

# A Situational Analysis of Commercial Sexual Exploitation of Children in Egypt

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## 1. INTRODUCTION

It is important to know the true position of government on development in general and on the condition of the poor specifically, especially that of poor children, as the degree to which such words, as “development” and “the poor” have become commonplace in governmental conferences and speeches is significant.

In an environment of alarming consumerism, growing poverty and rapid social change, all international treaties and conferences have called for action to safeguard children, women, the environment and other vulnerable groups for the more adverse effects. In this context we must question the basic importance given by our governments to addressing these issues when the very policies adopted are the main reasons underlying the marginalization and poverty of our people.

The Land Centre for Human Rights’ (LCHR) position is that government concern for disadvantaged segments of society often remains at the superficial level or is aimed at mitigating the impact of policies that have created greater poverty, especially for children pushing them into the streets without shelter and protection, into conditions of danger and vulnerability and into the hands of those who are engaged in illegal practices.

While some mitigating measures can yield positive effects, these are useless as long term strategies as long as treaties and conventions are not honoured and implemented to provide children with their rights and guarantee their basic dignity and humanity.

The current study by LCHR is an effort to open a file on child abuse and exploitation in Egypt, recognizing that it is an unsafe subject where there is some risk. In addition, as a new area of investigation and study, there are few available reference resources or previous studies to build on. This reflects the fact that it is a taboo and unspeakable subject in Egyptian society, because it touches on a part of our reality that has a long and complex legacy. Such obstacles block us every time when handling this issue and all its related subjects necessary for us to examine, leaving many questions unanswered or answered wrongly. The result is more ignorance, more poorly planned actions and more victims and violations.

Through its work on child labour, LCHR has found that, although the linkages and relationships between the conditions of working children and their vulnerability to sexual exploitation and abuse may be amply evident, it is not permissible to talk about the sexual abuse of children, and that it is, in fact, an issue that is intentionally ignored. Thus we hope through this paper to draw attention to a dangerous and hidden subject and to stimulate the commitment necessary to address questions about child abuse and exploitation in Egypt, especially sexual abuse, so that it may lead to action. It is a step toward identifying underlying causes which make children vulnerable to such violation and to understanding the size and scope of the problem, for it is no longer a phenomenon that can remain hidden or ignored.

This paper focuses on one of two common forms of child abuse found in Egypt: sexual abuse and body abuse. As sexual abuse and exploitation is an area that finds little or no mention in studies or work on children, this work looks exclusively at this element. The LCHR plans to issue another paper on other forms of abuse.

Finally, some recommendations and initial remarks are provided which we believe can help decrease the size of the phenomenon so that it may be ultimately eliminated. The Land Centre for Human Rights presents this humble study to all those who care to consider and address the problem.

This work has been completed by HCRD (Land Centre for Human Rights, Egypt) in collaboration with ECPAT International, a global network of organizations and individuals working together for the elimination of child prostitution, child pornography, trafficking of children for sexual purposes.

## **1.1 Country Presentation**

An overview of the social, economic and political context in Egypt provides a background against which to analyse the incidence of sexual exploitation of children in the country. Following are some elements, which are important to consider.

### ***1.1.1 Political dimension:***

The political changes, which took place in 1952, led to other economic and social shifts, which transformed life in Egyptian society. Although agricultural reformation laws defeated the aristocracy and big landlords, the new division of land ownership into small possessions did not liberate farmers from economic dependence. The production system changed to the control of the State represented in the public sector.<sup>1</sup> Although the implementation of this kind of distribution led to some changes in state strategies, a sole ruling party could not transform the nature of participation of people. In addition, other forces also influenced against change, as Arabic countries dependent on oil as a sole source of income did not support such distributive policies and thus supported the US against Egypt causing its defeat in the war in 1967. The impact of this was a decrease in work opportunities in Egypt and an increase in petroleum based Arabic countries, especially after the war of 1973. All such internal and external social factors combined led to what is called an “open economy”. The government supported this as policy and giving the private sector the opportunity for greater control in Egyptian society.<sup>2</sup>

Egyptian capitalism in this era turned away from former productive systems to non-productive business that provided quick profits. The domination of this type of economic culture over one that developed the basic infrastructure of the economy led to poorer distribution of GNP, social injustice and the spread of corruption and criminality or deviation during the seventies.<sup>3</sup>

The shift to an “open economy” was thus accompanied by immigration to rich petroleum Arab countries for work and high payments as a partial solution for the bad economic situation. This has caused an imbalance between production and consumption. Patterns of luxurious consumption visibly increased at the same time that the majority suffered low living standards and from a collapse in the value of the currency. Consequently, a conflict arose between old ethical values and the struggle to live, especially to meet new standards of living. Ethical groundings underlying social behaviour and other ideological factors, which had

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<sup>1</sup> Tal'at Abdel-Hameed 1986

<sup>2</sup> Nagwa Hafez 1995

<sup>3</sup> Ibid

guided people, became weak.<sup>4</sup> These factors and circumstances had a remarkable impact on forms of crime and deviation, which were a reflection of the extremes and backwardness in society.

