



Global Monitoring



Report on the

**status of action against commercial
sexual exploitation of children**

EGYPT



This publication has been produced with the financial assistance of the Swedish International Development Cooperation Agency (SIDA) and the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg, the Ministry of Foreign Affairs of France, Groupe Développement and ECPAT Luxembourg. The views expressed herein are solely those of ECPAT International. The support received from SIDA, the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg and the Ministry of Foreign Affairs of France does not constitute endorsement of the opinions expressed.



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères



Extracts from this publication may be freely reproduced provided that due acknowledgement is given to the source and to ECPAT International.

Copyright © 2008, ECPAT International

Compiled by: Renata Coccaro

Design by: Manida Naebklang

Printed by: Saladaeng Printing Co.Ltd.

(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)
328/1 Phayathai Road, Bangkok 10400, Thailand
www.ecpat.net
info@ecpat.net

Contents

Glossary	4
Foreword	6
Methodology	8
Egypt: Introduction	11
National Plan of Action	14
Coordination and Cooperation	15
Prevention	16
Protection	17
Priority Actions Required	24
Endnotes	26

Glossary of terms and acronyms

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

EWADA: Egyptian Woman and Development Association

Grooming: Preparing a child for sexual abuse and exploitation

ISPCAN: International Society for the Prevention of Child Abuse and Neglect

IT: Information technology

MENA: Middle East and North Africa

MoU: Memorandum of Understanding

NCCM: National Council of Childhood and Motherhood

NGO: Non-governmental organization

NPA: National Plan of Action

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

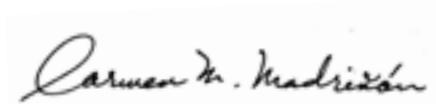
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

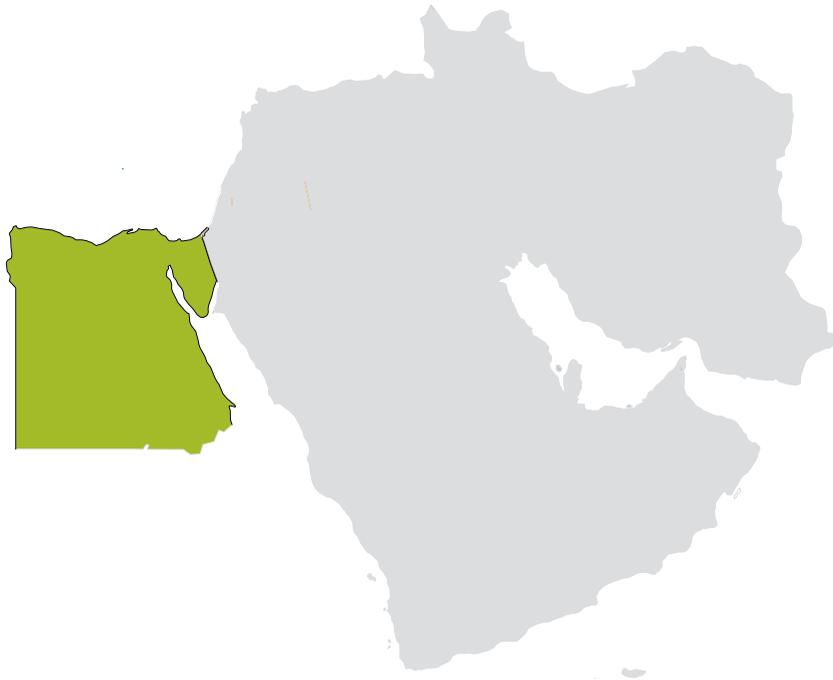
the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



EGYPT

Limited information is available on the extent and manifestations of commercial sexual exploitation of children (CSEC) in Egypt. The issue has not received much attention from government or non-governmental organizations (NGOs), and is still a very sensitive topic. Insufficient data, lack of awareness of the phenomenon and misguided gender perceptions seem to be the main initial challenges to adequately tackling CSEC in the Egyptian context.

In addition, girls aged between 15 and 18 who fall victim to commercial sexual exploitation may not be viewed as victims. In many cases, girls and women who are sexually abused are perceived by some as being responsible for the violence they suffered and thought to have been careless in protecting themselves.

Committee on the Rights of the Child concerned at lack of data on sexual abuse of children

The Committee on the Rights of the Child has expressed concern about the insufficient data and awareness of the phenomenon of sexual exploitation of children in Egypt. It has recommended that Egypt undertake a national study on the nature and extent of the problem, and that disaggregated data be compiled and kept up to date to serve as a basis for designing countermeasures and evaluating progress. Recently, sexual abuse against street children in particular has become of serious public concern.

