

**UNICEF Egypt**  
**Child Protection Thematic Report**  
**January – December 2016**



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**Prepared by:**  
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## Table of Contents

<b>ABBREVIATIONS AND ACRONYMS.....</b>	<b>3</b>
<b>1. EXECUTIVE SUMMARY.....</b>	<b>4</b>
<b>2. STRATEGIC CONTEXT IN 2016.....</b>	<b>5</b>
<b>3. RESULTS ASSESSMENT AND CHALLENGES.....</b>	<b>7</b>
<b>4. RESOURCES .....</b>	<b>9</b>
<b>5. FINANCIAL IMPLEMENTATION.....</b>	<b>9</b>
<b>6. FUTURE WORKPLAN .....</b>	<b>10</b>
<b>7. EXPRESSION OF THANKS.....</b>	<b>10</b>

## **ABBREVIATIONS AND ACRONYMS**

CRC	Convention on the Rights of the Child
EDHS	Egypt Demographic and Health Survey
EFACC	Egyptian Foundation for Advancement of Childhood Conditions
MIS	Management Information System
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOSS	Ministry of Social Solidarity
NCCM	National Council for Childhood and Motherhood
ORR	Other Regular Resources
RR	Regular Resources
SYPE	Survey of Young People in Egypt
UNDP	United Nations Development Programme
3RP	Regional Refugee and Resilience Plan

## **1. EXECUTIVE SUMMARY**

Every year close to 20,000 children's cases are brought before the juvenile justice system in Egypt. Due to the ongoing migration crisis, more than 500 migrant/refugee children were detained in connection with irregular migration. In the absence of reliable public data, these numbers represent a small fraction of the actual figures.

The Child Law and other legislations providing protection for children's rights are generally in compliance with the Justice for Children international standards. Nevertheless, there is a deep gap between law and practice. This is due to a combination of several factors, mainly related to system and services capacity.

In Egypt, UNICEF's response has put emphasis on prevention strategies and sought to enforce existing legal safeguards for the treatment of these children in accordance with the UN Convention on the Rights of the Child (CRC), the country constitution and the 2008 national Child Law. UNICEF's response recognizes that a child-centred justice system is critical to prevent further reduction of protection rights, particularly among highly vulnerable children.

In 2016, UNICEF promoted the generation of evidence for advocacy and decision making. UNICEF conducted a legal cases analysis report analysing for 500 cases of child detention recorded between 2012 and 2015. The report revealed that the majority of children who come in conflict with the law are charged with minor offences and exposed to several violations of legal rights. UNICEF used the case analysis findings to promote advocacy with high level national counterparts on juvenile justice policy reform; the evidence generated through the analysis will remain the main reference to continue the institutional engagement and dialogue for reform in 2017.

In coordination with the Ministry of Justice (MOJ) and other national justice stakeholders, UNICEF supported the development of a unified curriculum for newly appointed judges and prosecutors which was further approved by the Ministry of Justice. Following close engagement and dialogue, UNICEF and MOJ developed the trainings plan for 2017 whereby MOJ staff will be trained on the unified curriculum.

Within the framework of the Regional Leadership Area on Justice for Children, UNICEF conducted an assessment of promising and good practices for the treatment of children in contact with the law, in line with international standards. The assessment took place in March 2016; its findings contributed to inform the organization of a regional workshop in October 2016 involving nine priority countries (Egypt, Iran, Iraq, Jordan, Lebanon, Morocco, Palestine, Sudan and Tunisia). In 2017, UNICEF will support a Trainer of Trainers on the implementation of the guidelines.

Triangular cooperation was adopted as a key strategy in the work on justice for children. In collaboration with UNICEF Sudan Country Office, a team from the Ministry of Justice and the Prosecutor's office visited to Sudan for a programme of structured learning and exchange of practical experience with Sudan law enforcement personnel and Judiciary, on alternative measures to detention and restorative Justice. In consultation with relevant stakeholders and partners, country-specific guidelines have been drafted on restorative justice and are currently under review; the finalization of these guidelines will be part of 2017 programming.

In collaboration with the New Zealand Embassy in Cairo and New Zealand Ministry of Foreign Affairs and Trade, in April 2016 UNICEF supported a study tour to New Zealand. This visit provided

a best practice on alternatives to detention and restorative justice for replication in Egypt. In this regard, UNICEF and MOJ will coordinate the planning of the first restorative justice pilot project; this intervention forms part of 2017 programming.

