



Standard Operating Procedures for the Protection and Assistance of Child Asylum-Seekers, Refugees and Victims of Migrant Smuggling and Trafficking in Persons



The National Council for Childhood and Motherhood initiated the development of this Manual, as the national body responsible for the protection of children's rights, pursuant to the provision of Article 214 of the Constitution. Such step aims to create a national pathway for the case management of child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons, and to provide them with the necessary services. This is to ensure that they enjoy all their rights without discrimination and protect them from all forms of violence, abuse and exploitation. The Manual also aims to promote coordination between the national concerned entities and set the necessary controls for the engagement of international organizations and CSOs in this regard, in compliance with Article 80 of the Constitution and Article 3 of Law No. 82 of 2016 stipulating that NCCM shall be the legal guardian of unaccompanied children, and in accordance with the Childhood Strategic Framework and National Plan 2018-2030, as well as the Strategic Framework on Ending Violence against Children and the National Plan thereof.

NCCM has developed the Manual using a participatory approach with all the concerned national entities, in response to Egypt's obligations arising from the ratification of the relevant international conventions, including the Convention on the Rights of the Child and its optional protocols, the UN Convention Relating to the Status of Refugees, and UN Convention against Transnational Organized Crime. There is also an urgent need on all the national, regional and international levels to focus on this group of children (known as "children in motion"), in light of the changes, disputes, and the displacement and asylum processes taking place in some countries in the area. NCCM has started the process of developing the manual since mid-2018.

Accordingly, NCCM expresses its deepest appreciation to the representatives of all the concerned national entities that took part in the development of this Manual, and to UNICEF Egypt for offering the necessary support for its production.

Dr. Azza El-Ashmawy

NCCM Secretary General

January 2020



UNICEF is very pleased to note the commitment of the Government of Egypt through the on going work of the National Council for Childhood and Motherhood (NCCM) and partners to ensure that the rights of every child on the Egyptian soil, irrespective of his or her nationality, are protected. The adoption of the Standard Operating Procedures (SOP) for the Protection and Assistance of Child Asylum Seekers, Refugees, and Victims of Migrant Smuggling and Trafficking in Persons is a demonstration of that commitment.

The SOP, to be used in conjunction with the National Standard Operating Procedures on Case Management for Children at Risk, is a national framework that aims to create a pathway for the case management of child asylum-seekers, refugees and victims of migrant smuggling and trafficking, and to provide them with the necessary services. We are happy to have been a partner to this process along with other national and international actors.

By adopting this document, the Government of Egypt is moving closer towards the implementation of an inclusive protection framework which addresses migrant and refugee children as well as all victims of trafficking whether Egyptian or Non-Egyptian.

I would like to congratulate Dr Azza El Ashmawy, the Secretary General of the National Council for Childhood and Motherhood, for her tireless leadership to bring together all the relevant national institutions to develop this tool and to ensure its adoption at the national level. We look forward to working with NCCM to promote the implementation of the SOP.

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. To that end, UNICEF in Egypt has been supporting strengthening national child protection mechanisms to reduce the risks associated with irregular migration, including children moving to, through and from Egypt.

We wish that this tool ignites action on the ground and the rights of every child, especially of children on the move, is protected.

Mr. Bruno Maes

UNICEF Representative in Egypt

January 2020

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In recent years, there has been a pressing need for the concerned entities on the national, regional and international levels to place greater emphasis on child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons who are defined in this working paper as: “Child refugees, asylum-seekers, victims of trafficking, smuggled migrants and other unaccompanied children at risk”.

It should be noted that there is an urgent need to define “child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons”, whose numbers have increased since the Arab Spring revolutions and wars in 2011. Libya is the main departure point of illegal migration flows to Italy, which increased the migration and displacement to flee from the war, struggles and their repercussions. These adverse impacts are more seriously reflected on children, who face many risks that pose dangers to their lives and severely affect their security, well-being, physical integrity and future.

Egypt is obliged to secure the rights of child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons, pursuant to many international conventions and treaties including: United Nations Convention Relating to the Status of Refugees and United Nations Convention against Transnational Organized Crime (2000). Added to this the recommendations issued by the Committee on the Rights of the Child¹ for Egypt, according to the combined third and fourth periodic report submitted by Egypt in December 2008 and discussed in June 2011. The concluding observations recommended the elimination of all forms of discrimination against unaccompanied and separated child migrants and refugees, with respect to their rights and the formal services offered by the state, particularly their right to education. Recommendation 35 of the Final Report stresses the state’s obligation that all the children in its territories shall have equal rights pursuant to the Convention without discrimination for whatever reason. It also asserted that all children, despite their nationality, gender, and social and economic backgrounds, shall have access to primary education without discrimination, in accordance with Article 54 of the Child Law No. 12 of 1996 amended by Law No. 126 of 2008. In this regard, Ministerial Decree No. 284 of 2014 was issued on the Enrolment of Non-Egyptian Students in Public Schools, which stipulates in Article 6 the enrolment of Sudanese, Jordanian and Libyan students in public schools according to the same conditions as Egyptians (Attachment 1). Also, Yemeni students shall be accorded the same treatment as is accorded to Egyptians starting from the school year 2017/2018 as per the approval of the Minister of Education (Attachment 2). It is worth to mention that since 1992 the Minister of Education has agreed to exempt Libyan students from the tuition fees prescribed for non-Egyptian students in all educational stages in public schools and only pay the fees prescribed for Egyptian students (Attachment 3). The Minister also agreed on 17/5/2000 to apply the same to Sudanese students (Attachment 4).

Considering Egypt’s national, regional and international obligations towards children in general and child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons

¹ The concluding recommendations of the Committee on the Rights of the Child, Egypt, June 2011

in particular, the National Council for Childhood and Motherhood (NCCM), as the national entity responsible for the protection of children's rights pursuant to Article 214 of the Constitution, undertook coordination to ensure creating a national pathway to manage the cases of these children and prepare a Standard Operating Procedure on case management of "child asylum-seekers, refugees, and victims of migrant smuggling and trafficking in persons" in Egypt. To this end, a Standard Operating Procedures (SOPs) for the assistance and protection of these children shall be developed to highlight the national pathway; in order to strengthen coordination between the relevant state concerned entities, and set the necessary controls for the work of international organizations that provide assistance and protection to child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons, due to their special legal and objective situation. It is also necessary to set controls on how to deal with these children and coordinate among the concerned entities, so that the children would have access to all the services offered in the country. This shall be in compliance with Article 80 of the Constitution, which obliges all the state bodies to achieve the best interest of children and provide whatever is needed for their proper upbringing, and in consideration of the Strategic Framework and National Plan for Childhood and Motherhood 2018-2030 and National Strategy and Action Plan issued by the National Coordinating Committee for Preventing and Combating Illegal Migration and Human Trafficking (NCCPIM & TIP), which is responsible for coordinating all the national efforts with the concerned entities. This is shall be done in partnership with NCCM as the legal guardian of unaccompanied and separated children (UASC), as stipulated in Article 3 of Law No. 82 of 2016 on Combating Illegal Migration and the Smuggling of Migrants.

In order to give effect to the Strategic Plan and National Action Plan for the Protection and Assistance of "Child Asylum-Seekers, Refugees and Victims of Migrant Smuggling and Trafficking in Persons", the present handbook addresses the desired integrated protection system for all Egyptian and Non-Egyptian children, without discrimination, to help the concerned governmental and non-governmental bodies to set standard mechanisms for coordination, and collaborate nationally to manage the cases, protect the children and respond swiftly to the risks that might threaten them. This SOPs targets the concerned state bodies and international organizations working in Egypt.

It should be noted that this SOPs is supplementary to the National SOPs on Dealing with Children at Risk published by NCCM in February 2018.

The definitions set forth herein are only the definitions relevant to child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons. Vol. I of the “National Standard Operating Procedures on Dealing with Children at Risk” addresses all the definitions on protection, abuse and case management system. For more information, please refer to Vol. I.

Child	All individuals who have not reached the age of eighteen (18) complete calendar years, as verified by means of a birth certificate, an identification card, or any other official document. In the absence of an official document, an authorized entity shall determine the age, by virtue of a decree issued by a university hospital, public hospital or the Forensic Medicine Authority.
Child at risk	A child who is subject to any of the cases stipulated in Article 96 of the Child Law No. 12 of 1996 amended by Law No. 126 of 2008, including if the child’s safety, morals, health or life is at risk.
Child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons	Child asylum-seekers, refugees, victims of trafficking in persons and smuggled migrants, and other unaccompanied children at risk.
Child refugees and asylum-seekers	Children who fled their countries due to serious worries of persecution because of their sex, religion, nationality, affiliation to a certain group, or political opinions, and who managed to cross the borders of their countries to the Egyptian territories and cannot or do not want to return to their countries due to such worries, pursuant to the Convention of 1951 and Protocol of 1969 Relating to the Status of Refugees
Child victims of trafficking	Children who are trafficked by the perpetrators of the trafficking crime – whether by sale, purchase or promise to do so, transportation, harboring or any other means – for the purpose of exploitation in forced labor or service, prostitution, sexual exploitation or any other purpose.
Smuggled child migrants	Children who are the victims of the smuggling crime and who have been subject to the arrangement of illegal movement from one country to another in order to receive a material or moral benefit or any other purpose.

