Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

National Report

Part I - Constitutional and legal framework for human rights in Egypt: Mechanisms for protecting these rights

The National Council for Childhood and Motherhood was established in 1988 to recommend public policies on children and mothers and to devise a draft national plan to improve the situation of children and mothers in various spheres, particularly in the areas of social and family welfare, health, education, culture and information, and social protection. The Council has proved to be highly effective in its work, dealing successfully with complex issues, notably the issue of street children and the problem of female genital mutilation. As a result, the Council has won recognition from the international community, which considers the Egyptian experience in these areas as a model to be emulated. The three above-mentioned Councils each have their own ombudsman’s offices, which oversee human rights and function effectively. To date, these offices have successfully processed a caseload, which is growing every year. The efforts of the Government do not end with the creation of these mechanism. Indeed, the office of the Minister for Legal and Parliamentary Affairs was established inter alia to promote human rights, to coordinate the State’s human rights policies and to liaise with non-governmental and international organizations on these matters. A number of ministries (foreign affairs, justice, the interior, social solidarity, etc.) have set up their own human rights departments and units. It goes without saying that these governmental efforts would not be complete without the vital role played by civil society organizations, trade unions, professional associations and the press in promoting and protecting human rights – indeed they complement that role.

Part II - Human rights in Egypt and compliance with international standards for the protection and promotion of human rights

(a) Right to education:

In Egypt the right to education is guaranteed to all citizens by the Constitution. There are nine years of compulsory basic education, which encompasses primary and intermediate education. Education is free at all stages, including university education delivered at State institutions.

Certain failings have been identified in the education system: too much emphasis on theory and not enough on practice; lack of expertise among some supervisors and assessors; the absence of an integrated evaluation system that uses specific indicators to assess educational performance; deficiencies in the methods and tools used for assessment of learners; inadequate working environments and poor school administration; and low levels of community participation in school education.

Various initiatives have been taken to deal with these shortcomings at different stages of education. In basic education, a comprehensive assessment scheme was introduced for all grades, together with modern teaching techniques (active education), curriculum development, including textbook design, and efforts to teach students the skills that they need to keep up with contemporary innovations and to deal with their problems in an informed manner. Training courses have been held for teachers and instructors on cultural, specialist and vocational subjects, bearing in mind the principles of decentralization, total quality and forward planning. The audio-visual media also support the right to education by broadcasting educational programmes, by allocating channels (7) for all stages of education and by transmitting literacy program.

A general secondary education scheme is being designed to keep pace with modern developments and a comprehensive system of assessment is being introduced to track students throughout the course of their studies. The State encourages communities to participate in building private schools in order to ease the burden on Government schools and is creating curricula that take account of scientific and
technological advances and include instruction in foreign languages.

(b) Eradication of illiteracy:

Egypt is pursuing initiatives and projects to deal with this problem, through the National Authority for the Eradication of Illiteracy and for Adult Education. In 2003, the National Illiteracy Eradication Project was rolled out, with 100,000 young graduates being employed as teachers of literacy skills. Several programmes have been set up, including one involving a single classroom project designed to help young girls who drop out of education to complete their studies and a “girl-friendly schools” project which aims to close the gender gap in basic education. According to a report by the United Nations Educational, Social and Cultural Organization (UNESCO), these initiatives have reduced the illiteracy rate by 28.6 per cent. In the years from 2006 to 2008, a total of 1,498,946 citizens received literacy training, 927,104 of them males. Most beneficiaries came from rural areas.

(c) Children’s rights:

By Act No. 4 of 2005 the age at which custody of young children ends was set at 15 years for both boys and girls. After this age, children can choose whether or not to remain with the carer. In order to protect children from family break-ups, Act No. 1 of 2000 established the rule that the courts must refer marriage partners seeking a divorce for two rounds of reconciliation sessions, if they have children. Act No. 10 of 2004 subsequently passed into law, establishing a procedure for dealing with personal status matters which takes place before a case could go to court. Cases are heard at family disputes bureaux which attempt to prevent a family break-up that would adversely affect the children. These bureaux are staffed by a legal expert, a psychologist and a social worker.