At the service level, in coordination with its implementing partners, UNICEF provided specialized legal assistance to 278 children, out of whom 42 children received a non-custodial sentence.

As UNICEF enters its new country programme cycle (2018-2022), Juvenile Justice Interventions will expand, with emphasis on system strengthening. In Egypt, UNICEF renews its thanks to all funding partners who contributed to sustain and expand the Juvenile Justice programme through the Thematic Funding. This source of funding remains critical to advance the rights to protection of all children in contact with the law.

## **2. STRATEGIC CONTEXT IN 2016**

Egypt is a lower middle income economy, characterised by regional inequalities. Poverty is widespread and concentrated in rural areas and urban slums. In 2014, it was estimated that 26.3% of the Egyptian population (approximately 22 million people) lived under the poverty line.<sup>1</sup> While progress has been made in many social indicators in the last decades, inequalities and disparity of opportunities between regions and socio-economic groups persist.

Since 2011, child poverty appears to be increasing faster than that of the general population, and stood at 28.8 per cent in 2013. Children comprise 38 per cent of the Egyptian population, and more than 10 million children are living in poverty, of whom 79 per cent are in rural areas. Thirty per cent of children are living in multidimensional poverty, with a rate of 37 per cent for under five year olds.<sup>2</sup>

Children in Egypt bear the brunt of various forms of violence, exploitation, abuse and neglect. According to the 2014 Egypt Demographic and Health Survey (EDHS), 93 percent of children (1-14 year) were exposed to violent disciplinary practices at home, including both physical punishment and psychological aggression. Violence against children is widespread across all socio-economic classes of Egypt, although the risk of violent discipline is higher among the lowest income families: 79 percent of children in the poorest wealth quintile of the population were exposed to physical disciplinary practices, compared with 71 percent of children in the richest quintile. Severe physical punishment is significantly more widespread in rural areas than in urban settings.

Many children in Egypt have been affected by socio-economic conditions that have made some families unable to provide adequate care. Thousands of children live on the streets without adequate family care and some others fall victim to trafficking. According to the National Centre for Social and Criminological Research (2011) and the Special Rapporteur on trafficking in persons (2011), child trafficking in Egypt includes seasonal or temporary marriages, slavery or forced labour, as well as trafficking for removal of organs and sexual exploitation. The exact number of child victims is unknown, and no reliable surveys or data collection systems exist.

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<sup>1</sup> United Nations Development Programme (UNDP) Egypt, web-site: <http://www.eg.undp.org/>

<sup>2</sup> National research by UNICEF and the Government using the Multiple Overlapping Deprivation Analysis methodology.

Over the last years, Egypt has increasingly become a country of origin, transit and destination for irregular migration, as a result of the social unrest and political instability of several neighboring countries. The country itself is facing a “youth exodus” through well-established migration streams (legal and irregular); the 2014 Survey of Young People in Egypt (SYPE) revealed that 17.2 percent of youth aspire to migrate within the next five years. From January to September 2016, more than 4,900 individuals, including 100 Syrians, have been arrested for attempting to depart Egypt in an irregular manner by sea. Among those arrested 822 were children, including 440 unaccompanied and separated children.<sup>3</sup>

### **Child Protection: the Juvenile Justice and Protection of Children in Contact with Law**

Every year close to 20,000 children’s cases are brought before the juvenile justice system in Egypt; this includes more than 500 migrant/refugee children who were detained in connection with irregular migration (2015 national available data). In the absence of reliable public data, these numbers represent a small fraction of the actual figures.

Arrest and detention have a devastating effect on children (Egyptian and non-Egyptian). UNICEF’s assessments of the juvenile justice system in Egypt (2014) revealed that justice and security stakeholders do not apply the national Child Law 2008 in the best interest of children.

The Child Law and other legislations providing protection for children’s rights are generally in compliance with the Justice for Children international standards. Nevertheless, there is a deep gap between law and practice. This is due to a combination of several factors:

- Lack of common vision and strategy for justice for children reform in Egypt
- Minimal inter-agency collaboration between the primary stakeholders in the Justice for children and Welfare Sectors
- Absence of specialized justice for children workforce (child judges, prosecutors, police, social workers and lawyers)
- Lack of knowledge and standard procedures guiding the implementation of the child law and relevant laws
- Limited human and financial resources, required to operationalize the 2008 Child Law
- Limited alternative mechanisms to which children can be referred to for rehabilitation.

