).
- The law enjoins a free immunization of a child with preventive vaccines against transmitted diseases and provides for a penalty or a fine for reasons of abusing this obligation. (Article s 16 and 25 of the Law of the Child). With regard to the death sentence it shall not be carried out to the children under 18 years of age (2 Article s 111 and 112 of the law of the child) the law of the child has also established light penalties for the children as detailed in the first part of this item.

#### **2.4. (Article 6 of the Charter)The Name and Nationality**

1. Every child has a right to a name at birth.
2. Every child shall be registered immediately after birth.
3. Every child has a right to a nationality.
4. The States party to this Charter shall undertake to incorporate in their legislations, recognition of the principle of the right of the child to obtain the nationality of the State on whose territory he or she was born.

If at the time of birth it was not possible to grant him or her nationality of any state according to the laws of the state

The Law of the Child No.12 of 1996 provides that the right of the child to a name, a nationality, identity and registration at birth shall be ensured in the following manner:

- Every child has the right to a name by which he could be recognized and this name shall be registered in the birth records book in accordance with the provisions of this law. The name shall not imply any detraction or degradation of the dignity of the child or being incompatible with the religious beliefs. (Article 5)
- Every child has the right to a nationality in accordance with the provisions of the law under the Egyptian nationality. (Article 6).
- The Law of the Child has also regulated the registration of the newly born babies and made it an obligation to report, within a week from the date of birth to the competent authorities.
- The law provides for the penalty of detention or payment of a fine in the event of a failure, to give accurate statement as well as a penalty of a fine as a result of a delay in reporting (Article s from 14 to 24).

The Law No.26 of 1975 in the matter of the Egyptian Nationality which has been amended by the Law No.154 of 2004, the Right of the Child to naturalization as an Egyptian in the following situations:

- A child from an Egyptian father or from an Egyptian mother
- Born in Egypt from unknown parents.

- The law also states that a foundling in Egypt is considered to be born in Egypt unless otherwise proven. Who has proved having an alien nationality in addition to the Egyptian nationality acting on the provision of the previous paragraph, the Minister of the Interior shall issue a declaration of intent for abandoning the Egyptian nationality. Such a declaration shall be made on behalf of the minor (under-aged) by his legal representative some one in charge of his upbringing. In the event of the absence of either of them, the minor who lost his Egyptian nationality, in accordance with the provision of the previous paragraph, has the right to express his desire for the restoration of this nationality in the following year after reaching the age of puberty. Who was born outside Egypt from an Egyptian mother with an unknown father or one with no nationality or his nationality is unknown.
- If he opts for the Egyptian nationality within a year from the date of reaching the age of puberty by notifying the Minister of the Interior of it after his normal stay in Egypt and the Minister of Interior did not object to it within a year from the date of his notification to the Minister.

## **2.5. (Article 7 of the Charter Freedom of Expression**

Every child capable of forming his own ideas has the right to freedom of expression of his views on different areas and to make his views known, taking into consideration restrictions laid down by the law.

- The Law of the Child provides for the education of the child aimed at forming him educationally, culturally and spiritually. It is also meant for developing his personality, his talent, his mental and physical abilities to their maximum possibilities with a view to preparing a believer in his creator, his homeland, appraising good, truth and humanity. It will further provide him with the values theoretical and applied studies as well as the ingredients of how to form his humanity, dignity, and his abilities to realize his identity, his belonging to his country and to efficiently contribute to the areas of production and services or enable him to complete his higher education. Accordingly, this shall be based on the equal opportunities and that free education is a right for all the children at the state schools (2 Article s 53 and 54 of the Law of the Child).
- These Article s indicate that the educational process is linked in the first place to the stages of social up bringing aimed at putting in place the required balance between the role of the family, the school and the society in developing the personality, properties and capacities of the child based on his freedom of expression of his ideas.
- The student's organizations, the childhood's clubs and cultural centers also provide the necessary opportunities for the child to express his right to freedom of expression of his views within the necessary criteria and the objectives defined by the law.

## **2.6. (Article 8 of the Charter) Freedom of Association**

Every child has the right to a freedom of joining a society and a freedom of forming any peaceful assembly authorized by the law.

- The law of the domestic societies and institutions No.84 of 2002 provides for the organization of the right to the formation of societies. The law incorporates harmonization of fresh developments taking place in the civil society as a basic partner in bringing about a comprehensive development as the domestic activity represents an added value to the community assuring its and enabling a natural atmosphere conducive to a voluntary work and to consolidate belongingness to the homeland and loyalty to the society.
- The law has introduced permission for the foreign none governmental organizations to work in Egypt through branches they have established under the agreements signed with the Ministry of Foreign Affairs acting on Article 1 of the law. 31 Foreign none Governmental Organizations have been licensed to exercise the domestic organizations activities in Egypt which continued until 17/4/2004. They served in various fields including that of Human Rights. The state provides financial support towards the activities of the domestic organizations/local societies serving in the area of the childhood protection.

## **2.7. Law No.49 of 1972 on Regulating the Universities**

- Article 218 provides for the formation of the Students Union comprising the Universities and faculties and institutes so as to prepare the students for managing their own different activities.
- Sensitization committees on various activities were formed from the Students Union in every faculty. The members of these committees were formed through election from among the students.

## **2.8. The Schools, Student's Union**

The Ministerial decision emanating from the Ministry of Education organized the establishment of Councils of the Students Union at every educational stage. They include educational organizations setup at every school on the basis of the following principles:

- To believe in Allah, his books, his messengers, and the last day as well as the practical application of all these through a daily behavior keeping away from saying or doing what is contrary to this principle.
- Consolidation of the principles of democracy in the minds of the students by different means.

- Believe in the national unity as a way leading to the human unity and assurance of the spirit of belongingness to the family, school and the society as well as preserving everything that would strengthen the social peace.
- Consolidating and deepening the roots of the values among the students through promoting a good example for the youths to follow so as to afford them the emphasis on Human Rights enabling the youth to develop their own personality and assert to them that every right corresponds to a duty.

These unions endeavor to achieve the following objectives:

- Encouraging the students to attain an academic distinction and strengthening the spirit of creativity and innovation
- Commitment to the principles of the Union as a legal and national organization.
- Benefiting from the educational activities in and outside the school.
- Contribution to the realization of the objectives of Education summed up as follows:
  - o Emphasize the body building of the Egyptian personality capable of overcoming the challenges of the future.
  - o Establishment of a productive society.
  - o Realization of a comprehensive development.
  - o Preparation of a generation of scholars through programs concerned with a care for the distinguished students
- Expression of the ideas of the students within the framework of a dual responsibility represented in asserting the rights of the students inside the school in the context of the educational procedures. This at the same time is to reprimand the members who flout the principles and the objectives or abuse the spirit of discipline and commitment to duty.
- Promoting the family spirit in the school society and deal with the teaching staff on the basis of the required respect and for the student's leadership to perform their responsibilities towards the school management in maintaining the educational order at school.
- Broadcasting the scope of knowledge and expertise among the members and leaders of the union through the exchange of visits at the local, central and international levels. The students unions are formed at the level of the class then the school then the educational region then at the level of the Republic. This takes place through elections and within the framework of forming respective committees of activities. These elections are conducted during specific period of the beginning of the academic year. This union constitutes a democratic organizational structure for the students so as to provide for them a freedom of expression, practical and applicable exercise for participation in the management of the educational institutions within a framework of the specific principles referred to above and which is in agreement with the provisions of the present Charter.

## **2.9. (Article 9 of the Charter) The Freedom of Thinking, Belief and Worship**

1. Every child has the right to the freedom of thinking, belief and freedom of exercising the religious rites.
2. The parents or the legal guardian shall, when necessary render counseling and direction in the exercise of these rights in a manner and by a measure compatible with the growth of the capacities and major interest of the child.
3. The states party to the Charter shall respect the duty of the parents and legal guardian in their role to render counseling and direction in the context of exercising these rights in accordance with the national laws and policies in force.

The Egyptian Constitution guarantees the freedom of belief and religion. The Egyptian legal system also provides the criminal protection of the heavenly religious in a way that will not allow any religious abuse in the following manner: Article 160 of the penal code provides for a detention and a fine not less than 100 EP. And not more than 500 E.P or to serve one of these penalties:

- Any person who disrupts the performance of religious rites or special religious celebrations during their holidays by use of violence or threat.
- Any person who sabotages or disrespects a tradition or destroys or desecrates religious structures or symbols or some other things which enjoy sanctity to the members of a religion or a group of people.
- Any person who violates the sanctity of the graves or cemetery or desecrate them, the penalty shall be imprisonment the term of which shall not exceed 5 years if he or she commits any crime intended for terrorism.

Article 161 of the penal code also provides for a detention and payment of a fine against any abuse committed by one of the ways indicated in Article 171 with regard to one of the religions which perform its rites publicly and fall under the provisions of this Article :

- Printing or publishing a Holy Book which in the eyes of the followers of one of these religions which perform their rites publicly, has intentionally distorted the text in this book so as to alter its meaning.
- Imitation of a religious celebration in a public place or a public gathering or with the intention of ridiculing or for the spectators to watch it.

Both the parents and legal guardian are considered to be responsible for advising and directing their children in this regard. Their negligence in performing this duty will constitute a measure of responsibility in the event that the child is exposed to delinquency as stated in the first part of the report.

## **2.10. (Article 10 of the Charter) The Protection of Private Life**

The child shall not be subject to an arbitrary unlawful interference in his private life



among his family members or in his residence or in his correspondence or an abuse of his dignity or his image. However, the parents and the legal guardian shall have the right to exercise a reasonable supervision on the conduct of the children. The child shall have the right to be legally protected against such interferences and abuses.

### **The Situations of the Criminal Protection of the Child**

The child in Egypt enjoys, in accordance with the laws in force, a special legal protection with respect to the situations of being subject to or actual sexual harassment or exposing him or her to delinquency or misconduct even if that occurs on the part of the persons in charge of him or her or the parents. The Egyptian laws have incorporated adequate protection as stated in detail in item 2 above of the first part of this report. We hereby add up the following:

#### **2.10.1. The Penal Code No.58 of 1937**

- The penal code incriminates any act of abuse of the sanctity of the private life of the citizen whether by eavesdropping or photographing or revealing certain secrets without the consent of the person concerned, the legislator in this regard enjoins a penalty of detention and confiscation. A penalty of imprisonment has also been imposed on any person who threatens to reveal a secret obtained through the above mentioned means together with a confiscation (2 Article s 309 repeat 309 repeat A).
- It should be recalled that Egypt has acceded to the optional protocol annexed to the Convention on the child trafficking and exploitation of the children in prostitution and degrading materials which has been adopted in Geneva on 26/4/2000, by a Republican Decree No.104 of 2002.

#### **2.10.2. The Law of the Child No.12 of 1996**

The law incriminates the publication or display or circulation of any printed materials or artistic works, video or audio affecting the child, addressing his or her instincts under his or her below or promoting for him ethics incongruous to the social values or leading to encouraging him to juvenile delinquency. The legislator in this respect enjoins a penalty of the payment or a fine not less than 100 E.P together with the confiscation of the printed materials or offensive artistic works.

- The law of the child lends attention to the situation of the social danger in which the child could be subject to the juvenile delinquency. That could occur in the event that the child was found begging.
- Displaying goods or performing an insignificant service or engaged in acrobatics plays or similar things such as activities not good as serious sources of livelihood are regarded as acts of begging.
- Added to this are his or her activities associated with adultery, fornication or immoral issues such as gambling or drugs trafficking and similar behaviors or serving those involved in this activity. If the child does not have a regular place of

residence or usually sleeps in the streets or other places not meant for a stay or sleep, or if he or she interacts with those subject to a juvenile delinquency or were suspects of those who were known for their ill conduct as well as the instances in which he or she used to dodge from the educational and training institutes or if he or she is bad mannered or found deserting his or her fathers' authority or without a lawful means of living or a reliable supporter (Article 96 of the Law of the Child).

This provisions point out a full commitment of the Egyptian lawmaker to the provisions of the present Charter. The lawmaker has also incriminated any excesses committed by the parents, affecting the private life of the child in such a manner as stated above.

## **2.11. (Article 11 of the Charter) Upbringing and Education**

1. Every child has the right to pedagogies
2. The upbringing of the child aims at the following:
  - A – Strengthen and develop the personality of the child and his talents in addition to his or her mental and physical capacities to his or her full maturity.
  - Encourage respect for Human Rights and basic freedoms in particular with regard to those provided for in the provisions of different African documents on Human and Peoples Rights as well as the International Declarations and Conventions on Human Rights.
  - Safeguard and promote the positive African ethical, traditional and cultural values.
  - Prepare the child for leading a responsible life in a free society with a spirit of mutual understanding, tolerance, dialogue and mutual respect and friendship among the peoples and ethnic groups, tribes and religious groups.
  - Preserve the national independence and the territorial integrity.
  - Encourage and establish The African unity and solidarity.
  - Ensure respect for the environment and natural resources.
  - Enhance the understanding of the child of the primary health care.
3. The states party to this Charter shall take all the appropriate measures in a drive to arrive a complete adoption of this right and shall undertake particularly to carry out the following:
  - Provides of free and compulsory education.
  - Encourage development of secondary education of different forms and gradually provide it free of charge and available to all.
  - Provide higher education for all taking into consideration abilities and possibilities of every child through different appropriate means.
  - Take measures of encouraging children to be enrolled at school and reduce the number of dropouts left behind.
  - Take special measures regarding the talented children and those deprived of female children so as to guarantee equal opportunities among all the categories of society.

4. The states party to this Charter shall respect the rights and duties of the parents and when necessary, the rights and duties of the legal guardian in choosing a school for their children other than those established by the public authorities. This is conditional to the fact that this school shall adhere to the minimum standard of the rules which could obligate the state to ensure religious and ethical education for the child, in keeping with the development of his or her capacities.
5. The States party to this Charter shall take all the appropriate measures to guarantee the treatment of the child under the school discipline or that of his or her parents in a manner that is characterized by humanity and respect for the dignity of the child as this is in compliance with the Charter.
6. The States party to this Charter shall take all the appropriate measures so as to enable the girls who become pregnant before the completion of their schooling, to continue with their education taking into account readiness of each of them.
7. No provision of this Article shall be interpreted as contradicting the freedom of any individual or a body to establish and manage an educational institution, provided that the principles stipulated in the paragraph (1) of the Article are respected and that education in this school is in keeping with the minimum term of the rules defined by the state concerned

The Egyptian Constitution provides in Article 18 that education is a right guaranteed by the State and is compulsory at the primary level. The State endeavors to extend the compulsory education to other levels of education. It supervises education at O' levels and ensures the independence of the Universities and centers of the scientific research with a view to realizing a link between education and the needs of society and production.

