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# Mind the Gap

The Rights of Street Children Under  
the CRC and the Situation in Egypt

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20 points

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## Summary

The Convention on the Rights of the Child is a legal framework stating what rights children have. Street children also have all these rights but few countries have responded to this. The Convention is however the most widely ratified multi-national treaty in existence and have been ratified by all countries known to deprive street children of their rights. This Master thesis uses the situation in Egypt as an example to illuminate the situation of street children and shows how and why they are deprived of the rights that they are provided for under the Convention on the Rights of the Child. The essay is based on a wide range of material gathered during a field study conducted by the author in Egypt between August 2005 and June 2006.

Egypt was one of the first countries to ratify the Convention on the Rights of the Child in 1989 and has undertaken a lot of work to implement the Convention and ensuring children their rights. Street children have however been under prioritized and ignored until the beginning of this decade resulting in that they today are one of the most discriminated and disadvantaged groups in the Egyptian society. Their daily life situation is extremely harsh; they are exposed to economic and sexual exploitation, drugs, violence and detention.

Furthermore they are denied the right to health care, the right to rest, leisure and education since they have to work in order to survive. The magnitude of street children living under these conditions in Egypt is frightening. The underlying factors that have caused the problem of street children in Egypt are many; a fast growing population (currently estimated at 79 million), an extensive unemployment, corruption and poverty as well as a lacking educational- and social security system. The government and non-governmental organizations have individually and in co-operation tried to work out strategies and solutions on how to tackle the problem and take action. These positive initiatives give hope that the gap between the rights given to children in accordance with the Convention on the Rights of the Child and in practice will gradually decrease but there is still much to be done.

## Abbreviations

CRC	The Convention on the Rights of the Child
FGM	Female Genital Mutilation
ICESCR	International Covenant on Economic, Social and Cultural Rights
NCCM	The National Council for Childhood and Motherhood
NGOs	Non-governmental organizations
SIDA	The Swedish International Development Cooperation Agency
UN	The United Nations
UNCAC	The United Nations Convention against Corruption
UNICEF	The United Nations International Children's Emergency Fund
UNODC	The United Nations Office on Drugs and Crime
USAID	The United States Agency for International Development

# 1 Introduction

It is a well known fact that a percentage of children all over the world is forced to turn to the street in an attempt to solve problems arising from the social structures of which they are a part. Irrespective if they are living alone because of fate or through their own decision, the United Nations estimate that 100 million children sleep on the streets every night. The phenomenon of street children is most prominent in Third World countries and Egypt is not an exception to the rule.

However, it differs from other third world countries in that the phenomenon of street children is relatively new to Egypt.<sup>1</sup> Government and public recognition of the problem started less than 10 years ago and the real breakthrough did not come until 2003 when the Egyptian first lady started addressing the issue in the media.<sup>2</sup> The reason for doing so was most likely due to outside pressures, more precisely, the publishing of a highly controversial report addressing the alarming situation of the street children in Egypt, which forced the government to act. But lack of recognition and handling of the problem in the authoritarian ruled country has among other things resulted in that there are up to as many as one million street children in Egypt today and there are indicators showing that the number will continue to grow.

Even though Egypt has ratified most of the major human rights conventions including the Convention on the Rights of the Child in 1989 and adopted an Egyptian Child Law in 1996 there is still a big gap between the rights given to children under the Convention/Child Law and in practice. This gap is even greater when it comes to marginalized groups in the Egyptian society such as street children who does not enjoy any legal rights in practice.

## 1.1 Aim and Objectives

The aim of this essay is to investigate and describe what rights that are given to street children in the Convention on the Rights of the Child. Furthermore, how far Egypt is in implementing the convention; what the present situation is for street children in Egypt; what underlying factors that has caused the problem of street children in Egypt and finally to look at what is done to solve it. By answering these questions I will be able to detect the actual gap between what legal rights street children in Egypt have on paper and in practice.

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<sup>1</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p. 201

<sup>2</sup> Ibid p. 201

## 1.2 Methodology

This master thesis has partly been carried out in Cairo, Egypt and it has been financed through a scholarship obtained from SIDA, the Swedish International Development Cooperation Agency. In Cairo, I firstly worked during five months at the Swedish Embassy and after this for four months at the United Nations Office on Drugs and Crime (UNODC). My work with this thesis has been ongoing in parallel during this time. The work at the Swedish Embassy provided me with an insight and better understanding of the Egyptian society and its political and human rights situation.

The UNODC works with street children from a legal and drug abuse perspective. By working there I could get access to relevant material, easier get in touch with persons that I wanted to interview and receive some help from persons working in closely related fields. I also worked voluntarily with street children at a non-governmental organization called Hope Village Society to get an insight into their daily lives and to see how an Egyptian organization tries to tackle the problems of street children. I choose Hope Village Society because it is a pioneer in dealing with street children in Egypt and has served as a model for other NGOs working in the field.

I furthermore conducted interviews with persons representing various institutions and organizations, both governmental and non-governmental, which are involved in the questions of children and street children. The interviews were conducted in English or with the help of an interpreter. I also attended several meetings of relevance for my thesis and visited a number of Hope Village centers in and around Cairo as well as two other non-governmental organizations working with street children. I gathered written material that is not available in Sweden, such as relevant Egyptian laws and articles selected from Egyptian newspapers. As well as papers published by the Egyptian National Council for Childhood and Motherhood, The American University of Cairo and Hope Village Society.

In addition to the material gathered in field, I have used reports published by the UNICEF, UNODC, Human Rights Watch and WHO. Furthermore I have used Egypt's State Reports as well as concluding observations and list of issues published by the Committee on the Rights of the Child. Lastly, I have gathered books from the Raoul Wallenberg Institute and the University Library of Lund.

In order to be able to draw conclusions from this study, I have applied standards of international law on the factual situation in Egypt regarding street children's rights. International human rights conventions of interest for this study and to which Egypt is a state party, is foremost the Convention on the Rights of the Child but others such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment and finally the Convention against Corruption.



### 1.3 Terminology

In this thesis, the word “child” refers to any person under the age of eighteen. The Convention on the Rights of the Child defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”<sup>3</sup> Egypt’s Child Law also defines “child” as any person who has not attained eighteen years of age<sup>4</sup>. The word street child will be defined in chapter 2.1.

### 1.4 Theory

Since street children did not gain governmental or public recognition until the beginning of this century there is limited published research and material available within this field. In addition, the available material is written in a very general way and do many times only discuss the problem from a social perspective. What I also have noticed when going through the existing material is that the majority of material seems to have been made upon each other and that little new has been added. Most research done on street children to date is descriptive and has failed to analyze the root causes of the situation in Egypt.

In addition to that I have found out that some material do not agree with the actual situation. It is instead like in so many other areas embellished and distorted for the outside world to get a better picture of the situation. Even though one can talk more freely about the problem of street children today it has been quite difficult to get in contact or even get questions answered by email from some large organizations working within the field. They have been acting suspiciously by asking questions about what I would use the information for etc., which shows that it is still a quite sensitive area in Egypt. Precise and recent data and statistics have also been hard to find. Furthermore, conducting research and interviews in an Arabic speaking country has been challenging and some information found has unfortunately only been available in Arabic.

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<sup>3</sup> Convention on the Rights of the Child, article 1, 20 Nov. 1989, 1577 U.N.T.S. 3.

<sup>4</sup> Child Law No. 12/1996, article 2.

## 2 The Rights of Street Children in the Convention on the Rights of the Child

In this chapter it will be dealt with what legal rights street children have and where these can be found. To be able to answer this, one has to first look closer upon what the definition of street children is.

### 2.1 Definition of Street Children

The phenomena of street children have presumably existed as long as there have been urban streets but it was not until 1979, during the UN International Year of the Child, that they became a particular topic of fascination when a number of non-governmental organizations drew attention to them.

Today when people hear the term street child they tend to think about the children visible on the streets begging, who are imagined to be homeless and separated from their parents. Their circumstances are however generally far more complex than this. Street children vary with regards to the degree of relationships they have with their families and there are also differences in factors and processes, which pushed the child to the street, initiation processes in the street and degree of socialization within the street society.

There is no one factor or specific factors that push children to the street. A child does not leave his or her home suddenly in a dramatic move and go to the street, it rather happens as a consequence of inter-related factors and conditions faced by the child concerning his or her family, school and exposure to the labor market. In addition, the culture in the slum areas where the child usually resides provide the circumstances that makes the child familiar with the street and socialize him/her into street values, relationships and skills.<sup>5</sup>

Patterns of existence in the street also vary. There are children that have cut all relationships with their families and selected the street for their living and survival. There are also children that live and work in the street but have occasional contact with their families that vary in duration. A third pattern is children pushed to the street by their own families for income generation purposes whether they work during the day, the evening or at night. Such a pattern could easily develop into the second pattern where contact with the family becomes less frequent. The fourth pattern of street existence is a pattern where the child is in the street with his or her family, usually with the mother, where they all try to generate income from the

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<sup>5</sup> Children Beyond the Boundaries of Protection, An In-depth Study of Street Children in Greater Cairo, SPAAC, NCCM and UNICEF, p.ii

street or live in the street. All these differences together make it difficult to find a valid and appropriate definition of a street child.<sup>6</sup>

In the 1990s the term street children passed into common use and regardless of the fact that the term is widely used on a global level, a review of literature in the field reveals that there is still no consensus over how to best define street children. Numerous of academics, policymakers, organizations and the general public have as a consequence pursued their own definitions and as a result there is still no definition of street children that is used world wide.

The UNICEF has however defined three types of street children focusing on the physical contact with the street setting as compared to their contact with their families. The first one is street living children who are children that have ran away from their families and live on the streets. The second one is street working children, these are the children who spend most of their time on the streets, fending for themselves, but returning home on a regular basis. The last type is children from street families who live on the streets with their families. UNICEF's choice of defining three different types reflects the reality better than focusing on one, which most organizations tend to do.

A typical example of this is one of the definitions adopted by an Egyptian non-governmental organization working with street children who have chosen to define them as "any child below 18 years, male or female, who due to psychological, social or economic pressures, is forced to leave his family and live a full life on the street, without any adult supervision". This definition is more restricted and covers only a small percentage of the children that are claimed to be street children according to the UNICEF. This explains why it is so hard to estimate how many street children that exists in one country. To be able to grasp the magnitude of the problem in a specific country and to be able to work out plans of action it is of important that everyone works after the same definition.

## 2.2 Street Children's Legal Rights

Even though there is no globally used definition of street children it is commonly known that they are an extremely vulnerable group of people deprived of most of their human rights. As indicated in the Declaration of the Rights of the Child and also found in the preamble of the Convention of the Rights of the Child, "the child by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth". This is especially true in the case of street children who live in exceptionally difficult conditions often without the protection of parents or adult community, which makes them particularly vulnerable to victimization and abuse.

However there is no special convention or law for street children securing them legal protection. The only document found that concerns street children specifically is a resolution issued by the United Nations (UN)

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<sup>6</sup> Children Beyond the Boundaries of Protection, An In-depth Study of Street Children in Greater Cairo, SPAAC, NCCM and UNICEF, p.ii

in order to bring international attention to street children. The Resolution on the Plight of Street Children was issued in 1992<sup>7</sup> and expressed concern over the emergence and marginalization of street children and the acts of violence against them. The resolution further called for international cooperation to address the needs of homeless children and for enforcement of international child rights laws. This is still only a recommendation to the member states of how to act and it does not provide street children with legal protection since a General Assembly resolution is not legally binding.

The UN however adopted a legally binding agreement in 1979 called the Convention of the Rights of the Child. In the preamble of this convention it is recognized that “in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration”. This sentence must have been written to include street children. However the convention does not mention the term street children nor does it contain any articles which specifically handle street children since the convention is about all human beings under the age of 18 years. Not to forget street children are first and foremost children which means that, like all other children, human rights and children’s rights apply to them at all times. This is however often forgotten and/or ignored. The legal rights of street children can accordingly be found by looking through the articles of the CRC.

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<sup>7</sup> General Assembly resolution 48/136 of 20 December 1993

### 3 The Rights of Children Under the CRC

Having found out in the preceding chapter that the legal rights of street children are to be found in the CRC and that the same rights apply to street children as to all other children therein one will look closer into the reasoning behind the convention, what it covers, how states parties implement it and what their obligations are and finally how these are being monitored.

#### 3.1 Background to the Convention on the Rights of the Child

More than 16 years have passed since the Convention on the Rights of the Child was adopted but “children’s international rights, as distinct from human rights, have been recognized since the early part of this century”.<sup>8</sup> In 1924 the League of Nations adopted the Declaration of the Rights of the Child, which codified a growing sense that children need special protection. When the League of Nations was replaced in 1946 by the United Nations it only took two years for the new body to produce its famous Universal Declaration of Human Rights, and not long afterwards a second Declaration on the Rights of the Child. These declarations called on states to recognize certain principles regarding children’s rights and take legislative and other measures to enforce them. They were not, however, legally binding and constituted only statements of general principles.<sup>9</sup>

In the end of the 1970s, a number of states, with Poland in the forefront, started to argue for the creation of a new instrument on children’s rights that would not only set guiding principles, but also bind states under international law.<sup>10</sup> In addition, The UN Commission of Human Rights stated its concern that children continued to suffer around the world under colonial rule and apartheid regimes, as well as through racism, war and other forms of aggression and agreed to strengthen international instruments for protecting the rights of children, at the 34<sup>th</sup> session in 1978.<sup>11</sup> The same year the UN General Assembly declared that the year of 1979 would be the International Year of the Child, to commemorate the 20<sup>th</sup> anniversary of the second Declaration on the Rights of the Child.<sup>12</sup>

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<sup>9</sup> Child Welfare – major themes in health and social welfare, Volume IV: Issues in Child Welfare, Nick Frost, 2005, Routledge, The rights of the child, p. 173

<sup>10</sup> The Convention on the Rights of the Child after ten years: success or failure?, Natasha Parassram Conception. <http://www.wcl.american.edu/hrbrief/v7i2/child10years.htm>

<sup>11</sup> The Convention on the Rights of the Child after ten years: success or failure?, Natasha Parassram Conception. <http://www.wcl.american.edu/hrbrief/v7i2/child10years.htm>, Resolution 20, adopted 8 March 1978.