Several national and international organizations have documented testimonies of detained children and their families and reported rights violations, including: arbitrary detention, detention in unlawful facilities, denial of family and lawyers’ visitations, physical and emotional abuses and bringing children before exceptional courts. The UN Working Group on Arbitrary Detention has issued statements on concerns regarding several cases of irregular detention of children for a prolonged period in a security agency facilities and considered it a grave violation of the requirements relating to any form of pre-trial detention. In this context, it is essential to ensure children in conflict with the law benefit from a justice system that promotes their positive role in society by implementing community-based rehabilitation programmes.

In 2011, the concluding recommendations of the Committee of the Rights of the Child to the Government of Egypt emphasized:

- Deprivation of liberty shall be a last resort and should be applied for the shortest appropriate period. Implementing alternative measures to deprivation of liberty, such as diversion, probation, counselling, mediation, and community service should be set in place

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<sup>3</sup> Source: Regional Refugee and Resilience Plan (3RP)-Egypt chapter (2017-218).

- The need to secure rehabilitation and reintegration of these children within their families and communities
- Regular monitoring of places where children are deprived of their liberty.
- No asylum-seeking child should ever be detained
- The importance to establish a data management system for cases of children.

### UNICEF Interventions

In Egypt, UNICEF's response recognizes that a child-centred justice system is critical to prevent further reduction of protection rights, particularly among highly vulnerable children.

UNICEF's response has put emphasis on prevention strategies and sought to enforce existing legal safeguards for the treatment of these children in accordance with the UN Convention on the Rights of the Child, the country constitution and the 2008 national Child Law. Since 2011, UNICEF has documented more than 2,000 cases of children detained in connection with demonstrations and association with illegal groups.

In 2015, UNICEF carried-out an assessment on the role of social workers within the criminal justice system. This contributed to identify a number of bottlenecks in terms of system and service provision. Probation offices have human and financial resource gaps; social workers lack the skills required to deal with such complex juvenile justice issues. As a result, probation offices have limited performance and capacity as the social workers cannot identify and intervene with cases at high risk of breaking the law. Social reports are produced in poor quality, lacking comprehensive investigation, tailored rehabilitation plans and judges seldom rely on it.

Within the framework of the Regional Leadership Area on Justice for Children, UNICEF coordinates and extends its technical support to multiple national authorities to ensure the enforcement of the Child Law No. 126 of 2008, relevant laws and the CRC provision relevant to justice for children. In Egypt, the main counterparts are: the Ministry of Interior (MOI), the Ministry of Justice, the Office of the Public Prosecutor, the Ministry of Social Solidarity (MOSS) and the National Council for Childhood and Motherhood (NCCM). The Juvenile Justice Working Group is the main platform for engagement and programme coordination among UNICEF, the national counterparts, and civil society organizations/implementing partners.

## 3. RESULTS ASSESSMENT AND CHALLENGES

[Evidence generation for high level advocacy to promote Justice Sector reform for children](#). UNICEF conducted a legal cases analysis report analysing for 500 cases of child detention recorded between 2012 and 2015. The report revealed that the majority of children who come in conflict with the law are charged with minor offences. Incarceration of children in pre-trial detention for a prolonged period is an established practice; child offenders accused of minor crimes are deprived of liberty, without due regard for the provisions of the child law. In many cases, children are detained with adults and face many abuses during all stages of judicial proceedings.

Cases of ill-treatment, lack of fair trial guarantees and torture are a major cause for concern. Overreliance on detention results in the creation of an environment that perpetuates crime and violence. The negative impact of youth crime aggravated by dysfunctional institutions has to be stopped by promoting community-based programmes for the rehabilitation of child offenders. In addition, access to fair trial guarantees are powerful tools to build social harmony in the country. Many

migrant and refugee children are detained on administrative grounds for over one year, in violation to the national legislation and Egypt's international obligations. In 2016, UNICEF used the case analysis findings to promote high level advocacy with the national counterparts on juvenile justice policy reform; the evidence generated through the analysis will remain the main reference to continue the institutional engagement and dialogue for reform in 2017.

**Juvenile Justice System building, including development of standardized tools and procedures.** In 2016, the Juvenile Justice Working Group drafted a unified curriculum for newly appointed judges and prosecutors which was further approved by the Ministry of Justice (Child and Women Sector). UNICEF's advocacy with MOJ leadership contributed to this institutional process of revision and approval of the new curriculum. Following close engagement and dialogue, UNICEF and the Minister of Justice developed the training plan for 2017 using the unified curriculum.