Some qualitative and quantitative research has been conducted to examine the abuse and sexual exploitation of girls. This includes a study undertaken by ECPAT International in 2003 which investigated 16 police and media reports on “sexual violence perpetrated against children”, which in some cases involved commercial sexual exploitation. Despite

the small sample, it was noted that some of the victims were girls under the age of 10 and generally from poor neighbourhoods.¹ While there is some evidence that prostitution in general is spreading in Egypt, possibly on a broad scale, in-depth research has been difficult to conduct due to a deeply ingrained fear of legal and social punishment, which often results in a denial of the problem. The prostitution of children is even more difficult to document.²

The Government strictly monitors Internet cafés and websites, and consistently blocks access to certain websites, including those featuring child pornography. All forms of pornography are illegal in Egypt but it is well known that some basic structures exist to produce child pornography and that this activity is spreading in urban areas and upper-class suburbs in particular. Although crime statistics indicate that children are being exploited through pornography in Egypt, recognition that children from poor backgrounds are being exploited in pornography remains low. While in the past children were prosecuted for offences related to pornography, legal amendments have now addressed this situation.

In April 2006, ECPAT undertook a series of workshops in the Middle East designed to address child sex tourism where NGO participants from Egypt reported on the various manifestations of child sex tourism they had observed. This included the story of a young boy who was raped by a tourist in Aswan: the case was referred to the police which, on the claim that tourism was important for the country's economy, let the tourist go free. Such attitudes were felt to be quite common among the police when facing similar situations involving tourists. Some local people indicated that they were aware of cases of commercial sexual exploitation of children within their own neighbourhoods, stating that the victims were often unable to press charges due to various obstacles. They expressed relief to see that "finally this issue is coming to light". Participants also mentioned that child sex tourism sometimes takes place on the Feluka (sail) boats on the River Nile and during desert and boat safaris. Religious leaders present at the workshop pledged their assistance to carry out an awareness campaign against child sex tourism. These types of reports hopefully signal that Egyptian society is becoming more open to discuss and tackle issues related to commercial sexual exploitation of children.

Challenges in safeguarding abused children

A well-known case of sexual abuse of children (a landmark in Egypt, in the sense that it led to country-wide public discussions on this taboo issue) demonstrated the difficulties in ensuring appropriate care and protection for child victims of sexual violence. In this case,

some children cared for by a nursery in the Hadayeq Al-Maadi area were subjected to sexual abuse by the nursery supervisors.

However, the public prosecutor decided to hold back the investigation and release the accused persons, who then filed a defamation case against the victims' parents, also demanding civil compensation as a form of reparation. The Egyptian Centre for the Rights of the Child coordinated with 31 human rights NGOs to present a new forensic report conducted by the most experienced forensic doctors in the country, based on clinical examination, anal electromyography, medical analysis and psychoanalysis. The new report proved, without a doubt, that the children had been subjected to recurring sexual abuse. The case was reopened and the Al-Maadi Misdemeanor Court acquitted the children's parents.³ However, throughout the case the child victims were exposed, including in the media, thus causing them further traumatisation. Also, related debates hardly revolved around confidentiality issues or their right to privacy and psychological assistance. This illustrates the fact that, in cases of sexual exploitation of children, much consideration is usually given to its criminal aspects, while the assistance required for the child to recover from the abuse suffered tends to be overlooked.

Early marriage, a practice that can be considered a form of commercial sexual exploitation of children when it legitimises early sexual activity in return for financial compensation – usually for the child's family – still occurs in some parts of Egypt. It often places young girls in situations that make them vulnerable to sexual exploitation: for example, a United Nations Population Fund report that surveyed young girls married between the ages of 15 and 19 showed that many of them suffered from prolonged domestic violence, were later abandoned by their husbands and thus found themselves in difficult financial circumstances. In the last few years, the situation has shown signs of improvement as several awareness campaigns against early marriage have been conducted, and the Government has laid down regulations to better control girls travelling out of the country. These measures have made a positive impact in the fight against fake marriages with men from Gulf countries, which were very common in the past, and also against trafficking in young girls.