<sup>12</sup> The Convention on the Rights of the Child after ten years: success or failure?, Natasha Parassram Conception. <http://www.wcl.american.edu/hrbrief/v7i2/child10years.htm>

The drafting of the convention took place in a working group established by the United Nations Commission on Human Rights.<sup>13</sup> Government delegates formed the core of the drafting group, but also representatives of United Nations bodies and specialized agencies as well as a number of non-governmental organizations, took part in the deliberations and drafting of the convention.<sup>14</sup> The working group based its project upon the principles enshrined in past declarations and an original draft submitted by the Polish Government was extensively amended and expanded through the long discussions.<sup>15</sup>

The Convention on the Rights of the Child was adopted unanimously by the United Nations General Assembly on 20 November 1989 and entered into force on 2 September 1990 when 20 states had ratified the convention<sup>16</sup>. In the same month, the World Summit for Children was held in New York and the Summit encouraged all States to ratify the convention.<sup>17</sup> By the end of 1990, 57 States had ratified the convention and become States parties.<sup>18</sup> In 1993, the World Conference on Human Rights held at Vienna declared that the goal was universal ratification by the end of 1995 and by that year 185 countries had ratified the convention.<sup>19</sup> Today 191 countries have done so.

This figure is unprecedented in the field of human rights and the convention is thus the most widely ratified multinational treaty in existence.<sup>20</sup> The only two countries who have not ratified the convention are the United States and Somalia. The United States has not ratified it because it feels that the convention would force the United States to relinquish some of its sovereignty in matters relating to the convention and because it fears that the convention would allow government interference in family life.<sup>21</sup> Somalia on the other hand has failed to ratify the convention because it does not have a national government capable of concluding an international agreement.<sup>22</sup>

In 2000 the United Nations wanted to safeguard the rights of the child further as a response to the growing abuse and exploitation of children worldwide. The United Nations General Assembly therefore adopted two optional protocols to the convention: the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

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<sup>13</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.2

<sup>14</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.2

<sup>15</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.2

<sup>16</sup> Convention on the Rights of the Child, article 49(2), 20 Nov. 1989, 1577 U.N.T.S. 3.

<sup>17</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.2

<sup>18</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.2

<sup>19</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.2

<sup>20</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.2, The Convention on the Rights of the Child after ten years: success or failure?, Natasha Parassram Conception, p.1 <http://www.wcl.american.edu/hrbrief/v7i2/child10years.htm>

<sup>21</sup> The Convention on the Rights of the Child after ten years: success or failure?, Natasha Parassram Conception. <http://www.wcl.american.edu/hrbrief/v7i2/child10years.htm>, p.1

<sup>22</sup> Ibid p.1

### 3.2 The Convention on the Rights of the Child

The Convention on the Rights of the Child is a written statement of the most important rights of children and provides a legal, policy and moral framework for the well being of children all over the world. The convention handles children's civil, political, economic, social and cultural rights as indivisible and interdependent. To give an example it means that:

“the recognition, for instance that although a child may be adequately nourished (a social right), the right to develop fully is not adequately protected unless the child is also educated (a social and cultural right), allowed to participate in culture and religion (a cultural right) and shielded from such things as arbitrary detention (a civil right) and exploitation at work (a social and economic right)”.<sup>23</sup>

The Convention contains a set of rules of binding obligations for governments and a minimum standard of responsible conduct for communities and families. It however emphasize that the family has the primary role and responsibility for the protection and care for the child while the ratifying states are obliged to respect the rights of parents to provide guidance for their children.<sup>24</sup> The State Parties should also recognize that parents have joint responsibility for raising the child and to protect the child from maltreatment by parents and others providing care.<sup>25</sup> Finally, States Parties are expected to provide support to families where necessary, particularly in the areas of nutrition, shelter and clothing.<sup>26</sup>

At the same time as the convention lays down common standards it also takes into account the different cultural, social, economic and political realities of individual States so that each State may seek its own means to implement the rights common to all.<sup>27</sup>

### 3.3 State Obligations Under the Convention on the Rights of the Child

Upon ratification of the Convention on the Rights of the Child, the State Parties face the complex task of implementing the international principles and standards within each country's national context. The governments have also committed themselves to protect and ensure children's rights and agreed to hold themselves accountable for this commitment before the international community. To facilitate the implementation process the convention contains general principles that are meant to help States with the interpretation of the convention as a whole.<sup>28</sup> These key principles state that all the rights guaranteed by the convention must be available to all children without discrimination of any kind, that the best interests of the child must

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<sup>23</sup> The situation of Palestinian children in the West Bank and Gaza Strip, Jordan, Syria and Lebanon: An assessment Based on the UN Convention on the Rights of the Child, UNICEF p.11

<sup>24</sup> Ibid. p.11

<sup>25</sup> Ibid. p. 11

<sup>26</sup> Convention on the Rights of the Child, article 27(3), 20 Nov. 1989, 1577 U.N.T.S. 3.

<sup>27</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.2

<sup>28</sup> Fact Sheet No.10 (Rev.), The Rights of the Child p.2

be a primary consideration in all actions and decisions affecting them and finally that their views must be considered and taken into account in all matters affecting them.

States parties are required to undertake all appropriate legislative, administrative and other measures to implement the convention and with regard to economic, social and cultural rights, they must “undertake such measures to the maximum extent of their available resources”.<sup>29</sup> The convention however recognizes that some of the more costly reforms cannot take place overnight but can be achieved progressively such as the rights to health care and education.<sup>30</sup> Although each State party has its own obligations to do so there is also an international duty to assist other States in their efforts to protect children’s rights.<sup>31</sup>

An early step in the implementation process is for a State party to ensure that all domestic legislation is fully compatible with the convention. In addition, mechanisms should exist at the national and local levels to coordinate policies and monitor the implementation of the convention. Moreover, children’s affairs should be taken seriously in all relevant governmental structures and there should exist opportunities for children and their representatives to make themselves heard. Education and training of personnel working with children such as teachers, child psychologists, pediatricians, social workers, the police and other law enforcement personnel is also important. Lastly, it is an obligation under the convention for States parties to spread broader awareness and knowledge of the convention among people and to gather reliable and relevant information on the situation of children.<sup>32</sup>

A genuine implementation of the convention however goes far beyond the official adoption of its principles. It entails that the convention’s basic philosophy, approach and principles would permeate national legislation and policies related to child rights.

### 3.4 The Committee on the Rights of the Child

Within two years after ratification and thereafter every five years the State Parties undertake to submit State reports to the Committee on the Rights of the Child to enable it to examine the progress made by States Parties in achieving the realization of the obligations undertaken in the convention and the two optional protocols to the convention. The Committee on the Rights of the Child does not make its assessment of each country’s progress dependent only on the State reports that the States parties are obliged to submit.<sup>33</sup>

Views are also sought from specialized agencies such as the United Nations Children’s Fund and from a wide range of non-governmental organizations.<sup>34</sup> When the Committee has examined each report it addresses

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<sup>29</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.8

<sup>30</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.9

<sup>31</sup> Fact Sheet No.10 (Rev), The Rights of the Child, p.9

<sup>32</sup> Fact Sheet No.10 (Rev.), The Rights of the Child p.8

<sup>33</sup> Child Welfare – major themes in health and social welfare, Volume IV: Issues in Child Welfare, Nick Frost, 2005, Routledge, The rights of the child, p. 174

<sup>34</sup> Ibid. p. 174



its concerns and recommendations to the State party in the form of concluding observations and may request further information from the State parties. Furthermore, the Committee may recommend the General Assembly to request the Secretary General to undertake on its behalf studies on specific issues relating to the rights of the child and lastly pass to other States Parties requests for technical advice and assistance. Finally, the committee itself is obliged to submit reports on its activities every two years to the General Assembly, through the Economic and Social Council.

## 4 Implementation of the Convention on the Rights of the Child in Egypt

Egypt was one of the first countries that signed and ratified the Convention on the Rights of the Child in 1989 and was also one of the initiator countries of the World Summit for Children in 1990.<sup>35</sup> Since then, Egypt has undertaken a lot of work in order to implement the convention and fulfill its obligations which will be presented below together with what still has to be done.

### 4.1 The First and Second Decade for the Protection and Welfare of the Egyptian Child

To recognize that the rights of the child were at the heart of Egypt's national development plans, the first Decade of the Egyptian child took place from 1989 to 1999, called the Decade for the Protection and Welfare of the Egyptian Child.<sup>36</sup> It called upon individuals, official and civil authorities, charity and private associations to devote their efforts throughout those 10 years to follow up and support initiatives that gave a higher priority to childhood projects in future plans, ensure better living conditions for children and decrease mortality rates.<sup>37</sup>

In 2000 the Decade for the Protection of the Egyptian Child was extended to a second decade covering the period up to 2010. The second child decade declaration, which was launched by President Mubarak, is a commitment to sustainable progress. Its main goals are to increase the health insurance coverage to 90 percent of children and provide vaccination coverage to more than 95 percent of children. Emphasis is also put on the reduction of maternal mortality. In the field of education, the goals include achieving universal basic education and providing rehabilitation opportunities for children with special needs. Finally it identifies the social, cultural and legislation fields as critical to children's lives.<sup>38</sup>

### 4.2 The Establishment of the National Council for Childhood and Motherhood

Established in 1998 and headed by the Egyptian Prime Minister, the National Council for Childhood and Motherhood (NCCM) is the highest national authority entrusted with policy making, planning, intersectoral coordination and monitoring of activities in the areas of protection and

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<sup>35</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 6

<sup>36</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 6

<sup>37</sup> Declaration of the First (1989-1999) and Second Decade for the protection and welfare of the Egyptian child (2000-2010), The Cabinet The National Council for Childhood & Motherhood, p.4-5

<sup>38</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 6

development of children.<sup>39</sup> Its jurisdiction extends to all government bodies and NGOs on both the national and local levels and its decisions are final and binding.<sup>40</sup> In addition to that the Council is responsible for monitoring the progress made by Egypt in achieving the obligations undertaken in the CRC and for receiving complaints related to violations of child rights. The Committee on the Rights of the Child has however emphasized several times that the monitoring work should be taken care of by an independent monitoring mechanism and that Egypt has to set up an independent monitoring body that the NCCM can hand over this work to.

Since the NCCM was set up it has implemented several pilot projects in order to come to terms with problems such as child labor, female genital mutilation and girl's education, which affects a big proportion of Egypt's children.

### 4.3 Adoption of an Egyptian Child Law

A comprehensive Child Law was passed in 1996.<sup>41</sup> It unified all legal provisions for the protection and development of children in Egypt that had previously been scattered across a large number of legal instruments and is the first Egyptian law that specifically regulates children's rights questions. The Child Law contains sections concerning health care, social and cultural welfare, education, working mothers, the welfare of disabled children and the treatment of child offenders.<sup>42</sup>

It was the National Council for Childhood and Motherhood's Technical Advisory Committee that took upon itself the task of forming a legislative working group to prepare a proposal for the promulgation of a Child Law. This proposal was to incorporate the provisions of the United Nations Convention on the Rights of the Child into national legal provisions ensuring the implementation of all rights stipulated in the convention without contradiction and in line with the provisions of the Islamic Sharia law. Recommendations by Egyptian social scientists and children's rights advocates were taken into account and the proposal was then debated and finally adopted by the parliament in 1996. Another working group was established thereafter by the National Council whose task was to draft the Executive Regulations of the law. This was passed in the end of 1997 and provides how the provisions should be implemented.

### 4.4 Other Measures of Implementation Taken by Egypt

The outlook for Egyptian children born today is significantly brighter than it was a decade ago due to a combination of effective government

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<sup>39</sup> The National Council for Childhood and Motherhood Strategic orientation for 2002-2007, Position paper presented at the consultative group meeting in Sharm el Sheikh, February 2002, The Cabinet of Ministries/The National Council for Childhood and Motherhood, p.4

<sup>40</sup> Arab info Mail, The National Council for Childhood & Motherhood,

<http://www.arabinfomall.org/En/orgData.aspx?orgid=549&sectionid=3>, last visited 2006-09-04

<sup>41</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 6

<sup>42</sup> Children's Rights: Equal Rights? Save the Children, 2000, p. 78

initiatives and strong political support for the rights of the child.<sup>43</sup> The greatest changes and improvements have been seen in the health care and educational sectors, which will be described in this section.

In the field of education an education reform program has led to huge investments in expanding access to and improving the quality of schooling.<sup>44</sup> An impressive number of schools have been built, training given to teachers and most importantly the enrolment ratios have witnessed a large increase.<sup>45</sup> The rise in girls' enrolment has been especially significant and has now reached a level equivalent to that of boys in many areas.

A Health Sector Reform Program, which was launched in 1997 has led to that an extensive health infrastructure of clinics and hospitals has been created as a result and 95 percent of the population now live within five kilometers of a health care facility.<sup>46</sup> A successful national program of vaccination has greatly reduced the threat that immunisable diseases poses to Egyptian children, 97 per cent of infants and young children are now immunized against the six main immunisable diseases and polio is almost eradicated.<sup>47</sup> There has also been a 50 percent reduction both in the number of children who die before their fifth birthday and the rate of maternal mortality. Furthermore, there is evidence of a decline in the practice of female genital mutilation (FGM).<sup>48</sup> This is presumably the result of the efforts by the Ministry of Health and Population and non-governmental organizations to increase public recognition and discussion of FGM as a serious health and human rights issue.<sup>49</sup> A ministerial decree has also been enacted that prohibits doctors from performing female circumcision, even if the girl or her parents agree to it. Lastly, new policy approaches to children with disabilities have begun to emerge and the issue of children with disabilities is being more prioritized on the national development agenda than ever before.<sup>50</sup>

#### 4.5 Measures Still Needed to be Taken for Egypt to Be in Full Accordance With the Convention on the Rights of the Child

Even though Egypt has come a long way in fulfilling its obligations under the Convention on the Rights of the Child there is still a long list of what remains to be done. The Egyptian constitution decrees the principle of equality and the child law prohibits discrimination between Egyptian children but discrimination still exists in many forms. First of all there is still a pattern of disparity between boys and girls. The discriminatory social attitudes towards the education of girls, primarily in rural areas, result in

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<sup>43</sup> UNICEF Egypt – The children – Early years, [http://www.unicef.org/egypt/children\\_107.html](http://www.unicef.org/egypt/children_107.html), last visited: 2006-08-04

<sup>44</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 39

<sup>45</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 10

<sup>46</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.13

<sup>47</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.16

<sup>48</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.74

<sup>49</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.74

<sup>50</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.67

their low school enrolment/high drop out rates and in early marriages and childbearing.

The number of disabled enrolled in schools is also very low (5 %) and only a very small percentage receive specialized services, which reflects an insufficient sensitiveness of the society to the specific needs of those children. Other vulnerable groups of children who face discrimination and are in need of targeted assistance are delinquents, street children and working children. A significant percentage of children work in Egypt and many work in conditions that violate international child labor norms. They “work long hours under dangerous conditions for little reward which have an impact both on their health situation and on their educational prospects”.<sup>51</sup> Almost all child labor studies conducted in Egypt highlight family poverty and economic necessity as the main reasons for children entering the work force.