International Human Rights Law	The body of international treaties and established legal rules that govern States' obligations to respect, protect and fulfill human rights (Charter of the Human Rights 1945 and various conventions on human rights listed in the basic documents related to the Humanitarian Charter) ²
International Humanitarian Law	The law that regulates the relationships between countries, international organizations and others to which the International Law applies in times of armed conflicts. It stipulates rules that aim to protect the persons who do not engage or no longer engage in acts of hostility. The International Humanitarian Law has many sources, including the relevant treaties and instruments, like the Geneva Conventions of 1949 and their Additional Protocols, the UN Convention on the Rights of the Child, and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict 2000.
National referral mechanism	An efficient national system to facilitate communications between the parties engaged in combating trafficking in persons and law enforcement to strengthen the process of victim referral. The mechanism was updated by NCCPIM & TIP legal group, as per a proposal from NCCM. The Human Trafficking Combating Unit in NCCM is the national coordinator of the national referral mechanism.
The crime of migrant smuggling	Arranging for the transfer of one person or several persons in an illegal manner from one country to another, in order to directly or indirectly obtain material or moral gain or for any other purpose. ³
Children without parental care	Article 29 of the UN Guidelines for the Alternative Care of Children defines them as all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances. Children without parental care who are outside their country of habitual residence or victims of emergency situations may be designated as unaccompanied. ⁴

² As defined in the Minimum Standards for Child Protection in Humanitarian Action

³ The definition stipulated in Article 1 (3) of Law No. 82 of 2016 on Combating Illegal Migration and the Smuggling of Migrants

⁴ The definition stipulated in Article 29 (a) of the UN Guidelines for the Alternative Care of Children.

<p>Unaccompanied and separated children</p>	<p>Unaccompanied: if they are not cared for by another relative or an adult who by law or custom is responsible for doing so;⁵ Separated: if they are separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative;⁶ (b) Alternative care may take one of the following forms: The principle of family unity stipulates that all children have the right to form a family, and all families have the right to look after their children. Separated children shall have access to the services that aim to reunite them with their parents, legal or customary caregivers as soon as possible.</p>
<p>Child exploitation</p>	<p>According to the Convention on the Rights of the Child 1989 and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor 1999, child exploitation includes: Economic exploitation (any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development); Sexual exploitation (sexual abuse, prostitution, child's pornography); Abduction of, sale of, trafficking in children or any other forms of child exploitation.⁷</p>
<p>Refugee</p>	<p>Any person, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.⁸</p>

5 Ibid.

6 Ibid.

7 Glossary on Migration – 2nd Edition Issue No. 32 – IOM.

8 The definition stipulated in Article 2 of the Convention Relating to the Status of Refugees 1951.

Asylum-seekers	The people who flee their countries of origin to go to another country and apply for asylum – claiming their right to international protection. They shall wait for the process of refugee status determination, and finding out whether they are refugees or not pursuant to 1951 Convention. Asylum-seekers shall have the same rights and duties like refugees awaiting the refugee status determination.
State of origin	The state of which the person concerned is a national. ⁹
Country of transit	The country through which migratory flows (regular or irregular) move. ¹⁰
Country of destination	The country that is a destination for migratory flows (regular or irregular). ¹¹
Principle of the best interest of the child	The child's right to prioritize their own interests, particularly their right to protection, including their right to live and survive, and prevention of all forms of hardship, abuse, or neglect, and their right to harmonious development, including a standard of living adequate for physical, mental, spiritual, moral and social growth. In the case of a child who has been traumatized, every step should be taken to enable the child to enjoy healthy development
Voluntary return	The assisted or independent return to the country of origin, transit or another third country based on the free will of the returnee. ¹²
Reintegration	Re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his or her country of origin or habitual residence. ¹³
Family reunification/reunion	Process whereby family members separated through forced or voluntary migration regroup in a country other than the one of their origin. ¹⁴

⁹ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990.

¹⁰ Glossary on Migration – 2nd Edition Issue No. 32 – IOM.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

Alternative care	It may be formal or informal, including kinship care, foster care, other forms of family or family-based care, residential care, and supported independent living options. ¹⁵
Psychosocial support	The processes and acts that strengthen the inclusive well-being of individuals in their social world. It includes support offered by family, friends and the wider local community. Examples of the family or community-based support during crises include the efforts to reunite the separated children and grant access to education in case of emergencies. ¹⁶
Formal care	All care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures. ¹⁷
Informal care	Any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body. ¹⁸

¹⁵ Minimum Standards for Child Protection in Humanitarian Action.

¹⁶ Ibid

¹⁷ The definition stipulated in Article 29 (b) of the UN Guidelines for the Alternative Care of Children.

¹⁸ Ibid

Chapter I: The international and national legal framework regulating the mechanisms for the protection and assistance of child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons

- The state has taken many steps on the national, regional and international levels with the aim of strengthening the mechanisms for the protection of the child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons, particularly in parallel with the current trends of the political leadership to place this cause at the top of the national agenda. This comes in response to the political changes taking place in the Middle East and Africa region, and the consequent state of emergency that led to the children's exposure to further risks that require humanitarian assistance.
- It should be noted that Egypt's obligations under the conventions, charters and international covenants ratified, are an inseparable part of the laws and legislation enforced in Egypt, pursuant to the provisions of the Constitution. The state shall enact a number of national laws to enforce the provisions stipulated in the ratified documents.
- As part of meeting Egypt's obligations under the Convention on Transnational Organized Crime and the Supplementary Protocols, the legislator issued Law No. 64 of 2010 Regarding Combating Trafficking in Persons and Law No. 82 of 2016 on Combating Illegal Migration and the Smuggling of Migrants, which laid the legal basis regulating the combat of trafficking in persons and illegal migration and the national framework for the assistance and protection of victims. Within the context of applying the legislator's legislative philosophy reflected in the provisions of the aforesaid laws and in order to provide maximum protection, it is worth to mention that the child victims – as well as child refugees and asylum-seekers – are considered children at risk pursuant to Article 96 of the Child Law No. 12 of 1996. Accordingly, they shall be eligible for the protection and assistance prescribed therein and in the Law Regarding Combating Trafficking in Persons and Law on Combating Illegal Migration and the Smuggling of Migrants. Article 96 of the Child Law lists the cases where the child is considered at risk, including if the child's safety, morals, health or life is at risk, which is a broad case through which the legislator covers the child refugees, asylum-seekers, victims of trafficking in persons and smuggled migrants.

First: Child Refugees and Asylum-Seekers

- Egypt's accession to the Convention on the Rights of the Child and its optional protocols – which is an international binding convention on the rights of the child, adopted by the UN General Assembly and presented for signing, ratification, and accession thereto under Resolution No. 44/25 in November 1989, and which became effective in September 1990, and acceded by Egypt under Republican Decree No. 260 of 1990 published in the Official Gazette (No. 7, 14 May 1991) – led to its compliance with all the provisions and standards on protecting and securing the rights of children in general, and the rights of child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons in particular. Article 10 of the Convention stipulates that the

State Parties shall provide assistance to UASC and reunite the families in a positive, humane and expeditious manner to enter or leave a state Party. Article 11 provides that the State Parties shall take measures to combat the illicit transfer and non-return of children abroad. Article 22 stipulates that the State Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with the applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance. Article 35 stipulates that the States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

- In order to enhance the implementation of the Convention on the Rights of the Child and the relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so, the UN General Assembly issued the Guidelines for the Alternative Care of Children according to the report of the Third Committee by virtue of Resolution No 64/142 of 2009, which paid special attention to separated children due to emergencies and armed conflicts, as well as the child victims of trafficking in persons. The Guidelines identified the most suitable forms of alternative care and its provision under conditions that promote the child's full and harmonious development, and how to help and encourage the governments to better assume their responsibilities and meet their obligations towards the children deprived of family care. The Guidelines stipulate a special importance to protect the children deprived of family care outside their countries. Article 139 stipulates that the Guidelines for the Alternative Care of Children, as well as other relevant international provisions, should apply to all public and private entities and all persons involved in arrangements for a child needing care while in a country other than his/her country of habitual residence, for whatever reason. Also, Article 140 stipulates that unaccompanied or separated children already abroad should, in principle, enjoy the same level of protection and care as national children in the country concerned. The Guidelines identified the criteria through which the possibility of returning the children to their country of residence can be assessed according to the principle of the best interest of the child, as well as the principles of family reunion.
- Egypt signed the Convention Relating to the Status of Refugees, pursuant to Law No. 121 of 1951 enacted on 8 August 1951 and published in the Official Gazette No. 73 on 22 September 1955. The Convention defines a refugee and the legal protection prescribed thereto, as well as the social aids and rights that should be provided by the state parties and signatories to the document. Egypt also acceded the 1967 Protocol Relating to the Status of Refugees supplementing the Convention, which only covers the individuals who became refugees as a result of events occurring before 1 January 1951 and does not take into account the new refugee cases that occurred since its adoption. Therefore, the 1967 Protocol was developed to include all the refugees upon which the definition set forth in the Convention applies, without restriction to events occurring before 1 January 1951. Egypt acceded the 1967 Protocol pursuant to Republican Decree No. 333 of 1980 published in the Official Gazette No. 45 on 5 November 1981.

- Egypt also acceded the Arab Convention against Transnational Organized Crime pursuant to Republican Decree No. 277 of 2014, subject to ratification.
- Despite Egypt's reservation to a number of articles in the Convention Relating to the Status of Refugees, regarding the same treatment as that accorded to nationals with respect to general relief, social security, education and labor legislation, the Egyptian Government granted the child refugees and asylum-seekers from the Sudan, Syria, Jordan, Yemen and Libya, by virtue of ministerial decrees, the right to enroll in public schools on equal terms with Egyptian children.
- The Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa 1960 defined the refugee as "every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality".