By the beginning of the nineties, an interest in the situation of children became evident on the part of government, for several reasons. The most important reason was that children by then represented the biggest grouping in Egyptian society (number of population under 18 years old is 24.6 millions and about 45% of total population).<sup>5</sup> Also, in the absence of any comprehensive national program of care for children, this had led to the spread of many forms of exploitation of children such as exploitation of children in crimes of robbery, drug dealing and in a random and a regularized sexual trade.

It is thus natural for those involved in the field of social studies and human rights to be interested to study these developments, as they are very dangerous for children who are, half the present and all the future.

### ***1.1.2 Economic Dimension:***

At the start of the nineties, the country adopted a structural adjustment program as part of a strategy of economic reformation. Accordingly, the state reduced support to the agriculture industry and to social services such as education and health. This resulted in a shrinking public sector, with consequences for employment. Concurrently, as we have previously indicated, a wealthier class had appeared in Egypt, connected to the larger international economic community and linked to the new economic order and its “services economy”. This then created more and more social gaps between the richest and the poorest in the society. So that today, only 2,5 % of the total population receive 25% of GNP and 10% of population consumes 45% of total consumption in Egypt.<sup>6</sup>

Such economic hardships, of low income, high prices and unemployment have caused huge immigrations from rural areas (the poorest) to urban areas. The large influx of newcomers live on the outer borders of cities in randomly and illegally built suburbs called “the random suburbs”. These areas receive very inferior if any basic services. In this context, those most affected by these living conditions are children. A poverty study conducted in Egypt by World Bank reveals that the children less than 15 years old are the poorest citizens of Egypt and that one among every four children is living under poverty line.<sup>7</sup>

These conditions have had a direct and apparent impact on the phenomenon of sexual exploitation of children and have also led increasing the practice of selling them in the form of early marriage.

### ***1.1.3 Social dimension:***

Political and economic shifts, such as those that have been described above, created pressures and an apparent disorder in the social structure. For example, a many Egyptian families have been affected by the increased migration of the labour force to other countries and parts of the world. Long absences of fathers or separation of other members of the family changed the distribution of responsibility for the care and support of children. Women in these situations

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<sup>4</sup> Sameer Naeem 1983

<sup>5</sup> Ahmad Wahdan and others 1999

<sup>6</sup> IBID

<sup>7</sup> Legal Aid Centre for human rights

had to take on double responsibilities enduring long periods without support. This threatened family capacity to serve as the entity of protection for children and weakened its pivotal and vital role as the primary support for them. As the relative importance of the family lessened that of others such as school, community and friends became more important. The inability of pedagogic and social service institutions to support children in a more significant way, whether because of lack of recognition of the crisis and or poor of planning has made children all the more vulnerable. Poverty on the other hand has limited community response.

This collapse of institutional and societal response has led to a status of chaos in the family where many families have lost close relationships with children.<sup>8</sup> Many families now expect that children will take care of themselves, especially in the current economic conditions. In this context exploiters find it easy to exploit them including through sexual exploitation.

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<sup>8</sup> Mohammad Abdel-Azeem, under detention, 2002

## 2. SITUATION ANALYSIS OF CSEC

### 2.1 Phenomenon, forms and size of crimes against children in Egypt

Sadly, the types of violations against children are many. Crimes such as murder, beatings - sometimes to death, kidnapping, rape and other forms of sexual exploitation, as well as coercion and forced participation in crimes of robbery, banknote and official paper forgery, smuggling, stealing and many others.

Available data on crimes committed in 2001 indicate that children were victims of 3,069 different crimes. In these incidences 129 children were killed, 1,230 girl street children were raped, 28 children were tortured, and 40 children of both sexes were kidnapped.

At the same time there has been an increase in the number of homeless children - children living on the street - which has resulted in an increasing number of vagrancy cases involving children. In the period from 1987 to 1991, the percentage in Cairo reached 31.6% of all vagrancy cases in Egypt, followed by Port Said with 16.8%, Suez with 14.2%, Alexandria with 6.3%, and Sharkeyya with 5.2%). Upper Egypt did not exceed 4%, which was in Beni Sueif.

In this context, of increasing destitution among children and rise in criminal activities involving children, the 4,474 cases of stealing, 668 drug related crimes, and 133 cases of illegal acquisition of a weapon where children were involved, give evidence of how children in precarious survival conditions and without basic protection and support can be entrapped and exploited in criminal activity. Much remains to be done in this connection to ensure that the law treats children victims in need of protection with fundamental rights and not as criminals.

It is relevant to note here that Egyptian society is one that is dominated by religion. Breaking the norms and traditions that regulate personal social behaviour thus carries strong social sanctions. The taboo nature of discussion on sexual issues especially those involving sexual abuse of children means that any work that seeks to shed light on it must be done in secrecy and far away from the public eye.

These factors have impacted on this study. The small amount of research carried out in connection with this paper was conducted in an unsafe atmosphere. There were many stumbles in the fieldwork and the interviews were not so open because those involved in these activities feel a sense of fear and humiliation. In most of the cases we had meetings with individuals who belong to the very poor segments of society. In such circumstances, the researchers had to use indirect ways to collect information. One of these ways was arranging interviews through persons who were close to the children.