Despite important areas of progress of the Egyptian health care system such as the improved geographic access, effective access to the health care system is still limited by high out-of-pocket costs (over half of medical expenses are borne privately by the patients).<sup>52</sup> In addition, the health care spending is low overall and the quality of public health care remains inadequate, the facilities are frequently poorly-maintained, badly-equipped and lacking in basic supplies and drugs. The primary care personnel are also poorly trained and paid. All these factors have contributed to very low levels of utilization of the country’s extensive network of health care facilities. Furthermore the survival prospects of Egyptian children can still be significantly improved since 33 in 1000 children still die before their fifth birthday and mortality among children remains much higher in Upper Egypt than in the rest of the country, almost twice as high. Further, improvements also have to take place in maternal health/health care and the high number of children affected by measles, chronic malnourishment and micronutrient deficiencies calls for attention.

Another area, which needs urgent attention in Egypt is the continuing prevalence of the traditional practice of female genital mutilation. The vast majority of Egyptian girls are subjected to it even though it violates the right of the child to the “enjoyment of the highest attainable standard of health” as stated in article 24.1 and ignores paragraph 3 of the CRC, which obliges States Parties to abolish all traditional practices that are prejudicial to the health of the child. As stated above it is also illegal according to the ministerial decree but it however remains legal if it is considered to be medically imperative, which leaves the potential for arbitrary interpretation.<sup>53</sup>

Intra-familial violence is another sensitive area where policy and legislative action is needed in Egypt since legal protection and services for children affected by intra-familial violence are very limited and cases of abuse are rarely brought to the attention of the authorities or followed up.

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<sup>51</sup> UNICEF Egypt, The children – primary school years, [http://www.unicef.org/egypt/children\\_152.html](http://www.unicef.org/egypt/children_152.html), last visited: 2006-08-04

<sup>52</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.37./ Ther situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.34

<sup>53</sup> Children’s Rights: Equal Rights?, Save the Children, p.78

Awareness-raising efforts are needed to generate public concern and break down the cultural barriers that prevent issues such as abuse from being discussed openly. In addition to that, professionals working with children need to be trained and empowered to intervene when faced with cases of abused children.

## 5 The Situation for Street Children in Egypt

The street children phenomenon is complex and the existence of the problem of street children in Egypt is an effect of various interrelated factors. Therefore one has to identify these factors in order to come to terms with the immense problem of street children in Egypt. The factors which will be described in depth in the sections below are: the lack of a common definition of street children in Egypt, the shortfalls of the Child Law, the community disapproval and discrimination, the criminal treatment of street children, the lack of access to birth certificates and identity documents and lastly the magnitude of the problem.

### 5.1 The Lack of a Common Definition

Egypt is not an exception from the rest of the world in not having agreed on a common definition of the term street children. Generally, there are two broad main trends in defining street children. The first one is a legal definition adopted by the Social Defence Department and various legislators that considers street children as “children vulnerable to delinquency”. This definition covers all types of children, and not particularly street children and seems to have been long affected by the “correctional approach” and the passive social outlook towards these criteria of children. This legal definition is the most common used at the governmental level.<sup>54</sup>

The second one is adopted by NGO’s, researchers and the media.<sup>55</sup> These define street children as “children less than 18, males and females, who spend all or most of their time on the street. Who maintain minimal contact with their families, or have no contact at all, and lack supervision, protection or guidance, which makes them vulnerable to a wide range of health and psychological hazards”.<sup>56</sup> This definition focuses on the child’s physical contact with the street setting as compared to their contact with their families and considers the child as a victim rather than a threat to society.<sup>57</sup> The inconsistency in defining the meaning and definition of street children in Egypt has a negative impact on understanding the various dimensions of the problem and in consequence its exact magnitude.<sup>58</sup>

### 5.2 The Shortfalls of the Child Law

Despite the fact that the term street children have gained government and public recognition, it still has no foundation within the legal system.<sup>59</sup> The

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<sup>54</sup> Ibid. p.17

<sup>55</sup> Ibid. p. 17

<sup>56</sup> Ibid. p. 17

<sup>57</sup> Ibid. p. 17

<sup>58</sup> Ibid. p 18

<sup>59</sup> Street Children in Egypt, Nashaat Hussein, p. 5

problem of street children has been dealt with under different headings in a number of subsequent laws issued in Egypt.<sup>60</sup> The first law, Law No. 2 of 1908, to deal with children without legal guardians who sleep in the street treated these children as juvenile vagrants.<sup>61</sup> This law was followed by subsequent laws, Law no. 124 of 1949 and No. 150 of 1950, which followed the same pattern by perceiving of the children as juvenile vagrants.<sup>62</sup> It lasted until 1974 before a distinction was made, by Law No. 31 of 1974, between juvenile delinquents and juveniles vulnerable to delinquency. The children were categorized into these two groups based on the types of offences or crimes the children had committed and their ages at the time when they committed them. The most recent law, Law No. 12 of 1996, followed the same procedures as those of Law No. 31 of 1974 but replaced the term juveniles with the term children.<sup>63</sup>

Accordingly, the present Egyptian Child Law borrows the concept of children ‘vulnerable to delinquency’ with only minor modifications from earlier legislation and still do not effectively distinguish between children who have committed criminal offences and children who are in need of protection.<sup>64</sup> Chapter eight of Egypt’s Child Law No.12/1996, entitled ‘the criminal treatment of children’ considers a child under eighteen to be ‘vulnerable to delinquency’, and thus representing a social danger for a wide variety of activities enumerated in article 96. These activities includes begging or selling menial items on the streets; collecting cigarette ends or any other wastes; committing any acts related to prostitution, immorality, gambling or drugs; having no fixed place of residence; associating with delinquents or suspects; being a habitual truant; exhibiting bad behavior and escaping from his or her father’s, mother’s, guardian’s authority or having no legal means to live or survive and being without a trusted guardian.<sup>65</sup> Even though most of the above activities are direct evidence of the child’s need for protection and care, each and every one of them make the child liable to arrest.<sup>66</sup> Since criminal responsibility starts at seven in Egypt, this law can deprive very young children of their liberty.<sup>67</sup>

The Child Law provides virtually no information on when authorities should arrest such a child, which invites to selective enforcement. If a child however, has been arrested on the grounds of being ‘vulnerable to delinquency’, the Juvenile Prosecution shall serve a warning in writing to his guardian, to control the child’s conduct and behavior in the future according to the Child Law.<sup>68</sup>

If the child is still found in a state of vulnerability of delinquency after the warning becomes final the parents can be sentenced to a fine due to neglect of exercising such control. Furthermore, a disposition under article 101 of the Child Law shall be decided for the child.<sup>69</sup> This article allows for

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<sup>60</sup> Ibid. p.5

<sup>61</sup> Ibid. p.5

<sup>62</sup> Ibid. p.5

<sup>63</sup> Ibid. p.6

<sup>64</sup> Charged with Being Children, Human Rights Watch, p. 39

<sup>65</sup> Child Law No. 12/1996, articles 96, 97, 99.

<sup>66</sup> Charged with Being Children, Human Rights Watch, p. 40

<sup>67</sup> Child Law No. 12/1996, art. 94

<sup>68</sup> Child Law No. 12/1996, art. 98

<sup>69</sup> Child Law No. 12/1996, art. 98



a variety of court dispositions for children found in a state of vulnerability of delinquency including reprimand, delivering the child to her/his father (guardian), joining vocational training, community service, judicial probation, placement in a specialized hospital or placement in a social care institution.<sup>70</sup>

A study made in 1992 of 8,043 misdemeanor cases showed that the most common court action was a warning to the guardian and an outright release of the child.<sup>71</sup> Nevertheless, one quarter of the cases brought before the Cairo Juvenile Court were sentenced to institutionalization whereof 21 percent of these children were arrested for begging and 12 percent for sleeping on the streets. However, in none of the cases children were sentenced to vocational training, which is the only sentencing option with the potential to contribute to rehabilitation.

“The Child Law is intended to prevent children ‘vulnerable to delinquency’ from becoming criminals by holding the parents and guardians criminally accountable for their failure to ensure that the child behaves properly and by authorizing judicial authorities to order rehabilitative measures and custody by the state when necessary”. This approach is not in line with international standards, since children should not be charged for any offence that would not be a crime if committed by an adult (so called status offences) such as truancy and incorrigibility. Due to this, the Egyptian government can not hold parents criminally responsible either.

The state should instead take appropriate measures to assist parents in the performance of their responsibilities if they encounter difficulties in upbringing their children according to article 18(2) of the CRC. Removing a child from his or her family environment should only be done when it is strictly necessary for the child’s safety and well-being. In such cases, the child is entitled to special protection and assistance provided by the state.<sup>72</sup>

### 5.3 The Community Disapproval and Discrimination

One of the constraints and challenges in dealing with street children is the distorted attitude that dominates within Egyptian legislative, executive and judicial governmental bodies. There is a lack of understanding that the child is a victim of circumstances beyond his or her control and protection against discrimination is denied to street children as a consequence of this image. The street children are not allowed to be part of the society and most people view them as asocial and amoral living on the streets, which is correlated with crime, vagrancy and deviance.<sup>73</sup>

Based on their general appearance and behavior they are not welcomed in specific areas and communities and are not shown any sympathy. They are seen as petty criminals who fully deserve the harsh

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<sup>70</sup> Child Law No. 12/1996, art. 101

<sup>71</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.70

<sup>72</sup> Charged with Being Children, Human Rights Watch, p. 39

<sup>73</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p. 201

treatment that they get from the police and other authorities.<sup>74</sup> People themselves tend to drive them away and sometimes even use violence against them to get them to move to other areas. To protect themselves from this most street children tend to exist in small groups when walking on the streets in order not to draw attention of the people and get protection from one another.

The fact that children feel that they are left out and maltreated by society severely reduces their self-esteem and shakes their trust in others, which in turn has a negative influence on the possibilities of rehabilitating them and reintegrating them back into society. Changing the prevailing stereotypes of street children is therefore crucial and one of the most important tools in doing so is to amend the child law. Since the current child law gives the police the mandate to arrest street children it sends out the wrong signals in society that they are indeed law offenders and threats to social order.

Owing to the efforts of national and international organizations such as Hope Village, Caritas, Oxfam and UNICEF and the launching in 2003 of the National Strategy for the Protection, Rehabilitation and Reuniting of Street Children (which will be mentioned further in chapter 8.1.3) by Egypt's First Lady Suzanne Mubarak the negative attitude has however started to change.<sup>75</sup> "The government of Egypt and the public at large has now begun to see street children as victims of society and of broken families rather than as criminals and instigators of violence".<sup>76</sup>

#### 5.4 The Treatment of Street Children as Criminals

According to statistics from the Ministry of Interior, more than 25 percent of all children arrested in Egypt in 2001 were arrested on charges of being "vulnerable to delinquency" and the number of arrests on this charge more than doubled in one year. In 2000 there was 4197 arrests and in 2001 the number had risen to as many as 10, 958 arrests. According to the Egyptian government the provision is intended "to protect children exposed to delinquency before they commit an offence." However, in reality police routinely arrest and detain these children and treat them as criminal suspects, even though they have not committed any criminal offence.<sup>77</sup>

In many of these cases the very basis for their arrest that they are begging, homeless or truants shows that they are in need of protection and assistance rather than punishment.<sup>78</sup>

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<sup>74</sup> Youth mentoring youth on the streets of Cairo, World Volunteer Web, <http://www.worldvolunteerweb.org/news-views/news/doc/youth-mentoring-youth-on.html>, last visited 2006-06-08

<sup>75</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p. 201

<sup>76</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p. 201

<sup>77</sup> Charged with being children – Egyptian police abuse of children in need of protection, Human Rights Watch, p.38

<sup>78</sup> Charged with being children – Egyptian police abuse of children in need of protection, Human Rights Watch, p.3

“In place of care they are subjected to police beatings and sexual abuse and violence; detained in unsanitary and dangerous conditions for days or weeks, often with adult criminal detainees who abuse them; and denied adequate food, water, bedding and medical care”.<sup>79</sup>

In this section I will look deeper into the criminal treatment of street children taking place in Egypt.

#### 5.4.1 Abuses during arrest

According to the Egyptian law the police must have a warrant from the Public Prosecution Office or in cases of suspects apprehended while committing a serious crime, “sufficient evidence” to charge, to make an arrest.<sup>80</sup> The Child Law however lowers this standard by allowing police and officials appointed by the Ministry of Justice in cooperation with the Ministry of Insurance and Social Affairs to arrest children who are not suspected of crimes but who are considered “vulnerable to delinquency”.<sup>81</sup> The Emergency Law (Law No.162 of 1958) that Egyptians have been living under since 1967 (except for an 18-month break in 1980) also provides the basis for arbitrary arrests and detention without trial.<sup>82</sup>

Arrest campaigns where up to twenty, thirty children get arrested at one time by the police take place regularly to check if children living or working on the streets have outstanding warrants, to force children to move on to other neighborhoods and to bring children in for questioning in the absence of evidence of criminal wrongdoing.<sup>83</sup> The police sometimes also arrest children to recruit them to work as informers. Due to the large numbers of children that the arrest campaigns frequently involve, the likelihood that these children get subjected to overcrowding, detention with adult criminal detainees and other abuses during detention and transport increases. The arrest campaigns seriously impair the work of the nongovernmental organizations that provide services to street children since they prevent children from reaching the centers and in some instances the police have even waited outside non-governmental organizations drop in centers to arrest street children when they arrive.