There is no conclusive data on the extent to which Egypt is a country of destination, origin or transit for trafficking in children for sexual purposes. Some sources mention that Egypt serves as a country of destination and transit for "victims" trafficked to Middle Eastern, central and eastern European countries, and Israel in particular.⁴ More recent information provided by local child rights activists and law enforcers indicate a reduction in child trafficking, partly due to stricter border controls, coupled with other preventative measures and regulations. As such, Egypt is largely viewed as a destination country for Bangladeshi women trafficked for domestic work and as a transit country for women heading to Commonwealth of Independent States (CIS) countries.

Poverty and low educational levels of parents or heads of households contribute to the high rate of school non-attendance in Egypt, which in turn makes children more vulnerable to exploitative situations or hazardous working conditions. The absence of proper sex education (an issue in most countries in the region) and poor understanding of reproductive health also contribute to their vulnerability to commercial sexual exploitation.⁵

Egypt participated in the First World Congress against CSEC in 1996 and adopted the *Stockholm Declaration and Agenda for Action* in 2001 in Yokohama.

NATIONAL PLAN OF ACTION (NPA)

Egypt has not developed a national plan of action against CSEC. The National Plan of Action to Stop Violence against Children (2006) initially featured a specific section on CSEC, but the related provisions were taken out and general provisions were scattered in other sections throughout the plan.

The Government has demonstrated a commitment to addressing violence against children through policies such as the *Protection and Welfare Decade of the Egyptian Child* (2000-2010) and the National Council of Childhood and Motherhood (NCCM) programmes. However, none of these initiatives specifically deal with sexual exploitation of children.⁶

Child protection policies lack a holistic and rights-based approach

A recent study on child protection policies in Egypt⁷ concluded that they generally lack a rights-based approach, both in their design and implementation. In addition, there is very little coordination between the various child protection policies in place, and in some cases they even feature contradictory aims and effects, which impact negatively on the services available for children. Most importantly, there are very few linkages between child protection policies and other relevant social policies, which results in a shortage of measures and mechanisms that holistically address issues relevant to the welfare of children.

COORDINATION AND COOPERATION

Local and National Level

Egypt has no focal point on CSEC or any institution coordinating action against CSEC and other forms of sexual abuse of children. Multi-disciplinary teams must be established, as a high priority, to prevent and enhance action against such crimes, as well as to support victimised children.

In July 2007, the Council of Ministers approved a draft presidential decision to establish a National Coordinating Committee to Combat and Prevent Trafficking in Persons. In addition, functioning as a consultative body to concerned authorities and national institutions, the Committee will be responsible for drafting a national plan of action to tackle trafficking in persons and proposing legal reforms to better combat it. It is hoped that the new plan of action and proposed legislation will also address trafficking in children for sexual purposes.

Regional and International Level

The UN's Study on Violence against Children has been crucial in catalysing action against sexual exploitation of children in the region. The development of Egypt's National Plan of Action to Stop Violence against Children resulted partly from the UN Study process carried out in 2005. Several countries in the region used the process as an opportunity to address the commercial sexual exploitation of children within national child protection policies, given that the topic is considered taboo and is rarely discussed in the region.

The Middle East and North Africa (MENA) Regional Consultation on Violence against Children, organised to gather information for the UN Study on Violence against Children, was held in Cairo in 2005 by UNICEF and the National Council for Childhood and Motherhood. The Cairo Declaration was adopted on this occasion, establishing the commitment of participants (government representatives and other stakeholders, such as the National Councils of Childhood) to work cooperatively to tackle violence against children through the exchange of expertise, awareness raising and capacity building, and

legal reforms.⁸ ECPAT International organised a workshop during the Consultation on child sex tourism and child trafficking, which was attended by Egypt's First Lady. This was seen as a positive sign of the Government's commitment to combat exploitation and violence against children. A follow-up regional consultation was organised in Cairo in March 2006 to ascertain the progress made since the first consultation.