The Egyptian laws adhere to this Constitutional provision and laid down the details as follows:

#### **2.11.1. With Regard to the Law of the Child No.12 of 1996**

- The law of the child points out the objective of education as follows:
  - o The education of the child aims at forming him or her scientifically, culturally and spiritually as well as developing his or her personality, talents, his or her mental and physical capacities to their maximum degree of possibilities. It means preparing a believing human being in his Creator and in his or her country and to establish good, truth and humanity in him or her as well as providing him or her with values and theoretical and applicable studies, ingredients of what would help realize his or her humanity, his or her dignity and his or her capacities to ascertain his or her identity and his belongingness to his country and to efficiently contribute to the areas of production and services to complete his or her higher education on the basis of equal opportunities. (Article 53 of the Law of the Child).

- The law has also brought in Article 55 the system of the nurseries as a new pre-primary educational system for children with a view to enabling them to be enrolled in the primary schools.
- Article 58 also provides that the nursery schools shall be subject to plans, programs, administrative and technical supervision of the Ministry of Education. The executive statute defines their specification, the model of establishing and regulating work in them as well as conditions of acceptance.
- The law regulates the levels of pre-university education as follows:
  - The basic compulsory stage of education are comprising stages of primary and preparatory education
  - Secondary level (General and Technical).

#### **2.11.2. With regard to the Education Act No.139 of 1981**

- Article 15 provides that the basic education is a right for all the children males and females alike from the age of 6 up to the age of 8 and free of charge.
- Article 19 of the law provides for incriminating in compliance of the guardians with the provisions regarding the compulsory education period.
- The same law authorizes the establishment of private schools by individuals and organizations in all fields and stages of education with compliance with the basic syllabus in accordance with the education system in Egypt. The law has also authorized introduction of additional subjects aimed at intensifying a study of foreign languages or introduction of the modern educational methods.

#### **2.11.3. With Respect to the Law No.101 of 1992 on the Private Universities**

That law has authorized the establishment of private universities with a view to contributing to raising the educational standard and scientific research. Private universities have been established in accordance with the Republican decrees numbers 343, 344, 345, 346, of the 1996.

#### **2.11.4. With Regard to the Law No.52 of 1970 in the Matter of the Private Institutes**

That law has authorized the establishment of private higher institutes for higher learning or for a study lasting for 2 academic years aimed at assisting in the realization of the established educational objectives pursuant to the development plans. The law has also set up a fund for support of private higher institutes aimed at ensuring the continuation of the institute in performing their mission and strengthening their services as well as safeguarding the appropriate standard for their graduates.

The Egyptian Government through the provisions of education has drawn up policies and designed the necessary plans and strategies, aimed at effecting radical reforms in all the elements of the educational process with emphasis on:

- Enhancing the infrastructure inside the school quantitatively and qualitatively.
- Bringing about a complete revolution in the competences and performance of the teacher, and the serving staff in the educational process at all its levels as well as developing the system management at school and educational directorates.
- Returning to the system of a full day schooling
- Applying a well-planned educational system for direction, psychological and social guidance.
- Giving attention to every effort geared towards the reform and quality improvement.

In adherence to the provisions of the constitution and the general policies of the state, the process of the educational development rests on the following principles or bases:

- Maintain the free educational system at the basic education stage in implementation of the International Charters on Human Rights to which Egypt acceded.
- Preserve the national unity, being the basic component of the sustainable security and stability of the society.
- Uphold the Egyptian identity and social solidarity
- Demonstrate care for the early childhood in keeping with the modern educational orientations

The plans and programs of educational development are based on the following core areas:

**2.11.4.1. Sustainable expansion in building schools:** The schools of a single class and the community schools, small schools with a view to bringing closer the educational service and to put an end to cases of linkage as well as promoting the girls education.

**2.11.4.2. A Full Enrollment of the Students into Schools:** This is meant to provide equal educational opportunities for all and to raise the average intake in the primary education

**2.11.4.3. Closing the gap between the boys and girls** through an increasing interest in the girls education and providing the educational opportunities in the less fortunate and deprived regions in terms of the educational services through participation by the local communities and international organizations

**2.11.4.4. Closing the gap between the rural and urban areas** by increasing the numbers of schools in the rural areas.

- Develop welfare programs for the persons with special needs through the following programs:
  - o Develop the existing schools

- Participation by students of the intellectual education at the ordinary schools, numbering fifty schools.
- Establish thirty classes for those with special needs attached to the schools of private education.

**2.11.4.5. The Protection of the Talented Persons:** Through the implementation of the following programs:

- Prepare special tests to discover the talented persons.
- Design a monitoring label to identify the nursery children and the first three classes of the primary education so as to identify the talented children.
- Present valuable prizes to every teacher who may discover among his students talented ones and should be given the appropriate educational attention.
- Show an interest in a sporting distinction
- Prepare enriching programs in favor of the talented persons
- Establish a linkage to bring together the talented persons with a view to benefiting from their opinions and create networking among them.

**2.11.4.6. Expansion in the Utilization of Technology and the E-learning:** The e-education system represents a system of great quality transformation through its contribution to adding up excellent educational formula to the internet networks. They include training of leaderships in keeping with the world standards in the educational management and training of the teachers on basic skills as well as skills of education with a view to raising their professional performance. In addition to this, is the training on the skillful use of advanced technology and its different applications? The project of providing every teacher with a calculator will be put in place.

**2.11.4.7. The development of the calendar systems:** By establishing the calendar units and school training, considered to be one of the most modern new training models and training through the national network of training from a distance. Teachers' missions are dispatched to overseas training so as to prepare opportunities for them to acquaint themselves with the experience of the educationally advanced countries. The number of the teachers so far sent overseas is 10,084 teachers.

**2.11.4.8. The Promotion of the Technical Education and Qualifying Activity for the Students through the following Programs (The Quantitative and Qualitative Development):** In view of the continued increase in the numbers of the students who are enrolled in the technical schools together with its requirement for teachers, educational structures and the necessary equipment such as workshops, materials and tools required to be modernized.

**2.11.4.9. Innovation of Models for Advanced Schools:** Through creation of new advanced models of the specialized technical schools.

**2.11.4.10. A Combined Teaching and Training:** A number of agreements with benefiting bodies of the graduates of the technical schools of various specializations were concluded. This was aimed at benefiting from the productive units in practical training of the students in accordance with the needs of the labor markets.

**2.11.4.11. Mubarak/KOHL Project:** In the light of success achieved by this system and wonderful results which emerge from it at the level of its graduates, the Ministry has maintained that there should be an expansion in the numbers of the schools participating in the project and to extend it to cover various specializations.

**2.11.4.12. Provision of Feeding for the Students:** The school feeding Program is considered to be one of the most important core areas which should be given utmost attention due to its positive impact at the level of learning on the students. The number of the students who benefited from this school feeding Program in 2001/2002 was about 9,083,448 students under a financial allocation of E.P 293.4 million. As regards the academic year 2002/2003 the number of students who benefited from this school feeding Program was 9,527,413 students by the increase of 443,965 students under financial allocation of the sum of E.P 333.30 million by increase of the sum of E.P. 39.9 million.

**2.11.4.13. A Sustainable Professional Development for the Teaching Staff:** Increase in the Numbers of the Teachers: By end of the academic year 2002/2003 was about 807,385 teachers.

**2.11.4.14. The Professional Development of the Teacher:** Through the development of the training centers and increase in their enrollment capacities. The development of various training centers has been achieved and the increase in its enrollment capacities also reached at the same time, 18,500 trainee teachers.

**2.11.4.15. A Provision of Material and Moral Care for the Teacher (Eradication of Illiteracy):** The continued efforts by the Ministry in the area of the eradication of illiteracy aim at stamping out illiteracy and providing educational opportunities through:

- Expansion of classes of eradication of illiteracy. The number of enrolled students in the academic year 2002/2003 reached (565,578) students. From among them 324,073 are males and 241,504 are females.
- Development of the teaching methods and formula regarding the adult education through:
  - o Teaching programs through the televised channels.
  - o Educational channel through the specialized teaching channels.
  - o Preparation of qualified cadres to serve in the area of eradication of illiteracy and adult education.
- Giving attention to post-eradication of illiteracy through the following means:
  - o Providing an opportunity for those free from illiteracy to continue their education.

- An increase of the age of enrollment to the junior secondary school

The total number of schools, classes and those enrolled at the government and private educational grades

<b>ACADEMIC YEARS GRADES</b>	<b>2000/2001</b>	<b>2002/2003</b>	<b>2002/2003</b>
<b>TOTAL SCHOOLS</b>	<b>33880</b>	<b>35015</b>	<b>36332</b>
<b>TOTAL CLASSES</b>	<b>374481</b>	<b>389707</b>	<b>384491</b>
<b>TOTAL ENROLMENT</b>	<b>1143687</b>	<b>15351540</b>	<b>15435500</b>

(Source – Automatic calculator at the Ministry of Education)

**The Number of Pass out in the Pre-University Educational Grades (Public/Azhari)**

<b>ACCADEMIC YEAR 1994/1995</b>				<b>ACCADEMIC YEAR 2001/2002</b>			
		<b>MALES</b>	<b>FEMALES</b>			<b>MALES</b>	<b>FEMALES</b>
<b>TOTAL NO. OF PRIMARY</b>	<b>1203005</b>	<b>6466622</b>	<b>556383</b>	<b>TOTAL NO. OF PRIMARY</b>	<b>1440697</b>	<b>764546</b>	<b>676151</b>
<b>TOTAL NO. JUNIOR</b>	<b>891177</b>	<b>479736</b>	<b>411441</b>	<b>TOTAL NO. OF JUNIOR</b>	<b>1989388</b>	<b>734032</b>	<b>355356</b>
<b>TOTAL NO. SENIOR SECONDARY PUBLIC</b>	<b>304062</b>	<b>163964</b>	<b>140098</b>	<b>TOTAL NO. SENIOR SECONDARY PUBLIC</b>	<b>410381</b>	<b>209043</b>	<b>201341</b>
<b>SECONDARY COMMERS</b>	<b>275284</b>	<b>84349</b>	<b>190935</b>	<b>SECONDARY COMMERS</b>	<b>277135</b>	<b>97765</b>	<b>179370</b>
<b>SECONDARY INDUSTRIAL</b>	<b>278865</b>	<b>187612</b>	<b>91213</b>	<b>SECONDARY INDUSTRIAL</b>	<b>261384</b>	<b>164255</b>	<b>97129</b>
<b>SECONDARY AGRICULTURAL</b>	<b>62802</b>	<b>45459</b>	<b>17343</b>	<b>SECONDARY AGRICULTURAL</b>	<b>60938</b>	<b>46582</b>	<b>14356</b>

The statistics indicate to the government's commitment to realizing a full coverage of the right to education and to enroll the increased numbers as a result of the increase in the population through the programs of plans are stated above



## **2.12. (Article 12 of the Charter) Leisure times and Recreational and Cultural Activities**

1. The states party shall recognize the right of the child to rest during leisure hours and his or her right to exercise games and recreational activities according to his age and to freely participate in the cultural and artistic life
2. The member states shall respect the right of the child to a full participation at the cultural and artistic life encouraging him or her through a preparation of cultural, artistic and recreational activities as well as passing appropriate leisure times as available to all.

Under (Article 16) of the Constitution: "The state guarantees the cultural, social and health services, undertaking especially the provision of these services for the village easily and regularly in a drive to raise its standard."

The Egyptian Constitution of 1971 in Article s 47, 48, 49 pays attention to the state guaranteeing the freedom of scientific research and literacy, artistic and cultural creativity. It has also provided for the state guaranteeing freedom of opinion and expression through all means of expression within the limits of the law together with a guarantee for the press, printing and publication freedom. It has prohibited censorship on the newspapers, publications and media except for the war time and emergencies as well as regarding matters pertaining to the social peace, purposes of the National security all of which fall in the context of what is defined by the law.

These activities include all the areas which could fill leisure times of the child and his protection from the juvenile delinquency, such as:

- Cultural, artistic, literacy, sporting, social, environmental and scientific activities. These activities are implemented through a number of programs and activities undertaken by clubs, libraries and kindergartens. It also cares for the children from 6 to 18 years and other social and cultural clubs. It also cares for a category of children of 15 years old aiming at protecting the members socially, culturally, physically, religiously and artistically integrated through the Program which it presents for them.
- "These are social, cultural, economic, professional and artistic programs as well as environmental and scouting protection. Acceptance of membership of the social cultural clubs is effected from the age of 15 to 35 for the youth of both genders. Groups are formed according to the age or gender programs designed to be commensurate with every phase of age.
- All the social institutions also take interest in filling the leisure times of the children throughout the year especially during the summer vacations and academic holidays. These take place by presenting programs and activities. "Cultural, artistic, literacy, sporting, social, environmental, and scientific activities aimed at granting the right of the child to exercise games and recreational activities which suit his or her age as well as participating freely in cultural life are a part of the Program. It also aims at protecting him or her from the juvenile

delinquency, and this is irrespective of his or her participation in the reading festivals for all which are held under the auspices of Mrs. Suzan Mubarak.

On the other hand, the Egyptian media always seeks to present every subject deemed useful to the Egyptian child and which may help him or her to culturally, religiously and scientifically grow up properly and soundly away from violence and agitation, away from misconceptions which stand to contradict our authentic Arabic Islamic values, norms and traditions. Indeed, the children are the youths of tomorrow and a reserve force of the future, and they are the most valuable wealth which Egypt possesses and that is the human wealth.

The Radio and Television organs and the public authority of information demonstrate an interest in the Egyptian child through the contents of the programs they present for the children as follows:

- **Television:**

- Channel 1 presents a collection of excellent and varied programs including (a dialogue with adults, the pioneers of parliament, the young inventor, the star of future, a decision by all). These programs take 4% of the transmission hours. It is a reasonable percentage taking into account that Channel 1 addresses all the Egyptian social audiences. With regard to Channel 2, it presents 23 programs, prominent among them are (behaviorisms, etiquettes, my fine country, the world of children, stories and meanings and graphics). It takes about 9.5% of the transmission hours on Channel 2 screen which targets certain categories of the society. In addition, the other provincial channels presents a number of programs which target different life stages suitable to the children of every province taking into consideration the environment, the customs and traditions. It takes considerable air times of transmission as follows:

▪ Channel 3 presents	18 programs of 5.7%
▪ Channel 4 “	17 “ “ 7%
▪ Channel 5 “	11 “ “ 10%
▪ Channel 6 “	6 “ “ 5%
▪ Channel 7 “	8 “ “ 5.3%
▪ Channel 8 “	15 “ “ 12%

- The two Egyptian channels 1-2 present a selection of various programs which target all categories of children inside and outside Egypt, linking them to the motherland. Satellite channel 1 presents 4 programs of 5% of the airtime's transmission whereas this percentage increases on satellite channel 2 which present 4 programs taking 9% of air time.
- Nile channel for the family and children, a special channel, presents 21 programs for the children up to 39% of the air time transmission.