Police beatings during arrests are so common that most children see it as merely one stage to pass through during arrest and release.<sup>84</sup> Police beat children “vulnerable to delinquency” with their fists, batons, rubber hoses, whips and belts and the beatings appear to be purely punitive, intended to punish children either without apparent reason or for minor infractions (such as fighting among themselves or making noises such as coughing) committed while in custody.<sup>85</sup> Children are sometimes woken up being

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<sup>79</sup> Charged with being children – Egyptian police abuse of children in need of protection, Human Rights Watch, p.3

<sup>80</sup> Charged with Being Children, Human Rights Watch, p. 41

<sup>81</sup> Charged with Being Children, Human Rights Watch, p. 41

<sup>83</sup> Charged with Being Children, Human Rights Watch, p. 41

<sup>84</sup> Charged with Being Children, Human Rights Watch, p. 24-25

<sup>85</sup> Charged with Being Children, Human Rights Watch, p. 25-26

beaten with belts and in a few cases children have been unable to stand after prolonged beatings.<sup>86</sup> This ill treatment, aimed to punish, has in some cases been so severe that it constitutes torture. Police officers themselves have stated that they beat children to discourage them from staying on the streets although they doubt that beatings are an effective deterrent since the children continues to come back. “The police beatings during arrests are however typically less severe and less frequent than beatings at police stations, possibly because of the greater opportunities for public scrutiny of police behavior during arrests”.<sup>87</sup>

In addition to the physical abuse the police routinely use obscene and degrading language to humiliate and intimidate children during arrests.<sup>88</sup> The most frequently reported verbal abuse used by police included calling children “bastards”, “whores,” “children of whores”, or “dogs”, or making references to children’s mothers’ sexual organs which all are extremely offensive attacks on family and personal honor in the Egyptian society.<sup>89</sup>

Police also frequently use the threat of arrest or prolonged detention to extort bribes, or simply steal money from children in their custody. The police officers are confident that they will not face any repercussions for extorting bribes and believe that street children earn significant sums of money through begging or selling small items.<sup>90</sup> The police have sometimes even put into system to take bribes from them to let them continue their work in specific locations.

#### 5.4.2 Abuse and conditions during transport

Egyptian police frequently transport children in conditions that violate international standards, including the prohibition on cruel, inhuman, or degrading treatment.<sup>91</sup> A child arrested for being “vulnerable to delinquency” is frequently transferred by the police at least four times: from the place of arrest to an adult police lockup, from the adult lockup to a juvenile lockup, from the juvenile lockup to the Public Prosecution Office for juveniles and then back again to the juvenile lockup.<sup>92</sup> These children are regularly also transported together with adult criminal detainees and children charged with serious crimes who verbally abuse them and sometimes physically assault them.<sup>93</sup> Police often do not do anything to protect children who are victims of assault by other detainees during transport and there have even been cases when girls have been sexually abused by police guards during transport. The most dangerous of the vehicles used, are large metal trucks used to transport prisoners that lack both seating and adequate ventilation.<sup>94</sup> Sometimes transport vehicles are even used as temporary police lockups. Less dangerous means of transport

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<sup>86</sup> Charged with Being Children, Human Rights Watch, p. 26

<sup>87</sup> Charged with Being Children, Human Rights Watch, p. 17

<sup>88</sup> Charged with Being Children, Human Rights Watch, p. 17

<sup>89</sup> Charged with Being Children, Human Rights Watch, p. 17

<sup>90</sup> Charged with Being Children, Human Rights Watch, p. 18

<sup>91</sup> Charged with Being Children, Human Rights Watch, p. 19

<sup>92</sup> Charged with Being Children, Human Rights Watch, p. 19

<sup>93</sup> Charged with Being Children, Human Rights Watch, p. 19

<sup>94</sup> Charged with Being Children, Human Rights Watch, p. 20

are often degrading. The police bind children together with ropes or handcuffs, sometimes in large groups and force them to walk several blocks or to ride public transportation while bound or handcuffed exposing them to public censure and humiliation.<sup>95</sup>

### 5.4.3 Abuses in police and juvenile lockups

Both the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights prohibits the detention of children with unrelated adults, since it places children at extreme risk of abuse.<sup>96</sup> In Egypt, children are nevertheless often detained with adult detainees at adult police lockups before being transferred to the juvenile lockup and in many cases children are detained and released without ever being transferred to the juvenile lockup. Detention at the adult lockups exposes the children to serious human rights violations, including sexual abuse, police beatings and violence by other detainees.<sup>97</sup> This risk is increased by the fact that the adult police stations are large and poorly supervised although violence is common.

The children that are arrested do not receive visitors very often since their guardians rarely know of the arrest until the child is being returned home and in some cases guardians are never even informed of the arrest.<sup>98</sup> When guardians do get informed that their child has been arrested a number of reasons including poverty, distance, anger at the child or fear of the police keeps them from visiting the police station.<sup>99</sup> The parents that do visit the police station are frequently forced to wait long periods while being cursed by the police and sometimes forced to pay fines.<sup>100</sup> As a consequence the parents are humiliated and often take it out on their children, which in turn encourages the children to give false names and addresses to the police.<sup>101</sup> If the children do not have visitors bringing them food, blankets and medicines, and lack money to bribe the guards they must beg for these basic necessities from adult criminal detainees. This may result in that the children become dependent on adult criminal detainees which increases their vulnerability to sexual exploitation inside the lockup and to recruitment for criminal activities after their release.<sup>102</sup>

Even though children's access to food, medical care, bedding and other necessities is somewhat better in the juvenile lockup, it nevertheless violates international standards for the treatment of children deprived of their liberty.<sup>103</sup> Children "vulnerable to delinquency" are also at risk of violence, ill-treatment, extortion or recruitment for illegal activities by other children since they are routinely mixed with older and younger children charged or

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<sup>95</sup> Charged with Being Children, Human Rights Watch, p. 19

<sup>96</sup> Convention on the Rights of the Child, article 37(c) and the International Covenant on Civil and Political Rights, article 10 (2b)

<sup>97</sup> Charged with Being Children, Human Rights Watch, p. 24

<sup>98</sup> Charged with Being Children, Human Rights Watch, p. 24

<sup>99</sup> Charged with Being Children, Human Rights Watch, p. 29

<sup>100</sup> Charged with Being Children, Human Rights Watch, p. 29

<sup>101</sup> Charged with Being Children, Human Rights Watch, p. 29

<sup>102</sup> Charged with Being Children, Human Rights Watch, p. 29

<sup>103</sup> Charged with Being Children, Human Rights Watch, p. 24

convicted of serious crimes in the juvenile lockup.<sup>104</sup> This takes place even though there is a system whereby social workers working at the juvenile lockup should separate children by age and offence by preparing a social inquiry report on the circumstances of each child, to be used in determining each child's treatment.

Another kind of abuse taking place is sexual abuse and violence conducted by male guards and officers supervising children, which is a serious problem both at adult police lockups and at the juvenile lockup.<sup>105</sup> Moreover, girls arrested on the charges for prostitution or for being "vulnerable to delinquency" for higher sexualized harassment are presumed by the police to be sexually available and to have relinquished their right to refuse sexual contact.<sup>106</sup> As with police beatings, most sexual abuse and violence is committed by low-level male police who have regular, unsupervised access to children.<sup>107</sup> Higher-ranking police however frequently let this sexual abuse and violence go unpunished and girls who dare to raise their voice and complain often face retaliation from their abusers or higher-ranking officers.<sup>108</sup> Factors contributing to girl's vulnerability to sexual abuse and violence by male guards are authorities' failure to investigate and punish sexual abuse and violence by guards, poor facility design and a lack of female guards.<sup>109</sup> At the juvenile lockup the girls' toilet and cells are located directly adjoining to the guard station, giving male guards easy access to detained girls at all times. To use the toilet girls must leave the cell and during this time they can easily be isolated from the protection of their cellmates.<sup>110</sup> As a precaution for not being raped the girls sometimes urinate on them rather than leave the cell at night.<sup>111</sup> Others agree on entering into sexual relationships with low-level police in exchange for police protection from other men and to be released faster from detention.<sup>112</sup>

#### 5.4.4 Conditions in custody

There is limited access to clean toilets and drinking water and rare access to bathing and laundry facilities within the adult and juvenile lockups.<sup>113</sup> The cells are often overcrowding which generates filth and creates competition for limited sleeping space, food and bedding.<sup>114</sup> In addition, the hot Egyptian climate contributes to high temperatures in the poorly ventilated cells.<sup>115</sup> These conditions cause tension and contribute to the spread of

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<sup>104</sup> Charged with Being Children, Human Rights Watch, p. 30

<sup>105</sup> Charged with Being Children, Human Rights Watch, p. 26

<sup>106</sup> Charged with Being Children, Human Rights Watch, p. 26

<sup>107</sup> Charged with Being Children, Human Rights Watch, p. 26

<sup>108</sup> Charged with Being Children, Human Rights Watch, p. 26-27

<sup>109</sup> Charged with Being Children, Human Rights Watch, p. 27

<sup>110</sup> Charged with Being Children, Human Rights Watch, p. 27

<sup>111</sup> Charged with Being Children, Human Rights Watch, p. 28

<sup>112</sup> Charged with Being Children, Human Rights Watch, p. 18

<sup>113</sup> Charged with Being Children, Human Rights Watch, p. 36

<sup>114</sup> Charged with Being Children, Human Rights Watch, p. 34

<sup>115</sup> Charged with Being Children, Human Rights Watch, p. 34

diseases, particularly the skin diseases and intestinal parasites common among street children.<sup>116</sup>

Despite these poor conditions, police at adult lockups routinely deny children medical care in all but the most life-threatening circumstances and children's access to medical care at the juvenile lockup is only marginally better.<sup>117</sup> This is fatal thinking of the conditions of the lockups altogether, which often give rise to serious health concerns or worsen the health problems suffered before the arrest.<sup>118</sup>

The access to adequate food is another major concern for children detained in both adult and juvenile police lockups.<sup>119</sup> Egyptian police do not provide food to detainees in the adult police lockups and the ability to provide or deny detained children food gives guards and adult detainees tremendous influence over children and increases children's vulnerability to exploitation as stated above.<sup>120</sup> At the juvenile lockup the children are fed two to three times a day but the food is of poor quality (bread with jam and cheese) and leaves them feeling hungry.<sup>121</sup> The Ministry of Social Affairs should provide the food but since it does not do this, the Ministry of Interior has to, even though they do not have budget for this. Occasionally food is donated by charitable organizations but it does not always reach the children.<sup>122</sup>

Lastly there are no provisions for educational, exercise or leisure activities for children detained in juvenile lockups and the police routinely confiscate belongings that might serve to entertain children during their detention.<sup>123</sup> The only occupation they are allowed to undertake is to clean the station and if they stop they are hit with a whip. Apart from this the children can spend days in crowded cells, which they are only given the permission to leave to go to the toilet.<sup>124</sup>

#### 5.4.5 Procedural abuses

In order to prevent arbitrary arrest and detention and to ensure that the Public Prosecution Office has sufficient information on the child to make a decision in the child's best interest Egyptian law requires that any person arrested by the police should be brought before the Public Prosecution Office within twenty-four hours.<sup>125</sup> When arresting children the police must also present the Public Prosecution Office with a social report on the child in addition to the police investigative report.<sup>126</sup>

In practice the children are however regularly held for longer periods without going before the prosecution office and in some cases released

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<sup>116</sup> Charged with Being Children, Human Rights Watch, p. 34

<sup>117</sup> Charged with Being Children, Human Rights Watch, p. 32

<sup>118</sup> Charged with Being Children, Human Rights Watch, p. 34

<sup>119</sup> Charged with Being Children, Human Rights Watch, p. 33

<sup>120</sup> Charged with Being Children, Human Rights Watch, p. 33

<sup>121</sup> Charged with Being Children, Human Rights Watch, p. 33

<sup>122</sup> Charged with Being Children, Human Rights Watch, p. 34

<sup>123</sup> Charged with Being Children, Human Rights Watch, p. 37

<sup>124</sup> Charged with Being Children, Human Rights Watch, p. 37

<sup>125</sup> Charged with Being Children, Human Rights Watch, p. 43

<sup>126</sup> Charged with Being Children, Human Rights Watch, p. 43

without ever seeing a prosecutor.<sup>127</sup> Moreover, the social reports on children's circumstances and opportunities for rehabilitation that are required by law are frequently based on brief, superficial interviews and contain only the barest information on the child's background. The reports are often also ignored by prosecutors and judges. In addition the children 'vulnerable to delinquency' are not entitled to legal counsel when they appear before the prosecution office or juvenile court. This is especially alarming as prosecutors and judges can sentence them to social welfare institutions where they can be institutionalized for up to three years. In these institutions there is very rarely any individual follow up of the cases and all the children are dealt with in the same way which can have devastating consequences.

Children who are detained without prosecution office review are deprived of an important mechanism intended to minimize arbitrary arrest or detention and provide detainees an opportunity to challenge the legality of their arrest and make complaints against ill treatment and abuse in police custody. It also has the consequence of depriving them the access to the few potentially protective measures the Child Law specifies for children "vulnerable to delinquency" since these measures must either be ordered by the prosecutor or by the court following a referral from the prosecutor which the child has to request.<sup>128</sup> In cases where children do get presented to a public prosecutor by the police they only tend to ask very basic questions about their names and addresses, effectively denying them an opportunity to participate in their own defense or to make complaints about ill-treatment.<sup>129</sup>

Furthermore, the Egyptian law requires that the public prosecutors for juveniles conduct regular and adequate investigations of the circumstances of children's arrest, detention or visit places of detention for children regularly.<sup>130</sup> However in practice this never happens, despite widespread and systematic violations of the rights of children in police custody. Neither do the officials within the Ministry of Interior investigate, keep statistics on police abuse of children or appropriately discipline those responsible for these abuses. They do not even have any procedure for children to make complaints although they are responsible to do so.

Up to date the only thing made to improve the situation is that there has been training of two hundred police officers in children's rights and how to deal with street children.<sup>131</sup> This training has however only been given to the officers and not to the low-level police who are the ones arresting and regularly dealing with the children at the police stations unsupervised. In other words there has not been much done to change the unsustainable situation. Structural reform in how the Egyptian government addresses children in need of protection is therefore needed to end the widespread and systematic abuse that is taking place.

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<sup>127</sup> Charged with Being Children, Human Rights Watch, p. 4

<sup>128</sup> Charged with Being Children, Human Rights Watch, p. 5

<sup>129</sup> Charged with Being Children, Human Rights Watch, p. 5

<sup>130</sup> Charged with Being Children, Human Rights Watch, p. 5

<sup>131</sup> IRINnews.org, Egypt: Street children abandoned by the system, <http://www.irinnews.org/print.asp?ReportID=50065>



## 5.5 The Lack of Access to Birth Certificates and Identity Documents

Every Child should be registered immediately after birth and be granted a name and nationality according to article 7 of the Convention on the Rights of the child.<sup>132</sup> However, the value of birth registration as a fundamental human right is often overlooked due to the continuing lack of awareness that registration is a critical measure to secure the recognition of every person before the law, to safeguard his or her rights and to ensure that any violation of these rights does not go unnoticed. The lack of birth registration is one of many factors that can cause children to be disadvantaged in life in terms of socio-economic status, education, health care and protection.