Cultural taboos hinder precise legal definitions and punishment of child sex offenders

Because CSEC is largely a taboo subject, many countries in the region legally refer to related offences as 'indecent acts', 'rape with deflowering', 'encouragement to solicit' and 'paedophilia'. Such legal concepts are imprecise and not congruent with the legal standards stipulated in international instruments such as the *Optional Protocol*, and this seriously hinders the effective prosecution of offenders. This lack of harmonisation of approaches also hampers concerted action across countries. Extraterritoriality does not appear to feature in laws in place in the region. Sentences vary widely, law enforcement is patchy, and in some countries NGOs provide the only reliable source of legal advice for victims. There is also very limited reporting by doctors due to a lack of legal knowledge and poor coordination between the medical and judicial sectors.⁹

PREVENTION

A serious flaw in the prevention of commercial sexual exploitation and sexual abuse of children in Egypt is the absence of interconnected institutional mechanisms through which these violations of children's rights can be detected and reported. The majority of child health care providers and educational institutions lack training, structures and procedures to detect and report them. Social workers also lack incentives, such as adequate training, good pay and professional recognition, to carry out this kind of work.¹⁰

Prevention of child sex tourism has also been minimal in Egypt. The *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* has not been adopted by local tourism industry stakeholders, and trainings to enable tour leaders, tour operators, taxi drivers, hotel staff etc. to actively combat child sex tourism have been very limited in scope and need to be expanded (ECPAT Sweden and ECPAT International have provided some trainings).

The launch of a hotline for children to report incidents of violence was announced at the closing ceremony of the MENA Regional Consultation on Violence against Children.¹¹ While progress has been made through the establishment of the hotline, minimal follow-up assistance is available for the children who report abuse. Only a handful of NGOs provide support services, and they lack specialised training and resources.

The Egyptian Government does not have an anti-trafficking prevention programme. In 2003, the International Organization for Migration (IOM) and the Egyptian Ministry of Manpower and Emigration launched an Integrated Migration Information System (IMIS) designed to help Egyptian authorities better monitor and manage labour migration.¹² This has proved to be an effective measure for tackling trafficking in human beings, including children. The Government also signed a «pledge document» with tribal leaders in the Sinai, to elicit their cooperation in monitoring trafficking routes.¹³

As a follow up to the recommendations on the UN *Study on Violence against Children*, Microsoft will start a project to promote safe practices among children accessing the Internet.

The promotion of women and girl's rights is carried out by the Egyptian Woman and Development Association (EWADA) through an array of community outreach projects, workshops, seminars and conferences.¹⁴

PROTECTION

Egypt has ratified or acceded to all major international instruments related to the commercial sexual exploitation of children. Egypt ratified the *Convention on the Rights of the Child (CRC)* in 1990, acceded to the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2002 and ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*¹⁵ in 2004. *ILO Convention No. 182* was ratified in 2002.

Legislation

The National Council for Childhood and Motherhood reviewed and revised the Children's Code in line with the CRC.¹⁶ The national legislation related specifically to CSEC is found in *Act No. 10 of 1961, Concerning the Suppression of Prostitution and of Soliciting and Aiding and Abetting Prostitution* as well as in *Act No. 12 of 1996 (the Children's Act)*.¹⁷ The Egyptian Government, the National Council for Childhood and Motherhood and the Committee on the Rights of the Child are currently working on drafting new laws to improve enforcement of children's rights. The process is based on recommendations made by the CRC as well as on an agreement between the NCCM and the Government to address the absence of clear legal punishment for those who abuse children and force them to work in prostitution. A draft legal reform proposal should be presented to Parliament in late 2007.¹⁸

Prostitution of Children

Egyptian law would better comply with international standards if certain provisions applying to child prostitution were made unequivocal. For instance, some provisions appear to be in conflict: while one provision seems to protect all persons from exploitation in prostitution, another provision is limited to protecting only females, thereby offering no protection to males, or boy children. It is unclear whether those involved in prostitution are liable to prosecution for the "crime of prostitution". The law could thus be read to prosecute children exploited in prostitution. It is also unclear which activities can be considered prostitution. Egyptian laws on prostitution should be clarified to expressly prohibit any sexual activity or sexual touching with a child under 18 years of age, boys and girls, in exchange for any form of compensation, according to the *Optional Protocol's* standards.

Egypt has a specific statute on prostitution, as well as provisions in its Penal Code outlining sexual offences. With respect to prostitution, Egyptian law makes it illegal to facilitate a male or female person to commit the crime of prostitution, or to use, persuade or entice a person for purposes of prostitution. Violators may be punished with up to one year imprisonment and a fine up to 300 Egyptian pounds (approx. US\$ 54).¹⁹ If the prostituted person is younger than 21 years of age, punishment may be between one and five years' imprisonment and a fine between 100 to 500 pounds (approx. US\$ 18 to 90).²⁰ Using deception, force, threat, misuse of power or coercion to use, persuade, entice or detain a person against his or her will for purposes of prostitution may also be punished with one to five years' imprisonment and a fine between 100 to 500 pounds (approx. US\$ 18 to 90).²¹