There are other forms of sexual exploitation that are known in the outer world but we did not concentrate on them either because they are not known in the Egyptian society or because it is hard to collect accurate information about them or find specific cases. These forms are:

### **2.1.1 Pornography**

All forms of pornography are illegal in Egypt. Nevertheless, there are some infant structures that work in this area in an illegal way, although it is very hard to collect any specific information about them. All the same, it would have been possible to gather some information by paying big amounts of money, which we could not provide. While it is openly known that this activity is spreading in urban areas and high-class suburbs there has been less recognition that children from poor classes are exploited in child pornography. It is clear from crime statistics, however, that children are being exploited in pornography in Egypt. In 2001, as many as 92 children were prosecuted for offences related to pornography. This data shows that children are not only exploited in pornographic activities but also further victimised by being prosecuted as criminals.

### **2.1.2 Prostitution**

There is evidence that prostitution is spreading in Egypt and on a broad scale. However in-depth research has been difficult due a deep fear of legal and social punishment, which leads to denial of its existence. Child sexual exploitation through prostitution is thus even more difficult to document.

### **2.1.3 Internet**

Technology-based child pornography networks are growing all over the world especially due to expanding access to Internet. As far as it is known, there are no Egyptian sites that regulate such networks. However there are foreign sites, which use some Egyptian males and females in their activities but not in a large scale.

### **2.1.4 Child Sex Tourism**

This report does not cover this form of sexual exploitation of children as it was outside its scope. However there is recognition that there is need for study of this growing phenomenon in Egypt.

### **2.1.5 Trafficking of Children for Sexual Purposes**

Information collected indicates that trafficking of children is largely carried out by individuals with the support of a few contacts also involved in this activity. Most of these individuals do not belong to any organised networks.

### **2.1.6 Early Marriage**

This study found that the activity, which witnesses the highest traffic of children in Egypt, is that which is connected to arrangements for marriage. Study of the phenomenon of early marriage was done among inhabitants of “the random suburbs”.

Early marriage is one of the forms of sexual abuse of children in the country, prevailing primarily among girls. Girls in many cases are married before the age of 15, a time when they are not prepared mentally, psychologically, or physically for the responsibilities that accompany marriage. Marriage at an early age destroys a girl’s childhood and pushes her to a phase of life she ill-prepared for. Unable to stand all the responsibilities expected of her, she will be exposed to many psychological and physical disorders. In addition to her own health risks as young mother, she may also face problems with the health of her children.

It is to be mentioned that some rural families, especially in Upper Egypt, will go to great lengths to make sure that their girls are married before the age of fifteen, even forging

certificates of birth. Some families who make these arrangements do so following prevailing traditions; others marry their young girls early because of poverty.

It is remarkable that such form of sexual abuse of girl children takes a legitimate form in Egypt; as such marriages are arranged openly to men from gulf countries. The manner in which this is arranged closely resembles a kind of purchase and sale. The practice is found in both the countryside, especially in Upper Egypt, and in the poor areas of big cities where poverty and traditions, which disadvantage girls, persist. Many of such cases can be found in the villages of El-Hawamdeyya district in Giza governorate, where thousands of young girls are exchanged for the highest price, an exchange that is sealed with a marriage contract written just for decoration.

Many young girls, some hardly more than 14, are forced to marry old men who are the same age as their grandfathers for a price of up to thousands of pounds. Rich Arabian men can go to some *brokers*, who are known by name in some villages near Cairo, to arrange for girls. The brokers have the names of hundreds of families that are willing to give away their girls for a specific amount of money. Once the process, alleged to be marriage, is completed the girl is taken to her husband's house where she stays as long as her husband wishes, which can be less than month. She may come back to her family's house after a long continuous humiliation. Other girls may be taken to the husband's country where she works as a servant. Many girls who find themselves in such circumstances go to courts to claim their legal rights as wives as the 'marriages' may result children. According to the Egyptian law, only children of Egyptian fathers can claim Egyptian nationality. Thus, a young mother who is considered a foreigner or if her child is considered as a foreigner will not have support with the costs of education and health care for her children. Thousands of lawsuits are presented to the courts demanding that the husband confess fatherhood and pay the costs of raising the baby to the child mother.

Desperate wives may pretend that they do not know the father in order to assure that their child's nationality is recognized under Egyptian law. A child of an Egyptian mother can only be granted Egyptian nationality for her child if the father is not known. If the father is known and he is a foreigner, the child will not be granted the Egyptian nationality even if she/he is born in Egypt.

Civil marriages are also used in this way and are another form of sexual abuse of girl children. The phenomenon of civil marriage has prevailed in the Egyptian society as a reaction to the constraints and complications of legal religious marriage. This kind of marriage is used in rural areas among men who wish to take on young girls without any permanent responsibility and without fear of practising adultery. There is no specific study of this phenomenon or numbers to show the actual size of this practice.

#### ***2.1.7 Early Marriage: Interviews with Children***

Interviews with young girls sold for big amounts of money in the form of marriage were arranged for this study. The following are some of these cases documented.