By Act No. 126 of 2008 the Children’s Act was amended to make the best interests of the child the primary consideration in all matters affecting children’s lives. Under the Criminal Code, child trafficking and acts involving the sexual, commercial or economic exploitation of children are punishable as serious offences. As for treatment of offenders, the approach taken by the law is guided by the principle that young offenders are victims of environmental, social and economic factors and of family circumstances. Therefore, the best way to reform them is through treatment.

The State provides special care, under 20 special programmes, for children living in difficult circumstances, such as children deprived of a family, children with disabilities and street children. In addition, the Ministry of Health provides health services for children at the pre-and post-education stages. The Ministry of Information has a television channel for families and children which seeks to promote the interests of families and to raise awareness of the rights of women, children and persons with special needs.

A budget for children was included in the State’s general budget for the first time in 2006, while provision for children and women is made in the five-year national plan for economic and social development. The National Council for Childhood and Motherhood furthermore established a unit in 2007 to deal with the problem of child trafficking, together with a free 24-hour emergency helpline for children and a helpline for children with disabilities. Training has been stepped up for members of the police and of the Office of the Public Prosecutor and the role of education in raising awareness of children’s rights has been strengthened. A continuous information campaign is run to bring attention to these rights.

With a view to eliminating the worst forms of child labour, the Ministry of Manpower and Migration established several joint projects with the International Labour Organization (ILO), which resulted in five governorates being declared free of the worst forms of child labour (Aqsar, Aswan, North Sinai, South Sinai and Wadi al-Jadid).

(d) Elimination of human trafficking:

Egypt acceded to the United Nations Convention on Transnational Organized Crime in 2005 and ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention. In the domestic arena, by Prime Ministerial decision No. 1584 of 2007, a national coordination committee for the suppression of human trafficking was established as a focal point to advise all relevant Government institutions and other national institutions on the subject. The committee has taken the following initiatives: in the legislative domain, it drafted a comprehensive bill on human trafficking, based on the relevant United Nations standards and the terms of the international and regional treaties to which Egypt is a party. Preparations are being made to submit the draft law to the People’s Assembly during the next legislative term. The People’s Assembly will also debate a law on regulating the transfer of human organs. Moreover, by Act No. 126 of 2008, amendments were made to several laws, including through the addition of provisions to the Criminal Code prescribing penalties for the offence of child trafficking and doubling the penalties where the perpetrator of the offence is the child’s parent, legal guardian or supervisor.

UN Compilation

6. In 2009, UNICEF mentioned that the Children’s Act 1996 as amended in 2008 mandates the formation of Child Protection Committees in every governorate and in district committees.26 In 2009, the ILO Committee of Experts noted that these Committees would be set up at all police centres and departments.27

8. In 2009, UNICEF noted that the religious and patriarchal culture as well as the social environment in Egypt are sometimes used to justify discrimination against women and legal protections for women are not enforced by government officials, preventing women from experiencing equal treatment and equal opportunities under the law.37 The United Nations Common Country Assessment (CCA) in 2005 noted that socio-cultural attitudes are deeply rooted and referred to CEDAW’s recommendation urging Egypt to pursue awareness-raising programmes targeted specifically at men.38 In 2002, the HR Committee, while welcoming steps taken, encouraged the stepping up of efforts to secure greater participation by women at all levels of society and the State, including decision-making positions, inter alia, by ensuring that women in rural areas learn to read and write.39 CEDAW also recommended that the Government, inter alia, develop additional policies and programmes aimed at the economic empowerment of rural women, ensuring their access to health-care
9. In 2001, CEDAW expressed concern that article 11 of the Constitution appeared to entrench women’s primary role as mother and homemaker.41 Treaty bodies also referred to some provisions of the Penal Code, which do not treat men and women equally in matters of adultery;42 that women seeking divorce through unilateral repudiation by virtue of Act No. 1 of 2000 (khul) must forego their rights to financial support and, in particular, to their dowries;43 the discrimination affecting women as regards the rules governing inheritance;44 and the continued legal authorization of polygamy.45 In 2001, the Committee on the Rights of the Child (CRC) recommended that Egypt take effective measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life.46

16. The 2005 CCA highlighted that there is particular concern about the welfare of street children and working children.63 UNICEF in 2009 reported that there are several incidences occurring in Egypt in organ trafficking among street children and child trafficking associated with illegal immigration and in the form of domestic workers.64 CRC, in 2001, noted that 80 per cent of child labour was reportedly concentrated in the agricultural sector.65