- **Radio :**

- The general Program network present 11 programs per week by 3.6% the rest of the Radio networks presents a number of weekly and daily programs for the children.

The programs presented to the children ranges from entertaining to enlightening and educational shows. In this regard, we could observe that the entertainments aspect for the children on two major T.V. channels 1-2 does not exceed 20.40% of the children's programs coverage, at a time when the educational and enlightenment's aspects and quiz competition programs take 36.2%. Talents and skills of the children take 15.7%, urging children to read and study takes 14%, discrimination of the behavioral values takes 7.6%, a care for the children's health and those with special needs take 5.9% of the programs.

As regards the satellite channels 1- 2 the children's programs are mostly balanced, as information and quiz competition take 38.1% and the entertainment aspect takes 18.2%, the reading and computer exercise takes 16.6%, the child's health and those with special needs takes 0.9%, talents and skills takes 2.8% and the religious aspect takes 1.6%.

With regard to the Nile channel of the family and child is mostly balanced which constitutes a preference for the aspect of the skills and polishing the talents of the child takes 22%, the knowledge and quiz competitions takes 19%, the behavioral aspect takes 15%, the child's health and those with special needs takes 12.7%, entertainment aspect takes 16.8%, reading and computer as well as encouraging children to be well informed takes 11.6% and the religious aspect takes 2.1%

As regards Radio in this aspect, it has focused attention to the children's programs by contributing in the development of the child's enlightenment through a presentation of fiction and stories of the children as well as pieces of information in different fields. This includes a response to the messages received from friends and presentation of their interests and problems, the hobbies and gifts of the children with an emphasis on the religion and behavioral aspects.

The complete different networks of the media profile also takes an interest in the national campaigns in connection with the child's health, anti smoking campaign, addiction and child's labor as well as the street children. In addition to the girls' education, eradication of illiteracy, dodging from school and female circumcision. These practices are harmful and the Egyptian media shall challenge them through images and appropriate manner involving all the categories of society being addressed with a view to mobilizing the largest measure of a positive reaction to those campaigns. These campaigns have indeed resulted in quite a number of positive indicators as will be elaborated in this report.

### **2.13. (Article 13 of the Charter)The Handicapped Children**

1. Every handicapped child mentally or physically has the right to enjoy measures of special protection in agreement with his or her physical and moral needs in such circumstances as may protect his or her dignity, promote his or her personal independence and his or her active participation in social life.
2. The States party to this Charter shall undertake to present to the handicapped child and his or her caretakers, the required and suitable assistance to meet the needs of the child. Such assistance shall fall within the limits of the available resources, to seek specially to enable the handicapped child to have access to training and preparation for professional life, entertainment activities in a way that would ensure his or her social integration and personal maturity, cultural and moral development in the best manner possible.
3. The states party to this Charter shall utilize the available resources so as to gradually provide a complete mobility with ease for the handicapped children mentally or physically. They shall also enable them to enter the high rise public buildings and the other places where handicapped children would rightly want to enter.

#### **2.13.1. Definition of the Handicapped Child:**

The Law of the Child No.12 of 1996 and its executive statute of 1997 defines the handicapped child as any child incapable of depending on him or herself to undertake the activities and functions which those in his or her similar age could do, or his or her ability to do so is lacking as a result of organic or mental or sensational deficiency or as a result of congenital defect. The law has addressed this issue in the Article s from 75 – 86 that every handicapped child has the right to enjoy a special care from the social, health and psychological aspects in addition to qualifying him or her for social services and for his or her family providing him or her with the alternative equipment free of charge so as to enable the handicapped children to overcome the impact arising from their incapacitation.

The Law provides that the Minister of Labor Force to issue in collaboration with the Minister of Social Welfare a decision defining certain functions at the administrative organ of the state, the public sector, public works sector so as to allocate quarters for the handicapped children who obtained qualification certificates in accordance with the rules regulating such by the law.” Every employer employing 50 and above. Whether serving in the same phases or in the different places in the same city or in one village shall be obliged to employ the handicapped children who were nominated by the offices of the Labor Force under the minimum of 2% of the 5% provided for by the Law No.(39) of 1997 in the matter of rehabilitation of the handicapped person.

The Law of the Child provides for the establishment of the children’s fund for the purpose of caring and rehabilitation of handicapped children. The fund shall have a body corporate, and the civil Law No.131 of 1984 and the two laws of self-tutelage and

finance No.118 of 1952 and No.119 of 1952 regulate the personal status regarding the handicapped children mentally in a manner that guarantees the protection of their rights and realization of their lawful interests.

**2.13.2. Definition of the Social Rehabilitation (in accordance with the Rehabilitation Law No.39 of 1975)**

The rehabilitation of the handicapped means providing them with the social psychological, medical, educational and professional services required to be made available for the handicapped and his or her family with a view to enabling him or her to overcome the impacts resulting from his or her incapacitation.

**2.13.2.1. The Services which the Ministry of Insurances and Social Welfare required to provide for the Handicapped Children and for the Blind Children**

- Educational services through teaching them to write by brail.
- Provision of services for libraries.

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- Provision of guide and training programs for their families.
- A professional training relevant to the handicapped and to the children who has not completed their education at different school grades such as training on canes –carpeting – ceramics etc. etc.
- Rehabilitation programs on self-caring and development of skills.
- Training on the use of audio computers
- Medical services – periodical health services available to them through their attachment to the institutions.
- Residential services by the children enrolled at schools.
- Presentation of entertainment and sporting programs.

**2.13.2.2. The Services required to be provided for the Mentally Impaired Child**

- Self-developing programs and development of different life skills such as self-reliance in eating, drinking, dressing and personal cleaning up.
- Training on certain vocations relevant to the handicapped child such as carpet making, ceramics – canes – tanning etc. etc.
- Presentation of a speech Program to redress the speaking and talking handicaps
- Presentation of guiding and training programs to the families of the mentally impaired children as to how to deal with their children
- Provision of therapeutical services for cases in-need of such services.
- Presentation of entertainment and sporting programs.

**2.13.2.3. The Services required to be provided for the Deaf and Dumb Children**

- Provision of the necessary audio aides.
- Training on the sign language after unifying it with the Arab countries.

- Generalization of the method of the hummus word so as to benefit from the audio remainders, available to the children of whatever degree it may be.
- Training on vocations relevant to the physically impaired children such as printing, carpentry and tanning and their relevance to the labor market.
- Provision of residential services for the children enroll at (Amal) schools and merging them into the ordinary schools of education
- Presentation of self-caring programs and development of skills regarding the impairment.
- Presentation of entertainment and sporting programs

**2.13.2.4. The Services required to be provided for the Dynamically Impaired Children**

- Provision of alternative equipment for handicapped children whether of his or her upper or lower parts or provision of wheel-chairs or crutches.
- The provisions of the therapeutic services for the children according to the nature of each one's impairment.
- Training on professions relevant to their attachment to comprehensive rehabilitation centers or nearby training centers from their places of residence.
- Presentation of self-caring programs and development of life skills.
- The sharing of the families in the programs presented to those children and their training as how to deal with their children.
- Presentation of the entertainment and sporting programs.
- Provision of the services of the medically equipped vehicles exempted from the Customs duty by children at the age of 18.

**2.13.2.5. The services required to be provided for the Child with Multiple Impairment**

- Provision of the therapeutic services
- The provision of appropriate alternatives equipment.
- Provision of self-caring developing programs and development of different daily life skills.
- Provision of certain cultural programs suitable to the nature of impairment
- Provision of certain sporting programs relevant to the nature of impairment.

**2.13.2.6. The Rehabilitation services based on the Community**

The rehabilitation based on the family and community is considered to be one of the methods of rehabilitation through which different rehabilitation programs could be presented to the handicapped children in their local communities and indeed in their places of residence irrespective of age, gender and the type of impairment in a way that would realize a total integration of the handicapped into their community relying on the

empowerment of the family and the community as well as the handicapped themselves in the implementation of these programs and the running of the projects. A change of attitude and trends of the community also will be regarded as an exemplary solution in confronting impairment in Egypt. For the rehabilitation based on the institutions in spite of a high cost, shall meet only 1.9% of the problem of the impairment and the five year plan 2002-2007 includes 14 projects under a financial allocation of E.P. 12 Million for each project and each directorate will have a rehabilitation office.

### **2.13.2.7. The Alternative Care Services**

The law of the child No.12 of 1996 and its executive statute provides for the system of the alternative care when Article (97) stipulates in the executive statute paragraph (B) that the alternative mother who cares for a handicapped child or chronically ill shall be paid in return for her care for the time of taking over the child.

### **2.13.2.8. The Rehabilitation Bodies which offer the aforesaid services as follows:**

<b>ARTICLE</b>	<b>EXPLANATION</b>	<b>NUMBER</b>
<b>1</b>	<b>Rehabilitation offices</b>	<b>147</b>
<b>2</b>	<b>Comprehensive rehabilitation centers</b>	<b>31</b>
<b>3</b>	<b>Nursing homes for the children and handicapped</b>	<b>70</b>
<b>4</b>	<b>Intellectual sensitization institutions</b>	<b>29</b>
<b>5</b>	<b>Institutions sheltering persons with multiple impairment</b>	<b>2</b>
<b>6</b>	<b>Institutions of care and rehabilitation of the blind</b>	<b>4</b>
<b>7</b>	<b>Institutions of care and rehabilitation of the deaf</b>	<b>3</b>
<b>8</b>	<b>Factories for alternative equipments</b>	<b>15</b>
<b>9</b>	<b>A center for psychological orientation</b>	<b>1</b>
<b>10</b>	<b>A center for professional evaluation</b>	<b>2</b>
<b>11</b>	<b>A Therapeutical center</b>	<b>66</b>
	<b>TOTAL</b>	<b>370</b>

## **2.14. (Article 14) Health and the Health Services**

1. Every child shall have a right to enjoy the best condition of physical, mental and spiritual health as much as possible.
2. The states party to this Charter shall seek to fully exercise this right and specially through measures to be taken with a view to realizing the following objectives:
  - Reduction of child and antenatal mortality and reduction of mortality rate of the children
  - Guarantee the medical treatment and necessary health care for all the children with an emphasis on the development of the primary health care.
  - Guarantee the suitable nutrition and clean water.
  - Combat the disease and malnutrition within the framework of primary health care through the application of the relevant techniques
  - Provision of care relevant to the pregnant women and breast feeding mothers.
  - Development of preventive cure and awareness in the family life education and provision of services.
  - Inclusion of the basic therapeutic programs into the national development plans.
  - Endeavor to raise awareness among all the sectors of the community especially the fathers and officials responsible for the child's institutions and those serving in these institutions as well as encouraging the use of know how regarding nutrition in the areas of health and child's nutrition: The advantages of natural breastfeeding, health and the health rules for the environments and prevention of family accidents and otherwise.
  - Participation of none Governmental organizations, local communities and the population effectively benefiting from planning and managing the basic child treatment programs.
  - Support mobilization of resources of the local communities through the technical and financial means for the purpose of the development of the primary medical care for the children.

The Egyptian Constitution stipulates that the state guarantees the protection of maternity and childhood as well as the protection of adolescents and youths. Article 16 also of the Constitution stipulates that the state guarantees the cultural, health and social services for the village. Article 17 also provides that the state guarantees the Health Assurance and in the context of these constitutional principles the Law of the Child incorporates provisions protecting the health state of the children. The plans and programs for the promotion of childhood are also included in the framework of the legislative provisions to protect childhood. We shall address this in detail as stated in the Law of the Child No.12 of 1996.

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- Chapter 2 on the child health care regulates first the practice of the midwifery occupation and states that it is prohibited except for the authorized human doctors to undertake this occupation. A penalty of detention is prescribed against anyone who may undertake this occupation without a license.
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- The Law has also made it an obligation to inoculate and immunize the child at the Government Health Units and free of charge. The payment of a fine is imposed on parents or the guardian of the child who failed to observe this rule. (2 Article s 25 and 26 of the law).
- The law has made it an obligation to issue a health card for every child to substantiate his or her health state and inoculations and immunization he or she has taken including the date of that event and should be handed over to his or her parents or guardian. These details should be registered on his or her birth certificate. The law has also made it an obligation to handover this card together with the enrollment papers of the child into the two pre-university stages of education so as to follow-up the health condition of the child and to ascertain it step by step including a periodical medical examination at least every year on the children during their two pre-university phases of education.
- The law has taken a keen interest in the nutrition of the child from the health point of view so as to ensure that his or her nutrition is free from substances harmful to health and from the bacterially caused disease. The law prohibits circulation or publicizing these foods without being licensed. The law has prescribed a penalty of detention for contravening the law.

In the context of the practical application of the Provisions of the Law, the Ministry of Health and Population has carried out a number of programs to promote the Health of the Child including:

- An intensified welfare Program for newly born babies and is intended to extend the period of care to around the time of birth which begins with the protection of the embryo.
- An early discovery Program of the deficiency of the hormone of thyroid gland to prevent the impairment and the congenital hereditary disease.
- An expanded Program of inoculations aimed at reducing the rate of being affected by the 9 diseases targeted for inoculations.
- Anti diarrhea Program aimed at limiting the child's mortality under 5 years old.
- Anti severe respiratory disease Program aimed at reducing the child's mortality rate from these diseases
- An integral Program for the sick child aimed at directing a complementary care for the sick child.
- The promotion and protection of the natural breast feeding Program and the initiation of the friendly hospitals to the child mother.
- The delicate nutritional ingredients Program to replenish the lack of iodine, iron and vitamin A.

#### **2.14.1. A Program for Combating Harmful Practices**

- It aims at prohibiting the female circumcision. The Program of combating enormous practices regarding anti (female circumcision) has been implemented in several Governorates as a first phase.
- The sensitization Program on health against smoking among the children especially those at the school going age is also underway. Another Program of combating certain undesirable social phenomena health wise, such as early marriage and the marriage of the relatives which affects the state of health of the embryos and babies is also being implemented.

#### **2.14.2. The National Program of Combating the Endemic Disease**

Under this Program the students and pupils are collectively examined in a laboratory in order to detect cases of bilharzias and to treat positive cases; health sensitization to combat the erroneous practices such as (urinating into gutters and swimming with the rural children in different Governorates) is also undergoing.

#### **2.14.3. The National Program of Combating Infection**

This Program aims at protecting children against infectious diseases such as (hepatitis, epidemics and the hepatitis virus A, B, C and AIDS) including the examination of pregnant women of the AIDS patient and TB.

#### **2.14.4. A National Program of Prevention from Risks and Accidents**

It aims at raising awareness of fathers and mothers about the risks and accidents which their child maybe exposed to inside and outside the residence and the way of preventing such situations from arising. For the accidents are regarded as the fourth cause of the death of the children.