**Name: Boosy Mahran**

Age: 17

Supporter: the father (dead)

Brothers and sisters: 8 (5 girls and 3 boys)

Home: Hawamdeyya

Education: initial

Her fathers' hope was to buy a house that can contain the whole family (10 people) but he died before fulfilling his hope. The eldest brother said that he would carry the responsibilities of the big family but he always wanted expensive clothes and a mobile and many other things. He decided to use the wealth he felt he had which was his three beautiful girl sisters, who themselves dreamed of a soft life in their husbands' houses. In fact this was not to be as they had to pay the cost of their brothers' dreams. Boosy got married through one of the many brokers in Hawamdeyya, especially in the areas of Mona El-Amir and Sahraa'. She married a fifty years old man from Abu Dhabi in the Emirates. One of the neighbours told us, and the living conditions of the family has really witnessed a remarkable improvement, although as far as she knew Boosy herself was miserable. She was living she said, with two other wives and worked as a servant for them.

**Name: Abeer Shawky**

Age: 16

Brothers and sisters: 3 (two girls and one boy)

Education: illiterate

Home: Ein Helwan (department built for earthquake survivals)

Abeer is currently living in a house in Helwan bought by her Saudi husband. She moved from her town Mansoura in order to find a job in Cairo and lived with her married sister. Her sister's husband got to know a Saudi man who saw the beautiful girl and liked her. The bargain states that she will live in Egypt in the house bought by the husband and he will send her a monthly payment of 500 pounds. Her sister, a mother of five children, begged her to accept because they need the money. Abeer does not know if she is married or not. She can only see him once or twice a year when he comes to do business in Egypt and passes by to spend some time before he goes back to his country. Abeer is a mother and is under the age of twenty with one child whose father she sees for a few days every year.

**Name: Shorouk**

Age: 16

Supporter: the father (unemployed old man)

Home: Warraak Island

Brothers and sisters: 4 (3 girls and one boy)

"I have accepted to marry in this age in order to help my family" she said as she started talking, "My father is an old man and unable to work. My younger sister and I left the school and my eldest brother and youngest sister remained. My brother works after school and he is about to be twenty years old. A short time after I had begun working, my husband proposed to me. He was more than thirty years old but I agreed in order to spare my father from my expenses. Sameh wanted the engagement period to be short. Before the wedding day, I could not go on. I felt that he is so ugly and my friends thought that too. When I told my father about that he said, "You better buy some fuel and burn yourself". So, I married. It was a really miserable life. My husband was so cruel with me and deprived me of seeing my family. Although we were having nothing to eat but beans, I accepted my life, but after a while he stopped working and demanded me to work. Then he used to bring a young man with him and force me to have sex with him for fifty pounds. After some time I refused to live that life any more. I told my family and relented all my financial rights in order to get divorced as well as to preserve my humanity. I lived in a very bad psychological status after divorce. Anyway, I

had to marry again after a while because of our bad economical status and because of the bad opinion the society renders about a divorced women.”

At the end of our speech, I asked her, “how old are you now?” and she answered, “I am not twenty yet, but I feel that I am seventy years old.

Following is a table that shows the age at marriage, number of brothers and sisters, and work of the supporter for three case studies about early marriage.

No.	Age at marriage	Brothers and sisters	supporter	Work
1	17	8	The eldest brother	unemployed
2	16	3	Brother in law	Shoe maker
3	16	4	The father	Unemployed

Based on the previous table, many reasons may push families to abuse their girl children through such arrangements, such as the big family, unemployment, and absence of social assurance for low-income families.

Following is a table that shows the reason for early marriage, why the husband was accepted, and the area where the previous cases live.

No.	Reason	Why accepted the husband	Area
1	To help my family	Rich	Hawamdeyya
2	To spare my family from my expenses	There is no one else	Helwan
3	To feed my family	Rich	Warrak

Based on the previous table, the family or the girl chose the husband because he is rich or because nobody else wanted to take care of the poor family.

Escaping from being a burden on the family was one of the direct reasons for the marriage of those girls at such an early age. With few economic options the girls accepted the arrangements. The table below shows the level of education and the reason for leaving education.

No.	Education level	Escaping reason
1	Initial education	To get married
2	Illiterate	No one agrees to teaching girls
3	4 <sup>th</sup> level in initial education	To work

The data indicates that the girls who were deprived of or leave education are exposed to the danger of early marriage. The three cases suggest that without education girls are pushed to marry as it is considered the only option for economic security for their families and them.

The table below shows the length of the marriage period, nationality of the husband and the place of marriage home.

No.	Period	Husband nationality	Marriage place
1	Continuous	Abu Dhabi	Abu Dhabi
2	Continuous	Saudi	Helwan/Cairo
3	Less than a year	Egyptian	Warrak

## 2.2 Other forms of children sexual exploitation: children at risk

### 2.2.1 Direct Sexual Harassment

Sexual violence against children has increased surprisingly. For the purpose of this report information on cases covered by the press and in police notifications was collected and is presented in the table below. It represents all kinds of sexual violations perpetrated against children.