Helping a female person to practice prostitution or exploiting another person's prostitution is an offence that may be punished with six months' to three years' imprisonment.²² Punishment may be increased if the prostituted person is under 16 years of age or if the offender is related to or responsible for caring for the prostituted person.²³

Egyptian law also prohibits managing a public place to facilitate prostitution or to exploit those who are prostituted by advertising the place; punishment may be up to two years' imprisonment and a fine up to 200 pounds (approx. US\$ 36). If the violator is related to or responsible for caring for a prostituted person, punishment is increased to two to four years' imprisonment and a fine of 200 to 400 pounds (approx. US\$ 36 to 72). An order may be issued to shut down the establishment for up to three months, and it may be closed permanently if there are repeated violations.²⁴ Any person who publishes or advertises prostitution may be punished with up to three years' imprisonment and a fine up to 100 pounds (approx. US\$ 18).²⁵

The Children's Act provides that a child who is "employed in work connected with prostitution" or who is "in the service of a person involved in such activities" shall be regarded as being at risk of delinquency.²⁶ Anyone who places a child at risk of delinquency by preparing him/her for aiding or abetting, inciting or in anyway facilitates her/his delinquency, shall be punished with imprisonment. This applies regardless of delinquency actually occurring and without any prejudice to any higher penalties that may be prescribed under other laws. The penalty shall be a term of at least three months' imprisonment if the author of the offence coerces or threatens the child or the child's ascendant, a person responsible for his or her upbringing or supervision, or a legal guardian.²⁷

The age of majority in Egypt is set at 21, the age of consent for sexual activity at 18 and the age of consent for marriage at 16.²⁸ Legislation in Egypt takes a strong stance against sexual abuse and stipulates harsh penalties for acts committed against minors. Sexual violation by force or threat is punishable by aggravated imprisonment ranging from three to seven years. If the victim is under 16, the penalty is increased to 15 years. If the victim is under 16 and the perpetrator is the victim's parent or care provider or a person with authority or a paid servant, the penalty is increased to life imprisonment. Sexual abuse committed against a boy or girl under 18, without using force or threat is punishable by seven years of aggravated punishment. If the act is premeditated, the penalty is increased to 15 years of aggravated imprisonment.²⁹

Trafficking in Children for Sexual Purposes

As in the laws related to child prostitution, Egypt's trafficking law requires some clarification to adequately protect children against trafficking. In particular, while Egyptian law addresses some of the means used to traffic children, such as inciting, facilitating departure and accompanying trafficked persons abroad, it does not include all the activities deemed to constitute trafficking as outlined in the *Trafficking Protocol*. Egyptian law thus needs to be revised to specifically prohibit recruiting, transporting, transferring, harbouring or receiving a person under 18 years of age for purposes of exploitation.

Egypt's trafficking law is included in its prostitution statute as previously discussed. This law makes it illegal to incite a male or female to engage in debauchery or prostitution or to aid and abet or facilitate his or her participation therein, and to employ, recruit or entice a person to commit debauchery or to engage in prostitution. Offenders are liable to one year to three years' imprisonment and a fine of 100 to 300 Egyptian pounds (approx. US\$18 to 54).³⁰

If the victim of the offence is under the age of 21, or if anyone uses deception, force, threats, abuse of power or any other coercive means to employ, recruit or entice a male or female to commit debauchery or to engage in prostitution, the penalty may be increased to a term of one to five years' imprisonment and a fine of 100 to 500 pounds (approx. US\$ 18 to 90).³¹

The increased penalties also apply to anyone who facilitates the departure of, or who accompanies abroad for purposes of exploiting their debauchery or prostitution, a male person under 21 years of age or a female person of any age; and to anyone who knowingly aids or assists any of these acts.

If the trafficked person is under 16 or the offender is related to or responsible for caring for the trafficked person, punishment is increased to three to seven years' imprisonment.³² The same law further provides that any person who facilitates the entry of a person into Egypt for purposes of prostitution may be punished with one to five years' imprisonment and a fine of 100 to 500 pounds (US\$ 18 to 90).³³

Child Pornography

Egyptian laws that could be used to prosecute cases of child pornography are designed to regulate public morality or eliminate delinquency, rather than to protect the fundamental rights of children to be free from sexual exploitation. The laws are also vague, and it is unclear whether materials that “incite inner instincts or bad behaviour that violates societal values or encourages delinquency”, or that violate public morals, include child pornographic materials as defined by the *Optional Protocol*. These laws should be revised to better protect Egyptian children against child pornography, by shifting their focus from protecting public morality to protecting children: Egyptian law would better serve children’s interests by specifically defining child pornography as any representation of a child engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a child for primarily sexual purposes. The manufacture, distribution and possession of child pornographic materials must also be criminalised.