#### **2.14.5. The Health Card of the Babies**

The system of the Health Card for the newly born babies has come into force with effect from 1/10/1997 and it covered 72% in 2003 in addition to the Health Assurance for the pupils. With regard to the reduction is already taken place and the success of the Egyptian effort in continuously reducing this percentage according to what is already made clear in the item 1 of the first part of this report. The National Council of Maternity and Childhood carries out a number of health programs with a view to protecting the children mothers and educating the youths in the area of reproductive health. A detailed reference will also be made when commenting on Article 21 of the Charter.

### **2.15. (Article 15) The Child Labor**

The council has attached a special importance to challenge the phenomenon of the child's labor by putting an emphasis on the protection of the rights of those children as guaranteed by the constitution. To that effect, the Council has made the following efforts:

## **The National Study of the Child's Labor**

For the first time the council in Egypt and within the framework of challenging the phenomenon of the child's labor, has prepared a national survey to compile the child's labor in collaboration with the central organ of the public and statistical mobilization. The important indicators which this study has produced on the basis of which plans and programs of challenge would be laid with the understanding that the study will be carried out through a sample taking of 20,000 children.

## **The National Strategy of ending the Child's Labor**

The strategies committed to the provisions of the protection of the rights of the child as provided for in the national legislations and International Charters acceded to by Egypt as follows: The law of the child No.12 of 1996, the consolidated law No.138 of 1973 on the matter of the minimum age for child's labor, the International Convention on the Rights of the Child issued by the UN in 1989 and the International Convention No.182 of 1999 on banning the worst forms of the child's labor and the prompt measures taken on the eradication of these forms.

## **The General Objectives of the National Strategy of Encountering the Phenomenon of Child's Labor**

- An immediate eradication of the worst form of the child's labor and to find alternatives for the dangerous types of work.
- The protection of care for the working children against all forms of exploitation and work towards their capacities building and to develop them professionally, economically, humanitarially and health wise in general.
- Dry up the sources of the phenomenon and eradicate the causes that contribute to the existence and continuation of this phenomenon, constituted in the factors that lead the children to be involved in the labor market.

## **The Efforts of the National Council of Childhood and Maternity in Encountering the Child's Labor**

- Formation of a committee comprising representatives of all the agencies concerned with the problem at both formal and local level aimed at studying the economic and social causes being the child's labor in an attempt to find solutions to these causes.
- Completion of the conduct of a comprehensive survey regarding the national research into the child's labor in collaboration with the central organ mobilization and statistics of the purpose of specifying the bulk of the working children and the areas of their concentration, the nature of the work they do and the impact of their early involvement in the labor exercise on some other problems, such as dropping out of school or the extent of the impact of their work on their health and psychological conditions, particularly those falling under the worst forms of the

child's labor. A synopsis of the national research into the child's labor was prepared and will be circulated when the strategy on the child's labor is declared.

- Sign an agreement between the Council and International Labor Organization for launching a campaign to increase awareness on the problem of the child's labor and the necessity of coping with it by way of explaining its dangerous and detrimental dimensions on childhood and community.
- Conduct a national campaign in the governorates where the percentage of the working children is higher than their counterparts of the same age groups elsewhere. The Council organized a number of workshops which includes the respective parties with a view to identifying the causes of an increase in the working children in these areas and the motives behind their work and their engagement in the worst form of labor, in addition to places of their concentration and recognition of the effort made or the available programs aimed at relaxation of the phenomenon or reducing its negative impacts so as to improve these efforts by extending support and necessary aid to them and for the council to monitor them in preparation for them to be incorporated into most effective projects and programs which the comprehensive strategy aims at applying them.
- Strengthen the national policies regarding the child's labor (especially the worst form of labor and work under the age permitted)

**2.16. (Article 16 of the Charter)**

**2.17. (Article 17 of the Charter) Monitoring the Juvenile Justice**

1. Every child accused of or charge against him for contravening criminal law is established, has the right to be granted a special treatment in agreement with the sense and the value of dignity of the child which may strengthen the respect of the child for Human Rights and basic liberties for the others.
2. The states party to this Charter should seek particularly to achieve the following:
  - To endeavor not to subjugate any detained or imprisoned child or whose freedom is usurped from him for any reason, to a torture or a treatment or inhumane or humiliating punishments.
  - Endeavor to separate the children from the adults in detention and prison cells.
  - Endeavor to make the following available to every child charged under the penalty code:
    - \* Assume innocent until he or she is legally proved guilty.
    - \* Inform him or her as quickly as possible of the charges labeled against him or her in detail through a simultaneous interpreter if he or she cannot understand the language used
    - \* Provide him or her with a legal assistance or another appropriate assistance to help him or her prepare and introduce a defense to him or her.
    - \* Decide on his or her case as quickly as possible through an impartial court with the possibility of an appeal against the judgment in the event that he or she is convicted to a supreme court.
    - \* The child shall not give evidence or confession under duress.
  - Prevent the journalist and the public from attending the trial.
3. The main objective of treating the child during the consideration of his case and when the charge proves him or her wrong in the criminal law, is to reform him or her, reintegrate him or her.

The Egyptian lawmaker adopts a special criminal treatment of the children since the beginning of the 20<sup>th</sup> Century. This special treatment has been crystallized in the criminal laws, then in the Juvenile laws since 1974. The law of the child has incorporated the criminal treatment of the children in the context of compliance with the provisions of the international conventions on childhood including the present Charter. The law has adopted a clear-cut concept, meaning the treatment of delinquent child or exposed to delinquency as a result of him or her being offended and that what should be taken in this situation should be a host of measures aimed at reforming him and enhancing his or her behavior as well as preparing him or her for becoming a useful and good element of the society.

Within the framework of implementing these objectives and acting on the aforesaid, the law of the child incorporates the following provisions:

- A child under 7 ears shall not be criminally interrogated.

- If a child under 15 years old commits a crime or more should be sentenced in a single proceeding and previous or subsequent crimes which might appear will not change the judgment (Article 109).
- The child's violation of these measures prescribed upon him or her in Article s 104, 105, 106 would mean attaching the child to vocational training and compelling him or her to perform the respective duties. A judicial test will follow at a court decision after his or her evidence was heard throughout the duration of the measure or replacing it by a measure that befits his or her condition (Article 136).
- The court has the power according to the request made by the public prosecution or by the child or his or her guardian or to whom the child was handed over, to order ending the measure or adjusting it or changing its system (Article 137).
- The measures decided upon will be dropped after 1 year if not carried out.
- They will only be implemented by a decision from the court upon a request by the office of the public prosecution after the opinion of social controller is sought (Article 138).
- No measure shall be carried out by a physical force against those sentenced and are subject to the provisions of this law reaching 18 years during the execution of the sentence (Article 139).
- No commitment to any expenses or fees shall be made before all the courts (Article 140).
- The measures shall come to an end when the child sentenced reaches 21 years of age with the possibility that the court may rule according to a request by the office of the public prosecution in the event that the charge is criminal, to place the convicted under judicial probation for a period not exceeding 2 years (Article 110).
- The execution of penalties denying the children of their freedom in the age ranging from 15-18 years mentioned above regarding disciplinary institutions of children with the understanding that the penalty will be completed in prison after the convicted child reaches 21 years of age. (Article 141).

It is permitted that the penalty shall be completed after this age at the special disciplinary institution if the outstanding period of the penalty does not exceed 6 months.

With regard to the basic criteria of the Criminal Justice expounded in Item C in paragraph 2 of Article "17" of the Charter, they are regarded as basic standards which are provided for in the Egyptian Constitution and the Law of the Criminal Procedures. "Article 124 of the Law of the child indicates that this law before the juvenile court in all cases, forms part of the rules and procedures established in the delinquency Article s" and that in the criminalities which are the serious crimes – the office of the Public Prosecution or the court should delegate a Lawyer if no Lawyer was already selected.

Article 125 of the same law empowers the court to delegate a lawyer in the Article s of delinquency if the child's age does not exceed 15 years during which the child is

punishable by detention. Article 126 provides that only the relative's witnesses, Lawyers and social controllers shall be permitted to attend the trial of the child.

The Law stipulates that a special juvenile court shall be formed comprising 3 judges, 2 experts of the Legal Specialists one of them should be a woman. The appeal court shall be formed on the same pattern by upgrading the judges so that one of them shall be at the rank of the President of the Court (Article 121).

The law has also made it an obligation that any measure which the law enjoins that it must be made known to the child, shall be directed to one of his or her parents or guardian or the person responsible for him and who at the same time has the right to appeal against the judgment issued against the child (Article 131).

Added to the aforesaid, we shall in connection with the provision of the criminal responsibility of the child, bring in what has been stated in the first part of this report.

## **2.18. (Article 18 of the Charter) The Protection of the Family**

1. The family is considered to be the basic natural cell of the society and it enjoys the protection and support of the state which is under obligation to be keen in establishing and developing it.
2. The states party to this Charter shall take the appropriate measures to guarantee equal rights and responsibilities of the couple towards the children and in the event of separation necessary measures shall be taken to protect the child.
3. No child shall be deprived of care as a result of a social status of his or her parents.

Article 9 of the Constitution provides that the family is the foundation of the society. Its backbones are: the religion, morality and patriotism. Article 12 also provides that the society is under obligation to care and protect morality and to empower the authentic Egyptian traditions.

Therefore a high standard of the religious moral, national and educational values shall be observed including the historic heritage of the people, scientific facts, socialist conduct and general ethics, within the limits of the law. The state shall also be committed to pursuing and empowering these principles.

In this connection, the law No.10 of 2004 has been issued on the matter of establishing family code with a view to introducing a complementary system of the court of the family into the Egyptian judicial organization specially establishing a court to look into the issues of personal status involving self-tutelage and financial responsibility. In that, this court brings together different claims of all the issues arising among the parties of the same family to be treated on a single specialized platform. Such an arrangement has facilitated the procedures and lessened the burden on the family, deepened adherence to the principle of specialization and help to achieve operational justice.

The Egyptian law regulates the provision of self-tutelage in a manner that guarantees the most favorable interest for the child. The law regulates the conditions of separation of the parents and the provisions governing maintenance and custody as well as the vision in the way it is stated in the 2 Laws of self-tutelage and finance, Nos. 118 and 119 of 1952.

The family in Egypt enjoys various aspects of support and protection. The law No.11 of 2004 was issued establishing family Insurance fund in corporation the following provisions:-

#### **2.18.1. The Establishment of a Special Fund for the Family Insurance System**

- Entitled The Family Insurance System Fund. It is affiliated to Nasser's Social Bank, non profit and a body corporate with a special budget.
- The law has defined the value of subscription to the Family Insurance System Fund for certain categories committed to it in regard to every marriage or divorce or remarriage or birth events. It has also defined the value which should be paid by the committed subscriber.
- The decision of the Minister of Justice No.2721 of 2004 regarding the rules and procedures of earning and dispatching the sums of subscription to the family Insurance system fund, has been issued and amended by the decision No.3965 of 2004.
- Nasser's Social bank performance in expenditure and wages and otherwise shall come from proceeds of the resources of the family Insurance system fund. The President of the Republic has the power to add up further Insurance services to the family with a view to strengthening the fund.
- The decision of the Minister of Justice No.2722 of 2004 on the matter of rules and procedures of implementing the provisions issued in connection with expenditure and wages and otherwise has also been issued. The family Insurance system aims at ensuring the implementation of the provisions issued so as to establish maintenance for the wife of the divorced wife or the children or family members. The Nasser's Social bank supervises the implementation of the provisions (Article 71).
- Nasser's Social bank shall pay the expenses and wages and the other dues established for the wife or the divorcee or the children or the parents in keeping with the established rules in this context (Article 72).
- The Ministries, Government Departments, the Local Authorities, Public Bodies, Public Sectors Units, Public Works Department, the Private Sector Departments, the National Authority of the Social Insurance, the Department of the Insurance and pensions of the Armed Forces, the Trade Unions and the others, shall deduct from the salaries and pensions, the amounts already fixed within limits permitted by the law- for the purpose of settling the outstanding balance of the expenses and wages and similar cases to be deposited into safe keeping of the Bank (Article 73).



- The convicted who receives no salary or wages or pension benefits or those in similar cases, shall deposit the fixed amount allocated to him or her into the safe keeping of Nasser's Social bank or one of its branches or into a unit of the Social Welfare Department at any district where his or her place of residence is located so as to enable the bank to notify the payment whenever it so wishes (Article 74).
- Nasser's Social bank shall ensure the payment of expenses and wages and similar cases as well as all the expenses it has incurred as a result of the refusal of the convicted to pay.

### **2.18.2. Social Insurance System**

The state is keenly interested in laying down a number of Social Insurances systems relevant to the conditions of the socio economic life which prevails in the society and every Insurance system covers the insured categories against all types of risks through appropriate means which guarantees overcoming these risks and reduces their impacts or effects on the life of the insured. The law regulates a number of Insurance Systems of pensions and which help the family to perform its mission. It is worth mentioning that pensions are periodically annually incremented resulting in an increase which doubles their amounts. The annual minimum and maximum increases are effected in regard to the payments of subscriptions which bring about an important impact in the increase of dues and Insurance advantages. While at the same time an expansion in the umbrella of social Insurance has also been effected so as to cover new categories.

We hereby refer in this item to some statistical indicators regarding the implementation of these systems.

An illustration of the number of the insured persons and the amounts settled and disbursed during the fiscal year 2001/2002.

	<b>EXPLANATION</b>	<b>Measure Unit</b>	<b>2001/2002</b>
<b>Firstly: The Social Insurance Sector</b>	<b>The numbers ensured by the end of the year</b>	<b>1 Million citizens</b>	<b>18.3</b>
	<b>The numbers of the pensions and those entitled on their behalf</b>	<b>1 Million citizens</b>	<b>7.3</b>
	<b>Net subscriptions</b>	<b>1 Million E.P</b>	<b>14849.0</b>
	<b>Pensions and compensations disbursed</b>	<b>1 Million E.P</b>	<b>17123.9</b>
<b>Secondly: Nasser's Social Bank</b>			
	<b>Credits</b>	<b>1 Million E.P</b>	<b>24.2</b>

	<b>ZAKAT ( Alms giving)</b>	<b>1 Million E.P</b>	<b>23.1</b>
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### **2.18.3. Social Security System**

The Government's plans and programs aim to provide a physical stability for the limited income poor families through the provision of minimum income for some social groups whose social, health and age factors prevent them from working and therefore they remain without a source of livelihood and were not covered by the Social Insurance and Social Security. This is some of the means of social protection for these families by providing a suitable income for them to enable them to meet their basic needs of life. This concept includes a care for the individual and the family in all social and age aspects especially with regard to the child, and the handicapped person, the widow, the divorcee, the incapacitated and the elderly. The law No.30 of 1977 and the question of Social Security regulates the groups and conditions entitled to benefit as follows:

### **2.18.4. The Security Pensions**

Payment shall be made to:

- An orphan
- A widow
- A divorcee
- The children of the divorcee if she dies or re-marries or imprisoned
- An incapacitated
- A girl of 50 years old or has never got married.
- The family of a prisoner of a term not less than 3 years.
- An old person of 65 years old.
- The law No.87 of 2000 has been issued to amend some provisions of the law of the Social Security. A decision by the Prime Minister No.1426 of 2000 has been issued to amend the monthly entitlement so as to range from 50 E.P as minimum to 70 E.P. a maximum in accordance with the number of the members of the family.