Table (1) victims' ages and criminals' careers

No.	Child's age	Gender	Criminal's age	Criminal's career
1	9	Female	56	University professor
2	14	Female	45	Gypsy
3	6	Female	30	Electrician
4	4	Male	40	House painter
5	15	Female	40	Farmer
6	10	Female	20	Taxi driver
7	13	Female	35	Preparatory school teacher
8	13	Female	32	Unemployed
9	9	Female	41	Driver
10	6	Female	33	Unemployed
11	9	Female	48	Gypsy
12	15	Female	20-35	Unemployed men
13	11	Female	35	Labourer
14	6	Female	22	Blacksmith
15	16	Female	20-35	Recidivous criminals
16	9	Male	27	Kong Fu trainer

As will be seen above, the greatest numbers of victims of sexual crime were young children. Children under the age of 10 represent 50% of the victims as compared with children between 10:15 years who represented 31.25% and children 15:18 years who represented 18.75% of the sample. It is also evident that sexual violence is predominantly directed at girls as 87.5% of victims were girl children and 12.5% of victims were boys. The vulnerability of children from poor families is alarming, evidenced by the fact that 93.75% of the victims came from poor backgrounds. It must be noted that these cases cannot be considered representative of the extent or nature of sexual violence and exploitation of children, as they are based solely on reported and documented cases which were made available from police and press records. A much deeper investigation is needed based on direct contacts with the much larger number of victims.

### 2.2.2. Domestic workers

Thousands of children are working in slave like conditions behind the doors of private homes where nobody sees or knows of their plight and suffering. The phenomenon of child house servants is known in many households of Cairo. This kind of work is one of the biggest forms of child labour and a form of child exploitation that has received little attention or study. Many of the children are girls who live imprisoned in endless work despite their young age. The controlled and hidden existence that they live in increases their vulnerability to sexual exploitation as well as to other forms of abuse.

The greatest proportion of domestic workers in Egypt is from the countryside where standards of living are very low. Poverty forces poor families to send their children, particularly girls, to big cities such as Cairo and Alexandria to work in the houses of the high and middle class. Many women of these classes have joined the labour market and thus need help at home. This has resulted in the increasing employment of children for domestic work. Children who are made available for such work may suffer double exploitation, both by the rich families who employ them and their own families who contract them for such work and receive the payment.

Whether they are working for outsiders or for members of their families, children in domestic work live in an atmosphere and conditions that are totally inhuman. They sleep in places such as the kitchen or on the ground in the children room. They might work for days without anything but bread and tea or be given the food remaining after the meal of the family. Often children in domestic work suffer insults or are beaten or raped by members of the family they work for. They may suffer psychological and physical destruction and feel lonely and isolated.

Children in domestic employment often work 12 to 15 hours a day and receive little or no payment. They are deprived of any kind of education, play, or social activity. These conditions are mostly hidden and employers contacted for this study tried hard to hinder the researchers from reaching the children working in their households. The few employers who agreed to let the researcher interview the children employed in their homes, insisted on attending the interview. This factor made these interviews nearly meaningless.

### ***2.2.3 Child domestic work: interviews with children***

**Name: Thanaa' Younes**

Age: 15

Supporter: the father (very old)

Home: one room in Warraak Island

Brothers and sisters: 4 (3 girls and one boy)

Workplace: Giza area

This child refused to speak without some payment of money and said, "There is nothing for free now". After paying to her, she started talking and said, "I work in order to help my family. My father is too old and cannot work to afford our expenses. My eldest brother is in school and works after school in order to afford school expenses and to help us as long as he can. My sister and I had to work also."

I asked her about what she does and she got very astonished for the question and said, "There is no work for illiterate girls but serving in the rich houses. I could find the work through a broker in the area I live in. He found me work and I have to give him my payment for a whole month." I asked her about the way the employer treats her and she answered, "Like any employer, the people in the house treat us as if we are not humans. They always want us to clean the bathrooms and want us to wear bad clothes all the time because they are afraid that their sons will look at us. I have to clean their shoes sometimes. When a lady asked me to give her the shoes, I felt humiliation and decided to leave the work but I had to forget about dignity and come back to work for food. Sometimes I do some jobs to the sons."

She also talked about work hours and said, “This is disgusting. I go to work at 8 o’clock and stay till all the work they want is done. I usually come back at 4 PM and sometimes I keep working till 8 PM.

**Name: Nada Ali**

Age: 15

Home: a department of two rooms

Supporter: the father (dead), the mother (married and works as a hot tea seller)

Brothers and sisters: 4 (brothers and sisters from the mother)

She was very beautiful child, and very sad for her age. Sadness was very apparent in her eyes. She talked about herself saying, “I work to afford for my living and I work only for that reason. Nobody would support me even my mother. My mother also has got a family to support and life is hard for her. So, I had to work and support my self and I am not too young for that, as you would say. My mother found me work as a servant in the house of a rich butcher. I do every thing there. I do the cleaning, washing the dishes, washing the clothes and I cook. I also clean the blood in the butchery store and buy things both for the house and the store. In addition, the wife of the butcher was jealous because of the looks of her husband to me. In the meanwhile, a thirty-five years old man proposed to me. He was married and I thought that he is not suitable for me at all but I decided to marry him in order to get rid of the torture I feel in my work. The marriage continued only for one week and I decided that the work was much more merciful than living with my husband. I never thought that marriage would mean this cruelty and hell.