Egypt has two laws that may be used to prosecute offences related to child pornography, but neither of them specifically define or prohibit child pornography. Egypt’s *Child Law* bans publishing, exhibiting or circulating arranged or audio prints or artistic items on children that incite inner instincts, increase bad behaviour that violates societal values or encourages delinquency. Punishment may be a fine of 100 to 500 Egyptian pounds (approx. US\$ 18 to 90), and confiscation of the violating material.³⁴ Preparing, assisting, inciting or facilitating a child to practice an act that violates societal values, even if delinquency did not occur, is an offence that may be punished with at least three months’ imprisonment if the offender uses coercion or threats, or if the offender is related to or responsible for caring for the child.³⁵

In addition, the *Penal Code* imposes a penalty of up to two years’ imprisonment and/or a fine of 5,000 to 10,000 pounds (approx. US\$ 900 to 1800) on anyone who produces or procures, for the purpose of marketing, distributing, leasing, advertising or offering printed matter, files, pictures, advertisements, graphic or engraved images, handmade drawings, photographs, signs or any other articles or images that offend against public decency.³⁶ The law also makes it illegal to: import, export, transfer by one’s self or through another person;³⁷ advertise, publicly exhibit, sell, rent, offer for sale or rent;³⁸ publicly and directly or indirectly forward;³⁹ distribute or hand over with the intent to distribute;⁴⁰ or discreetly distribute with intent to corrupt morals⁴¹ material that violates public morals. Material that violates public morals includes printed matter, photographs, manuscripts, advertisements, reliefs, engravings, manual or photographic drawings, symbolic signs, or any other material. Violators may be punished with up to two years’ imprisonment and a fine of 20 to 500 pounds (approx. US\$ 3 to 90).

Publicly seducing, committing debauchery or issuing advertisements or messages of any expressions are also subject to the same punishment, and repeat violators may be punished with imprisonment and a fine.⁴²

Extraterritorial Legislation

ECPAT International has not been able to access information on Egyptian extraterritorial laws related to the commercial sexual exploitation of children.

Child Protection Units

The Government of Egypt established a special unit within the police force – the Delinquency Police – to deal with the problems of prostitution, early marriage linked to prostitution and forced marriage.⁴³ To enhance its effectiveness, it should work closely with multi-disciplinary teams operating under a multi-sectoral child protection system, which is yet to be created.

The Ministry of the Interior also has a department responsible for combating offences against ‘public decency’, linked to the social security sector. The department seeks to combat prostitution, trafficking and other forms of sexual exploitation of females, also suppressing activities linked to international prostitution. It also stipulates measures and procedures to track and monitor the activities of Egyptians who travel abroad for the purpose of facilitating and exploiting prostitution, or who introduce foreigners into the country for the same purpose. It also monitors the activities of agencies that arrange for young women to travel abroad on the pretext of employment in legitimate work, as some of these agencies “use young women for work, which offends against public decency”.⁴⁴ The Ministry also has a department on juvenile welfare, which is linked to the social security

sector and registers all offences involving exploitation and corruption of minors by adults, including sexual exploitation, prostitution and debauchery.

ECPAT International has not been able to access information on whether Egypt's law provides for child-friendly procedures during investigations and criminal proceedings.

Support Services for Children

A key weakness in Egypt's child protection system is the focus on offenders rather than on child victims of abuse. The law has no provisions stipulating which care and support services such children are entitled to. Egypt also lacks a referral system for children escaping CSEC and other forms of abuse and exploitation. Furthermore, the Committee on the Rights of the Child has recommended that rehabilitation programmes and shelters be established for child victims of sexual abuse and exploitation, and highlighted the need to adequately train personnel working with child victims.⁴⁵

Training Law Enforcement Personnel

Law enforcement personnel do not receive trainings on how to combat specific forms of commercial sexual exploitation of children, such as child sex tourism, trafficking for sexual purposes and sexual exploitation through the Internet. Occasionally, general human rights trainings are provided, but with little focus on child rights. There is also a need to provide training for border personnel around the country, as the focus has been more on immigration staff based at airports.