### **2.18.5. The Allowance of the Law of the Child**

- The amount of the allowance payable to the child ranges from 41 E.P for the single child to 131 E.P for the number of 4 children
- The allowance shall be paid to every one under 18 years of age of the following groups:
  - \* The orphan children or children whose father or parents are unknown.
  - \* The children of the divorcee if she remarries or is imprisoned or she dies- Children of the prisoner for a term not less than 3 years

#### **2.18.6. Monthly Insurance**

It includes the entitled groups to the monthly Insurance as follows:

- **Pregnant women:** Beginning from a third month up to delivery and the amount of assistance shall be 18 E.P.
- **Breast feeding mother:** Up to 2 years and the assistance shall be 10 E.P per month.
- **Family whose supporter is imprisoned:** Or who is in his situation for a term not less than 2 months and less than 3 years.

The assistance shall be of a category equivalent to the allowance of the orphan or the widow or the elderly according to the formation of the family.

#### **2.18.7. The Cases of the Sick People:**

The family whose supporter is ill and as a result, cannot work or it cannot affect his income. In such a situation, the assistance shall be equivalent to the allowance payable to incapacitated persons in accordance with the family setup.

#### **2.18.8. The Family who is Abandoned by its Supporter**

For a period not less than 6 months and his whereabouts are unknown. The assistance shall be equivalent to the allowance payable to the orphan or the widow or the elderly accordance with the family setup

#### **2.18.9. Assistance by a Single Payment**

The Ministerial decision No.36 of 2002 has been issued regarding groups, rules, conditions, situations, and procedures of the disbursement of assistance extended through a single payment. The cash assistance is granted by a single payment to the persons and the needy families provided that the entire average monthly payment in cash to the family shall not exceed 200 E.P. so as to be able to undertake new projects or support individual or stereotyped or non stereotyped collective existing projects geared towards the development of the resources of the family so that the assistance will not be less than 500 E.P and not more than 1500 E.P. The priority should be given to those receiving allowances and monthly security assistance and their families. The cases of the urgent need shall be defined to cover the educational expenses, the funeral and birth expenses.

#### **2.18.10. Aids Extended to the Former Employees**

Aids shall be extended to the former Government employees and the public sector that have spent a period not less than 3 consecutive years and are treated after the end of

their services under one of the laws of the Social Insurances or other pension's laws which constitutes the groups in:

- **Sickness:** The aid shall be 150 E.P not exceeding 300 E.P.
- **Education:** Aid ranges from 50 E.P to 150 E.P and not more than 300 E.P
- **Marriage:** of daughters and sisters of the former employees. Aid shall be extended to the former employee of the sum of 250 E.P.

#### **2.18.11. Enhancement of Wages and Salaries**

The Government is keenly interested in enhancing the wages, salaries and pensions periodically in support of the family and its resources in order to be able to meet its requirements. This is achievable through the periodical increase of wages including the period covered by the report as follows:

- The laws Nos. (18, 19, 20,) of 2001 granting the state employees a special allowance and an increment on pensions in a manner that would ensure that the state would continue to make efforts to improve the living standard of the individuals.
- It is one of the important laws periodically enacted to ensure the observance by the state of the social dimension when executing its programs of privatization as a result of the trend towards transition to the market mechanisms.
- The laws Nos. (149, 150, 151 of 2002 granting the state employees a special allowance and an increment on pensions in a manner that would reflect the desire of the state to continue with its efforts in improving the living standard of the individuals and would realize the objectives referred to above.
- The laws Nos. (89, 90, 910 of 2003 granting the state employees a special allowance and increment on pensions in a manner that would guarantee the continuation of the state efforts to improve the living standard of the individuals and would realize the objectives referred to above.
- The Law Nos. (86, 87, 88) of 2004 granting the state employees a special allowance and an increment on pensions in a manner that would realize the continuation of the states efforts to improve the living standard of the individuals in the manner as previously referred to above.
- The Laws Nos. 92, 176 of 2005 granting the state employees a special allowance and an increment on pensions which would guarantee the continuation of the states effort to improve the living standard of the individuals as previously stated above.
- These periodical laws would help increase the income of the working family individuals in order to help them to meet the requirements of life and raise the standard of living.
- The law of the child No.12 of 1996 has also regulated the services concerning the establishment of the kindergartens.
- It also provides for special rights for the working mother as follows:-

- Grants the working mother a confinement leave of 3 months with full salary for 3 times throughout the period of her service (Article 70).
- Grants the working mother 2 additional rest periods for 2 years from the date of her delivery, each of which is not less than half an hour (Article 71).
- The right of the working mother to leave without salary for 2 years in order to care for her child while her employer will bear the Insurance premiums (Article 72).
- The employer who employs 100 working women and above shall be obliged to establish a nursing home for caring for the children of the working women (Article 73).
- The law provides for penalizing who violates the above mentioned provisions by a payment of a fine with a multiple penalty in accordance with the number of violations in this regard (Article 74).

**2.19. (Article 19 of the Charter)The Protection of the Parents and their Protection of the Child**

1. Every child shall have the right to enjoy the protection of his or her parents and their protection of him and to stay with them if possible. No child shall be separated from his or her parents against his or her own will. Separation could take place if the judicial authority so decides, according to the law duly applicable in this matter and is in agreement with the interest of the child himself or herself.
2. Every child separated from one of his or her parents or both of them shall have the right to maintain personal relations and a direct link with his or her parents on a regular basis.
3. If the separation occurs as a result of an action taken by a member state, this state shall provide the child or one of the members of his or her family in the event that he or she is absent with the necessary information regarding the place of stay of a member or members of the family who were absent.
4. It is incumbent on the states party to endeavor to avoid serious consequences arising from such request the person or (persons) about whom this request was submitted.
5. If one of the states party arrests a child, this state shall accordingly notify his parents or her parents or his or her guardian at the earliest possible time.

Egypt, being committed to the provisions of the Constitutions and respect the International Charters on childhood including the present Charter, the law of the child states in Article 7 that “every child shall enjoy all the legal rights especially the right to breastfeeding, nursing, eating, dressing, lodging and seeing his or her parents as well as the protection of his or her property, in keeping with the laws regarding the personal status”.

The Law of personal status regulates maintenance of the child with the father enquiring about him or her and to assist him or her within his means. The law also granted the right of nursing to the mother in accordance with the law No.4 of 2004. The household

of the marriage life is considered to be in the possession of the nursing mother and the law regulates the condition of inspection in the event of separation between the 2 parents.

The law of the child enjoins that every action which the law will make it an obligation for the child to know, shall be directed to one of his or her parents of his or her guardian.

## **2.20. (Article 20 of the Charter) The Responsibilities of the Parents**

1. The parents or the person in charge of caring for the child shall be in the first place, responsible for his or her upbringing and proper raising and his or her interest.
  - Should not be disregarded by them.
  - They should ensure the necessary conditions of life to help the child grow and enable him or her to be properly raised taking into account their possibilities and financial abilities.
  - Observe home discipline so as to ensure proper treatment and human dignity for the child.
2. The states party to this Charter shall take all the appropriate measures with a view to observing their potentialities and national position.
  - Assistance shall be extended to the parents of the persons in charge of the child or if necessary they should prepare programs for the material assistance and support especially with respect to the nutrition, health, education, clothing and lodging.
  - Aid shall be extended to the parents and the other persons responsible for the child so as to help them perform their duties towards the child and to support the development of the institutions charged with the protection of the children.
  - The services and facilities of caring for the children by the working parents shall be guaranteed.

Each of the parents or the legal guardian shall be responsible for the education, proper raising and protection of the child. The father according to the provisions of the Egyptian law is legally responsible for the maintenance of the children, provision of shelter within his means and to the extent to which their living could be guaranteed at a standard appropriate for those in a similar position. The father shall legally be demanded to provide maintenance for his children. In the event of his refusal to do so. The Egyptian law has also organized the provisions regarding the nursing mother in the event of separation of the parents and the circumstances of the right to inspection. The Government is concerned with the family and it supports it in different ways. The Government ensures a number of programs of support of the family and continuation of its stability as indicated above through commenting on Article 18 of the report.

## **2.21. (Article 21) Protection against the Harmful Social and Cultural Practices**

1. The states party to this Charter shall take all the appropriate measures to eradicate the harmful customs and social and cultural practices affecting the welfare, dignity and the normal growth of the child and his or her development especially:
  - The customs and practices harmful to the health and life of the child.
  - Customs and practices which constitute a discrimination against certain children for reasons of gender or other reasons.
2. The children's marriage or courting girls and boys shall be prohibited and effective measures including the laws to determine the necessary minimum age for marriage namely 18 years shall be taken and that the registration of marriage in an official record shall be compulsory.

To confront customs and practices socially and culturally harmful and to eradicate them is placed at the top of the priorities of the national action in Egypt in view of their serious implications on childhood and child's upbringing in general. This confrontation will be centered on a number of core areas whether from the research or practical aspect of it in order to identify the reasons of this practices and customs as well as motivations and sections of the society in which they are common.

The harmful effects arising from these practices must be pursued. The research aspect would lead to μcasting the practical and scientific light on these customs and practices. It will also justify a preparation of plans to confront them. The national center for social and criminal researches is in the forefront of the operational national organs in these areas. On the other hand, the National Council of Maternity and Childhood is considered to be a national mechanism concerned with confronting these practices and customs at the executive level through coordination and participation with the competent Governmental organs. It also falls within the framework of the programs executive and practical plans to eradicate them. We shall discuss the efforts of every one of the two mechanisms stated above in this connection as follows:

### **2.21.1. The National Council of Maternity and Childhood**

Is a national mechanism concerned with the protection of the child. A reference has already been made in the first part of the report to the reason of establishing it together with its competences

The greatest attention demonstrated by the Council is centered on the rights of the child internationally established for childhood, namely the right to survival, the right to growth, the right to prevention, the right to protection and the right to participation.

We would make a reference to the initiatives and the plans being carried out by the Council in a drive to combat the harmful social and cultural practices as follows:

### **The National Plan of the Initiative of the Girls Education**

Egypt has taken the lead among the countries of the world in adopting the initiative of the girl's education and in starting the implementation of the national plan for the initiative. It relies on the methodology of planning from the grassroots to the top, community and popular participation as well as uniting the Governmental domestic efforts. This has been demonstrated in all the preparations and implementation stages with an emphasis on quality achievable through training, sensitization, observation and evaluation. This initiative is complementary to the efforts of the Ministry of Education, relying on the conclusion and the required data for the implementation of the plan of action which in collaboration with the donor agencies, domestic society and the private sector will be implemented.

**- The Major Core Areas of the Initiatives of Girls Education are:**

- An institutional participation among a number of the Ministries and bodies which could play a major role in eradicating the problem hampering the girls from joining in certain areas. They could also play a role in attempting to create an enabling environment to make the educational process inside schools attractive to the girls and their families.
- The community participation in mustering all voluntary capacities towards the success of this initiative.
- The community mobilization through a media plan, a political action and social activity.
- The provision of necessary funding from the states budget and from the international contributions as well as the contribution of the civil society and the private sector, interested in supporting the national initiative.
- The participatory planning from the grassroots to top.

**- The Plan is Intended to Achieve the following Programs:**

- Program of concluding data base
- The Program of sensitization and solicited mobilization
- The extension Program to the friendly girl schools (the schools of the same class and societal)
- The poverty combat Program which hinders girl's education and includes (school nutritional projects, credits to finance the productive projects and bursaries for the poor families)
- A follow-up and evaluation Program.

### **The Egyptian Girls Year Declaration**



The First Lady of Egypt the spouse of the President of the Republic declared 2003 the year of the Egyptian Girl. She has held several for a with a view to displaying dignified models of the girls coming from different Governorates. The problems of these girls were discussed before the leadership and Governors so as to promote the culture of voluntarism among the young boys and girls and to support the role of the domestic societies and the private sector. The exemplary girl selected has been declared at the local and national levels and has been decorated with honors in a ceremony attended by the First Lady.

### **The National Strategy for the Protection, Rehabilitation and Reintegration of Homeless Children**

The National Strategy for the Protection, Rehabilitation and Reintegration of Homeless Children was for the first time put in place in Egypt. This falls with the framework of the interest demonstrated by the National Council for childhood and maturity to eradicate the phenomenon of the street children, as the First Lady declared the strategy which incorporates the following objectives.

Eradication of the phenomenon of the street children, protecting them and fore fronting the circumstances which led them to the streets, providing mechanisms of rehabilitating them, enabling them to be reintegrated into the society in a sound manner and in a way that would enable them to acquire their educational, economic, social, cultural and entertainment rights

The developmental orientation for empowering the targeted groups and building the capacities of the children and their families so as to be able to participate in the social life as citizens who have the right to a secured life by uniting the Governmental and popular efforts.

A change of a negative view was about the street children by looking at them as a mere delinquent citizens or “devious” from the right path. They should be invited to adopt a positive direction regarding the child as a victim rather than guilty.

Eradicate the sources of the phenomenon and radically deal with the economic and social causes which bring the children into the street.

In the Context of Realizing the Objectives referred to above, the following has been achieved:

- Completion of the preparation of the plan of action for homeless children.
- Preparation of an analytical paper on the contributions of all the respective agencies to the project of the hotline of the homeless children in preparation of adopting the project for action.

### **Vulnerable and Delinquent Children**

In the context of the priorities adopted by the consultative technical committee in February 2000 which was crystallized by the document, a world worthy of the child adopted by the General Assembly of the United Nations during its Extra-ordinary session on the child held in may 2002 with an active Egyptian participation whose delegation was headed by the First Lady Suzan Mubarak, the United Nations document has appealed to the member states to take the following action.

Adopt and implement policies, if necessary, safeguard the children who live in a state of social deprivation and are vulnerable, including the working children and or those living in the street –protecting, rehabilitating and reintegrating them into the society as well as helping them to acquire the educational, health and social services.

The concept of the vulnerable children is different from the concept of the juvenile delinquents and consequently the conditions of finding a child in a danger is not regarded as crimes committed by the child. Therefore dealing with such a category of vulnerable children should not be based on measures and criminal penalties. For those children are merely victims of social circumstances and of the situation in which they are found where there was no care and protection for them which they deserve. Indeed, poverty and family disintegration are two main causes responsible for the difficult situation in which they are.