When I asked her about the reason for all that happened to her she said, “My mother is the reason. She knows nothing about me and does not care to know anything about me. Her husband does not feel that he is responsible for me in anyway. Poverty too pushed me to that position.” I asked one of Nada’s neighbours about Nada and her situation and the neighbour said, “Her behaviour is suspicious. She has got many boyfriends and people always talk about her.”

**2.2.4. Phenomenon reasons**

Children represent a big segment of the total Egyptian population. The number of children aged between 0 and 18 years is about 24.6 million that is nearly 45.28% of total population. Despite this there is no integrated and clear social policy for children. Current social programs and policies are directed to the children of urban territories, whereas children of the countryside are largely ignored. This as previously noted has pushed large numbers of people to migrate to urban territories, especially Cairo, and caused an increase in vagrancy in these territories.

Shrinking resources for social sector programs have added to these pressures adversely affecting children and increasing the number of children that are forced to work on the streets or in unprotected work places to survive. Surveys point out that the proportion of working children aged between 6-15 years is exponentially increasing. Most of these children belong to labourer’s families and other families with poor standards of living such as those in the countryside in narrow farmlands, where over population, few opportunities of work, and severe poverty are pushing children to escape to urban territories to look for any work that helps them survive.

## **2.3 Legal framework of child abuse in Egypt**

Many legislations in the Egyptian penalty law and children's law are issued in order to state punishments for child abuse and especially sexual abuse.

In this section, we will be trying to get to know the ideology of the Egyptian legislator in dealing with such crimes, especially the crimes of raping, sexual violation of children, and exposing children to danger. The Egyptian legislator assigned proper punishments for such crimes and LCHR hopes that some of the paragraphs have to be reformed in order to reach the highest protection for children. We are deeply convinced that solely reforming the laws will not be enough for putting an end for such crimes but we hope that it will be of any assistance.

### ***2.3.1 The rape offence***

Rape is defined in Egyptian law as 'natural sexual intercourse between a man and a woman in case the woman is unwilling. The punishment is hard work for a limited period or for life. More severe penalties are provided for if the perpetrator is a relative of, or in charge of the victim or otherwise has authority over the victim.

LCHR wants to draw attention to two points of weakness in that law. The legislator states an equal punishment for rape of an adult woman or that of a child. This is strange because the criminal in the second case is of course more dangerous.

In addition, the legislator states that the sexual intercourse is considered a crime in case it has been done with an unwilling woman.

In the meanwhile, the law states the age of mental recognition as 7 years. Based on the previous rule, it is not a rape crime if a child of more than 7 years consented to the act. The effect is that the age limit for rape, the age under which it is a criminal offence to have sexual intercourse regardless of consent is as low as 7 years. Other cases may fall under the less serious offence of unforced sexual violation for which the penalty is imprisonment for a maximum of 3 years depending on the circumstances in the case.

Our question is: how can we consider the acceptance of an 8 years old child for example as an action made by a person who is responsible for his deeds?

LCHR demands a reformation of that law in these two points.

First: the rape of a young girl should be given a punishment that is more severe than that of raping an adult woman.

Second: the sexual intercourse should be considered a rape crime as long as it is done with a girl who is less than 18 years old.

### ***2.3.2 The sexual violation offence***

Our law of punishment states a sentence of hard work for 3 to 7 years for the offence of sexual violation using force or threat. The maximum punishment is applicable when the victim is younger than 16 years (paragraph 268). The offence applies to acts against children of both sexes under 18 years of age.

The sexual violation offence is less serious than the rape offence. It is defined as an act that is harmful to the body of the victim and deeply affects his/her life. (Paragraph no. 269)

If no force was used and the victim consents to the act, the punishment is reduced to imprisonment. If the victim is younger than 7 years, the punishment is hard work for a limited period.

First: When analysing the previous texts, we should wonder why the sentence is increased for the convicted to the maximum punishment in case the victim is less than 16 years.

Second: The legislator provides for a less severe imprisonment of between 24 hours and 3 years if the victim consented and is younger than 18 years. The only explanation for that solution is that legislator considers the victim between 7 and 16 years old as mentally and psychologically mature. This is not correct and consent should be irrelevant in judging the criminal liability for sexual crimes against children this young.

### ***2.3.3 Exposing children to danger***

The Egyptian legislator protects children younger than 7 years from being exposed to danger and leaving him/her in an uninhabited place. The punishment for the offence is a maximum of 6 months imprisonment if the act caused any harm to the child (paragraph 286).

In a comparison between that text and texts in legislations of other countries, many points can be noticed:

First:

The legislation does not provide proper protection for children between 7 to 18 years. This is in spite of the new juvenile law that considers the age of 18 years an age of a juvenile. The legislator fails to recognise that children older than 7 years also are in need of protection from abandonment by their care-giver.

Second:

The law sentences the criminal to the punishment assigned to the crime of injuring or killing on purpose in case the child was injured or killed. This is acceptable in the case of exposing the child to a danger that leads to his death as the criminal is sentenced to the maximum punishment. But as for the second case it is not acceptable to give someone convicted in injuring a child the same treatment given to the convicted in injuring a mature victim. The child is much weaker and less experienced in life and that should be kept in mind when punishing the criminal.