Second: Child Victims of Trafficking in Persons

- Article 89 of Egypt's Constitution stipulates that All forms of slavery, oppression, forced exploitation of human beings, sex trade, and other forms of human trafficking are prohibited and criminalized by Law.
- Egypt signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol 2000), which is one of the most important UN documents supplementing the Convention. The Protocol aims to support cooperation between governments to combat trafficking in persons and call for passing national legislation to eliminate such crime. The Protocol includes the definitions related to trafficking, how to protect the victims, and cooperation and coordination between governments. Egypt ratified the Protocol pursuant to Republican Decree No. 295 of 2003.
- Egypt acceded the Arab Convention against Transnational Organized Crime pursuant to Presidential Decree No. 227 of 2014. This Convention is one of the important Arab conventions on combating transnational organized crime. It was signed in Cairo on 21/12/2010.
- Egypt ratified Worst Forms of Child Labor Convention (No. 182) in 2002, which identifies the worst forms of child labor and highlights the states' obligation to address the issue of eliminating such forms expeditiously.
- The worst forms of child labor comprise: the sale and trafficking of children, recruitment of children for use in armed conflict, the use of a child for illicit activities, prostitution or the production of pornography, or any work which is likely to harm the health, safety or morals of children.

Article 291 of Egypt's Penal Code is the first provision in the Egyptian Laws that defines the crime of trafficking and selling children or their organs, and the prescribed penalties. The Penal Code also stipulates the rights of the victims, even if the crime is committed abroad, as an assurance for providing full protection to the victims as one of the state duties.

Law No. 64 of 2010 Regarding Combating Trafficking in Persons and the Executive Regulations thereof
This Law was enacted in accordance with the guidelines set forth in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol), in addition to other international and regional conventions which Egypt is party to. The Law aims to establish a national referral mechanism that brings together all the concerned bodies and be responsible for receiving complaints from the victims, including children, providing them with protection and ensuring their safety. The Law was issued by the National Coordinating Committee for Combating Trafficking in Individuals (currently NCCPIM & TIP), which played a pivotal role in issuing the law. An accurate and detailed definition for the crime of trafficking in persons is stipulated in the Law, so that it would not be confused with other crimes. The Law promotes the protection of child victims by providing that “a person who commits the crime of human trafficking shall be considered one who deals in any manner in a natural person, including: the sale, offer for sale, purchase, or promise thereof; or the use, transport, delivery, harboring, reception, or receipt, whether within the country or across its national borders; if this occurred through the use of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another having control over him; or if the purpose of the transaction was exploitation in any of its forms, including: exploitation of acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, forced labor or services, slavery or practices similar to slavery or servitude, or begging or removal of human organs, tissues or a part thereof”.¹⁹

Article 3 of the abovementioned Law and the Executive Regulations thereof defines the victim as a natural person who suffered any material or moral harm, in particular bodily, psychological or mental harm; or economic loss.

In Law No. 64 of 2010, the Egyptian legislator was keen to give effect to the goals of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, which ensures special protection for the vulnerable groups of women and children.

In Article 2, the Law addresses the mental element of the crime and identifies its forms that include child exploitation in pornography, forced labor or service, slavery or practices similar to slavery or servitude, begging, or removal of human organs, tissues or parts thereof.

The first paragraph of Article 3 of the same Law stipulates that the consent of the victim to exploitation in any of the forms of human trafficking shall be irrelevant if any of the means stipulated in Article (2) of this law have been used. Also, the consent of the child or the consent of the person responsible for him or his guardian shall be irrelevant.

The legislator provided for a stronger penalty for the crime of trafficking in persons, including life imprisonment and a fine of at least EGP 100,000 and up to EGP 500,000, if the victim is a child.

¹⁹ The definition as stipulated in Article 2 of the Law No. 64 of 2010 Regarding Combating Trafficking in Persons.

Third: Smuggled Child Migrants

Article 62 of Egypt's Constitution provides that the freedom of movement, residence and emigration shall be guaranteed. No citizen may be expelled from the State territory or prevented from returning thereto. No citizen may be prevented from leaving the State territory, placed under house arrest or prevented from residing in a certain place except by a reasoned judicial order for a specified period of time and in the cases as defined by the Law.

Law No. 82 of 2016 on Combating Illegal Migration and the Smuggling of Migrants and the Executive Regulations thereof:

As part of combating illegal migration and protecting unaccompanied children, and pursuant to Egypt's signing of the UN Protocol against the Smuggling of Migrants by Land, Air and Sea, the legislator issued Law No. 82 of 2016 that defines illegal migration, crime of migrant smuggling and the protection of unaccompanied children. The Law also stipulates that the NCCPIM & TIP shall be established. Article 3 thereof explicitly provides that NCCM shall be the legal representative of unaccompanied children, whose families or legal representatives cannot be identified. The Law also secures additional protection for unaccompanied children by strengthening penalties for perpetrators, up to rigorous imprisonment and a fine of at least EGP 200,000 and up to EGP 500,000, if the illegal migrant is a child (pursuant to Article 6 of Law No. 82 of 2016). Article 2 of the Law stipulates that the smuggled migrant shall not bear any criminal or civil liability for the crimes of smuggling of migrants provided for in this Law.

Article 6 stipulates that "the penalty of imprisonment and a fine of no less than fifty thousand pounds and no more two hundred thousand pounds, or a fine equivalent to the achieved profits, whichever is greater, shall befall each person who commits, attempts or mediates in the crime of smuggling migrants. The penalty of aggravated imprisonment and a fine between two hundred thousand pounds and five hundred thousand pounds or a fine equal to the value of the achieved profit, whichever is greater, shall apply in any of the following cases:

1. If the criminal established, organized, or managed an organized criminal group for the purposes of smuggling migrants, or assumed command therein, or was a member thereof or joined it;
2. If the offence had a transnational character;
3. If the offence was committed by several criminals or by a person carrying a weapon;
4. If the criminal was a public official or assigned to a public service and committed the offence by abusing his position or the public service;
5. If the offence might threaten the life of the smuggled migrants or compromise their well-being or is considered inhumane or degrading treatment;
6. If the smuggled migrant was a woman, a child, an incompetent person or a person with a disability;
7. If a forged travel or identity document was used to commit the offence, or if a travel or identity document was used by someone other than its legal holder;
8. If a vessel was used to commit the offence in violation of its proper purpose or its defined routes;
9. If the criminal repeated the offence provided for in the first paragraph of this Article.

Also Article 7 stipulates that the penalty of life imprisonment and a fine no less than two hundred thousand Pounds and no more than five hundred thousand Pounds or a fine equal to the value of the achieved profit, whichever is greater, shall be applicable if any of the offences provided for in the first clause of the previous Article were committed under any of the following circumstances:

1. If the offence was committed by an organized criminal group;
2. If the offence was committed for a terrorist purpose according to the applicable laws in this regard;
3. If the offence resulted in the death of the smuggled migrant, a permanent disability or an incurable illness to him/her;
4. If the criminal used or threatened to use drugs, medications, weapons, force, or coercion in committing the offence;
5. If the number of the smuggled migrants is more than 20 persons or less provided that it includes women, children, incompetent persons or persons with disabilities;
6. If the criminal seized or destroyed the travel or identity documents of the smuggled migrant;
7. If the criminal used force or weapons to resist authorities;
8. If the criminal used children to commit the offence;
9. If the criminal repeated the offence in the aggravated circumstances provided for in the second paragraph of Article (6).

Law No. 89 of 1960 on the Residency and Entry of Foreigners to Egypt:

This Law is the national legislation responsible for identifying the legal rules and processes of entry to and exit from Egypt, as well as the conditions that allow the residence of foreigners in its territories, and the legal penalties imposed on foreigners' entry to its territories without a valid passport, stamped documents, or entry visa.

The Law stipulates the legal processes of entry to and exit from Egypt, and the provisions thereof provide that the state sovereignty allows it to have absolute power to decide and allow or ban foreigners from residing in its territories, all at the state's discretion on the basis of its territorial sovereignty. Moreover, the Law criminalizes²⁰ in Article 41 (1) foreigners' entry to the Egyptian territories without a valid passport, stamped documents or entry visa, or documents issued from organs other than those identified by the Minister of Interior. The Law imposes a penalty of imprisonment for at least 3 months and up to 6 months and a fine of at least EGP 50 and up to EGP 200, on every individual/person who illegally enters Egypt's territory. However, Article 3 of the Executive Regulations No. 983 of 2018 of Law No. 82 of 2016 on Combating Illegal Migration and the Smuggling of Migrants, stipulates that without prejudice to the criminal and civil liability in case of non-compliance with the provisions of Law No. 89 of 1960 referred to or any other law, the smuggled migrant may not assume any criminal or civil liability for the crimes of migrant smuggling set forth in the law.

²⁰ Guide to Evidence Collection, Investigation and Prosecution in Human Trafficking Crimes and Victim Protection in the context of law enforcement – IOM.

- Egypt signed the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), supplementing the Convention against Transnational Organized Crime, pursuant to Republican Decree No. 297 of 2004. The Protocol aims to support and coordinate collaboration between governments to combat the crime of migrant smuggling.