Street children are often born to poor families that do not register their births, which underscore their outlaw status.<sup>133</sup> As a consequence street children usually do not have birth certificates or registration documents and no means of obtaining any. The Egyptian police officers are aware of this and frequently harass or arrest children on the pretext of determining their identity since anyone from the age of 16 without an identity card is liable to a penalty. The lack of birth certificates also causes problems for the NGO's when they want to move a child from their reception centers to temporary or permanent residences since the Egyptian law requires that the children must have birth certificates for them to do so. Some NGO's are trying to obtain identity cards from the Ministry of Interior for the children who come to their centers but since the child's father is usually absent and can therefore not safeguard the identity of the child this is often a complicated task.

## 5.6 The Magnitude of the Problem of Street Children in Egypt

Estimating the magnitude of the street children and receiving valid and reliable data is very difficult. First of all it is very hard to carry out surveys due to the constant mobility of street children from one area to another and between major cities in Egypt.<sup>134</sup> Another reason is the lack of a common definition of street children. This is a problem since every organization/body estimates the magnitude on the basis of their definition, which means that the magnitude can be estimated in a number of different ways. The Egyptian government has not made the numbers public since, officially, they do not want to recognize that street children is an existing problem.<sup>135</sup>

Although there are no official statistics on the magnitude of the problem of street children in Egypt, some efforts have been made to estimate their number but precise statistical data is scarce.<sup>136</sup> A study based on the records of Hope Village Society in Cairo in 1995, estimated that the

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<sup>132</sup> Convention on the Rights of the Child, 20 Nov. 1989, 1577 U.N.T.S. 3

<sup>133</sup> Child Welfare – major themes in health and social welfare, Volume III Child Placement and Children Away from Home, Nick Frost, 2005, Outside Childhood – Street children's rights, Judith Ennew p. 338

<sup>134</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 18

<sup>135</sup> IRINnews.org, Egypt: Street children abandoned by the system, <http://www.irinnews.org/print.asp?ReportID=50065>

<sup>136</sup> IRINnews.org, Egypt: Street children abandoned by the system, <http://www.irinnews.org/print.asp?ReportID=50065>

number of street children in Egypt was 93,000.<sup>137</sup> Others estimated that the number reached 2 million in 1999.<sup>138</sup> A more recent estimate, which is often referred to in the media, has been undertaken by the UNICEF with a current estimate of approximately one million street children. This estimate must be considered the most reliable since it is done by an international organization that uses the same technique worldwide.

Worrying factors indicates that the numbers of street children will continue to grow since the street children are getting younger and younger, some have not even reached school age. This is a sign of increasing poverty.<sup>139</sup> Another factor is that the number of females is rising and is now accounted to 30 percent of all street children.<sup>140</sup> This is alarming in an Islamic country like Egypt where the culture does not tolerate girls living or working in the streets. To the contrary, they are often placed in a protected or monitored private sphere away from the public sphere of society.

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<sup>137</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 18

<sup>138</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p. 18

<sup>139</sup> Kairos barn har blivit synliga, Sydsvenska Dagbladet , Bitte Hammargren, 22 april 2006

<sup>140</sup> Kairos barn har blivit synliga, Sydsvenska Dagbladet , Bitte Hammargren, 22 april 2006

## 6 Conclusion and Discussion of the First Part

Even though street children warrant the same rights as all other children in the CRC including the right to a safe childhood, the rights to live in dignity and free from hunger, these rights are violated every day all over the world.<sup>141</sup> Street children are amongst the most disadvantaged groups in society and when looking through the articles of the Convention on the Child it is hard to not come to the conclusion that street children are deprived of almost all the rights they are entitled to.<sup>142</sup>

Starting with article 2 of the convention it is clear that the government is responsible for protecting children from any discrimination. Protection against discrimination is however denied to street children since they are not allowed to be part of the society and most people/governmental bodies view them as asocial and amoral. The following article, article 3 states that “in all actions concerning children the best interests of the child shall be of primary consideration” however state provisions for street children are very often undertaken more in the interest of cleaning the streets of their presence.<sup>143</sup> This sometimes results in the deprivation of their liberty, when they are put in prisons with adults which strictly go against article 37.

Furthermore, the rights to name, nationality and identity that can be found in articles 7 and 8 are denied to many street children since they are born in families so marginalized that their births are never registered.<sup>144</sup> As a consequence they cannot later register for school, work or welfare since they have no existence.<sup>145</sup> According to articles 18 and 27 the government should support families who are unable to bring up their children and provide them with a good standard of living due to financial reasons. The lack or inadequacy of such support and services to families, fosters conditions in which children are obliged to work to ensure family survival even though article 32 oppose child labor and article 31 recognizes the right of the child to rest and leisure, to engage in play and recreational activities.<sup>146</sup>

According to article 28 the children have the right to education but since they have to work to actually survive they are in reality denied this right and many are illiterate as a consequence. According to article 19 the government shall ensure that children are protected from violence, abuse

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<sup>141</sup> The National Council for Childhood and Motherhood Strategic orientation for 2002-2007, Position paper presented at the consultative group meeting in Sharm el Sheikh, February 2002, The Cabinet of Ministries/The National Council for Childhood and Motherhood, p.20

<sup>142</sup> The National Council for Childhood and Motherhood Strategic orientation for 2002-2007, Position paper presented at the consultative group meeting in Sharm el Sheikh, February 2002, The Cabinet of Ministries/The National Council for Childhood and Motherhood, p.20

<sup>143</sup> Child Welfare – major themes in health and social welfare, Volume III Child Placement and Children Away from Home, Nick Frost, 2005, Outside Childhood – Street children’s rights, Judith Ennew p. 337

<sup>144</sup> Ibid, p. 338

<sup>145</sup> Ibid, p. 338

<sup>146</sup> Ibid, p. 338

and neglect by anyone who looks after them. In the case of street children, the government has often failed to ensure children the protection needed since street children are frequently the product of abusive or neglectful parenting.<sup>147</sup> In addition, they get abused and neglected on the streets by the police, public and in the schools.

The life in the streets also exposes the children to economic and sexual exploitation and drugs although the government shall protect them from this according to articles 33, 34 and 36. The lifestyle they live and are subjected to is furthermore very unhealthy and unhygienic and they cannot easily get access to hospitals and clinics although they have the right according to article 24.<sup>148</sup> Finally, street children are in need of special help and rehabilitative care due to all the reasons above but unfortunately this help is severely limited even though it is an obligation for State parties to provide such help according to article 39.

This means that even though street children share all the legal rights found in the CRC, which Egypt has both ratified and implemented, the situation for street children in practice is unbearable and there is still a tremendous gap between what rights they are given under the CRC and in practice.

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<sup>147</sup> Ibid, p. 338

<sup>148</sup> Child Welfare – major themes in health and social welfare, Volume III Child Placement and Children Away from Home, Nick Frost, 2005, Outside Childhood – Street children’s rights, Judith Ennew p. 339

## 7 Underlying Factors Causing the Problem of Street Children in Egypt

Egypt is a lower-middle income country with economic and social constraints.<sup>149</sup> These constraints has gotten worse due to factors such as high population growth, the country's scarce resources and limited inhabitable area, a lacking educational system, high unemployment, a lacking social security system, poverty and family break-up. These underlying factors, which push children to the street will be analyzed in depth in this chapter.

### 7.1 The People and Demography

Historically the rate of population growth has been very high in Egypt and between 1975 and 2001 the population increased by average of over 1.25 million persons per year.<sup>150</sup> This enormous population growth, has placed huge pressure on the country's scarce resources and limited inhabitable area.<sup>151</sup> It has also resulted in that Egypt today is the most populated country in the Middle East and the second most populated country in Africa, with its nearly 79 million people.<sup>152</sup> Out of the 79 million people, children constitute almost half (45 percent) of the population.

There has been tremendous effort to reduce the population growth in Egypt and in recent years fertility rates have positively fallen dramatically, from and average of six children per woman in 1977 to an estimated average of three births per woman in 2001.<sup>153</sup> The fertility decline is due to increases in contraceptive uptake and later marriage, which is in turn the product of underlying social changes occurring in Egypt.<sup>154</sup> It is also believed that reduced infant and child mortality probably have had substantial effects on reducing the desired number of children per family. Due to the historically high infant and child mortality more children than desired were given birth in order to ensure that enough children would survive in order to take care of the parents once retired.

Even though the birth rates have dropped tremendously it does not counter the recent rise in life expectancy and the substantial decrease in mortality rates.<sup>155</sup> A decrease in fertility rates is needed for a population growth to decline but for a population to cease growing at all each couple must only replace themselves, meaning couples should have an average of

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<sup>149</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.17.

<sup>150</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.1

<sup>151</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.1

<sup>152</sup> U.S. Department of State, <http://www.state.gov/r/pa/ei/bgn/5309.htm>, last visited 2007-02-15

<sup>153</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.1

<sup>154</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.1

<sup>155</sup> Al-Ahram Weekly On-line, Growing younger by the minute, 10-16 May 2001, Issue No. 533 p. 2

two children<sup>156</sup>. Long-term assumptions about fertility decline in Egypt should be treated with considerable caution and monitored continuously<sup>157</sup>. It may be that an initial fertility decline from six to three is easier for family planning programs, than from three to the target of two.<sup>158</sup>

This might never be the norm due to persisting cultural norms, such as the role of Egyptian women being mothers and wives. This is how they acquire status within the family and society and the number of children is a way of showing the family's status.<sup>159</sup> Moreover children are still seen as an important asset as laborers in the countryside.<sup>160</sup> Another factor contributing to future growth is age structure.<sup>161</sup> Youthful age structures generally promise future population growth, even when fertility rates fall below replacement levels.<sup>162</sup>

Today the Egyptian women are having fewer children than their mothers, but there are more young men and women entering their childbearing years. This creates a momentum for growth and an enormous workforce in the near future, for which Egypt is not prepared.<sup>163</sup> To decrease population growth, more efforts are therefore needed in the field of family planning and improvements to female education in rural areas where early marriage and childbirth remain common. It is namely proven that girls that enter school and stay in studies longer do marry later, want fewer children and are able to limit their fertility to the number of children that they actually want. Currently, one in five Egyptian girls is a mother by the age of 19.<sup>164</sup>

If Egypt however manages to keep the current birth rates, the era of demographically driven investment in children's services will be over as soon as the youthful age structure starts to decline.<sup>165</sup> This will make it easier for the state to extend the coverage of services to reach all children and to invest in improving service quality.<sup>166</sup>

## 7.2 The Land and the Environment

Added to the problem of Egypt's population growth is the problem of geographical distribution and the short supply of several vital resources. The majority of the population, 97 percent, is concentrated around the Nile Delta where almost all of the two percent of Egypt's land that is arable lie.<sup>167</sup> In total, less than six percent of the country's total land area is inhabited and the level of effective population density is thus very high.<sup>168</sup> In addition,

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<sup>156</sup> Ibid. p. 2

<sup>157</sup> Ibid. p. 2

<sup>158</sup> Ibid. p. 2

<sup>159</sup> Strategies for Survival, Louise Berglund, p.41

<sup>160</sup> Strategies for Survival, Louise Berglund, p.30

<sup>161</sup> Al-Ahram Weekly On-line, Growing younger by the minute, 10-16 May 2001, Issue No. 533 p. 2

<sup>162</sup> Ibid. p. 2

<sup>163</sup> Ibid. p. 2

<sup>164</sup> UNICEF Egypt – The children – Adolescence, [http://www.unicef.org/egypt/children\\_151.html](http://www.unicef.org/egypt/children_151.html), last visited: 2006-08-04

<sup>165</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.1

<sup>166</sup> The report in focus, Al-Ahram Weekly On-line, <http://weekly.ahram.org.eg/2002/602/fo2.htm>, last visited: 2007-02-22

<sup>167</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.2

<sup>168</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.2

Egypt's level of urbanization has been higher than in most other countries at a comparable stage of development.<sup>169</sup> As a consequence, most Egyptian cities suffer from problems of over-crowding and in 1997, there were an average of 1.696 inhabitants per square kilometer in inhabited areas and rising to as many as 31,993 in Cairo.<sup>170</sup> Egypt's capital, Cairo is the most populated city in Africa with its 16 million inhabitants.

The high levels of population density results in fierce competition over the usage of arable land for agriculture and for housing.<sup>171</sup> Other negative consequences caused by both the high population growth rates and density are the decreasing per capita shares of public utilities, such as the per capita share of potable water, electricity, health facilities, education and transportation which has a serious impact on the environment.<sup>172</sup> It also poses a danger to Egypt's ongoing development efforts since it is hard to develop the economy and raise the standard of living for people when there is a constant increase in demand on all services.

### 7.3 The Lacking Educational System

Education is a fundamental right for all children.<sup>173</sup> It is crucial to the development of a child's personality, talents and abilities but it is also a basic condition for a child's full realization of other human rights.<sup>174</sup> According to both article 28 of the CRC and article 13 of the ICESCR all children are guaranteed the right to free, compulsory primary education<sup>175</sup> and the Egyptian Constitution provides for free, compulsory basic education through grade nine and free education at other levels.<sup>176</sup>

However in practice, parents of children in public schools have to pay registration and health insurance fees, buy school uniforms and supplies.<sup>177</sup> Also, they are often pressured by underpaid teachers to pay for private tutoring so that their children succeed in school exams.<sup>178</sup> In addition to that a child who is in school cannot work and help the family at home, which means that a source of income is lost (an average working child's income makes up 29% of his or her family income).<sup>179</sup> This contributes to children of poor families never entering school or leaving before completing basic education, especially girls. This is why families tend to send their boys if they cannot afford sending all on the basis that girls will eventually marry into other families and thus an investment in their education is therefore not considered cost effective.<sup>180</sup>

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<sup>169</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.1

<sup>170</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.3

<sup>171</sup> No strength in numbers, Al-Ahram Weekly, <http://weekly.ahram.org.eg/print/2006/794/sc6.htm>, last visited: 2006-07-28

<sup>172</sup> No strength in numbers, Al-Ahram Weekly, <http://weekly.ahram.org.eg/print/2006/794/sc6.htm>, last visited: 2006-07-28

<sup>173</sup> Charged with Being Children, Human Rights Watch, p. 10

<sup>174</sup> Charged with Being Children, Human Rights Watch, p. 10-11

<sup>175</sup> Charged with Being Children, Human Rights Watch, p. 11

<sup>176</sup> Charged with Being Children, Human Rights Watch, p. 11

<sup>177</sup> Charged with Being Children, Human Rights Watch, p. 11

<sup>178</sup> Charged with Being Children, Human Rights Watch, p. 11

<sup>179</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.13.