Third:

The law sentences the criminal to the same punishment whether it is a foreigner, a relative, or in charge of the child. The Egyptian legislator should have given more attention to that point and assigned a more strict punishment if the convicted had been legally or actually in charge of the child.

Finally, we hope that these unacceptable gaps in the laws related to the three crimes of rape, sexual violation, and exposing children to death will be covered. The Egyptian legislator ought to give more attention to child victims younger than 18 years, instead of focusing on juvenile offenders younger than 18 years.

## 2.4 The juvenile system in Egypt, punishment, protection and rehabilitation of children<sup>9</sup>

Egyptian legislation provides two different types of actions for juvenile delinquents under 18 years of age. These two are corrective measures and criminal punishment.

Children under 15 years of age convicted of a criminal offence are subject to corrective measures. Children between 15 and 18 years of age are subject to regular criminal punishment although with reduced sentences.

### 2.4.1 Corrective measures

Children less than 15 years old are subject to the following measures if convicted of a criminal offence (Paragraph no. 101 in child law no. 12 of 1996 and paragraph no. 7 in juveniles' law no. 31 of 1974)

*Warning:* The court establishes that the child has committed a crime and warns the child not to do it again. This measure is rarely used and was not used at all in the 450 cases that were traced by the Legal Aid Centre”

*Returned to care of the parents or guardian:* According to the treatment, the child is returned to the parents or the person in charge of the child. If these persons are not able to handle a proper raising of children, the court hands the child to a trusted person, a trusted family or a person who committed himself to raise the child.

This treatment is the most common in Egyptian courts in juvenile cases. In fact it is routine. A court session is held and at the end the folks or relatives of the child sign the papers to take responsibility of the child. There is no requirement that the child receives treatment.

*Professional training:* The court assigns the child to a specialised centre, a factory, a supermarket, or a farmland that trains the child in case this workplace accepts. The court does not put a specified period for that treatment but that period should not exceed three years<sup>10</sup>.

This measure is never used by courts. Practically, it is not applicable, although it is very important<sup>11</sup>. The reason for that it is not used may be a difficulty in finding suitable work places that accept children.

*Assigning restrictions or obligations:* This measure is never used by courts.<sup>12</sup> The child may be subject to restrictions on places to visit or mandated to report to the authorities or to attend ethical classes. The Minister of Social Affairs decides the length period with the minimum of six months and the maximum of three years.<sup>13</sup>

*Released under probation:* The child is released under probation for a certain period. In case the child fails to fulfil the probation period, the court revisits the case and decides on an alternative measure.<sup>14</sup> The period may not exceed three years.

*Placement in a social care organisation:* The organisations must comply with regulations from the Ministry of Social Affairs and have a license. If the child suffers a malady, he/she is

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<sup>9</sup> Juveniles in Egypt, care or creation of criminals [the legal aid centre for human rights] March 1997

<sup>14</sup> Ibid

placed in a suitable institute. The court does not specify a period and the maximum is ten years for felony and five years for misdemeanour.

*Placement in a specialised hospital:* The child is placed in a specialised hospital in case of injury or disease in order to receive the proper treatment. The court supervises the child's treatment and doctors' reports on a periodical basis. Each period should not exceed one year.

#### **2.4.2 Criminal punishment**

Criminal punishment for juvenile delinquents includes procedures for reduced sentencing, correctional facilities and protection from physical violence.

#### **2.4.3 Sentencing for juvenile offenders**

Paragraphs no. 111 and 112 in child law no. 12 of 1996 deals with the sentencing of juvenile offenders between 15 and 18 years of age. They are subject to imprisonment for certain periods depending on the severity of the offence they are convicted of as follows:

- The sentence is reduced to a minimum of 10 years imprisonment for offences that carry a sentence of capital punishment.
- The sentence is reduced to a minimum of 7 years imprisonment for offences that carry a sentence of hard labour for life.
- The sentence is reduced to a minimum of 3 years imprisonment for offences that carry a sentence of hard labour.
- The sentence is reduced to a minimum of 3 months imprisonment for offences that carry a sentence of imprisonment.

As can be seen from the above, juvenile offenders in Egypt are subject to severe penalties even after the reduction of sentences. The court may also place the child in a social care organisation instead of in prison.

#### **2.4.4 Protection from physical violence**

Paragraph no. 139 in the Child Law states that convicted children younger than 18 years old should not be exposed to physical violence when serving their sentence. The paragraph did not exist in the previous juveniles' law which led to the wrong practice during the serving of sentences.

#### **2.4.5 Juvenile prison facilities**

The legislator prohibits the imprisonment of juveniles in the same facilities as where adults are imprisoned in order to avoid the dangers of contacts between juveniles and adult criminals. Juveniles are imprisoned in special correctional facilities organised under the supervision of the Ministry of Social Affairs and Ministry of Interior, such as the facilities in El-Marg and Ain Shams.