Fourth: Child at Risk

The Egyptian Government seeks to promote mechanisms for the protection of children at risk, including child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons on the national level. Article 80 of Egypt's Constitution 2014 stipulates that:

"Anyone under the age of 18 shall be considered a child. Each child shall have the right to a name, identity documents, free compulsory vaccination, health and family or alternative care, basic nutrition, safe shelter, religious education, and emotional and cognitive development. The State shall ensure the rights of children with disabilities, their rehabilitation and their integration in the society.

The State shall provide children with care and protection from all forms of violence, abuse, mistreatment and commercial and sexual exploitation.

Every child shall be entitled to acquire early education in a childhood center until the age of six. It is prohibited to employ children before the age of completing their preparatory education or in jobs which subject them to danger.

The State shall also develop a judicial system for children that have been victims and or are witnesses. Children may not be held criminally accountable or detained save as provided in the Law and for the period of time specified therein. In such a case, they shall be provided with legal assistance and detained in appropriate locations separate from those allocated for the detention of adults. The State shall endeavor to achieve the best interest of children in all measures taken against them". This provision shall apply to all children without discrimination.

Considering this international and constitutional obligation, and since its accession to the above-mentioned international conventions and protocols, the Egyptian Government took a number of steps and actions to promote child protection mechanisms and establish a number of bodies responsible for the enhancement of these mechanisms. Also, the Egyptian legislator issued many laws that protect the child in general, while a number of them provide protection for child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons, as follows:

Child Law No. 12 of 1996 amended by Law No. 126 of 2008

This is the first Egyptian law that addresses the rights of the child in an independent code. It adopts the methodology of the Convention of the Rights of the Child to secure and protect the rights of all children without discrimination. The provisions of the Law apply to all the children in Egypt's territory

and secure the same rights for non-Egyptian children as Egyptian ones. It aims to improve the legal protection for all children, particularly vulnerable children and children at risk, whether Egyptians or non-Egyptians.

The Law recognizes the right of each child to enjoy all the rights stipulated without discrimination, on the basis of age, sex, religion, race, disability, nationality or on any other status. This is emphasized in Article 3 (b) which stipulates the right of the child to be protected from all forms of discrimination, on the basis of birth place, sex, religion, race, disability, or on any other status, and ensure equal opportunities among children to benefit from all rights.

Also Article 3 (1) sets forth the right of the child to development, survival, to enjoy various preventive measures, and to be protected from all forms of violence, or injury, or abuse. The best interests of the child and his protection shall be a primary consideration in all decisions (please refer to Vol. I of the “Standard Operating Procedures on Dealing with Children at Risk” for more details on the Law of the Child regarding the protection of children against violence and abuse).

Fifth: Comparison between the abovementioned groups

- Vol. I of the National Standard Operating Procedures on Dealing with Children at Risk illustrates the national system for the protection of children at risk, and the laws and legislation that provide them with protection against violence and abuse. Vol. I addresses the protection and assistance offered to child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons. Despite the many mechanisms and processes of child protection against violence and abuse in force, since child protection is defined as “prevention and response to maltreatment, negligence, exploitation and violence against children”, all of them addresses child protection against violence and abuse only, not securing all the child’s rights.
- Nevertheless, the protection of the child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons, is often directly associated with or the indirect outcome of emergencies. This indicates a threat beyond the normal conditions, which requires urgent actions to respond immediately and avoid devastating impacts on children’s lives.
- Assistance and protection of child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons require immediate response to the primary protection needs, like immediate relief services, provision of immediate assistance like the arrangements of temporary care for UASC, rapid interventions to trace and reunion them with their families, psychosocial support to children and their families, and protection from the various types of violence and risks like crimes of exploitation, trafficking in or sale of persons, posting pornographic photos of children online or other forms of exploitation.

Sixth: National and international bodies concerned with the provision of support and assistance to child asylum-seekers, refugees, victims of migrant smuggling and trafficking in persons

The tasks and responsibilities of the concerned bodies referred to in this section include only child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons. Vol. I of the “National Standard Operating Procedures on Dealing with Children at Risk” identifies these tasks and responsibilities in general with respect to the protection of children against violence and abuse. For more details, please refer to Vol. I.

A. Governmental entities

Entity	Tasks and responsibilities
<p>The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIM & TIP)</p>	<p><u>NCCPIM & TIP shall be responsible for the national and international coordination of the policies, plans and programs set for combating and preventing trafficking in persons, illegal migration and migrant smuggling. In doing so, NCCPIM & TIP shall carry out the following in coordination with the concerned entities:</u></p> <ul style="list-style-type: none"> • Act as a focal point to advise the national authorities, entities and bodies • Provide forms of care and services to smuggled migrants and victims of trafficking in persons and protection of witnesses through NCCPIM & TIP member bodies, and propose the necessary procedures to assist them within the international standards and obligations that stem from bilateral or multilateral international conventions applicable in Egypt and pursuant to the enforced laws. • Set a national strategy for the prevention and combating of illegal migration and migrant smuggling and another strategy for trafficking in persons, as well as the necessary action plans to implement and follow up these strategies by the concerned entities. Submit proposals and recommendations in this regard to the Prime Minister. • Draft a unified vision for Egypt to be expressed in international and regional forums as per the Prime Minister’s approval, that reflects all the relevant legal, security and political dimensions. • Follow up Egypt’s fulfilment of its international obligations that stem from the provisions of the international conventions and protocols relevant to trafficking in persons, illegal migration and migrant smuggling.

Entity	Tasks and responsibilities
<p>The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NC-CPIM & TIP)</p>	<ul style="list-style-type: none"> • Propose the necessary legislative and executive measures and procedures and follow up the procedures taken to implement them. • Coordination with the concerned executive and judicial bodies represented in NCCPIM & TIP to complete the surveys received by Egypt regarding the legislative and executive measures and procedures taken to fulfill its international obligations arising out of its treaty ratification. • Review the relevant national legislation to achieve compliance with the international conventions ratified by Egypt and recommend the proposal of the necessary legislative amendments. • Develop the relevant policies and programs and the plans for awareness raising and capacity building, and conduct research and awareness media campaigns. • Encourage the efforts aimed at training and improving the standard of national cadres responsible for the enforcement of and ensuring respect for the relevant international conventions, and promote the national capacities through overcoming the obstacles that hinder the enforcement of the provisions thereof. • Develop training and capacity building programs for the staff of criminal justice management and other concerned law enforcement bodies and judicial arrest officers responsible for combating trafficking in persons, illegal migration and migrant smuggling, according to the national and local needs. The training and development should raise awareness of all the risks associated with this illegal activity and ensuring human rights. • Coordinate the awareness-raising and capacity building efforts, among individuals and the most vulnerable groups, in collaboration with governmental and non-governmental organizations and CSOs, pursuant to the laws and regulations applicable in this regard. • Create a central database in coordination with the national research centres and specialized national councils to collect and analyse the information, data and experiences on trafficking in persons, illegal migration and migrant smuggling according to the governing controls. • Enable collaboration with the UN, its concerned organs and other relevant international organizations to receive the available forms of support to help the Egyptian Government to combat the crimes of trafficking in persons, illegal migration and migrant smuggling, provide training to law enforcement staff and receive advisory services, all pursuant to the applicable laws and regulations. • Collaborate with counterpart bodies on the regional and international levels to share experiences and expertise, according to the rules set forth in the cooperation protocols signed with them.

Entity	Tasks and responsibilities
<p>The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIM & TIP)</p>	<ul style="list-style-type: none"> • Strengthen the mechanisms of international legal and judicial collaboration on all levels through the judicial bodies and other concerned national entities. This would be achieved by promoting the conclusion of bilateral and regional conventions, enforcing the provisions of multilateral international conventions relevant to utilizing the mechanisms of international cooperation stipulated and facilitating the procedures related to international synergies as prescribed in the conventions. • Coordinate with NCCM to set the necessary measures, controls and procedures for collaboration with unaccompanied and separated smuggled child migrants to identify their families or whoever represents them legally and finalize the procedures of returning them safely to their families. • Prepare an annual report on the national efforts to prevent and combat the crimes of trafficking in persons, illegal migration and migrant smuggling, to be presented to the Prime Minister.
<p>National Council for Childhood and Motherhood</p>	<p>NCCM is the entity responsible for setting and following up the implementation of the policies and interventions on enforcing the rights of child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons, and identifying the mechanisms of action and coordination between ministries and concerned bodies, pursuant to the provisions of Law No. 64 of 2010 and Law No. 82 of 2016. Article 3 of Law No. 82 of 2016 and Article 55 of the Executive Regulations No. 983 of 2016 provide that NCCM shall, in coordination with NCCPIM & TIP, set the measures, controls and procedures necessary to deal with unaccompanied migrant children and try to identify their families or whoever represents them, until returning them safely to their families. NCCM carries out the following processes:</p> <ul style="list-style-type: none"> • Register complaints and notices and create a file for each child. • Identify the children's families or their legal representatives • Issue resolutions for the immediate safe return of the children to their families and inform the Ministry of Interior (MoI) and Ministry of Foreign Affairs (MoFA) <p>In addition to coordination with NCCPIM & TIP to set the necessary measures, controls and procedures to deal with unaccompanied child smuggled migrants and victims of trafficking in persons.</p> <p><u>Child Helpline 16000</u></p> <p>One of NCCM legal mechanisms for communication and community monitoring of childhood problems and violations. Children and adults can file their complaints through the Child Helpline, to be processed so that the child is promptly rescued.</p>