PRIORITY ACTIONS REQUIRED

- As a follow up to the ratification of the *Optional Protocol*, Egypt must urgently develop a national plan of action to address sexual abuse and all forms of commercial sexual exploitation of children. The National Council of Childhood and Motherhood is a key institution to take the lead in the process, which should involve the participation of children as well as stakeholders such as the police and social workers. Its implementation demands the allocation of an adequate budget and a monitoring mechanism.
- Situation analysis research needs to be conducted to enable the development of adequate strategies to tackle CSEC in the Egyptian context. The Government must take the lead in conducting such a study, in partnership with expert institutions, as a first step to developing a national plan of action against CSEC and also to inform reporting on the *Optional Protocol*.
- A comprehensive social protection policy needs to be formulated to support children and their families and to ensure the fulfillment of children's rights in an integrated manner. This should include the creation of a multi-sectoral child protection system.
- The formation of multi-disciplinary teams – comprising NGOs, social workers, law enforcers, public prosecutors, education and health professionals, and the tourism industry – must be fostered to detect and prevent incidences of sexual exploitation of children, as well as to provide rehabilitation and reintegration assistance for child victims in a coordinated way. Such teams should operate under a multi-sectoral child protection system, yet to be created. Regional trainings to support the formation of such multi-disciplinary teams constitute a very high priority.
- A comprehensive range of support services for children suffering from exploitation in commercial sex, as well as sexual abuse, must be made available urgently. Legal provisions on this regard must also be established to clearly define the type of support that children are entitled to receive.
- Egyptian laws on prostitution should be made unambiguous and should expressly prohibit any sexual activity or sexual touching with a child under 18 years of age, boys and girls, in exchange for any form of compensation, according to the *Optional Protocol's* standards.

- ✎ Egypt's trafficking law needs to be revised to include all the activities deemed to constitute trafficking as outlined in the Trafficking Protocol, thus specifically prohibiting the recruiting, transporting, transferring, harbouring or receiving of a person under 18 years of age for purposes of exploitation.
- ✎ Egyptian law should be urgently revised to specifically define child pornography according to the *Optional Protocol's* standards. The manufacture, distribution and possession of child pornographic materials must also be criminalised.
- ✎ The proposed legal amendments stipulating the age of marriage to be 18 must be approved to protect girls from unwanted early marriages – which can sometimes constitute a form of commercial sexual exploitation and place them in vulnerable situations. The various campaigns against early marriage undertaken in recent years must continue to ensure public understanding of its negative implications. The Government must continue to monitor and suppress early marriages in the areas where it is still practised, until it is eradicated completely.
- ✎ The adoption of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* must be widely promoted and systematic trainings provided to the tourism industry to enable them to play their crucial role in combating child sex tourism.
- ✎ Public education on gender issues is a key priority if young girls are to be protected from situations of vulnerability to commercial sexual exploitation. The recently created Gender Unit, comprising NGOs specialised on the subject, educational institutions and the media must engage in coordinated action to change public attitudes that are harmful to women.
- ✎ Girls' access to quality education must be continuously supported – a key strategy to decreasing their vulnerability to exploitation in commercial sex as well as to curb early marriages. Public awareness campaigns to keep girls in school should be part of such efforts.
- ✎ The inclusion of sex education in schools is essential to reducing girls' vulnerability to sexual exploitation.
- ✎ To ensure successful child trafficking prevention, training for immigration and border personnel must be systematically provided around the country, and not only to personnel at the airports. Regional trainings and cross border cooperation on the issue are also a high priority.