Paragraph no. 141 of child law states that if the convicted reaches the age of 21, he spends the rest of the sentence period in prison. He/she may spend the rest of the period in the juvenile facilities if the remaining time to serve is less than six months and the juvenile offender is not deemed to be dangerous.

#### **2.4.6 Conditional release**

There are no texts that organise the issue of conditioned release either in children's law or in juveniles' law. Accordingly, juveniles follow the rules applied on adults such as the rule

stated in paragraph no. 52 in law of prisons, which states that the convicted may be released after serving three quarters of the sentence for sentences longer than nine months.

### **3. RESEARCH ON CSEC IN EGYPT**

#### **3.1 Subject**

The widespread incidence of sexual exploitation throughout the world has been recognized in two major world congresses held first in 1986 and later in 2001 in Yokohama Japan. In Egypt this issue remains taboo and it is difficult to know the real size of the problem and its reasons as these are intentionally dimmed. , There are no numbers or reliable data on the sexual exploitation of children in the country. Yet we are aware that sexual abuse of children is a phenomenon in Egypt, on the basis of what we see around us. Although children are suffering this inhuman treatment and brutal violation, the subject is not to be spoken about in our context.

LCHR and Association for Child Protection, which plays a great role in protecting children from abuse joined together on this report with the hope that they could contribute to raise awareness on the issue and stop child abuse and exploitation in Egypt and the world.

#### **3.2 Key Questions**

What is the extent of the problem of sexual exploitation of children in Egypt? Why all the silence about a dangerous problem that is about to explode? How does the problem manifest itself?

#### **3.3 The goal**

A study that provides a situational analysis of sexual exploitation of children in Egypt.

#### **3.4 Methodology**

Two levels of analysis were used. First, the study analysed a collection of recent studies and references, which are mentioned in this study.

Secondly, random samples were chosen for field studies. These studies were exploratory and qualitative in nature.

#### **3.5 Collection of information**

Information was acquired through interviews with cases, which were documented and analysed. The number of cases was few as individuals involved were very afraid of being discovered and very keen to hide the truth. This is the reason that pushed the researchers to include cases mentioned in newspapers and police files.

The analysis of the phenomenon of sexual exploitation of children, which is included in the report, contains two implications:

The first implication is that most of the phenomenon is random and the regulated activities are infant and hidden because they are illegal even for adults. Therefore, researchers studied prostitution as a haphazard irregular activity. Exploitation of children was studied as the weak part in prostitution. There was more concentration on early marriage as a regular legal sexual

exploitation of children. Domestic child labourers are also considered as an area connected to sexual exploitation due to the overall vulnerability of the children.

The second implication is related to the experiences the researchers could gain during their fieldwork in the area of sexual exploitation. Accumulation of experiences was not enough to prepare a better report about the phenomenon. So, the report is considered as a preliminary one and for further development.

### **3.6 References**

The most important sources for the study were the field visits, interviews, police information, newspapers, and some previous studies. As the topic of the study is uncommon, there are few studies that could be cited thus there is a poor bibliographic reference. However there is an analysis of Egyptian legislation in relation to its effectiveness in combating CSEC in all its forms.

A questionnaire was used for the collection. It was used to gather information during case documentation.

## 4. CONCLUSIONS AND RECOMMENDATIONS

### 4.1 Results concluded by the researchers

1. The existence of the phenomenon of early marriage in society as a form of sexual exploitation of children.
2. There is no legal aid provided to the child domestic labourers. They have no right to proper payment, vacations and health and social insurance.
3. There are no integrated social organisations that are qualified to rehabilitate children, who are vulnerable and or victims of exploitation and abuse, especially the danger of sexual exploitation.
4. There is no financial or social aid provided for poor families in order to assist them and protect them and their children from exploitation.
5. There is no accurate mechanism for inspecting workplaces in order to discover any illegal child labour.
6. There are no units or offices in ministries such as the ministry of health, labour, social insurance and education that can receive sexually exploited children and rehabilitate them.
7. The role that is played by media in raising the awareness of protection of children is very limited.

### 4.2 Recommendations

The following recommendations are suggested in the body of the report and are summarized here in order to provide a framework for protection of children in Egypt as they are the future and hope of our country.

1. A national campaign to raise awareness on the need to prevent and protect children from abuse and exploitation of children including sexual exploitation is needed.
2. Stating severe punishments for parents or any others who participates in the marriage of a child or juvenile.
3. Providing legal protection for the child domestic workers through adding paragraphs to the unified labour law in order to protect their right to payment, vacations, health care, and social insurance.
4. Building villages to shelter street children, provide them social and health care, and train them for a future work.
5. Financially supporting poor families in the country, and providing them social insurance to prevent them from using their children for economic gain and pushing them to work.
6. Activating the laws related to supervision and inspection of work places in order to improve work conditions.
7. Establishing medical and psychological units for rehabilitating sexually abused children and protecting them.
8. Reforming legislative framework for better protection of children
9. Law enforcement procedures that assist and protect children in conflict with the law

Finally, LCHR puts forward these initial recommendations with a sincere will of participating in decreasing the violations that our children suffer. We also hope that all officials in our

country will reconsider the policies related to protecting our children who are ‘half the present and all the future’.

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