Entity	Tasks and responsibilities
Committee for Childhood Protection	<p><u>General Committee for Childhood Protection</u></p> <p>Responsible for childhood affairs and drawing policies on the governorate level. The Committee shall handle the following tasks in particular:</p> <ol style="list-style-type: none"> 1. Issue resolutions on forming sub-committees for childhood protection and follow up their performance 2. Set and implement the general policy for childhood protection on the governorate level 3. Interfere to deal with the problems of children at risk that the sub-committees fail to solve
	<p><u>Sub-Committee for Childhood Protection</u></p> <p>An executive committee concerned with the childhood affairs on the level of districts and markazes. A sub-committee shall be responsible for communication with the juvenile departments to deal with unaccompanied child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons monitored while crossing the borders. Accordingly, the sub-committee takes the legal procedures and brings the children before the competent prosecution, and sets an intervention plan after informing MoFA/ Department of Emigration and Refugee Affairs and Combating Trafficking in Persons to coordinate with the UN bodies concerned with the provision of services to child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons.</p> <p>In accordance with Circular Letter No. 7 of 2018 issued by the Attorney General, the General Prosecution shall refer the cases of children at risk to the competent general or sub-committees or NCCM Child Helpline to take the necessary procedures to take the child out of the risky situation, by studying the case, developing the necessary remedial plan and referring the issue to the competent prosecution to take the proper decision according to its report.</p> <p>The Child Prosecution shall refer the issue to the competent child court with an explanatory note attached, including the committee's recommendations on the appropriate procedure for the child's case, to take the necessary actions pursuant to Article 99-bis of the amended Child Law No. 12 of 1996.</p> <p>The Child Prosecution shall follow up the child's situation through visits and the periodic reports received from the committees. The Prosecution shall keep the papers only after making sure that the danger is removed.</p> <p><u>Please refer to Vol. II for more information on the mechanisms of the committees for childhood protection to deal with children at risk.</u></p>

Entity	Tasks and responsibilities
Ministry of Foreign Affairs	<p>Coordinate with the concerned bodies in other countries, which not only includes facilitating the safe and rapid return of foreign migrants to their countries, but also coordination with foreign embassies and consulates in Egypt and the various international organizations, as the national focal point assigned.</p> <p>Coordinate with UNHCR office in case of UASC refugees, after the assessment of the child situation. Accordingly, the Deputy Assistant Foreign Minister for Emigration and Refugee Affairs and Combating Trafficking in Persons shall be informed to take the necessary procedures.</p> <p>Coordinate with UNHCR and the concerned international entities to allow the child victims of trafficking in persons to communicate with the diplomatic/consular representative through MoFA.</p>
Ministry of Defense	<p>The border guards seize the boats carrying illegal migrants and refer the smugglers and victims to the competent authorities.</p>
Ministry of Justice	<p><u>International Cooperation Sector</u></p> <p>Considering the provision of Article 8 of the Prime Minister Decree No. 983 of 2018 on issuing the Executive Regulations of the Law on Combating Illegal Migration and the Smuggling of Migrants Promulgated by Law No. 825 of 2016, the International Cooperation Sector shall coordinate and collaborate with the foreign counterpart bodies to combat and prosecute the activities and crimes of migrant smuggling.</p> <p>According to Article 9 of the abovementioned Executive Regulations, the International Cooperation Sector shall exchange information, carry out investigations on and prosecute perpetrators, provide assistance to each other, take actions of judicial aid and letters rogatory, extradite perpetrators, deliver objects, restore funds, transfer sentenced persons and seek any other form of judicial and police cooperation in the field of combating activities. Such cooperation shall take place through bilateral or multilateral agreements with other states or according to the principle of reciprocity as per the procedures applicable by the competent bodies.</p> <p>The Prime Minister Decree No. 3028 of 2010 on issuing the Executive Regulations of Law No. 64 of 2010 Regarding Combating Trafficking in Persons, includes the abovementioned provisions in Articles 4 and 5.</p>

Entity	Tasks and responsibilities
Ministry of Justice	<p data-bbox="297 140 893 164"><u>General Department for the Judicial Protection of Children</u></p> <p data-bbox="297 172 1014 260">The Department was established pursuant to the Minister of Justice Decree No. 2235 of 1997. It is one of the departments of the Human Rights, Woman and Child Sector, that is responsible for the following:</p> <ul data-bbox="297 268 1014 584" style="list-style-type: none"> <li data-bbox="297 268 1014 355">• Coordinate with the entities concerned with childhood and represent the Ministry of Justice (MoJ) before the national and international entities and bodies engaged in setting the child judicial protection policy. <li data-bbox="297 363 1014 451">• Provide legal care and judicial protection for children and protect them from any dangers or delinquency, whether the child is a victim, perpetrator, witness or at risk. <li data-bbox="297 459 1014 515">• Study the legislation, regulations and decrees on childhood and propose amendments thereto and to the relevant draft laws. <li data-bbox="297 523 1014 584">• Develop training programs for the workers in the field of child judicial protection, in coordination with the concerned entities. <p data-bbox="297 592 434 616"><u>Child Courts:</u></p> <p data-bbox="297 624 1014 743">The child courts are exclusively responsible for hearing the cases in which a child is accused of a crime or drifts into delinquency (danger). These courts shall also adjudicate the crimes set forth in Article 113-116 and 119 of this Law. They shall have the following powers regarding children at risk:</p> <ul data-bbox="297 751 1014 935" style="list-style-type: none"> <li data-bbox="297 751 1014 871">• Decide on any of the measures stated in Article 101 of this Law. If the child has not reached seven years of age, he/she shall be delivered to their parents, guardians or custodians, or placed in one of the specialized hospitals pursuant to Article 98 and 122 (1) of the Child Law. <li data-bbox="297 879 1014 935">• Decide on the recommendations presented by the Sub-Committee for Childhood Protection as stated in Article 99-bis of the Child Law.

Entity	Tasks and responsibilities
<p data-bbox="107 140 232 196">Public Prosecution</p>	<p data-bbox="300 140 1011 260">The Public Prosecution is an inseparable part of the judicial authority, presided by the Attorney General. Prosecutors report to their superiors according to their ranks and then to the Attorney General. The Public Prosecution shall carry out the investigation and prosecution of criminal cases.</p> <p data-bbox="300 300 1011 707">Competent prosecution services for the child affairs were established under the Public Prosecution to carry out the responsibilities of the Public Prosecution before the child courts. The competent prosecution shall handle the issues concerning the child when accused of a crime or in case of being at risk. The child prosecution receives the complaints related to the child's exposure to any at risk situation as stipulated in the Law. Subject matter experts from the general or sub-committee or NCCM shall be delegated to prepare reports including their proposals regarding the appropriate procedure for the child case, to issue sound decisions to end the situation placing the child at risk. The child prosecution shall refer the papers to the competent child court as per the recommendation of the committees to take the necessary actions pursuant to Article 99 of the amended Child Law No. 12 of 1996.</p> <p data-bbox="300 746 1011 866">The child prosecution shall follow up the child's situation through visits and periodic reports, and shall take the necessary decisions to ensure the provision of the supplies needed for the healthy upbringing and integration of the child into the normal community context and considering their best interests.</p> <p data-bbox="300 906 1011 1473">The Attorney General's office shall issue circular letters and guides illustrating the provisions of the law and set standard operating procedures for prosecution services. This includes Circular Letter No. 7 of 2018 on activating the role of the Committees for Childhood Protection, developing the criminal justice system for children and the Guide on Investigations into Trafficking in Persons. The Attorney General's office receives the significant complaints from NCCM Child Helpline and forwards them to the competent prosecution services to carry out investigations and issue the necessary decisions aimed to protect the child's rights and provide the necessary support and assistance. A public prosecutor may carry out the investigations, if necessary. Members of the public prosecution shall appear before the national and international bodies, carry out the procedures of international judicial cooperation by preparing, forwarding, receiving and implementing extradition, legal assistance, transfer of sentenced persons, transfer of criminal proceedings and money confiscation requests, with their counterparts in other countries, through the International and Cultural Cooperation Sector at MoJ, as the country's central authority, or through MoFA diplomatic corps.</p>

Entity	Tasks and responsibilities
<p data-bbox="104 140 217 193">Ministry of Interior</p>	<p data-bbox="300 140 1011 193"><u>Criminal Investigations Department-Security Directorates, and National Security Sector</u></p> <p data-bbox="300 204 986 256">Share information and investigations with counterpart police and security departments</p> <p data-bbox="300 268 1011 384">While performing their tasks and responsibilities in combating the crimes of migrant smuggling, trafficking in persons and the illegal entry of migrants across the borders, the police departments and stations should identify the child victims and refer them to the juvenile departments.</p> <p data-bbox="300 400 975 488">The International and Arab Criminal Police Organization (Cairo Interpol) Coordinate with the counterpart foreign entities to prosecute and deliver criminals.</p> <p data-bbox="300 504 960 528"><u>General Administration for Passports, Emigration and Nationality</u></p> <p data-bbox="300 536 992 624">Facilitate the processes of issuing the necessary papers for the victims to return to Egypt (for Egyptians) who do not have valid documents, and facilitate the processes of returning foreign victims to their countries.</p> <p data-bbox="300 632 992 719">Verify the identity of those crossing Egypt's international borders to determine whether or not they are victims of trafficking in persons or migrant smuggling.</p> <p data-bbox="300 735 712 759"><u>General Department for Juvenile Welfare</u></p> <p data-bbox="300 767 1011 919">Responsible for receiving unaccompanied child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons who slip across the borders, in coordination with NCCM and Sub-Committees for Childhood Protection, awaiting the completion of registration (for child refugees) and identifying their families (for child victims of illegal migration).</p> <p data-bbox="300 959 975 1015">The Department also deals with children who are in conflict with the law and children at risk pursuant to Ministerial Decree No. of 2000.</p> <p data-bbox="300 1031 723 1054"><u>Drug and Organized Crime Control Sector</u></p>
<p data-bbox="104 1066 273 1118">Ministry of Social Solidarity</p>	<p data-bbox="300 1066 1003 1182">Refugees do not benefit from the relief and social services in Egypt. Egypt has made reservations to Article 23 of the Convention Relating to the Status of Refugees on the right to public relief and assistance, and Article 24 on the right to social security and allowances.</p> <p data-bbox="300 1222 1011 1406">MoSS shall provide shelters in social welfare institutions under the General Department for Social Defence, that is responsible for receiving unaccompanied child refugees and victims of trafficking in persons and illegal migration (7-18 years old) in the hospitality suites as a reliable provider, pursuant to a decision from the prosecution awaiting the procedures of identifying their families.</p>