Within the framework of the Regional Leadership Area on Justice for Children, UNICEF Regional Office and UNICEF Egypt Country Office conducted an assessment of promising and good practices for the treatment of children in contact with the law, in line with international standards. The assessment took place in March 2016; its findings contributed to inform the organization of a regional workshop in October 2016 involving nine priority countries (Egypt, Iran, Iraq, Jordan, Lebanon, Morocco, Palestine, Sudan and Tunisia). The Egyptian delegation comprised of representatives from MOJ, MOSS, lawyers and civil society. Regional guidelines on management of child-victims/witnesses of crime when they come into contact with the law is being developed. In 2017, UNICEF will support a Trainer of Trainers on the implementation of the guidelines.

**South-South Cooperation to adopt and adapt international best practices.** Triangular cooperation was adopted as a key strategy in the work on justice for children. In collaboration with UNICEF Sudan Country Office, a team from the Ministry of Justice and the Prosecutor's office visited to Sudan for a programme of structured learning and exchange of practical experience with Sudan law enforcement personnel and Judiciary, on alternative measures to detention and restorative Justice. In consultation with relevant stakeholders and partners, country-specific guidelines have been drafted on restorative justice and are currently under review; the finalization of these guidelines will be part of 2017 programming.

In collaboration with the New Zealand Embassy in Cairo and New Zealand Ministry of Foreign Affairs and Trade, in April 2016 UNICEF supported a study tour to New Zealand. The Country was selected as it has a good legislative and operational framework for child justice, with a high level of diversion and family involvement in decision-making through Family Group Conferencing. It is a hybrid justice/welfare system, where young people, their families, victims, the community and the State are involved in taking responsibility for offending and its consequences. Diversion became a key mechanism of the justice system in New Zealand since the enactment of the child, youth and their families' law, for over 20 years.

The main scope of this visit was to acquire knowledge on diversion, restorative justice and alternatives to detention. The Egyptian national delegation included senior officials from MOJ, MOSS, the Office of the Public Prosecutor and NCCM. This experience contributed to build additional support to MOJ; it provided a best practice on alternatives to detention and restorative justice for replication in Egypt. In this regard, UNICEF and MOJ will coordinate the planning of the first restorative justice pilot project; this intervention forms part of 2017 programming.



**Provision of protective measures to children in contact with law.** UNICEF established a Programme Cooperation Agreement with the national NGO Egyptian Foundation for Advancement of Childhood Conditions (EFACC) for the provision of protective measures, including legal support, to children in contact with law. EFACC is one of the lead NGOs providing specialized legal assistance for children in Egypt. During the reporting period, UNICEF and EFACC provided 278 children with legal aid through the EFACC legal teams based in Alexandria and Cairo. Out of the 278, 42 children received a non-custodial sentence.

### Constraints and lessons learnt

On 8 September 2016, the Egyptian Cabinet approved a new draft NGO law retaining the restrictive provisions in the current NGO law (No. 84/2002) and intended to replace the restrictive Mubarak-era Law 84 of 2002 on Associations and Foundations. The law introduces critical restrictions on the work of NGOs, both national and international. It compels NGOs to seek the national authorities' permission to register, plan, and seek funding. This has relevant implications in terms of neutrality and freedom of the organizations working in development. It also restricts the nature and type of work which NGOs can conduct at the community level. This legislative change did not directly impact on the Juvenile Justice programming in 2016. Nevertheless, it is important to continue following the status of review and approval of the law, and to remain engaged with the national government. The ultimate goal is to identify commonly agreed ways enabling civil society organizations to operate without affecting, ultimately, children in need.

## 4. RESOURCES

The 2016 planned amount for the Child Protection Programme was \$ 244,000; at the end of 2016, the total received resources were \$ 317,918. Through its close coordination with UNICEF HQ and local donor delegations, UNICEF fully achieved the funding targets for 2016, both in terms of Regular and Other Regular Resources (RR and ORR). Other Regular Resources were the main source of funding, mainly generated thanks to the generous support from European country donors.

Sector	Funding Type	Planned \$	Received \$
Child Protection	RR	133,000	113,502
	ORR	111,000	204,416
<b>Total (all resources)</b>		<b>244,000.00</b>	<b>317,918</b>

## 5. FINANCIAL IMPLEMENTATION

In 2016, UNICEF Egypt utilized \$103,316 for activities and interventions described above. The following tables provide further details.