17. UNICEF stated that the Government, led by the National Council of Childhood and Motherhood (NCCM), has prioritized the abandonment of Female Genital Mutilation/Cutting. The latest figures show that, among 15-17 year old girls, 74.4 per cent have been cut. In 2007 an important health ministry decree was issued banning everyone from performing FGM/C (77.4 per cent of practices are reportedly performed by trained medical personnel). In 2007, the Azhar Supreme Council for Islamic Research issued a statement explaining that FGM/C has no basis in the core Islamic Sharia or any of its partial provisions.66

27. The 2005 CCA indicated that root causes of poverty in Egypt relate to, inter alia, unequal distribution of wealth, a growth structure which marginalizes Upper Egypt, excessive centralization of social, economic and political authority for basic service provision and insufficient “voice of the poor” to influence policy making.97 UNICEF in 2009 reported on the results of a study on the situation of child poverty, which found that shelter and food were the areas with the highest levels of deprivation. Food deprivation is likely to have significantly worsened due to the food price crisis.98 The 2005 CCA highlighted that with the exception of the baladi bread subsidy, the poverty reduction impact of social safety net programmes appears to be extremely weak. For example the social assistance programmes of the Ministry of Insurance and Social Affairs have lifted less than 4 per cent of all poor from poverty.99

30. The 2005 CCA indicated that in spite of improvements in the health services vast variations still existed.104 UNICEF, in 2009, noted that today most Egyptian children enjoy their most basic right, the right to survival105 and that increasing health insurance coverage to 90 per cent of children and providing vaccination coverage to more than 95 per cent of children were among the main goals of the Second Decade for the Protection of the Egyptian Child.106 UNICEF reported that Egypt has the highest number globally for Hepatitis C infection and that stigma and discrimination against individuals infected with HIV and AIDS is considerably high.107 UNICEF also stated that implementing the CRPD will be a challenge. Findings indicate that less than 20 per cent of children with disabilities in Upper Egypt were benefiting from public services including health, education and social welfare.108

31. UNICEF highlighted that Egypt has made substantial progress and is on track to meet the MDG Goal 2 on primary education by 2015 if extra efforts are made and specific attention is paid to selected governorates and specific social groups.109 Non-enrolment is still problematic, and school drop out rate still remains a challenge.110 The 2005 CCA indicated that corporal punishment, while prohibited in schools, was commonly quoted by working children and street children as a reason for dropping out of school.111 Studies show that upgrading school facilities remains an issue, with many school buildings being unfit for use.112 In 2001, CRC remained concerned at the poor quality of education in general.113 In 2000, CESCR urged Egypt to address the economic, social and cultural factors that are the root causes of the problem of inequality of access to education, high dropout rates for boys and high illiteracy rates among adults, in particular women.114

32. CRC recommended that Egypt undertake a process of curriculum reform which stresses the development of critical thinking and problem-solving skills,115 and the HR Committee invited Egypt to strengthen human rights education and use education to forestall all displays of intolerance and discrimination based on religion and belief.116

**Stakeholder information**

21. According to HRW, Article 31(bis) of the Child Law amends the Civil Code to require in order to register a marriage, mandatory testing showing that couples who wish to marry are “free of diseases that affect life or health of each of them, or on their offspring.” 80

43. According to JS4, despite the declared education policy aimed at increasing school enrolment, fewer children are going to school and adult illiteracy rates (15+) have stayed at around 30 per cent.165 JS7 indentified such problems as overcrowding of classes, spreading of private classes and lack of respect for education quality standards.166 JS4 added that rural women are much less likely to have access to education.167 It recommended focusing reform efforts at increasing and maintaining enrolment rates, reducing drop outs, building new schools, giving incentive premiums for teachers to serve in poor areas and expanding maintenance of the existing education infrastructure.168

50. HRW noted the positive reforms to Egypt's Child Law in June 2008 such as including criminal penalties for officials who detain children with adults. Reforms however, did not include an absolute ban on violence against children.189 JS2 noted that several advances have been made in women's rights, including the issuance of a family court law, the partial elimination of discrimination against women in their ability to pass on the Egyptian citizenship to their children, and measures implemented for the appointment of women in the administrative prosecution and the judiciary.190
Final Report

Report to follow once review is completed