<sup>180</sup> Children's Rights: Equal Rights?, Save the Children, p.80

Several decades of rapid population growth have placed huge demands on Egypt's education sector.<sup>181</sup> The quality of schools has suffered since most of the available resources have been absorbed to keep up with the increasing number of students.<sup>182</sup> As a result, the number of facilities has expanded rapidly the last couple of years while the funding for maintenance and operations has been cut, which has resulted in the rapid decay of schools and educational material.<sup>183</sup> Many school buildings are outright unfit for use.<sup>184</sup>

Another problem is the under used infrastructure. Even though almost 90 percent of schools have a library and almost 60 percent have computers, surveys show that only a quarter of the children use the libraries and less than 20 percent of students have access to the computers.<sup>185</sup> In addition to all this, there are some factors that adversely affect the capabilities of teachers.<sup>186</sup> Low salaries force them to take on other jobs that consume their energy and decrease the amount of time they can devote to caring for their students.<sup>187</sup> It has also resulted in many teachers having started to give private classes to earn extra money, which have had severe consequences for the children of parents unable to pay.

Other constraints to the educational system are poorly designed curricula and the indifferent quality of teacher training.<sup>188</sup> Most teachers have graduated from institutions that follow an approach to teaching based on rote learning, which is not considered to encourage critical thinking.<sup>189</sup> The communication between the teacher and his or her students is rather didactic. The school books contain indisputable texts in which knowledge is objectified so as to hold incontestable facts, and the examination process often only tests memorization and factual recall.<sup>190</sup>

Some researchers argue that the curricula taught in Arab countries seem to encourage submission, obedience, subordination and compliance, rather than free critical thinking. Finally there is the problem of overcrowded classes, where the average number of pupils per class is between 42 and 44.<sup>191</sup> A number of double shift schools also continue to operate even though triple shifting has been eliminated.<sup>192</sup>

All the above factors limit the abilities and curtail the desire of teachers to interact creatively with their students. It also demotivates students and contributes to disturbing drop out rates.<sup>193</sup> The fact that the

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<sup>181</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p.203

<sup>182</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p.203

<sup>183</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p.203

<sup>184</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.49

<sup>185</sup> UNICEF Egypt, The children – primary school years,

[http://www.unicef.org/egypt/children\\_152.html](http://www.unicef.org/egypt/children_152.html), last visited: 2006-08-04

<sup>186</sup> Arab Human Development report 2003, UNDP, p.53

<sup>187</sup> Arab Human Development report 2003, UNDP, p.53

<sup>188</sup> Arab Human Development report 2003, UNDP, p.53

<sup>189</sup> Arab Human Development report 2003, UNDP, p.53

<sup>190</sup> Arab Human Development report 2003, UNDP, p.54

<sup>191</sup> Arab Human Development report 2003, UNDP, p.53

<sup>192</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab republic of Egypt, p 49

<sup>193</sup> Arab Human Development report 2003, UNDP, p.53



deteriorating standard of education is the most important factor behind children dropping out from school is confirmed by a research carried out by UNICEF and its local counterparts in Egypt.<sup>194</sup> Other factors are repeated failures related to a lack of tutoring and low educational levels of heads of households (the analphabetism in Egypt is estimated to be about 40% and among women in the countryside it reaches up to 70%).<sup>195</sup> Some parents are even of the perception that their children are not even suitable for education. Many people also place a low value on education since the wages for educated people are in some cases not higher than for a person without and because many highly educated are forced to undertake poorly paid jobs, where education lacks relevance due to the high unemployment. School attendance does however decrease the probability that children will face substantial disadvantages in the labor market and, if nothing else, makes them eligible for the state-subsidized health insurance.<sup>196</sup>

In Egypt corporal punishment is on the whole seen as an acceptable mode of upbringing and violence against children remains the norm in government schools, especially boys' schools. This is however not only a cultural phenomenon but also a consequence of the teacher's poor training and low salaries. Children who do not know the answer to a question asked by the teacher regularly gets hit or told that they are stupid or will not succeed in school which severely lowers their self esteem. In many cases the victims are children who come from a harsh family environment with parents unable to help them out with their schoolwork or simply unable to give them the time needed at home. The physical violence in the classrooms of Egyptian teachers violates article 28 of the Convention, which order States to ensure that school discipline is administered in a manner consistent with children's human dignity. Furthermore, the Egyptian Ministry of Education has completely banned corporal punishment.<sup>197</sup>

As a consequence of the corporal punishment that takes place in Egyptian schools, the lack of encouragement by teachers and parents' and all the other above mentioned factors, children are more likely to drop out of school and worse case end up on the street. Therefore, it is crucial for Egypt to focus on improving the quality of schools and teachers, to assist children with special needs, work actively against the practice of corporal punishment and to argue for the importance of education for all children. Education is namely one of the factors that play a key role for a country's economic and social future, especially in alleviating poverty, increasing literacy and promoting employment.<sup>198</sup>

“It is also a sure strategy for the creation of a knowledge-based society, social justice, good governance and a citizenry able to lead the way to a democratic and enlightened Egypt”.<sup>199</sup>

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<sup>194</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p. 203

<sup>195</sup> Egyptens ekonomi – en översikt, nr. 20, Sveriges ambassad, Stig Elvemar, 2005-06-01, p.16

<sup>196</sup> Charged with Being Children, Human Rights Watch, p. 11

<sup>197</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab republic of Egypt, p 50

<sup>198</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.37.

<sup>199</sup> Egypt Human Development Report, Choosing our Future: Towards a New Social Contract 2005, UNDP, p 62

I fully agree with this statement and the importance that education has for the future development of Egypt and to enhance the living conditions of Egyptians.

#### 7.4 The Unemployment

Employment experts have warned that the current pace of economic growth will not be able to keep up with the fast pace of population growth.<sup>200</sup> The consequence is that over half a million people are reaching employment age each year and the economy is growing too slowly to provide them with jobs.<sup>201</sup> The youth unemployment is of particular concern since the Egyptian economy would have to create an estimated 500,000 – 600,000 new jobs annually over the next decade only to be able to absorb the new labor market entrants every year.<sup>202</sup>

To keep the unemployment level, which according to government estimates is 10,7%, from rising the economy would need an average growth rate of around 6% per annum.<sup>203</sup> Egypt's unemployment levels are therefore a major concern and the social consequences of joblessness are severe, particularly in the absence of any social insurance against unemployment (only 16% of the working population are covered by unemployment benefits).<sup>204</sup> This may lead to that increasing numbers of households will be pushed below the poverty line since the overwhelming majority of the unemployed are concentrated among low and medium income groups.<sup>205</sup>

This situation can be further worsened by the government's economical reform policy which is privatizing governmental companies which most likely will result in that the unemployment numbers will rise since the governmental companies are frequently overstaffed. This originates from back in the days of Nasser, when businesses all over Egypt were being nationalized and a job was promised to every university graduate, while at the same time, the universities were essentially free of charge.

Since it is impossible for a country to afford paying the wages of virtually every citizen, this has had the effect that 4 persons often do the job of one and that the salaries are extremely low i.e. a doctor working in a public hospital earns 700 EGP/month (about 100 Euro). Note that Egyptian families usually are big and depend on only one salary since the women stay at home. This often forces husbands to have several jobs and/or to force his children to work. It has also led to a wide spread corruption, especially among public officials, who supplement their income by taking bribes to get their work done.

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<sup>200</sup> Growing younger by the minute, Al Ahram Weekly-online,

<http://weekly.ahram.org.eg/2001/533/eg6.htm>, last visited: 2006-07-28

<sup>201</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.17/ The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.4

<sup>202</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.4

<sup>203</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.17.

<sup>204</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.20.

<sup>205</sup> The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.4

## 7.5 The Lacking Social Security System

State responsibilities may be direct, as in the case of primary education or indirect through support to parents in their caring and protective roles. Egypt's inability to successfully support poor families together with the lack or inadequacy of welfare provisions, childcare facilities and other appropriate support to parents in Egypt, fosters the conditions in which children are obliged to work to ensure family survival or/and may leave home because of intolerable conditions<sup>206</sup>.

To compensate for the low incomes and price rises, Egypt is maintaining a very costly system of subsidies which includes provisions, water, gas, electricity, medicine, education and health care.<sup>207</sup> The benefits that the subsidies give are however misused by many and need to be looked over. Social security schemes exist but the system suffers from a lack of funds and organizational inefficiencies. The only social protection system that works in practice is therefore the one of friends, relatives and neighbors helping one and another when needed and the welfare work of NGOs.

## 7.6 The Poverty and Family Break-Up

An increasing number of the Egyptian population is living below the poverty line and about 44% are living on less than 2 USD per day.<sup>208</sup> The inequality between rich and the poor, and between the urban and rural communities has been growing at a fast pace.<sup>209</sup> The Egyptian government has therefore placed poverty reduction in the centre of its overall development strategy and is committed to tackle poverty.

Poverty specifically affects the situation of children. Poor families are for example less likely to have the necessary resources to provide a safe and nurturing environment for children and more likely to send their children to work at an early age. Work at an early age increases the amount of time children spend unsupervised, especially when a child's workplace is the street. This may lead children to gain a false sense of their ability to provide for themselves, which may encourage them to leave a family environment that they consider unsatisfactory. The family environment plays a particularly important role contributing to involvement in street life according to surveys of street children populations in Cairo and Alexandria.<sup>210</sup>

These surveys also show that a large proportion of street children are from families that have either failed to provide them with proper care or abused and neglected them to the extent that street life becomes the only

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<sup>206</sup> Child Welfare – major themes in health and social welfare, Volume III Child Placement and Children Away from Home, Nick Frost, 2005, Outside Childhood – Street children's rights, Judith Ennew p. 338

<sup>207</sup> Egyptens ekonomi – en översikt Nr 20, Sveriges Ambassad, Kairo, Stig Elvemar, 2005-06-01, p.19

<sup>208</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.20/ The situation of Childhood & Motherhood in Egypt, UNICEF/Arab Republic of Egypt, p.5

<sup>209</sup> Children's Rights: Equal Rights, Save the Children, p. 80

<sup>210</sup> The Situation of Childhood & Motherhood in Egypt, UNICEF/Arab republic of Egypt, p 69

option available. Underlying these survey findings is a broader pattern of growing economic and social stress, which has placed great pressure on the Egyptian family unit and left many vulnerable families unable to provide a nurturing care environment for children. A focus group study of street children in Cairo and Alexandria confirmed these facts. It found that virtually all (98 percent) were from economically stressed households, that the overwhelming majority (82 percent) had escaped from family environments where abuse was common, and that 62 percent had been neglected by their parents while at home and were from broken, single-parent homes. Other surveys confirm these results.

Hence, the family does not play the expected and appropriate protective role for many children. Many children are instead the instruments of exploitation as a large number of families overburden their children with so much work that they grow up knowing little else. This practice has become so common in Egypt that it is accepted as normal and many families do probably not even know that they are exploiting their own children and exposing them to danger. "In the worst cases, families intentionally maim their own children, as this improves the opportunities from begging".<sup>211</sup>

Finally, family break up produces many street children due to the gender roles entrenched in the Egyptian society where it is the man's role to bring the money to the family. His inability to do so can result in him giving up all his responsibilities either through abandonment or divorce according to a one-sided choice, an action that is still legally accepted by the personal status law. "In most such cases, poor women fail to resort to the law to gain their rights and those of their children". In the few cases when they do so they suffer from slow procedures and when the court passes a ruling in their favor the sentence is not executed since the father's whereabouts is probably unknown. Due to the inadequate social security system, a woman is forced to remarry in case of divorce and in most cases the new partner rejects the child/ren from the previous marriage. This or maltreatment by the stepparent drives many children to take to the streets.<sup>212</sup>

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<sup>211</sup> Environment and Urbanization, Vol.10, No. 1, April 1998, Street children in Egypt: from the home to the street to inappropriate corrective institutions, Iman Bibars, p. 205

<sup>212</sup> Strategy for Protection and Rehabilitation of Street Children in Egypt, The Cabinet, National Council for Childhood and Motherhood, July 2002, p.3

## 8 Action Taken to Solve the Problems of Street Children in Egypt

Both the government and non-governmental organizations have drawn up a number of strategies, programs and solutions in order to come to terms with the problem of street children in Egypt. These will be discussed in this chapter as well as their difficulties and constraints.

### 8.1 Action Taken by the Government

According to article 4 of the Convention on the Rights of the Child “States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present convention” and that “such measures shall be undertaken to the maximum extent of their available resources”. It can be questioned if Egypt has been undertaking all appropriate measures to the maximum extent of their available resources when it comes to street children considering how the situation looks today. What the Egyptian government has done so far to come to terms with the problem of street children and change their life situation will therefore be dealt with in this chapter.

#### 8.1.1 Amendment of some articles of the Child law

Up until today the legislation and policy relating to children involved in street life has remained primarily punitive. Street children are seen as law offenders and threats to social order and are treated as such. Through out the court system, the emphasis is placed on legal sanctions against street children while preventive and rehabilitative measures are almost completely lacking.

There has however been discussions and work going on since 2004 on strengthening and amending the child law. There is a general consensus on abandoning the concept of ‘vulnerable to delinquency’ and incorporate it in the concept of ‘children at risk’.<sup>213</sup> A child will be considered a ‘child at risk’ if found in an environment or circumstances that endangers his behavior, morals or his physical, psychological and moral health.<sup>214</sup> Since the children at risk are no offenders they will not be subjected to penal judicial procedures determined for children that commit offences punished by law.<sup>215</sup>

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<sup>213</sup> Paper from an Expert Meeting where the topic “The Guarantee of Child Rights in Criminal Treatment was discussed”, 9-10 of December 2004, p.1

<sup>214</sup> Paper from an Expert Meeting where the topic “The Guarantee of Child Rights in Criminal Treatment was discussed”, 9-10 of December 2004, p.2

<sup>215</sup> Paper from an Expert Meeting where the topic “The Guarantee of Child Rights in Criminal Treatment was discussed”, 9-10 of December 2004, p.2

Instead specialized committees are to be established and in charge of the children at risk.<sup>216</sup> These will be formed of judges, social and psychological experts who will be responsible for looking into individual cases of children at risk and make field, social and psychological investigations for each case.<sup>217</sup> The specialized committee will discuss its conclusions with the family of the child if existing and need their consent in order to be able to decide for and supervise their child.<sup>218</sup> It has been suggested that a new special section will be added to chapter 8 of the child law to cover the issue of children at risk and the amendment is currently awaiting ratification by the parliament.<sup>219</sup>

### 8.1.2 Freedom of speech in the media

The Egyptian constitution provides for freedom of speech, opinion, expression and freedom of the press, all these rights can however be restricted under the Emergency Law<sup>220</sup> mentioned in section 5.4.1. Freedom of speech has expanded tremendously during the last few years but the government still partially restricts these rights in practice since the majority of the means of communication, such as television, radio and large parts of the press are still controlled and owned by the state. Television and radio are the most important and effective methods in reaching out to the people in a country like Egypt where a large number of the inhabitants are illiterate.