Based on the Aforesaid, the Council Proposes as follows:

- The vulnerable children shall be excluded from the Chapter dealing with “the criminal treatment of the child” in the present law of the child and to include it in a special chapter.
- Creation of an alternative system to deal with those children such as formation of follow-up committees to be prepared in order to serve as an orientation body for the deprived children and their family. Those committees should be multiple specializations.
- Raise the age in which a child will be liable to a criminal responsibility. For the present age, 7 years is a very low age. This proposal has been made according to a recommendation by the international commission on the rights of the child.
- Referral of the cases of the juvenile delinquents to the competent family code which is now under consideration. This should take into account that the court should not be traditional and should be well equipped with the concept of the rights of the child in its procedures. This court shall ensure the rehabilitation and reintegration of the child into the society. The families of the children shall take part in the procedures of the trial.
- The measures are expected to be reformative and not punitive in the first place, resorting to a measure dealing with the denial of the child of his or her freedom shall be the last choice and for the shortest period possible. A resort to the educational and social measures such as professional training or subjecting the child to certain social duties etc, etc, is an obligation. Added to

- this, is the principle of the reformatory justice which makes the juvenile responsible for redressing any fault that may have been caused by him.
- A system of classifying the juveniles according to their ages shall be adopted. Appropriate measures and programs shall be drawn up for every age group and these measures shall be mentioned and classified in the law while there should be a difference between the younger children of the juveniles and elders from among them and the adults.
  - The family code shall include a specialized team composed of district attorneys, judges and sociologists all these persons must serve full time while dealing with cases regarding the juvenile court.
  - The Law shall include a provision which says that the child could be transferred out of the judicial system through the office of the public prosecution. This transfer could be made to appropriate services within the society with a view to rehabilitating those children especially when the act committed by the juvenile is not of serious level.
  - Assure that the situations in all the places where the children are detained (the various social institutions stated in the present law) are in agreement with the international standard of the juvenile court and the treatment of the children

### **The National Project of Anti-female Circumcision**

#### **The General Framework of the Female Circumcision Case**

The national council for childhood and maternity has adopted the project of combating female circumcision which aims at creating a cultural and social environment opposed to this harmful practice and which violates the Egyptian girl's right in order to access a female circumcision free-Egyptian village. The Council counts in this regard on the coordination between the Governmental and local agencies and to build on the successful experiments carried out in this area.

This project will be implemented in 60 villages in the upper Egypt including Governorates (BANI SWEF - AMINIA - ASIUT - SSUG - QANA - ASWAN) at the average 10 villages in every Governorate for the period of 3 years, in coordination and full collaboration with the domestic societies which exist in those Governorates.

#### **The Object of the Project**

The national project performs at 2 basic levels as follows: The central level which is concerned with laying down policies and necessary strategies in order to support Anti-female circumcision cause and the local level which addresses the question of changing the social conception in 60 villages located in the Governorates of BANI, SWEF, ALMINIA, ASIUT, SUHAG, QANA, and ASWAN so as to persuade them to reject the tradition of female circumcision, at the average of 10 villages in every Governorate. This project is also intended to creating an enabling environment for the existence of different leaderships concerned with the cause in order to be able to influence the targeted public and the village and to create necessary pressure groups able to change

the cultural and social environment so that we will ultimately get communities which will not practice the female circumcision.

### **The Cultural and Social Approach**

The project adopts a social and cultural approach since the past experiences have proved that the adoption of the health input alone has led to the medicalization of the problem and that the religious input alone did not solve the problem adequately especially when the cause of female circumcision is considered to be a cultural and social heredity.

The project adopts this approach and is implementing the training and media plan. The project is currently designing a training guide entitled "Female Circumcision: ... until when?"

This guide responds to all the quarries and testifies the wrong social, medical and religious beliefs. The guide targets the positive societal leaderships capable of convincing the targeted groups. It also contains the success stories of small communities which have affected a change from the supporters and opponents of the tradition.

### **Partnership with the Donor States and International Organization**

This project is a wonderful model of partnership between the international quarters and different donor states under the umbrella of the council. The council has mobilized the necessary resources from 8 donor states and through the Steering Committee of the project, the donor states representatives and the international organizations meet with the policies committee and the media organization every 3 months to discuss different strategies of action together with the presentation of a programmatic, financial and periodical report about the activities of the project.

### **The Pivotal Domestic Societies**

The activities are carried out at the village's level of the 6 Governorates through 12 pivotal domestic societies. It is a society which operates at the level of the Governorates, The pivotal domestic societies are chosen in collaboration with the federation of the domestic societies and the working group to combat the female circumcision together with the United Nations Development Program (U.N.D.P). Added to this is the technical team of the council in accordance with the specific standard such as a passed expertise in the area of development particularly in regard to anti female circumcision and the availability of humane and institutional potentialities.

### **The Media Campaign "The Girl is an Egyptian"**

Undoubtedly, the media wields a powerful influence in changing the conduct especially when it comes to addressing the sentiments of the people just as the impact left by a

hint, the girl is an Egyptian which discussed directly the issues affecting the innocent female child who dreams of changing the reality around her and of overcoming it through immediate simple 3 media messages and comprehensible. They are: "No denial from education, no female circumcision and no early marriage," After a televised broadcast of these hints for 3 months the Council in collaboration with the information, education and communication center at the public information authority the Council monitored the opinions of the viewers towards the campaign "the girl is an Egyptian." The reaction was very positive because the viewers unanimously agreed that the characteristics of the girl is an Egyptian, are very strong and the hint from the dresses and the scenes of the Egyptian countryside point of view were beautiful. This has given a high level credibility to the said messages. In consequence the target public was motivated to holding a national dialogue on the female circumcision. The project therefore operates according to reactions and responses to the request emanating from quarries by the target public (transformation from the methodology of a mare show to a methodology of building on the request of the public). The campaign "The Girl is an Egyptian" is not confined to mere televised commendation but the Council has also produced weekly panel discussions through the general radio Program presented the harmful effects of the female circumcision by specialized experts group in different areas to inform the public directly and clearly that the female circumcision violates the rights of the female child from the medical, religious and legal point of view. The Council has fully supervised the panel discussions to ensure that their will be no contradiction of messages which might cause a confusion to the target public.

### **The Achievements of the Project**

- A study to recognize the trends of the people's grassroots at the village's level towards this cause at the level of 12 villages out of 60 villages so as to prepare a Program of description of a village was conducted.
- A training plan based on the cultural and social approach was drawn up in order to create a nucleus of local cadres (women and men) with the ability to muster resources and local initiatives and spread a positive social and cultural environment which could help encourage the rural family to reject the practice of the female circumcision.
- The Ministry of Youths to be provided with specialized experts in the area of lodging the female circumcision by raising awareness to the university youths about the bodily and psychological harms and about the root of these harmful practice in Egypt and to rectify the religious and social conceptions and to encounter these phenomenon which violates the rights of the female child. This should be conducted through organizing camps to be attended by youths from all the Governorates of the Republic (Port Saeed Beach Camp on 29 August 2003 – International New Ping Camp, on 16 September 2003)
- Production and broadcasting of a special commendation to combat the female circumcision within the framework of implementing a complementary media campaign entitled "the Girl is an Egyptian" a number of programs about the Councils subject especially with regard to the female circumcision was recorded at the Radio. These programs comprise a paragraph of songs and a paragraph

presented by a group of specialists (doctors – sociologists – religious scholars – prominent personalities in the area of social work.

- Formation of a national commission of legislation and the female circumcision attended by the specialists drawn from the pivotal domestic societies, the judicial corps, religious personalities and other members of the Peoples' Assembly and the consultative Council to reactivate and review the existing laws that there shall be a clear –cut legal provision to incriminate the practice of the female circumcision.

### **Afro-Arab Conference on Legislation and the Female Circumcision, Cairo – June 2003**

The Afro – Arab conference on legislation and female circumcision was held in Cairo in the period from 21 -23 June 2003 headed by the First Lady Suzan Mubarak – The Chairperson of the Advisory Technical Committee of the National Council for Childhood and Maternity. This took place in collaboration with the European parliament and a number of Egyptian local and international societies including the organization AIDS, and the organization no peace without justice and then the “Egyptian society for prevention against the harmful practices”. The conference discussed the importance of making laws and legislation to support the society in its attempt to eradicate the female circumcision in a way and manner which is commensurate with the cultural environment of every country, The hosting by Egypt of the conference and the attendance by the Egypt's First Lady under her patronage reflects the keen interest which the political leadership has demonstrated towards the cause of combating female circumcision.

The Conference has issued the Cairo Declaration which includes the following:

- Inclusion of legislations and laws which incriminate the female circumcision into the legislations addressing the political, economic and reproductive rights of women and the rights of children.
- The laws within the framework of the multiple approaches shall be utilized with an emphasis on the participation of the civil society and national Non-Governmental organizations.
- The legal definition shall be left for the national legislators to determine on the basis of a definition issued by the World Health Organization (WHO) in consultation with the civil society.
- Strengthen awareness about the cause to the religious personalities with a view to reactivating the role of the religious personalities in sensitization about the risks of the female circumcision.
- The importance of making legislations to prohibit and penalize the practice of the female circumcision by the doctors, nurses, and the service deliverers
- A sanction shall be imposed on a community which covers up known cases and the Government shall put in place different mechanisms to monitor the spread of the female circumcision and to discover its impacts.

- Sensitization of women and girls about their rights and the legal provisions which ban the practice of the female circumcision in order to be able to defend themselves and put an end to being subjected to this bodily violation.
- The Government and donor agencies shall be committed to providing the resources which support the eradication of all forms of discrimination against women and the child.
- The Government shall be committed to applying all the international and regional Charters which safeguard the rights of the woman and the child.

### **The National Program for the Protection of the Juvenile against the Drugs**

The holding of the national conference for the protection of the juveniles against the dangers of smoking and drugstaking organized by the Council under the auspices of Egypt's First Lady has constituted a qualitative transformation in coping with this problem which makes a number of families' live sleepless nights. The session held for a free discussion directed by the First Lady Suzan Mubarak with the juveniles has left an important impact and open up a hope for quite a number of citizens. The council invested this success in continuing with its national Program which is regarded as a practical application to reducing the demand for the drugs among the juveniles. It was carried out in coordination with the competent departments of the Ministries and Non-Governmental Associations and in collaboration with the office of the United Nations against the drugs.

The Program aims at crystallizing a complementary national strategy for the prevention of juveniles against addiction, as well as implementation of a practical and attractive sensitization programs at schools, clubs, youth centers and all areas of juvenile gatherings. It also aims at promoting the operational domestic societies in this area as well as the establishment of a quantitative federation between them.

It also targets a preparation of an expanded preventive media campaign with an emphasis on visual media. This is in addition to the creation of a model center for training and rehabilitation of the working cadres in the area of prevention from addiction.

The most important activities are:

- Coordination and a follow-up action to the preparation of a complementary national strategy for the prevention of the juveniles from addiction with the Governmental and Non-Governmental bodies.
- Implementation of the juvenile leaders Program at schools (150 schools) for raising awareness about the harmful effects of the drugs. This is carried out in coordination with the Ministry of Education in addition to the preparation and implementation of the preventive programs inside the youth center (70 youth centers), in coordination with the Ministry of Youths.
- Strengthen the number of the operational domestic societies in this area and creation of a qualitative federation between them.

- Preparation of an extended preventive media campaign in collaboration with the Ministry of Information and that this campaign should include the visual audio and written information organs.
- Establishment of a training and rehabilitation center.

### **The Reproductive Health Programs**

Within the framework of the interest of the National Council for Childhood and Maternity in the Health of the adolescents and juveniles and the desire of the political leadership for the implementation of the principles of the child's 2 decades the First and Second and the Declaration of Mrs. Suzan Mubarak the Chairperson of the Advisory Technical Committee of the Council of 2003 "Egyptian Girls Year". The council is also committed to taking and designing policies, programs, procedures and the necessary measures of promoting and protecting the rights of the children and the adolescent adopted in the International Convention on the Rights of the Child in 1989 and a document of a world worthy of the children in 2002.

The Council will implement the project of developing the individual capacities of the adolescents as well as empowering them to exercise their rights to expression of their views and to obtain information about the reproductive health in collaboration with the United Nations Fund for Population and the Ministry of Education including the domestic societies. This takes place in 10 Governorates (Eastern, Qana, Al Ismaelia, Bani Swef, Suhag, Alminia, Aslut, Algiza, Almunufia and Al Fayum) and that 2 schools should be chosen from every Governorate as a model guidance in which the project shall be implemented.

The objects of the projects:

- Provide services and information on the reproductive health for adolescents at the secondary school level.
- Specify the needs of the adolescents especially with regard to the girls based on their own point of view.
- Motivate the civil society to assist the school students in conducting researches concerned with the reproductive health.
- Reactivate policies concerned with the reproductive health at the national level.

The achievements of the plan of action:

- 2 girl schools in every Governorates and domestic society were chosen to participate in the execution of the desired goals.
- Conclusion of an agreement with Seediba to provide a technical support and training of the female teachers on the curriculum of new horizons presented to the young girls. Seediba has taken upon itself to divide the 10 Governorates into 3 groups in accordance with the geographical distribution.



- Organization of a new training course, the first being in October 2003 at Alexandria Governorate targeting the Governorates of Al-Ismaelia, Eastern, and Monofia where 8 female teachers were trained in a technical education, home management, sporting education and a sociologist from each Governorate, reaching a total of 24 trainees. At the end of the course, the training bags were distributed to the trainees. These bags contained educational tools such as stickers/glues, cassettes, booklets, special posters for skills development and awareness about the reproductive health problems.
- Two panel discussions about the reproductive health were held in Ummul Astal secondary School which drew 70 female students of the first academic year.
- An agreement concluded with the Association of the Arab Women's League so that the association would galvanize the community and raise awareness of the citizens about the importance and goals of the project invigilate and monitor the female teachers in a drive to achieve the desired goals.
- Training Grade 1 students of senior secondary school in 20 schools on how to deal with the reproductive health issues and the issues of early marriage, violence against women and the girl, the rights of the child and Human Rights, the temporary marriage, adolescence, the personal hygiene, the female circumcision, marriage with close relatives and the research methods.

### **The Project of the Development and Empowerment of Girls**

The concept of the project is based on response to the actual needs of the girls and boys living in the neediest rural communities and is working towards the empowerment of the girls and fight against all the forms of discrimination and violence. It also backs the voluntary participation of the youths and the indigenous communities in development. The project is being executed in the Governorates of: ASWAN, SUHAG, ASIUT, AL-FAYUM, AL-QALIUBIYA, the Western, KAFR SHEIK, EASTERN and PORT SAED.

### **Illiteracy Eradication Program for Girls**

- 9000 girl students under 18 years will benefit from the project and 85% of them passed the examination.
- During the period 720 newly graduated girls were trained to work as facilitators in 720 classes at 12 centers, some of the most needful centers in the 9 Governorates, using the most modern methods of learning based on a positive participation in the process of learning, focusing on the sharing of the know how and skills by the learners and facilitators. This project also relies on innovation in the teaching methods and means derived from the environment and taking into account the needs and choices of the girls and mothers in relation to the space and time as well as the number of the study hours.