Entity	Tasks and responsibilities
Ministry of Education	<ul style="list-style-type: none"> The Arab Republic of Egypt is one of the signatories to the Convention Relating to the Status of Refugees 1951. Despite its reservation to a number of provisions, including elementary education pursuant to Article 22 (1), the Egyptian Government has granted the child refugees and asylum-seekers from the Sudan, Syria, Jordan, Yemen and Libya the right to enroll in public schools on equal basis with Egyptian children, pursuant to a number of ministerial decrees. <p>Ministerial Decree No. 284 of 2014 was issued on the enrollment of non-Egyptian students in public schools. Article 6 thereof provides that Sudanese, Jordanian and Libyan students shall enroll in public schools according to the same terms as Egyptian students. Yemeni students shall be accorded the same treatment as is accorded to Egyptian students as of the school year 2017/2018, as per the approval of the Minister of Education. It should be noted that since 1992 the Minister of Education agreed to exempt Libyan students from the tuition fees prescribed for non-Egyptians in all educational stages in public schools, and shall only pay the fees prescribed for Egyptians. The Minister approved the same exemption for Sudanese students on 17/5/2000.</p> <p>Child refugees and asylum-seekers who cannot enroll in general education shall go to community schools (Attachment 5).</p>
Ministry of Health and Population	<p>MoHP shall provide all types of health care services to smuggled migrants, with a special attention to women and children, pursuant to Article 25 of Law No. 82 of 2016 on Combating Illegal Migration and the Smuggling of Migrants.</p> <p>Child refugees and asylum-seekers shall be entitled to the health services offered by MoHP, including all vaccinations and other free health care services, pursuant to Ministerial Decree No. 601 of 2012 and the MoU concluded between MoHP and UNHCR,</p>
Ministry of State for Emigration and Egyptian Expatriates' Affairs	<p>As part of implementing the Government's Action Plan (2018-2020) "Egypt Moving Forward", the Sustainable Development Plan "Egypt 2030" and the programs approved by MoSEEEA to achieve the Strategic Goal 1 of this program which is "Preserving National Security and Egypt's Foreign Policy", the Major Program 1 "Stable Security", Sub-Program 10 "Combating Illegal Migration", indicator on finalizing the accreditation of trainers to raise awareness on illegal migration risks, and indicator on the completion of the youth awareness programs – family awareness programs – positive alternative opportunities programs – entrepreneurship programs, MoSEEEA implements the following programs:</p>

Entity	Tasks and responsibilities
<p data-bbox="104 196 274 347">Ministry of State for Emigration and Egyptian Expatriates' Affairs</p>	<p data-bbox="296 196 1011 539"><u>First: Program for the Accreditation of Trainers to Raise Awareness of the Risks of Illegal Migration and Introduce Safe Migration Channels:</u> in direct coordination with the concerned entities engaged in fieldwork in the target governorates, to nominate their best calibers to participate in the courses (Ministry of Youth and Sports, Ministry of Social Solidarity, Ministry of Education and Technical Education, Ministry of Culture, General Organization of Culture Palaces, Ministry of Religious Endowments and the Egyptian Church). The program aims to qualify these calibers as trainers responsible for raising awareness and education about the risks of illegal migration and introduction to safe migration channels and positive alternatives for illegal migration.</p> <p data-bbox="296 547 1011 770"><u>Second: Program for Qualification and Awareness-Raising of Technical Education Students of Illegal Migration risks:</u> in coordination with the Ministry of Education and Technical Education and Technical Education Directorates in the governorates from which the largest numbers of illegal migrants flow. Programs for raising the awareness of technical education male and female students (1st, 2nd and 3rd grades), as they are the most targeted by illegal migration.</p> <p data-bbox="296 778 1011 1058"><u>Third: Program for Promoting Community Development:</u> offers professional and entrepreneurship training for youth, as part of the programs for raising awareness of the risks of illegal migration, and introduces positive alternative channels for illegal migration in the governorates listed on MoSEEEA plan for informal settlements, within the framework of cooperation with all the relevant ministries, international bodies and CSOs. The program also highlights the community development programs presented to youth in these governorates, with the aim of supporting the individuals, families and the community as a whole.</p> <p data-bbox="296 1066 1011 1249"><u>Fourth: Program for Awareness-Raising and Education of Juveniles and Mothers:</u> convinced of the mother's significant role in forming the child's and youth's doctrine of migration, MoSEEEA educates mothers and juveniles (unaccompanied children) on the risks of illegal migration, provides entrepreneurship opportunities as positive alternatives, in joint coordination with the relevant entities in the governorates listed in MoSEEEA plan in this regard.</p> <p data-bbox="296 1257 1011 1441"><u>Fifth: Program for Awareness-Raising and Education of Technical Education Teachers:</u> in coordination with the Ministry of Education and Technical Education and TVET II Program, the program raises the awareness of and educates technical education teachers on the risks of illegal migration and introduces them to safe migration channels, looking for positive alternatives and transition to labor market.</p>

Entity	Tasks and responsibilities
<p>Ministry of State for Emigration and Egyptian Expatriates' Affairs</p>	<p><u>Sixth: Programs for Raising Awareness of the Arrested Victims of “Illegal Migration”</u>: MoSEEEA implements programs for raising the awareness of the arrested victims of illegal migration, in collaboration with the concerned entities.</p> <p><u>Seventh: Media Campaign for Raising Youth’s Awareness of Illegal Migration Risks:</u></p> <p>A media campaign entitled “Think Before You Migrate” was launched in all media outlets to spread its goals through:</p> <ul style="list-style-type: none"> • Social media (Facebook and Twitter) • Awareness posters • Radio awareness series • TV and radio ads • Live awareness interviews in governorates <p>A hotline was also set up on 19787</p>

B. Concerned International Organizations, UN organs and CSOs

<p>Concerned international organizations and CSOs</p>	<p>Depending on the circumstances of each case and according to the vision of the engaged national bodies, the concerned UN organs and international and local organizations deal with child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons, after the completion of the legal procedures by the state concerned official bodies. This is explained in details in Chapter II, III and IV herein.</p>
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Chapter II: Identifying Child Asylum-Seekers, Refugees and Victims of Migrant Smuggling and Trafficking in Persons

The concept of Identification:

Identification means the process of recognizing child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons by the concerned entities, in preparation for offering assistance and protection.

Monitoring goal:

The goal of identifying child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons is to rapidly rescue them, respond in a timely manner to the risks that surround/ might surround them, and provide them with immediate assistance and protection. These children are prone to higher risks as a result of their exposure to exceptional conditions while moving or crossing the borders to escape the current situation in their countries. They often move informally/illegally, and their movement may be associated with the crime of smuggling or trafficking in persons, which exposes them to maximum risks. In this regard, the concept of identifying differs from the refugee status determination through which the concerned entities assess the reliability of the child/ family and decide whether or not they legally fulfill the conditions for refugee or migrant registration set by the concerned bodies (IOM and UNHCR). The RSD comes in a later stage after identifying the children.

Group 1: Accompanied and Unaccompanied Children

Accompanied children

Proposed actions:

- The police department informs the Child Helpline/DCPC for Childhood Protection about the presence of a child there, in order to deal with the children at risk pursuant to Article 97 of the Child Law No. 12 of 1996 amended by Law No. 126 of 2008.
- The DCPC initially determines the child's legal status only, then informs MoFA/Department of Migration and Refugee Affairs and Combating Trafficking in Persons to coordinate with UNHCR office to carry out RSD for the child. In case the child does not speak Arabic, the DCPC coordinates with UNHCR and IOM to provide an interpreter.
- Depending on each case and according to the vision of the national entities, the matter shall be coordinated with UNHCR, UNICEF and IOM to assess the child's situation considering their best interest, according to which the child shall be placed in a child care institution or delivered to a reliable provider recognized by the refugee local communities in Egypt. This shall be according to the outputs of the child situation assessment and whether or not their best interest is considered, and as per the prosecution's decision to deliver the child to a reliable provider, awaiting the settlement of the father's/legal guardian's legal situation.

- A child care institution shall set an integrated system for child case management through a case manager responsible for following up the child's file.

Unaccompanied and Separated Children:

Unaccompanied children “have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so”, while separated children “have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives”. Separated children may include children accompanied by adult family members.