Sector	Funding Type \$	Spent \$
Child Protection	RR	97,780
	ORR	5,536
<b>Total (all resources)</b>		<b>103,316</b>

## 6. FUTURE WORKPLAN

In 2018, UNICEF Egypt will enter the new Country Programme (2018-2022). UNICEF's programme support to juvenile justice will continue to focus on system building, in coordination with MOJ. UNICEF will prioritize the following areas of work:

- [Formulate and roll-out a common strategy for juvenile justice promoting on-going dialogue on justice for children issues and inter-agency collaboration among key stakeholders.](#) Within this area of work, UNICEF will extend its technical support to national authorities and local non-governmental partners to establish management information system (MIS) on cases of children who come in contact with the law. The MIS will serve a three-fold scope. First, contribute to conduct cases analysis; second, identify trends and patterns pertaining the treatment of children in contact with the law; third, generate evidence-based knowledge to be used for advocacy purposes. The strategy will include advocacy and engagement with parliamentarians, independent child-rights experts, human rights institutions and civil society to promote on-going dialogue on justice for children. The strategy will promote South-South cooperation to build on international and regional best practices of Juvenile Justice.
- [Develop and operationalize standard operating procedures guiding the implementation of the national legislation on juvenile justice.](#) The procedures and their guidelines will cover: restorative justice, alternative measures to detention, and child-sensitive procedures for the protection of children being victims and/or witnesses of violence. UNICEF's technical guidance will ensure that mentioned procedures comply with the international standards. Work on Juvenile Justice system reforms in the country will also focus on detention related to child migration.
- [Strengthen the functional and operational capacity of the Probation Offices which are responsible to provide rehabilitation and reintegration services to children at the community level.](#) Linked to this, UNICEF will coordinate with MOJ, MOSS and NCCM to expand the workforce of the Probation Offices and build the staff capacity of both probation officers and social workers through specialized trainings.
- [Strengthen community-based services/programmes whereby children in conflict with the law can be referred.](#) Linked to this, UNICEF will sustain its provision legal assistance, through non-governmental partners, for children in contact with the law in priority governorates (Alexandria, Cairo and Giza). UNICEF will continue supporting training for central and sub-national staff from the key government counterparts.

The planned funding requirements to support the above areas of work will be \$ 400,000 during the entire programme cycle (60 percent ORR and 40 percent RR).

## 7. EXPRESSION OF THANKS

The Thematic Funding provided significant support to the Child Protection planning and programming in 2016, and remained the key funding source. This funding was instrumental to enable UNICEF to attain the results presented in this report. The flexible nature of the Thematic Fund allowed UNICEF to sustain critical components of Child Protection programming which receive limited attention and support from traditional donors. UNICEF expresses its gratitude to all partners who contributed to the successful results achieved in 2016 to advance the right to protection of vulnerable children.

## **Report Feedback Form**

UNICEF is working to improve the quality of our reports and would highly appreciate your feedback. Kindly answer the questions below for the above-mentioned report. Thank you!  
Please return the completed form back to UNICEF by email to:

Name: Gillian Wilcox, UNICEF Egypt Deputy Representative  
Email: [gwilcox@unicef.org](mailto:gwilcox@unicef.org)

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**SCORING: 5 indicates “highest level of satisfaction” while  
0 indicates “complete dissatisfaction”**

1. To what extent did the narrative content of the report conform to your reporting expectations? (For example, the overall analysis and identification of challenges and solutions)

5	4	3	2	1	0

If you have not been fully satisfied, could you please tell us what we missed or what we could do better next time?

2. To what extent did the fund utilization part of the report meet your reporting expectations?

5	4	3	2	1	0

If you have not been fully satisfied, could you please tell us what we missed or what we could do better next time?

3. To what extent does the report meet your expectations in regard to the analysis provided, including identification of difficulties and shortcomings as well as remedies to these?

5	4	3	2	1	0

If you have not been fully satisfied, could you please tell us what we could do better next time?

4. To what extent does the report meet your expectations with regard to reporting on results?

5	4	3	2	1	0

If you have not been fully satisfied, could you please tell us what we missed or what we could do better next time?

5. Please provide us with your suggestions on how this report could be improved to meet your expectations.  
6. Are there any other comments that you would like to share with us?

**Thank you for filling this form.**