Street children have traditionally not been included in the national agenda since the government did not want to admit that they had a problem and thought that by not discussing it, the outside world would not find out. Hence, non-governmental organizations have been working alone on trying to raise public awareness on the issue while being counteracted by the government. This has however changed during the last couple of years, and non-governmental organizations have been free to discuss and influence the public opinion through information campaigns in the media which has led to improvements of the public and official negative attitudes of street children.

### 8.1.3 The National Strategy for Protection and Rehabilitation of Street Children

In 2003 Egypt drew up a national strategy to protect and rehabilitate street children for the first time with the help of the National Council for Childhood and Motherhood. It was launched by Egypt's First Lady Suzanne Mubarak and is called the National Strategy for the Protection, Rehabilitation and Reuniting of Street Children.

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<sup>216</sup> Paper from an Expert Meeting where the topic "The Guarantee of Child Rights in Criminal Treatment was discussed", 9-10 of December 2004, p.2

<sup>217</sup> Paper from an Expert Meeting where the topic "The Guarantee of Child Rights in Criminal Treatment was discussed", 9-10 of December 2004, p.4

<sup>218</sup> Paper from an Expert Meeting where the topic "The Guarantee of Child Rights in Criminal Treatment was discussed", 9-10 of December 2004, p.5

<sup>219</sup> Paper from an Expert Meeting where the topic "The Guarantee of Child Rights in Criminal Treatment was discussed", 9-10 of December 2004, p.4

<sup>220</sup> Country Report Egypt, Commission staff working paper, p.9

The strategy is based on the principles of children's rights as stated in the national laws and in conformity with the international agreements and conventions signed by the Egyptian government and in particular the Convention of the Rights of the Child. The long term or ultimate strategic objective is to eradicate the phenomenon of street children by committing to protect them, counteracting the circumstances that drove children to the street, providing mechanisms for their rehabilitation and integrating them in society. The strategy also aims to change the negative vision of street children and give them the right to participate in decision-making related to their problems. Hopefully this may lead to that the street children may attain their economic, social, cultural and recreational rights so that they may become productive and active citizens like other more fortunate children in society.

The national strategy that has been hammered out is now to be translated into a plan of action to be implemented through the concerted effort of ministries, governmental institutions, local and non-governmental organizations, the private sector and society at large in a comprehensive manner.<sup>221</sup> The NCCM will act as catalyst and main coordinator in this context.

#### 8.1.4 Establishment of an emergency hotline

In 2005 the NCCM started an emergency phone hotline where children with special needs can call and receive help with problems they face. Within its first four weeks of operation 25 000 phone calls were received. Most of these phone calls were related to street children, legal issues concerning children and psychological issues. Complaints of violence against children were also received.<sup>222</sup> The hotline is an initiative to break the silence between the policy makers and society by giving them access to real problems and the ability to solve them.

The main goal of the project is to address violence against children while sustaining and strengthening family bonds. Hopefully this will help as a precautionary measure to prevent children turning to the streets. The NCCM has signed a cooperation agreement on the operation of the helpline with twenty-five NGOs operating in different sectors in the four governorates served so far. Phone calls are taken and assessed at the NCCM's headquarters and once a given problem is understood a relevant NGO is contacted to follow up with the caller. The NCCM on their hand send their own experts to the field to monitor that the work gets done. Four Egyptian ministries are also involved in the project namely the ministries of education, justice, social affairs and interior.<sup>223</sup> These are informed when a

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<sup>221</sup> The National Council for Childhood and Motherhood Strategic orientation for 2002-2007, Position paper presented at the consultative group meeting in Sharm el Sheikh, February 2002, The Cabinet of Ministries/The National Council for Childhood and Motherhood, third chapter, p. 2

<sup>222</sup> Egypt: Child violence hotline inundated with calls, p.1, <http://www.irinnews.org/print.asp?ReportID=48333>, last visited 2006-06-14

<sup>223</sup> Egypt: Child violence hotline inundated with calls, p.2, <http://www.irinnews.org/print.asp?ReportID=48333>, last visited 2006-06-14

matter concerning their area of expertise is reported to the communication centre.<sup>224</sup>

### 8.1.5 The Children at Risk Program

The Children at Risk Program is a 20 million euro program funded by the European Community and will be implemented by the National Council of Childhood and Motherhood over the period of four years.<sup>225</sup> The main objective is to improve the living conditions and the prospects of social re-integration of the most economically vulnerable and socially marginalized groups in the Egyptian society.<sup>226</sup> But also to enhance the capacity of NGO's to contribute effectively to social development.<sup>227</sup> The five target groups of vulnerable children are street children, disabled children, working children especially in hazardous labor, girls at risk of female genital mutilation and girls who are especially vulnerable regarding access to education.<sup>228</sup> The main aims to be achieved by the program for street children are to improve rehabilitation and increase the potential of their integration with a special focus on health, skills development and income generation.<sup>229</sup>

### 8.1.6 Cooperation with non-governmental organizations

There has been a lack of cooperation between NGOs and government agencies working with street children in Egypt. Lately the governmental organizations have however been more open to coordinate strategies and cooperate with NGOs than at any time in the past. This cooperation is of great importance since it will benefit the street children in the long run. The governmental organizations have much to learn from the NGOs since they started working with street children much earlier. The NGOs also work directly with the children and know how to interact with them and attract them to their reception centers. This has given them great knowledge and understanding of their conditions, needs, capabilities and hopes which is needed in order to rehabilitate them. The governmental organizations should therefore to the greatest extent possible support the NGOs in their work, use their successful experiences as models to be replicated and prepare national plans in cooperation with them.

A good example of when the above actually took place was in 2004 during a conference in Cairo organized by the Consortium for Street Children. The aim of the conference was to bring together key NGOs and

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<sup>224</sup> Egypt: Child violence hotline inundated with calls, p.2,

<http://www.irinnews.org/print.asp?ReportID=48333>, last visited 2006-06-14

<sup>225</sup> Children at Risk pamphlet, The National Council for Childhood & Motherhood/EU

<sup>226</sup> The European Commission's Delegation to Egypt, EU/egypt Programmes, [http://www.delegy.ec.europa.eu/en/eu\\_funded\\_programmes/programmes3.htm](http://www.delegy.ec.europa.eu/en/eu_funded_programmes/programmes3.htm), last visited: 2007-02-22

<sup>227</sup> The European Commission's Delegation to Egypt, EU/egypt Programmes, [http://www.delegy.ec.europa.eu/en/eu\\_funded\\_programmes/programmes3.htm](http://www.delegy.ec.europa.eu/en/eu_funded_programmes/programmes3.htm), last visited: 2007-02-22

<sup>228</sup> Children at Risk pamphlet, The National Council for Childhood & Motherhood/EU

<sup>229</sup> Children at Risk pamphlet, The National Council for Childhood & Motherhood/EU



government representatives from selected countries to exchange experiences and formulate recommendations for the promotion and protection of the rights of street children within North Africa and the Middle East.

### 8.1.7 The Egyptian economy and the problem of corruption

As stated above Egypt is classified as a lower-middle income country and a big percentage of its inhabitant's lives below the poverty line. However, Egypt has many sources of wealth and advantages that, if properly held in trust, could provide relief in the future.<sup>230</sup> It has world famous sights (The pyramids, Luxor, Aswan, the Red Sea, the Nile etc.) that people travel all over the world to see every year and tourism is thus Egypt's first source of income. Its second source of income is the Suez channel and the Egyptian textile industry and the oil- and gas export are yet other profitable sources of income. In addition, several international aid organizations shower Egypt with money and advisors every year.<sup>231</sup> The single biggest donor is the US government; other big donors are the African Development Bank, the World Bank, the EU, the International Finance Corporation. In addition to that, UN agencies are working all over the country.<sup>232</sup>

If all this money that has been pouring into the country had come in the "right hands" and actually been invested in for example the development projects that they were meant to finance, Egypt would most probably have been a much more developed country than it is today. The corruption, the misuse of foreign aid funds and national resources has resulted in the loss of many development opportunities. In 2005, Transparency International's Corruption Perceptions Index report assessed Egypt with a CPI score of 3.4, with 10 being highly clean and 0 being highly corrupt (this is however a vast improvement from the late 1990's when Egypt's score was 1.1). Egypt thereby ranked 70th of the 159 countries included in the report, which means that Egypt has a serious problem with corruption.

There is a wide spread corruption in high places and among public officials. Due to the low wages, many public officials has found other ways of supplementing their income and take bribes to get their work done, this has reached the extent that no one can get anything done without utilizing some form of financial corruption.

Economists have pointed out that Egypt's high level of corruption has negatively affected capital inflows from potential foreign investors. Since a higher level of foreign investors would mean more job opportunities and a decrease in unemployment numbers it is important for Egypt to counteract the corruption but it is also important to regain peoples trust in the governmental bodies. Up until today Egypt have done so by ratifying the UN Convention against corruption (UNCAC) and emerged as a leader in the Middle East to promote reform in this area. Egypt has also set up four national institutions (the Administrative Authority Council, the Central Auditing Agency, the Administrative Prosecution Agency and the Public

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<sup>230</sup> Strategies for Survival, Louise Berglund,p.3

<sup>231</sup> Strategies for Survival, Louise Berglund,p.3

<sup>232</sup> Commission staff working paper, European Neighbourhood Policy Country Report Egypt SEC (2005) 287, Mashrek/Maghreb, 3 of August 2005, Doc. Séance No 26/05, p.24-25.

Funds Prosecution) that have roles to play in fighting corruption (their efforts are however often hampered by non-democratic governing structures) and some anti-corruption campaigns have been carried out to address the issues of corruption.<sup>233</sup>

## 8.2 Action Taken by Non-Governmental Organizations

There are five non-governmental organizations in Egypt working with street children. These are Hope Village Society, The General Egyptian Association for Child Protection, The El-Horreya Association for Community Development and Environment, Caritas and the Tofuly Association. Their aim is to bring children off the street in order to reintegrate them back into mainstream society while encouraging awareness of the specific situation of these neglected young people. In order to describe how the NGOs try to realize this aim I have chosen to focus on the work of Hope Village Society since most of the above mentioned NGOs have adopted the model presented by Hope Village Society with minor modifications.

### 8.2.1 Hope Village Society

Hope Village Society is the only one of the existing five non-governmental organizations, which focuses solely on street children. The organization was founded in 1988 and has been a pioneer in dealing with street children and drawing national attention towards the rights of this particularly vulnerable group of children. The organization finances its work through donations, loans and income generating projects. It does however not accept money from the government. Hope Village helps around 3500 children every year by providing them with shelter, healthcare, education and skills development. Today, it operates 12 centers in and around Cairo, which include four day-care/reception centers, three temporary residences and five permanent residences. Additionally, it operates two mobile on-the-spot care units which provide care in districts where there are no centers available. In the future the organization hopes to be able to expand its work to Alexandria and Upper Egypt.

Below, the work that takes place and the services that are provided at the different centers will be presented. The different centers can be seen as different stages in the process of rehabilitating street children back into society. Thereafter a number of other ways in which Hope Village Society has tried to solve the problems of street children will be presented.

#### 8.2.1.1 Day-care/reception centres

The day-care/reception centers act as the first point of contact with the street children. To encourage street children to visit these centers the staff tries to establish contact with the children, especially with the leaders of the gangs,

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<sup>233</sup> IRIN News, Egypt: Preponderance of corruption leads to poverty, say experts, <http://www.irinnews.org/report.aspx?reportid=60862>, last visited: 2007-02-15

on the streets and in places where these children gather. The two main purposes of the reception centers are to gather information on the lives of street children and to provide the street children with several free services such as counseling and health checks. The long-term goals are to either reunite the child with his or her family (where this is desirable) or to transfer the child (voluntarily) to a temporary residence, where they can receive more sustainable and focused assistance.

The four reception centers have been set up in districts which according to survey studies attract great numbers of street children and are divided between girls and boys (two centers are set up for boys and two for girls). The street children are cared for by a team of social workers, psychologists, physicians, nurses, workshop trainers and volunteers, and there is a close relation between the children and the staff. The average ages of the children who visit the centers are 10-12. Here they can come and go as they like. They are given a safe place to rest, someone to talk to, two meals a day and access to showers and laundry facilities is provided. They can also watch TV, use computers, play games, paint and just be children for a while.

To enable the street children to stay at the centers during the day and earn money in a safe and legal way Hope Village has started a crafts project that they hope will grow. The girls do accessories, wood toys, candles and paintings, which are sold in bazaars. The children get 25% of the expected profit when they do the crafts and another 25% when they are sold and the centers buy new material for the remaining part. Finally, the centers organize monthly excursions and parties that are highly appreciated among the children.

#### 8.2.1.2 Temporary residences

The intermediate stage of temporary residency constitutes the first stage where the children can leave the street life behind them. Previously the children were transferred directly from the reception centre to a permanent residence, which they often found to be a too abrupt transition. They would often only stay in the permanent residence for a couple of days before returning to the streets, having been alarmed by the sudden change of routine and discipline on their so far very unregulated lifestyles. Some uncomfortable children would even encourage other more stable children to leave together with them. It was obvious that a temporary-, transitional phase was needed and the intermediate stage was therefore designed.

The temporary residences have like the reception centers the goal of reuniting the street child with their family and to start numerous rehabilitative programs for the child. The most important rehabilitation program is to implement regular home visits (if desired) to maintain family ties and ease estrangement. During the rehabilitation period the child undergoes 6-12 months of psychological and behavioral rehabilitation to prepare them for transfer to a permanent residence or directly back to their family if deemed possible. The progress of each child is carefully and precisely documented on a case-by-case basis so that decisions regarding

transfer to a permanent residence or reunification with the family are made in an appropriate and participatory manner.

When returning children to their families it involves a number of steps. A social worker first visits the family and tries to understand the problem of the child. Thereafter he/she tries to find ways of reconciling both of them. Finally, if and when the child is sent back to the family regular visits are made to make sure that the reunification has been successfully achieved. This can be a very long and costly process, especially if the child comes from outside Cairo.

In addition to the rehabilitation programs the temporary residences offers a large variety of social and sport activities as well as training on various crafts and literacy classes.

### 8.2.1.3 Permanent residences

The goal of the permanent residences is to provide the final stage of rehabilitation to prepare the child for reintegration into society as independent and responsible citizens. The age at which this independence is achieved varies depending on the completion of educational stages, vocational training and/or military service. Most stay until they are 20-21 years old, after which they begin their new life in a home provided for by Hope Village Society. During their time at the permanent residences Hope Village is the children's family and the children undertake either training for work in local factories or study at schools and universities.