It should be noted that UASC due to displacement as a result of war or migration for socioeconomic reasons, are more vulnerable to the risk of violence, abuse, exploitation and negligence. They have been separated from their caregiver or other family-level protection when they need it most.²¹

The concerned entities shall act in the child's interest, in a way that does not unintentionally encourage family separation. All children shall be entitled to protection and care pursuant to a wide range of international, regional and national instruments.

Group 2: Egyptian Children

a. Egyptian child victims of trafficking in persons

The Child Law No. 12 of 1996 amended by Law No. 126 of 2007, Article 291 of the Penal Code and Law No. 64 of 2010 Regarding Combating Trafficking in Persons, stipulate determining the legal situation of the child victims of trafficking in persons and the penalties imposed on the perpetrators.

Chapter IV herein addresses how to deal with all forms of trafficking in persons against Egyptian children (sale, trafficking, exploitation or begging), how to deal legally with these crimes, and the mechanisms of intervention, referral and rehabilitation of the involved children. (For more information on the processes of dealing with children at risk, please refer to Vol. IV of the Manual on Dealing with Children at Risk).

b. Egyptian child victims of illegal migration and migrant smuggling

Law No. 82 of 2016 on Combating Illegal Migration and the Smuggling of Migrants and the Executive Regulations No. 983 of 2018 assign NCCM to deal with all the cases of unaccompanied child victims of illegal migration and migrant smuggling, whether the unaccompanied child is in Egypt or abroad and if he/she is Egyptian, pursuant to Article 20 of the Law.

The Law also sets forth the role of NCCPIM & TIP in such cases, according to the role of MoSEEEA abroad in this regard, as illustrated in Chapter 1 herein.

²¹> Minimum Standards for Child Protection in Humanitarian Action.

Proposed actions:

1. The Juvenile Department shall inform the Child Helpline 16000, which then refers the complaint to the nearest DCPC, which rapidly assesses the child's situation.
2. The child shall appear before the competent prosecution service, pursuant to Circular Letter No. 7 of 2018 issued by the Attorney General, which stipulates that all the concerned entities shall refer the cases of children at risk to the competent prosecution service, with a report prepared by a subject matter expert from the GCPC or DCPC or NCCM, including a proposal for the proper action for the child's case. The prosecution may decide to temporarily deliver the child to a reliable provider, entity, institution or organization, and refer the issue to the competent child court to take the necessary actions pursuant to Article 99-bis of the Child Law No. 12 of 1996 amended by Law No. 126 of 2008 according to the Committee's recommendation. The child's situation shall be followed up through periodic visits and reports. The child shall be delivered to a reliable association or institution in case of failure to determine his/her legal competence or identify his/her extended family as the last resort and for the shortest possible period of time.
3. The prosecution shall summon the child's family to take the necessary legal actions, either by delivering the child to his/her family and taking the necessary undertakings or taking a legal action against the family.

The abovementioned legal actions shall be taken within up to seven (7) working days.

4. In case the child has no known family/the child's family is not identified, NCCM shall, as the concerned entity pursuant to Article 3 of the Law, apply to the competent prosecution to issue a decision to place the child in a temporary care institution, awaiting the collection of data about the child's family in coordination with the concerned law enforcement bodies.
5. A full file for the child shall be prepared, including all the data and actions taken.
6. A full file for each child shall be submitted, pursuant to the previous item, to MoSEEEA, as well as all the data of the children arrested by the Border Guards and delivered to the competent authorities and their families, if found. Accordingly, MoSEEEA shall organize awareness courses depending on the available programs, whether to children or their families, out of the programs stated herein and implemented by MoSEEEA in collaboration with the concerned entities. NC-CPIM & TIP shall collaborate with NCCM to provide all the logistical requirements for the awareness processes performed by MoSEEEA under the joint collaboration frameworks mentioned herein and to provide the various forms of care for this group of children.
7. NCCPIM & TIP shall submit a file about each Egyptian and non-Egyptian child, including the actions taken by the Juvenile Department, Child Helpline, competent prosecution, court... etc.

Group 3: Non-Egyptian Children**Proposed actions**

The following actions shall be taken to identify unaccompanied child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons when they enter into/leave Egypt informally or illegally:

- The Border Guards shall seize the boat carrying illegal migrants and refer the smugglers and victims to the competent authorities.
- The Juvenile Department shall take the administrative and legal actions by immediately reporting to NCCM, represented by the Child Helpline 16000 (as the legal representative pursuant to Article 3 of Law No. 82 of 2016), which reports to the nearest DCPC.
- The DCPC shall initially assess the child's situation within 24 hours, with respect to meeting the conditions for child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons stipulated in the relevant laws (Law No. 64 of 2010 Regarding Combating Trafficking in Persons, Article 291 of the Penal Code, and Law on Combating Illegal Migration and the Smuggling of Migrants, in accordance with the criteria set forth in the Convention Relating the Status of Refugees 1951) using a unified form. In case the child does not speak Arabic, the DCPC shall inform the MOFA/Department of Emigration and Refugee Affairs and Combating Trafficking in Persons to coordinate with UNHCR office and IOM to provide an interpreter.
- Medical support shall be offered if the child's case requires an immediate intervention, by coordination with UNHCR and IOM.
- The competent court shall issue a ruling on delivering the child, as prescribed by the Law and as per a recommendation from the DCPC on this regard, and as an exception – in case of imminent danger – to the General Department for Child Rescue at NCCM or the Committee for Childhood Protection, whoever is closer, to take all the necessary measures and urgent procedures to remove the child from the place where he is at risk and place him in a safe place, with the assistance of concerned officials, if necessary.
- According to the initial RSD of the child, the Child Helpline/DCPC shall take the following actions in coordination with the concerned bodies:

a. Child Refugees/Asylum-Seekers

- Children who need international protection shall gain immediate access to UNHCR, including registration, documents, RSD, immediate release and access to adequate services.
- UNHCR calls for ensuring the application of an approach that prioritizes community-based alternative care arrangement for UASC refugees and asylum-seekers.

b. Child Illegal Migrants

In coordination with MoFA, NCCPIM & TIP, DCPC, and IOM, NCCM, represented by the Child Helpline 16000, shall take the actions set forth in Article 5 of the Executive Regulations No. 983 of 2018 of the Law on Combating Illegal Migration and the Smuggling of Migrants, as follows:

- Child registration and create a full file including all the actions taken.
- Offer urgent health services and others through IOM.
- Coordinate with the competent prosecution to carry out investigations into the crime of illegal migration stipulated in Law No. 82 of 2016, in order to issue a decision on the temporary placement of the child in a residential care institution, awaiting the completion of the procedures of collecting data about the child's family and to protect the victim and keep him/her away from the perpetrators.

- Coordinate with the law enforcement bodies mentioned in Article 5 of the Executive Regulations No. 983 of 2018 of Law No. 82 of 2016 to verify the child's identity and nationality to complete his/her file.

c. Child victims of trafficking in persons

- Identifying the child victims of trafficking in persons is the most important step that should be taken during arrest, investigation and evidence collection in the crimes of trafficking in persons, pursuant to Article 23 of Law No. 64 of 2010 Regarding Combating Trafficking in Persons, which stipulates "In all stages of evidence collection, investigation or trial of the crimes of human trafficking, efforts shall be made to identify the victim, to classify him, to determine his identity, nationality, and age to ensure that he is far removed from his perpetrators."
- Identifying cases of child victims of trafficking differ from child migrants and refugees. Victims of trafficking in persons are often victims of crimes, and therefore the necessary security procedures and measures shall be taken to protect them. It is also important to distinguish between the victim of trafficking, the smuggled person and refugee, due to the difference in the legal situation of each of them and the different legal procedures taken against each of them by the concerned authorities.

Added to this identifying many diverse cases of trafficking in persons through various sources, including:

- The arrest and search procedures carried out by the border guards.
- Investigations into the complaints, which probably involve victims of trafficking and witnesses.
- Police efforts against brothels.
- Reports by victims themselves.

Proposed actions

- Once a case of child trafficking is reported, the public prosecution shall be informed to report to the DCPC, as the entity assigned to deal with the cases of children at risk.
- The child shall be placed in a safe place, awaiting the conclusion of investigation by the prosecution and law enforcement bodies. A decision shall be issued by the Child Court to place or deliver the child to a reliable provider from his/her family. The Child Court shall undertake the procedures of the child's delivery and others as stipulated in Article 101 of the Child Law, in case the DCPC deems appropriate and as per a request from the Public Prosecution. If the prosecution decides to deliver the child temporarily to a reliable provider (other than his/her parents), the papers shall be presented to the Child Court to issue its final decision in the best interest of the child, in compliance with Articles 98, 99-bis and 122 (1) of the Child Law.

Chapter III: Protection and Assistance of Child Refugees

UNHCR provides specialized protection and assistance services to child refugees and asylum-seekers, including:

- Registration and documentation
- Refugee Status Determination (RSD)
- Best interest procedures, including:
 - * Assessment of the child's best interest
 - * Identifying the child's best interests, including access to the best permanent solutions and referral pathways for UASC
- Physical and legal protection

The assessment and identification of the child's best interests require the review and documentation of the child's status, including tracing the families for UASC, arrangements of care and living situation, safety and security, and access to the basic needs including medical and health services, education, development, and psycho-social and legal support.