- The project produced birth certificates and identification cards for studies including the school drop-outs under 14 years who did not join classes of the eradication of illiteracy which belong to the public authority of the eradication of illiteracy and adult education. This is carried out through a complementary plan of action which continues to support the girls and enable them to change the quality of their lives. The project distinct with a careful supervision and follow-up.

### **The Program of Raising Awareness About Nutritional and Health Issues for the Girls and Mothers**

- The programs focused on the health and nutritional aspect for the girls and women living in the poor communities in different Governorates.
- Training courses of raising the health awareness were held with emphasis on the reproductive health problems and violence. 160 female facilitators from the 2 Governorates of Al Fayum and Asharqia (Eastern) participated in it.
- The Program adopted the discussion of the actual problem first by the girls in addition to emphasizing on the health of the pregnant women and mothers as well as caring for children especially the newly born. It is also concerned with identifying the risk factors and to reach an agreement on the organized methods of transformation in the worthy health centers.
- The health Program takes an interest in training the girls and mothers on the methods of a follow-up to the growth of the children and to detect signs of retardness in the growth of the child. Such methods would help contribute to the discovery of different impairments. The Program focuses on the definition of the common early pediatric disease and the way to provide food and appropriate nutrition for the girl, the mother and the child, highlighting the importance of the natural breastfeeding and the complementary nutrition for the child.

### **The Training Program on the Health Skills**

- In conclusion of the previous Program for raising the health awareness of the mothers and girls through the implementation of advanced training courses, a course was held to train 160 girls and child mothers living in the Governorates of Al FAYUM and Al – SHARIQIA (March – April 2000) on certain health skills such as caring for the newly born child and for the old aged including monitoring the child's growth and ensuring a periodical system of immunization.
- The training included giving injections and first aids treatment of wounds and burns. Through this training, different bad customs were fought against.

### **A Program of Support for the Voluntary Participation of the Youth in the Development of the Local Communities**

- Training courses for the youths of the 2 genders of the total of 240 young men and women were held in the Governorates of Al-Sharqia, Al-Fayum and Aslut on the basis of a voluntary participation in the local communities' development. Female facilitators participated in response to their own wish to continue working and networking with the national council for childhood and maternity.
- The training incorporates the planning, implementation and follow-up methods of the development projects according to the priorities of the young men and women as well as the actual problem of their communities. The Program also includes the definition of the concept of development which aims at broadening the choices and enhancing the quality of life for human beings including the methods of management, negotiation and solution of the problems.
- These women have completed their training on the account of a special development averages in their Governorates and the way of reducing the rising rate of illiteracy. The training has also focused on the methods of networking, information transmission and the effective way of influencing the change of the wrong behavioral trends in the communities.

### **The establishment of the Indigenous Societies for the Girls**

- The Council encourages the girls to establish indigenous societies in 3 Governorates namely Aslut, AL-FAYUM and AL-SHARQIA in accordance with the new law of associations. The girls shall form Boards of Directors and run those societies in order to promote their effective participation in the development of the communities and to encourage them to involve in the voluntary service.
- The goals of societies and their projects as well as the proposed activities have been crystallized according to the needs of the girls and boys through different working courses. The girls before completely announcing the establishment of these societies began to specify the problems and prepare statements showing the names of the female illiterates to pave the way for them to open new classes voluntarily of the eradication of illiteracy and take stock of the female family heads, the orphan children and the girls who need birth certificates and identity cards. Small scale developmental projects were also proposed in order to alleviate poverty of the families and to contribute to the reduction of unemployment rates. These are the basic problems which exist in many of the Governorates in addition to the environmental problems.

### **2.21.2. The National Center for Social and Criminal Researches**

The National Center for Social and Criminal Researches is a specialized research mechanism in Egypt

In conducting researches and studies as well as social surveys, methodological and educational studies considered to be some of the social and criminal phenomena of the Egyptian society, is carried out with a view to giving a real picture of the magnitude of the phenomena and the problems which these researches will undertake. The plan of the center is associated with conducting these researches with all the requirements at the national and international levels which the practical application of the laws and the existing legislative provisions will reveal. These studies of the center in this area are regarded as a scientific and statistical springhead for the decision making organs and implementation of the plans and programs at the national level.

In its study of the area of childhood, the center has dealt with the following phenomena through the researches to be highlighted as follows:-

Studies about the family environment and the alternative care which include:

- Violence in the Egyptian family
- An exploratory psychological study
- Violence in the daily life of the Egyptian society
- Violence among the students
- A field study is currently being conducted aimed at identifying the magnitude and the characteristics of the phenomenon as well as the distinct features of the perpetrators of violence and factors of the phenomenon.

Studies about the special measures of protection:

- The legislative and security confrontation on the phenomena of begging in the Egyptian society.
- The disciplinary institution for the juveniles at AL-MARG – an evaluative study about the conditions of the institution (the lawmaker has reacted to some of the recommendations of this study and particularly the non-continuation of the implementation in the disciplinary institutions after the inmate passed certain age).
- The street children and the security consequences, psychological and social characteristics of the street child.
- The efficiency of a guiding Program for the mother in confronting the impact of the scene of violence on the child.
- Methods of treating the juvenile delinquent and those exposed to delinquency.
- A comprehensive field study (social - psychological - security - legal) currently the factors of research at the level of the disciplinary and educational installations of the juveniles are being applied in all parts of the Republic. This is followed by a field study about the measures non institutional provided for in the law of the child and a field application will be carried out to the children and the workers of the institutions. The families of the inmates shall study it on a case by case basis.

- Equality before the court. This incorporates an analysis of some of the provisions of the law of the Juveniles No.31 of 1974 as follows:
  - o The Juvenile Court shall have no exclusive right to look into their cases and otherwise.
  - o It should be noted that the legislator reacted to some of the conclusions of the study and introduced amendments into the law of the child by which some of the phenomenon of inequality have been removed. (Such as the formation of the court to look into criminalities committed by the children).
  - o The working children in the agricultural activity in the Egyptian countryside.
  - o The child labor in the small scale industrial installations.
  - o The children's labor.

The studies about schooling, leisure times and the cultural activities which include:

- Social justice in education
- The situations of the theater of the child in Egypt.
- The Egyptian child and the satellite channels
- The audience of the theater of the child

Studies on other scientific activities held by the center:

- Conferences, scientific seminars held by the center to discuss all the social problems.
  - The center's management of the permanent project to combat the drugs taking.
  - A permanent cooperation with the National Council in combating and treating addiction and in setting up a combat fund and treatment of addiction and drugs taking.
  - Organization of lectures and seminars in all parts of the Republic for the purpose of discriminating awareness among the social groups over the risks surrounding the drugs, social and psychological factors causing the existence of such phenomenon.
  - A contribution to the processes of training organized by the national center for judicial studies by the Prosecuting Attorneys and the Attorney General in the area of evaluating penalties to be imposed to the juvenile delinquents in accordance with the provisions of the law of the child.

The Egyptian efforts at the research and implementation levels indicate that there is a challenge to the harmful practices in the Egyptian society through the observation of their trends, causes, influenced by the scientific and research methods as well as reactivating the results of these researches by way of appropriate legislative amendments so as to bring the legislative provisions in line with the practical environment and the prevailing social atmosphere. Through this process the efforts of the challenge will be successful.

## **2.22. (Article 22 of the Charter) The Armed Conflicts**

1. The states party to this Charter shall undertake to respect and guarantee the respect for the rules of the International Humanitarian law which must be applied in the event of an outbreak of an armed conflict affecting the child in particular.
2. The states party to this Charter shall take all the necessary measures to guarantee non-participation of any child directly in any war conflicts and no child shall be recruited in particular.
3. The member states to this Charter shall, according to the commitments which they have taken upon themselves under the International Humanitarian Law, protect the civilian population in the event of the outbreak of an armed conflict and to take all the possible measures to guarantee, protect and care for the children who are affected by the armed conflict. These measures shall also apply to the children found in a state of internal armed conflicts and state of tension and civil strife

The Law of Non-recruitment of Children under 18 years Provides:

Egypt regulates the provisions regarding the Military treatment of the volunteers in accordance with the provisions stipulated in the second protocol annexed to the Convention on the Child.

## **2.23. (Article 23 of the Charter) The Refugee Children**

1. The states party to this Charter shall take all the appropriate measures to guarantee for the child who seeks to be granted a status of a refugee or who is considered to be a refugee under the international or national law which must be applied in the matter concerned whether been accompanied or unaccompanied by his or her parents or by his or her legal guardian or one of his or her relatives, the protection and humanitarian assistance which he or she may request in order to exercise the rights recognized for him or her by this Charter or by any other international instrument in recognized.
2. The states party shall assist the international organizations charged with the protection and assistance of the refugees in their efforts towards protecting and assisting the children referred to in paragraph (1) of this Article. In the event that the fathers or the close relatives of the refugee children unaccompanied by anyone, were found so as to obtain the necessary information to enable them to unite with their families.
3. If one of the parents of the child could not be located or his or her legal guardian or one of his or her close relatives the child should be granted the same protection which might be granted to any other child denied temporarily or permanently of his of her family enrolment for any number of reasons.
4. The provisions of these Article together with the necessary changes made to it shall be applied to children internally displaced in any country whether as a

result of a natural disaster or an internal conflict or civil strife or the collapse of an economic and social institution or for any other reason.

Egypt acceded to the following:

- International Convention on the Status of the Refugees in accordance with the Decree No.331 of 1980 and began to act on it on 20 – 8 – 1980.
- The Agreement of the Organization of the African Unity (OAU) on the problems of refugees in Africa under the Republican Decree No.332 of 1980 and began to act on it on 20/6/1974.

The provisions of these agreements referred to above are implemented in Egypt as Egyptian laws.

#### **2.24. (Article 24 of the Charter) The adoption**

The states party which recognized the Adoption System, to work towards guaranteeing the interest of the child in all the situations and to under take particularly to:

- Create institutions concerned to determine the issues of adoption and to implement the process of adoption in accordance with the laws and procedures duly applied in this respect and on the basis position of the child towards his/her parents, his/her closest relations and his/her guardian. Also, it should be made clear whether the persons concerned if necessary, agreed and were well-informed of the subject, to the adoption after appropriately obtaining their advice.
- Recognize that the Adoption across nationalities in the countries which ratified the International treaty on the rights of the child and this Charter or are party to it, could be considered to be the last attempt to guarantee the child's protection in the event of failure to place him/her in a family which might host him/her or adopt him/her, or if the child could appropriately secure protection in his/her country of origin.
- Ensure, with utmost ability that the child adopted across nationality enjoy protection by the same standards in force as in the case of the national adoption.
- All the appropriate measures which could guarantee in the event of adoption across nationalities shall be taken in order that this action would not lead to an unjustifiable material gain or a fraud to serve the interest of those involved in the Adoption process.
- Support the goals of this Article by concluding bilateral and multilateral Agreements with the others. Also, ensure that in this context, the child is placed in another country through the competent authorities or bodies.
- Creation of a mechanism charged with care or the welfare of the adopted child.

- The Egyptian Constitution provides in Article 7 that the society shall be founded on a social unity.

- The Lawmaker is committed to the legislations based on the Constitution.
- The Egyptian legal system does not know the Adoption based on the Islamic laws which provide an alternative care system according to modalities which would be explained when commenting on Article "250" of the Charter.

## **2.25. (Article 25 of the Charter) The Separation of the Child from his/Her Parents**

1. Any child denied, permanently or temporarily, of his/her family environment for any number of reasons shall be granted protection and a special assistance.
2. The states party to this Charter shall adhere to:
  - Every child whether he/she is an orphan or temporarily or permanently denied of his/her family environment, or if his/her interest requires that the child should be withdrawn from the environment in which he/she lives so as to enable him/her to enjoy an alternative care, including, particularly, placing the child in a nursing home or in a suitable institution charged with a care for the children.
  - Take all the necessary measures to locate and return the children to their parents or their relatives in the event of a displacement resulting from the armed conflicts or natural disasters.
3. If the child is settled in a hospitality home or is adopted, while at the same time his/her interest should be protected, desirable action by ensuring sustainable upbringing of the child, on the basis of respect for his/her ethnic, religious and linguistic origins.

The law of the child No.12 of 1996 regulates the care for the children denied the family environment within the framework of the alternative family system. It has also put in place a number of operational mechanisms in the field of the protection of the children denied the families environment such as the child's clubs and shelters. These mechanisms seek to provide a sound family care for the children.

Article 78 also provides that the Ministry of Social welfare shall create the necessary institutions and installations in order to provide the rehabilitation services for handicapped children. The Ministry could authorize the creation of these institutes and installations in accordance with the conditions and the situations defined by the executive statute. The Ministry of Education shall establish schools or classes to teach the handicapped children on the subjects that are relevant to their capacities and readiness. The executive statute shall define an acceptance conditions, the school curricular and the systems of examinations. The state in compliance with the constitutional and legal provision refereed to above shall work towards strengthening the institutions which care for the children denied the family attention and which were established through private efforts within the framework of the law of the indigenous societies. These institutions shall grant the following aids:



- Installation aids for the purpose of establishing, renovating and maintaining the institutions blocks.
- Furnishing aids for the purpose of substitution and refurbishment of the furniture items, fittings and equipment as well as tools needed for the institution.
- Periodical and exclusive aids for the purpose of disbursement on the programs and activities inside the institutions. The total amount of the aids which have been disposed of during 2003 on the programs and services extended to the deprived children from a family care are as follows:
  - o Periodical aid 1.769.300
  - o Aids extended to the institutions by the Central Fund of Aids 880.000
  - o Additional support 4.680.000
  - o An aid allocated to the alternative families system 333.000

Article 49 of the law of the child provides that the following children "whose list of names will be indicated below shall have the right to a monthly allowance from the Ministry of Social Welfare in accordance with the terms and rules stated in the law of the Social security issued under the law No.30 of 1977 provided that the allowance is not less than 20 E.P per month for every child:

- The orphan children or those whose father or both parents are unknown.
- The children of the divorcee if she is married or imprisoned or dies.
- The children of prisoner for a term not less than 10 years.

The state through the ministry of health shall undertake the following programs:

A health care program for the children of special needs (those found) and includes:

- Use of an ambulance equipped with incubators to transport a child found to the nearest children's hospital or a public hospital with a wing for premature born babies so as to receive the necessary medical care.
- Necessary instructions to accept the found child in the premature children's wings promptly and free of charge. The child should be examined and his or her condition diagnosed and necessary services should be extended to him or her during his or her stay in the children's wing of the hospital or in incubators until his or her recovery.
- Coordination with the Ministry of the Interior where the management of the hospital will notify the police concerned so as to complete the necessary legal measures for the child during his or her stay in the hospital.
- A free Health Insurance shall be applicable to those children.
- Allocation of a care section for the children found in maternity and childhood care centers at every Governorate which should be developed and equipped with the necessary facilities to care for them as well as providing the needs of those children for clothing, food items and hygienic requirements.