### 8.2.1.4 Hope Village's health services and projects

The life on the streets is very unhealthy and unhygienic.<sup>234</sup> An extended period of time where the children have lived on the streets significantly increases their risk of chronic health problems, including skin diseases, anemia, intestinal parasitic infections, respiratory diseases, infections from untreated wounds, drug addiction and malnutrition.<sup>235</sup> The street children however have problems of accessing medical care.<sup>236</sup> Since the majority is not enrolled in school they are seldom eligible for the health insurance system that school children automatically have access to and they cannot afford the costs for treatment and medicines.<sup>237</sup> Moreover, they are often chased away from hospitals and clinics due to their appearance and the stigma surrounding their existence.<sup>238</sup> As a consequence, they only seek medical care when they have serious injuries.<sup>239</sup>

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<sup>234</sup> Child Welfare – major themes in health and social welfare, Volume III Child Placement and Children Away from Home, Nick Frost, 2005, Outside Childhood – Street children's rights, Judith Ennew p. 339

<sup>235</sup> Charged with Being Children, Human Rights Watch, p. 31

<sup>236</sup> Child Welfare – major themes in health and social welfare, Volume III Child Placement and Children Away from Home, Nick Frost, 2005, Outside Childhood – Street children's rights, Judith Ennew s. 339

<sup>237</sup> Charged with Being Children, Human Rights Watch, p. 31

<sup>238</sup> Child Welfare – major themes in health and social welfare, Volume III Child Placement and Children Away from Home, Nick Frost, 2005, Outside Childhood – Street children's rights, Judith Ennew p. 339

<sup>239</sup> Charged with Being Children, Human Rights Watch, p. 31

Special efforts made by the Hope Village Society have however improved the accessibility of medical care for street children. They can receive medical care at the reception centers during daytime and at nighttime from the mobile on-the-spot units. Hope Village has also signed contracts with a couple of public and private hospitals. By providing children that visits the reception centers with health cards they can visit any of these hospitals free of charge.

Moreover, Hope Village Society has established a centre that provides special care for young street mothers who are victims of street sexual abuse. This group of street children is important to help in order to avoid a whole new generation of street children. The staff at the centre teaches them reproductive health and tries to make the young mothers self-reliant and responsible parents. In doing so the centre works hard to reintegrate the girls into mainstream society by finding them jobs, housing and reuniting them with their families or helping them set up a small income-generating project. While at the centre the girls can learn new skills like hairdressing, carpet weaving and candle making. The idea is that when they leave the centre they can earn an income and support their children so that they can avoid ever having to go back to the streets.

Furthermore, Hope Village Society has produced the Street Children Health Risks Project in collaboration with the UNICEF (Hope Village has been one of its key partners since 2003). This is a preventive educational program designed to help children living on the streets of Cairo, Alexandria and Qena to deal with the daily risks they face. It is based on a new approach of reaching out to street children and explores their potential to help others. More specifically, a group of street children has been given the task of being street mentors supporting other street children even more vulnerable than themselves.<sup>240</sup> These mentors are trained on health preventive means and taught the basics of first aid using a simple kit containing bandages, iodine and other essentials that they can use to treat most minor wounds and prevent serious infections.<sup>241</sup> The mentors' then keep the first-aid kit ready for use whenever a fellow street child fall victim to an assault or suffers an injury.<sup>242</sup>

#### 8.2.1.5 Hope Village's Economical Rehabilitation Program

The Economical Rehabilitation Program tries to reunite families, which due to very-low level of financial means have not been able to provide their children with a reasonable standard of living and as a consequence have pushed them out on the streets. The theory behind this program is that by helping these families economically there might be a good chance for the

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<sup>240</sup> Youth mentoring youth on the streets of Cairo, World Volunteer Web, <http://www.worldvolunteerweb.org/news-views/news/doc/youth-mentoring-youth-on.html>, last visited 2006-06-08

<sup>241</sup> Youth mentoring youth on the streets of Cairo, World Volunteer Web, <http://www.worldvolunteerweb.org/news-views/news/doc/youth-mentoring-youth-on.html>, last visited 2006-06-08

<sup>242</sup> Youth mentoring youth on the streets of Cairo, World Volunteer Web, <http://www.worldvolunteerweb.org/news-views/news/doc/youth-mentoring-youth-on.html>, last visited 2006-06-08

child to live with his or her family and enjoy the normal life he/she is deprived of.<sup>243</sup>

Therefore Hope Village Society offers loans to help families start small projects, which can generate stable incomes, on condition that the child should be let to live normally with his family.<sup>244</sup> It also gives loans to street children who have completed their studies at the university and want to run small projects of their own. The program has until now been working successfully and loans have been offered to more than 560 families and individuals.<sup>245</sup>

#### 8.2.1.6 Hope Village's Training and Research Department

As a pioneer in confronting the street children phenomenon Hope Village Society has acquired great practical and scientific experience, which they want to share.<sup>246</sup> It therefore established a training and research department to make governmental and non-governmental organizations aware of the seriousness of the phenomenon.<sup>247</sup> Here they provide training on how to interact with street children either on the association's level, the street level or the family level.<sup>248</sup> They also provide training on how to protect and rehabilitate street children successfully. Furthermore, they teach and raise awareness about children's rights and the social and health problems a street child encounters. The department also conducts field research work to gather information about the factors that drive children to run to the streets and how to improve the rehabilitation measures etc.<sup>249</sup>

Finally, the department has tried to build a database of children living in the streets to be able to get valid and accurate statistics and to see how they move between different cities and centers. It is however difficult for the social workers at the drop-in centers to do so since the children often give them incorrect information about their names, where they come from etc. They do so because they are afraid they will be sent back to their families.

#### 8.2.2 The White Book of Our Future

'The White Book of our Future' is an educational project developed by UNESCO and P.A.U. Education.<sup>250</sup> It was implemented and supervised in Egypt by Caritas in cooperation with all NGOs working with street children in Alexandria and Cairo. The aim is to encourage street children to think about the situation they are in and express their point of view concerning everything that surrounds them. At the same time, it is hoped that they will become more conscious of their own skills and abilities. Family problems,

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<sup>243</sup> Hope Village's homepage, Activities and services, <http://www.egyhopevillage.com/activities.htm>, last visited: 2007-02-22

<sup>244</sup> Hope Village's homepage, Activities and services, <http://www.egyhopevillage.com/activities.htm>, last visited: 2007-02-22

<sup>245</sup> Hope Village Society folder, p.4

<sup>246</sup> Hope Village Society folder, p.6

<sup>247</sup> Hope Village Society folder, p.6

<sup>248</sup> Hope Village Society folder, p.6

<sup>249</sup> Hope Village Society folder, p.6

<sup>250</sup> P.A.U. stands for Pierre-Antoine Ullmo, who is the companies' founder.

depression, physical and psychological suffering or simply the daily struggle to survive are just some of the factors that stop children from being able to think of their future.

'The White Book of our Future' is intended to change this by giving street children the opportunity to consider their personal hopes and ambitions. This is essential when building their confidence and determination. The goal is to make children move from a limited vision of their lives centered on the present and immediate to a medium/long-term vision of their future. By expressing themselves through texts and drawings, the children themselves become the authors of this collective book, which has been distributed with their permission to various authorities, media, NGOs and other institutions in order to make their thoughts, needs and views of the future known.

The children that took part in the project showed great enthusiasm and interest in participating as well as pride in their work when it was finally published. The workers of the NGOs that have participated in the project also noticed positive changes of the participating children such as increased sociability and greater confidence in the future. It is therefore deemed a successful way forward.

### 8.2.3 Problems of non-governmental organizations

Non-governmental organizations in Egypt meet obstacles all the time in their daily work with street children. The police arrests of street children hinder the NGOs work in preventing children from reaching the drop-in centers for rehabilitation.<sup>251</sup> Another problem of the NGOs is that the quality of education and training for social workers is very low and there is very little understanding of children's needs. This is further complicated by the prevailing negative attitude towards street children in society, which make it difficult to find qualified and motivated staff since it is not considered being a respectable job.<sup>252</sup>

Furthermore, most of the NGOs lack the financial resources to expand their organizations in order to meet the increasing number of street children. This is one of the biggest problems that Egypt face, since it is crucial for the work of NGOs to get in contact with street children in the earliest phase possible in order to enable them to rehabilitate them. The more time the children spend on the streets the more difficult it gets for the NGOs to get them to visit their centers and accept their help. In addition, two out of the five NGOs that are working with street children only have reception centers, which is clearly insufficient to help the street children in the long run. A lot of children also reside in areas where there are no reception centers and as a consequence receives no assistance. Finally, it happens that the street children themselves counteract the work of the NGOs by spreading rumors

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<sup>251</sup> A civil society forum for North Africa and the Middle East on Promoting and Protecting the Rights of street children, Consortium for street children, p.9

<sup>252</sup> Office of the High Commissioner for Human Rights, Fact Sheet No.10 (Rev.1), The Rights of the Child p.2, <[www.ohchr.org/english/about/publications/docs/fs10.htm](http://www.ohchr.org/english/about/publications/docs/fs10.htm)>, last visited on 18 October 2006.

such as that they will be sent back to their families, which might frighten many children to come/stay at the centers.

As a final point the Egyptian law, Law 84/2002 governing associations, gives the government unwarranted control over the governance and operations of non-governmental organizations and as a consequence severely compromises the right to freedom of association. This law opposes NGO's by providing criminal penalties for carrying out activities prior to an NGO's official authorization and for receiving donations without prior approval from the Ministry of Social Affairs.<sup>253</sup>

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<sup>253</sup> Human Rights Watch, Essential background: Overview of human rights issues in Egypt, <http://hrw.org/englishwr2k7/docs/2007/01/11/egypt14701.htm>, last visited 2007-02-15



## 9 Concluding Remarks

This chapter concludes this thesis by presenting my conclusions from my field study by answering the questions set forth in the beginning of the paper. Thereafter I will elaborate on what actions I believe have to be taken by Egypt in order to lessen the gap between the statutory rights and the practical daily situation of street children in order to safeguard the rights of the street children and give them a safer and happier childhood.

### 9.1 Conclusion

In the beginning of this essay I clarified that there is still no definition of street children that is used worldwide because of the complex circumstances of street children. There is neither any special law safeguarding their rights even though they are an extremely vulnerable, exposed and discriminated group. Their rights are however protected under the Convention on the Rights of the Child that was adopted in 1989, to give children special protection, and is today the most widely ratified multinational treaty in existence. The CRC codifies the basic human rights that all children have: civil, political, economic, social and cultural rights.

Egypt ratified the CRC the same year as it was adopted and have undertaken a lot of work in order to implement the Convention. The rights of the child have been put at the heart of Egypt's national development plans, a National Council for Childhood and Motherhood has been set up, an Egyptian Child Law has been adopted which unifies all legal provisions for the protection and development of children in Egypt and finally great changes and improvement have taken place in the health and educational sector. As a result the outlook for Egyptian children born today is much brighter.

However, it still has a lot of work to do in order to fully comply with the Convention and realize all their obligations. One of the main areas of concern is the vulnerable groups of children who face discrimination. These are girls, disabled, delinquents, working children and street children. The situation for street children in Egypt is extremely harsh and there has been little understanding that they are entitled to all the rights in the convention. Their rights are violated every day and they are treated as threats to society rather than victims and children in need of special protection.

Many interrelated factors push the children onto the streets and it is important for the government to come to terms with these in order for tangible change to take place on the street. The factors are poverty, family break-up, high population growth, unemployment and finally the lacking educational and social security system. Even though both governmental and non-governmental organizations today are aware of the immense problem of street children and realize the importance to act, their performance to date is

still in its initial phase and in need of effective measures and substantial financial support. The action taken has been insufficient in coping with the problem since there are indicators showing that the street children population is still increasing.

There have however been a number of positive changes taking place the last couple of years, giving hope of an improvement in the situation of street children. There is a political will to discuss the problem and to cooperate with NGOs and international agencies. There are also plans on amending the child law and many new strategies and programs have been hammered out.

## 9.2 Discussion in Relation to Actions Necessary to Improve the Situation

The government and non-governmental organizations should focus on prevention, protection and rehabilitation in order to ensure the street children of their rights under the Convention of the Child. The prevention work will have to address the underlying factors causing the problem of street children in Egypt: poverty, high population growth, unemployment, the lacking educational and social security system. These are all of socio-economic nature and interlinked and have to be solved in order to reduce the number of children who leave and take off to the streets.

A hard but important task for the Egyptian government is to break the vicious circle of poverty. In order to do this the government has to provide effective societal support mechanisms, deal with the unemployment and take away the hidden expenses connected to school and health care. Until the salaries and conditions of poor Egyptians improve, families are however not likely to keep their children in school and out of the workforce. It is therefore important to find solutions of how to keep children in school.

Active learning alternatives to the formal education system could be such an example which would specifically target street and working children. This may include one-class schooling where children learn for a flexible number of hours per day in accordance with their other commitments. The teaching could also be designed in an encouraging and amusing way that will succeed in drawing the children's attention and interest. Alternatives such as vocational and entrepreneurial training should also be introduced for the children who have dropped out and are not interested in going back to school. Furthermore, it is important to introduce effective family planning programs to come to terms with the high population growth.

In order to protect and rehabilitate the children who have taken off to the streets, comprehensive programs among law enforcement agencies and NGOs should be developed to ensure that children in need of care and protection are not warehoused within the criminal justice system. Street children should instead be dealt with from outside the court system and the policy measures should not be punitive. These should rather be directed towards protecting the immediate physical social and mental development needs of street children at the same time as they promote their gradual reintegration into mainstream society.

The model adopted by Hope Village Society in dealing with street children has proved successful in doing so and its implementation should be encouraged. More organizations will however have to get involved working with street children since there are too few for the magnitude of the problem. The existing NGO's also have to get more help financially so that their capacities and capabilities can be increased and upgraded to ensure that they can carry out all the services needed in an effective way.

In addition to the above, training on children's rights, the Convention on the Rights of the Child, the affects of abuse and how to deal with children has to be provided to everyone that works with street children. Furthermore, social workers rather than the police should be responsible for matters involving street children and the street children should be provided free legal assistance if needed. Finally, large awareness campaigns are needed to create better awareness amongst the Egyptian population about street children and their legal rights.

One would like to end by quoting the Declaration of the rights of the Child: "Mankind owes to the child the best it has to give" since today's children are the hopes of our future.<sup>254</sup>

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<sup>254</sup> The Declaration of the Rights of the Child

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