Endnotes

- ¹ Abdel Kader, Soha. 'Hypocrisy and sex crimes'. *Middle East Times*. 30 March 1997. Cited in the CATW website. Accessed on 10 October 2003 from: <http://www.catwinternational.org/fb/Egypt.html>. Also: Human Rights Watch. 'Mass Arrests of Street Children in Egypt'. Street Kids Digest Number 301 Cairo. 19 February 2003.
- ² Saber, Karam. 'A Situational Analysis of Commercial Sexual Exploitation of Children in Egypt' in *Situational Analysis Studies on the Commercial Sexual Exploitation of Children in Morocco, Mauritania, Chad, Egypt and Tunisia*. ECPAT International. Thailand. March 2003.
- ³ The Egyptian Centre for the Rights of the Child. Accessed from: <http://www.egyptcrc.org/en/press/05/pr1.htm>
- ⁴ The Protection Project. *Egypt*. Accessed on 23 March 2006 from: http://www.protectionproject.org/human_rights/countryreport/egypt.htm
- ⁵ This summary is based on the situation analysis written by Dr Najat M. Jid for the Arab-African Forum against Commercial Sexual Exploitation, held in Rabat, Morocco, on 24-26 October 2001.
- ⁶ ECPAT International. *Five Years after Stockholm*. Bangkok. 2001.
- ⁷ Social Research Centre, The American University in Cairo. *The Inclusion of the Excluded, a Rights-Based Approach to Child Protection Policies in Egypt*. Coalition on Child Rights. February 2007.
- ⁸ CRIN. *Cairo Declaration*. Accessed on 23 March 2006 from: www.crin.org/violence
- ⁹ Accessed from: <http://www.unicef.org/events/yokohama/background8.html>
- ¹⁰ Social Research Centre, The American University in Cairo. *The Inclusion of the Excluded, a Rights-Based Approach to Child Protection Policies in Egypt*. Coalition on Child Rights. February 2007.
- ¹¹ Accessed from: <http://www.unicef.org/egypt/Egy-MC-VCOUTCOME-English.pdf>
- ¹² The Protection Project. *Egypt*. Accessed on 23 March 2006 from: http://www.protectionproject.org/human_rights/countryreport/egypt.htm
- ¹³ Accessed from: <http://gvnet.com/humantrafficking/Egypt.htm>
- ¹⁴ The Protection Project. Accessed on 21 March 2006 from: <http://www.protectionproject.org/aus.htm>
- ¹⁵ G.A. res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001).
- ¹⁶ Accessed from: <http://www.unicef.org/events/yokohama/background8.html>
- ¹⁷ Interpol. *Legislation of Interpol member states on sexual offences against children*. Accessed on 21 March 2006 from: <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaEgypt.asp>
- ¹⁸ Information provided by Mr. Mofid Halim, Secretary General of the NGO Coalition on Child Rights, the ECPAT group in Egypt.
- ¹⁹ *Law No. 10, 1961 on Combating of prostitution, incitement and its encouragement*, Article 1(a).
- ²⁰ Ibid. Article 1(b).
- ²¹ Ibid. Article 2.
- ²² Ibid. Articles 6(a), 6(b).
- ²³ Ibid. Articles 6, 4.
- ²⁴ Ibid. Article 11.

- ²⁵ Ibid. Article 14.
- ²⁶ *Act No. 12 of 1996 (Children's Act)*, Article 96(3).
- ²⁷ Ibid. Article 116.
- ²⁸ Interpol. *Legislation of Interpol member states on sexual offences against children*. Accessed on 21 March 2006 from: <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaEgypt.asp>
- ²⁹ Social Research Centre, The American University in Cairo. *The Inclusion of the Excluded, a Rights-Based Approach to Child Protection Policies in Egypt*. Coalition on Child Rights. February 2007.
- ³⁰ *Law No. 10, 1961 on Combating of prostitution, incitement and its encouragement*, Article 1(1).
- ³¹ Ibid. Article 1(2).
- ³² Ibid. Article 4.
- ³³ Ibid. Article 5.
- ³⁴ *Law No. 12, 1996 (Child Law)*, Article 89.
- ³⁵ *Egypt Penal Code, Law No. 58 of 1937*, Article 116.
- ³⁶ Ibid. Article 178.
- ³⁷ Ibid. Article 178(1).
- ³⁸ Ibid. Article 178(2).
- ³⁹ Ibid. Article 178(3).
- ⁴⁰ Ibid. Article 178(4).
- ⁴¹ Ibid. Article 178(5).
- ⁴² Ibid. Article 178.
- ⁴³ The Protection Project. *Egypt*. Accessed on 23 March 2006 from: http://www.protectionproject.org/human_rights/countryreport/egypt.htm
- ⁴⁴ Information provided by the Egyptian Government to the Special Rapporteur on the sale of children, child prostitution and child pornography. Accessed from: [ohchr.org/english/issues/children/rapporteur/Egypt Gov translation.doc](http://ohchr.org/english/issues/children/rapporteur/Egypt%20Gov%20translation.doc)
- ⁴⁵ <http://www1.umn.edu/humanrts/crc/egypt2001.html>



ECPAT International

328/1 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND
Tel: +662 215 3388, 662 611 0972
Fax: +662 215 8272
Email: info@ecpat.net | media@ecpat.net
Website: www.ecpat.net