- Such centers amount to 34 centers existing in all Governorates of the republic up to 2002.
- the number of the children cared for was 2571 in 2003 the Health Insurance system was applied to them free of charge and resulted in the reduction of mortality rates among the children from 14% in 1997 to 5.4% in 2003.
- The working group at these sections was specified and specially allocated to care for the found children for 24 hours
- The necessary health care is extended to those children.
- Establishment of a data system to take inventory of those children and follow-up charges which continue to take place.
- A system of oversight and follow-up shall be put in place (central, local).
- In the area of supporting the care centers for the found children with the food items and necessities, milk and complementary food items and furniture as well as cleaning materials and pads through self-help efforts and the available financial allocations were provided.

The health care program and medical services for the homeless children includes:

- Provision of health care for the street children and granting them the priority in the health and Governmental institutions.
- Provision of health care for the street children and the assembly centers of the children of the indigenous societies and the Government care centers of the Ministry of Social welfare.
- Coordination with the Ministries and collaboration departments relevant to the area of protection and rehabilitation of the street children.

The National Council for Maternity and Childhood exerts tangible efforts in the plans of coping with the homeless children in the manner referred to above when commenting on Article 21 of the Charter.

## **2.26. (Article 26 of the Charter) The Protection from Segregation and Racial Discrimination:**

1. The States party to this Charter individually and collectively shall undertake to the maximum degree of priority to the needs of the children who lived under the apartheid system.
2. The states also individually and collectively shall give an utmost priority to the needs of the children who live in the areas where apartheid, ethnic and religious segregation is practiced including other forms of segregation and discrimination or in the countries where the danger of the military instability exists.
3. The states party shall undertake to extend the material assistance to those children whenever possible and direct their efforts towards ending all forms of segregation and racial discrimination on the African continent.

There is no area in Egypt where apartheid is practiced.

## **2.27. (Article 27 of the Charter) Sexual Exploitation**

The states party to this Charter shall undertake to protect the child from all kinds of exploitation or sexual abuse and shall undertake particularly to take the necessary measures aimed at preventing:

- Tempting the child or forcing him or her or encouraging him or her to practice sexual activity.
- Use of children in purposes connected with adultery or any other sexual practice.
- Use of children in activities or scenes or dissolute publications.

The punitive Egyptian legislation incriminates all action of exploitation and mistreatment of the children as follows:

### **Anti-fornication Act No.10 of 1961:**

- Instigating or aiding or facilitating or using or tempting to commit fornication or adultery, the Lawmaker imposed a penalty against them of the detention of a prison term not less than 1 year and not exceeding 3 years with the payment of a fine. The maximum penalty of the detention and fine could be increased if the victim of the crime is under 21 years old or it has been committed under duress or threat or deception or abuse of power (two Article s 2, 1 of the law).
- Instigating or using or facilitating or accompanying to leave or enter the country in order to involve in fornication and adultery, the law maker enjoins a penalty of a detention for a term not less than 1 year and not exceeding 5 years with a payment of a fine. The maximum penalty of detention could increase to 7 years if the victim of the crime involves two persons or more or if the crime occurs under duress or threat (two Article s 3, 5) of the law if the victim of the crime referred to above in the previous item is under 16 years of age or if the culprit is a member of the family of the victim, the penalty of detention will range from 3 to 7 years (Article 4) of the law.
- Exploiting some ones prostitution or his or her fornication or aiding a female to practice adultery, the legislator enjoins penalty of detention for 6 months to 3 years. The penalty will range from 1 to 5 years if the crime is associated with the aggravating circumstances referred to above in the previous crime (Article 6) of the Law.
- Opening or managing a place for fornication or adultery or renting out or presenting a place to practice fornication or adultery is to repeatedly practice fornication and adultery, the law provides against these crimes a penalty of detention ranging from 3 months to 3 years with a payment of a fine or one of them and a lock up. The penalty could increase to a detention ranging from 2 years to 4 years if the culprit is of the family members of the person practicing fornication or adultery or those looking after him or her (Article s 8, 9, 10) of the Law.

- Anyone exploiting or running a public place or a cabaret employing those who practice fornication or adultery so as to facilitate such things for them or for the purpose of exploiting them in promoting a place, the law imposes a penalty against that, of a detention for a term not more than 2 years and the payment of a fine as well as a lockup for a period of 3 months. In the event that the culprit is of the relations of the person practicing fornication or adultery or those looking after him or her or of someone with authority over him or her, penalty will double and lockup will be irrevocable (Article 11).
- It should be recalled that Egypt acceded to the optional protocol annexed to the international Convention on the child regarding the trafficking of the children, exploitation of the children in prostitution and in the dissolute materials adopted in Geneva on 26/4/2000 by the Republican Decree No.104 of 2002.

### **The Penalty Code No.58 of 1937**

- Raping a woman without her consent, the penalty shall be severe if the culprit is from the family members of the victim or the persons looking after her or supervising her or with authority over her, would be sentenced with hard labor. (Article 267).
- Forcibly disgracing or threatening or beginning to do so, the penalty imposed in the previous condition shall be severe if the victim of the crime is under 16 years by imposing a penalty of temporarily hard labor and making the penalty even more severe in the event that the two conditions are met; the penalty in that case will be a prison for life with hard labor (Article 268).
- Disgrace the person under 18 years without force or threat, the legislator prescribes a penalty of detention and in the event of the victim being under 7 years old or the culprit was among those mentioned in the first crime, then he will be imprisoned with temporary hard labor (Article 369).

### **The Law of the Child No.12 of 1996:**

- Banning the publication or display or circulation of publications or visual or video or audio artistic works addressing the child's lower instincts or promoting offensive behaviors to the values of the society or encouraging him to delinquency.
- Without prejudice to any penalty or to any severe penalty provided for in another law, there shall be a penalty for violating the judgment of the previous paragraph by the payment of a fine not less than 100 E.P and not exceeding 500 E.P. This shall be followed by the confiscation of the publications or the offensive artistic works (Article 89).
- The law considers the child conducting actions connected with adultery or fornication or an act of immorality or service of those engaged in it is cases of the child being vulnerable to delinquency which obligates his or her guardian to monitor his good conduct and behavior (Article 98).

- In the event that the child repeatedly commits an offence, preventive measures stated in "Article 101" shall be taken against him namely a reprimand and extradition (Article 101).
- Negligence on the part of the guardian of in monitoring the child after warning and his return to the cases of being exposed to delinquency is regarded as a punishable crime with a penalty of a fine (Article 113).
- The law considers the negligence of a person to whom the child was handed over in performing his duties, to be a crime if the child as a consequence commits a crime or is exposed to delinquency, the legislator prescribed a penalty of a fine against the behaviors (Article 114).
- The law considers any person who exposes the child to delinquency or assists him or instigates him or her to behave in that manner or facilitates that for him to be a crime and a penalty of detention has been so decided (Article 116).
- A reference should be made to the fact that Egypt acceded to the First Optional Protocol on the International Convention on the Rights of the Child regarding trafficking in the children exploiting them in prostitution and in the disgraceful materials.

## **2.28. (Article 28 of the Charter)The Drugs Taking:**

The states party to this Charter shall take all the necessary measures to protect the child from unlawful use of narcotics or those drugs psychologically affecting as have been defined in the relevant International Treaties and to prevent engaging children in the illegal production or smuggling of these illegal materials.

### **Anti Drugs Law No.182 of 1960**

The use of children in the crimes of drugs is one of the issues to which the Egyptian legislator paid attention. Therefore severe penalties have been established against the drugs crimes through the present amendments by the Law No.122 of 1989 in the following situations:

- If the culprit engages a child under 21 years old is committing one of the crimes or if one of his parentage or offspring or her husband or one of those looking after them or supervising him or who has the absolute authority over him in controlling and directing him/her Article 1. 24).
- If the culprit presents or hands over the drugs or sells it to a person under 21 years old or gives it to him to take by any means of coercion or fraud or enticement or an assault or facilitates (Article 5.34).
- Reference should be made to the previous manifesto of plans of the National Council for Maternity and Childhood for the implementation of the National Program of Protecting the Youth Against the Drugs and Smoking in the

context of a comment made on Article 21 regarding the combat against the harmful practices.

**2.29. (Article 29 of the Charter) Trafficking, Abduction, Enslaving and using the Children in Begging:**

The states party to this Charter shall take the appropriate measures to prevent:

- Abduction or sale or trafficking in the children for any purpose and by any form on the part of any person including their fathers and their legal guardians.
- The use of children in begging.

The Egyptian punitive legislation incriminates acts of abducting the children or exposing them to risks.

**The Penalty Code No.58 of 1937**

- Abduction of the newly born children or conceal or change them for another one or falsely ascribed them to parents other than their own, the legislator prescribes against that a penalty of detention (Article 283).
- If the Child is not handed over to the person who has the right to request for him or her, the legislator prescribes against that, a penalty or detention or a fine (Article 284).
- If the child under 7 years old is subjected to the risk of being abandoned in a place deserted by Human beings, the legislator prescribes a penalty of detention against that (Article 285).
- If an impairment or death of the child results from the injury sustained by the child, the penalty established for such acts shall be carried out (Article 286).
- Any child under 7 years old is subjected to a danger by being abandoned in a populated area; the legislator prescribes a penalty of detention or a fine against that (Article 287).
- Any person who many abduct by way of fraud or coercion a child under 16 years old, the legislator prescribes a penalty of imprisonment with temporary hard labor. If the abduction was carried out without fraud or duress the penalty will be imprisonment, and if the abducted person was a female the penalty will be imprisonment with temporary hard labor (two Article s 288, 289).
- The failure of the parents or the grand parents in handing over the child to a person who has the right to request for him according to the court decision in the matter of custody or keeping or if any of them abducts the child from the person who has this right, the legislator prescribes a penalty of detention or a fine against that (Article 292).

**The Law of the Child No.12 of 1996:**

Begging is considered to be one of the conditions of being exposed to delinquency provided for in Article 96 of the law of the child and the child involvement in it will result in the following:

- A written warning to be directed to the guardian to observe the good conduct and behavior of the child.
- In the event that such an act reoccurs the measures established in Article 101 previously referred to above shall be taken against the child
- Penalty shall be afflicted upon the negligent guardian in observing the child after the warning, a fine shall be imposed (Article 113).
- Reference should be made to the fact that Egypt acceded to the optional protocol on the International Convention of the United Nations on the sale of the children and exploiting them in prostitution and disgraceful materials.

### **2.30. (Article 30 of the Charter)The Children of the Imprisoned Mothers:**

The States party to this Charter shall undertake to guarantee a special treatment of pregnant women, breastfeeding mothers and the mothers of the small children who were charged or convicted as a consequence of their committing offenses against the criminal law and they shall particularly undertake to:

- Work to find a penalty other than imprisonment in all the cases when a judgment is passed against those mothers
- Alternative measures shall be taken and encouraged to imprison those mothers at a reform institution.
- Creation of special institutions to ensure the accommodation of those mothers there.
- Banning imprisonment of mother with her baby
- Banning the death sentence against those mothers
- Show a keen interest to the basic goal of the penalty system namely a reform and return of the mother to her family and socially rehabilitated.

The Egyptian Law regulates a special care for the mothers and pregnant women in the event of their conviction in criminal offenses as follows:-

#### **The Law of the Criminal procedures No.150 of 1950:**

- The stay of execution shall be effected when a death sentence is passed on pregnant women until 2 months after she gives birth to the baby (Article 476).
- If a person, who is sentenced to serve a penalty conditional to her freedom, is a pregnant woman in her 6<sup>th</sup> month of pregnancy, the execution of the sentence could be differed until she gives birth and 2 months shall pass after the delivery (Article 485).
- "If the execution was considered for the person sentenced or it appears during the execution that she is pregnant she should be treated in prison as provided for the provisional detainees until the period established in the previous paragraph

has elapsed. If the sentence was passed on husband and wife by detaining them for a term not exceeding 1 year even on account of different crimes or both were imprisoned before, the execution of the penalty could be deferred for one of them until the other is released. This is if both of them were bailing a child not more than 15 years old and both of them have a known place of residence in Egypt (Article 488).

### **The Law of the Prisons No.396 of 1956:**

Article 19 stipulates that the pregnant women prisoner shall be given with effect from the 6<sup>th</sup> month of pregnancy a special medical treatment regarding, engagement and sleep until she delivers followed by 40 days. A necessary health care should also be given to the mother and the child. Article 20 also provides that the baby should stay with the imprisoned mother until he or she reaches 2 years of age. Thereafter he or she could be handed over to his or her father or whoever she might choose of the relatives with the understanding that she would easily see the child at periodical basis not fewer than twice a month. She shall not be denied access to the child for any reason and at unusual places of visit.

### **2.31. (Article 31 of the Charter) The Responsibilities of Children**

Every child shall have responsibilities towards his or her family, towards the society and the state as well as every legally recognized group. This is true of her responsibility towards the international community. Every child has a duty according to his/her age his/her capacities taking into account the restrictions provided for in the Charter.

1. To work to cohesively unite the family, respect his/her parents, his superiors, the elderly people under all circumstances and to assist them when necessary.
2. Serve his/her national group by placing his/her bodily and mental abilities at their disposal.
3. Safeguard the solidarity of his/her community and his/her people and promote this solidarity.
4. Preserve and strengthen the African cultural values in their relationships with the other members of the society through a spirit of tolerance, dialogue, consultation, and contribution to the moral allegiance to the community.
5. Uphold the national independence of his/her country and strengthen its territorial integrity.

The Egyptian society is based on the view of the fact that a family is the first block of the social fabric. The Egyptian society through its set of well established traditions in the daily life is characterized by igniting the spirit of loyalty to the family, the society and respect for the parents, the elders and for the others in general. The family also includes a set of acquaintances under which the child grows up on tolerance, love, fraternity and



respect for the rights of the others, their basic liberty and to sacrifice in working to assist the others.

The Egyptian Constitution incorporates the assurance of these meanings in the following Articles:

Article 7 of the Constitution provides that the “society is based on the social solidarity”. Article 9 also provides that “the family is the basis of the society, its foundation is the religion, good characters and patriotism” Article 12 indicates that the “society shall be committed to caring and protecting morality as well as empowering the authentic Egyptian traditions. Therefore a high level of the religious education, national and moral values shall be respected as well as the historic heritage of the people, the scientific facts, the socialist behavior and the general ethics shall be observed within the limits of the law – The State shall adhere to applying these principles and empowering them. This educational, cultural and media profile aims at strengthening these conceptions and the desire for the social nurturing to be accomplished within its setting.

### **2.32. Conclusion**

Egypt while submitting its report to this esteemed Commission; it wishes to stress its desire to continue the constructive dialogue with the commission with a view to strengthening and supporting the protection of childhood in Africa. It also wishes to affirm its intention to continue to play its role with your esteemed Commission for the purpose of achieving those common objectives.