Procedures of determining the child's best interest, case management, and overseeing refugee and asylum-seeker services

Status Quo

- The procedures of the child's best interest, which depend on the principle of the best interest stipulated in the "Convention on the Rights of the Child", shall be prioritized in all the procedures taken by UNHCR and its partners in dealing with UASC refugees, asylum-seekers, and victims of abuse, violence, neglect and exploitation.
- Taking the best interest of UASC into account requires assessing the best interest to determine the best procedures and take the best decisions for the child, including the services of tracing/re-unification with the families and providing appropriate alternative care and permanent solutions.
- The Working Group of the international and local bodies concerned with child protection, headed by UNHCR and UNICEF, shall determine the referral pathways and the services available for separated children and children subject to abuse, neglect, violence and exploitation, and enable case managers to take the proper referral procedures in a timely manner.

Proposed actions

- The DCPC shall interfere in all the cases of children at risk occurring in Egypt, including child refugees, victims of trafficking, children at risk of illegal migration, and child victims of smuggling.
- If the child refugee or asylum-seeker is identified as at risk, including those subject to abuse, neglect, exploitation and violence within the 14 cases of children at risk stipulated in Article 96 of the Child Law amended by Law No. 126 of 2008, NCCM shall inform the MoFA/ Department of Emigration and Refugee Affairs and Combating Trafficking in Persons in coordination with UNHCR. An assessment of the best interest of the child shall be carried out, with the arrangement

of the case management procedures in coordination with the DCPC. This includes the overall assessment, planning and management of the protection needs in a systematic and organized way and ensuring direct support and/or referral.

Referral and offering services to child refugees:

Case management and follow-up services for UASC:

- Dealing with UASC requires the provision of specific response services, due to the absence of a caregiver or legal guardian.
- The case management and monitoring services cover a limited group of children at risk, and require target-specific response services; due to the absence of a primary or legal caregiver. Special attention should be given to the child's situation through the procedures of the best interest, including access to family tracing services, proper care arrangements, and the services that promote the child's physical, mental, spiritual, moral and social development.
- The case management system is a major tool to deal with the issues related to child's protection, that provides a framework for the assessment, planning and management of the child's individual protection needs. Accordingly, the case management system tool is provided depending on the child's basic needs, as well as the current community-based support offered to them. The main steps of case management include: identification and understanding, assessment of the child's best interest, case planning, implementing the intervention plan, monitoring and evaluation, and case closure.
- In accordance with the Standard Manual for Case Management of Child Refugees and their Families and the global guidelines, UASC under 15 are subject to high risks with respect to protection, and therefore need an intensive system of case management. Children 15-17 years old are subject to no risks, and therefore they can have access to counselling, psychosocial support services and community-based support. Psychosocial support helps children to feel wanted and worthy and it is the basis for mental health. These feelings emanate from family ties and extend to other community relations over time.
- The educational and developmental opportunities include the need for educational activities and opportunities in community schools, since child refugees and asylum-seekers have no access to general education.
- Child refugees and asylum-seekers can access health services pursuant to Ministerial Decree No. 601 of 2012 issued by the MoH under the MoU concluded between MoH and UNHCR.
- UNICEF has also signed a MoU with MoH to establish family clubs under the health units in health directorates to provide medical and preventive services for all children and their families, including child refugees. For more information, please refer to Vol. I of the National Standard Operation.
- The coordination mechanism for child protection under the Sub-Working Group for Child Protection, headed jointly by UNHCR and UNICEF, ensures the comprehensive review of the current case management capacities for UASC, and identifies the gaps in service provision. The Sub-Working Group is concerned with child protection under the Working Group on Protection, which acts under an inter-organization working group.

Proposals for Development:

- A cooperation protocol shall be signed between NCCM, UNICEF and MoHP, after being reviewed by the security bodies, to mainstream the idea of family clubs and offer health care for child refugees and their families all over Egypt.
- It is necessary to strengthen the relationship between the Public Prosecution and Committees for Childhood Protection within the context of protecting and promoting the rights of UASC refugees as children at serious risk.
- Coordination with the General Department for Child Judicial Protection at MoJ to keep abreast of the latest updates regarding child judicial protection and introduce them to the judges of the child courts.

Chapter IV: Protection and Assistance of Child victims of Illegal Migration and Smuggling

Identification and Registration

Article 1 of Law No. 82 of 2016 on Combating Illegal Migration and the Smuggling of Migrants defines the smuggling of migrants as arranging for the transfer of one person or several persons in an illegal manner from one country to another, in order to directly or indirectly obtain material or moral gain or for any other purpose.

Migrant smuggling has some aspects in common with trafficking in persons, since both processes involve the transfer of humans in return for money. Nevertheless, there are some differences between both crimes as follows:

- Smuggling does not involve coercion or deception, unlike trafficking in persons.
- The act of smuggling is not necessarily committed for the purpose of exploitation.
- Although migrants are fully aware of the migration circumstances, which are often serious, they agree to be smuggled.
- Smuggling is always transboundary, while trafficking may take place within the same country.
- The smuggler-migrant relationship ends when the migrant reaches his/her destination.

Accordingly, Article 13 of the Executive Regulations of the aforesaid Law provides that when carrying out relevant tasks and competencies regarding migrants, the governmental bodies concerned with criminal investigation, seizure and prosecution, shall take the necessary actions to identify the smuggled migrants and their nationality, classify them by age and gender and ensure keeping them away and protected from the perpetrators. This is to differentiate between the victims of migrant smuggling and victims of other crimes.

Unaccompanied children are identified by the border guards while being smuggled out of Egypt and the smugglers are arrested. They are identified and directly referred to the Juvenile Department at the Security Directorate.

Unaccompanied children are identified according to the procedures stipulated in item (b) Chapter II on identifying child asylum-seekers, refugees and victims of migrant smuggling and trafficking in persons.

- NCCM shall create a file to register the child, including all the data and documents available.

Proposed actions for the protection and rehabilitation of child victims of illegal migration and smuggling

- The necessary procedures shall be taken regarding the child's temporary care arrangements, by placing unaccompanied child victims of smuggling whose families are not identified in national care houses, as per a decision from the competent prosecution service, pursuant to Article 5 of the Executive Regulations of the Law.

- NCCM shall coordinate with IOM – according to the circumstances of each case and the national vision – to take a number of procedures to assess the child’s situation, as follows:
 1. Provide health services to/carry out medical examination of the child.
 2. Provide legal assistance to/enable the child to follow-up the procedures by providing an interpreter to help them understand the procedures, in case he/she does not speak Arabic.
 3. Allow the child to communicate with the diplomatic/consular representative, at the child’s request and in coordination with MoFA.
 4. Trace/identify the children’s families or their legal representatives through all possible ways by NCCM qualified specialists. Investigations about the children’s families and legal representatives shall be carried out by the competent prosecution service which accordingly assign the concerned security bodies, through coordination with IOM and the Red Crescent to trace (look for) the child’s family in the country of origin, in order to:
 - * Ensure the existence of the child’s real family or kinship (legal guardian), in order to avoid delivering the child victim to the wrong person.
 - * Get the current address of the child’s family in the country of origin.
 5. NCCM shall, in coordination with MoFA/ Department of Emigration and Refugee Affairs and Combating Trafficking in Persons and NCCPIM & TIP and in collaboration with IOM, issue a decision on the child’s safe return to their countries of origin, in coordination with IOM. A number of criteria shall be taken into account when doing the assessment, as follows:
 - In order to take the decision of the child’s return, the safety and security criteria shall be ensured.
 - The child’s family shall be capable of providing the child’s basic rights and needs, like food, water, health, education and adequate training opportunities.

It should be noted that

In all cases of returning unaccompanied children, preventive measures should be taken to ensure that the children’s return to their countries is at their best interest.

Article 147 of the Guidelines for the Alternative Care of Children provides that Unaccompanied or separated children must not be returned to their country of habitual residence: (a) If, following the risk and security assessment, there are reasons to believe that the child’s safety and security are in danger; (b) Unless, prior to the return, a suitable caregiver, such as a parent, other relative, other adult caretaker, a Government agency or an authorized agency or facility in the country of origin, has agreed and is able to take responsibility for the child and provide him or her with appropriate care and protection; (c) If, for other reasons, it is not in the best interests of the child, according to the assessment of the competent authorities.

6. The decision on the voluntary return of an unaccompanied child victim of illegal migration shall be taken as per the assessment of the situation of the child and his/her family, which is carried out considering the child’s best interest. Accordingly, the decision on the child’s return to his/her country of origin shall be taken.

Assessment of the child's family situation

A child's reunification/reintegration with his/her family does not mean returning back to the previous status and conditions that led to the crime of smuggling. Therefore, it is necessary to assess the family's situation, to identify the following:

1. The reasons that led to illegal migration.
2. The family's socioeconomic status.
3. The parents' and relatives' attitude about the child's reintegration into the family.

It should be noted that:

Unaccompanied child victims of smuggling need to receive more support when returning to their families, communities or countries. The victim's return and reintegration into the society is often a difficult process through which the child encounters serious psychological and health problems. Therefore, it is often hard for them to reintegrate into their families or communities.

1. Immediately after the assessment of the child's situation. NCCM shall inform and follow-up with MoFA and MoI.
2. Apply to issue the travel documents/tickets from the emigration office.
3. The child shall be provided with some personal items and a small amount of money.
4. The child shall be transferred to their final destination in their country of origin.

Chapter V: Protection and Assistance of Child Victims of Trafficking in Persons

Higher rates of trafficking occur particularly among children and teenagers due to their socio-economic conditions that make them more vulnerable to trafficking as a result of their lack of experience and dependence on adults, especially their relatives, families or those who have power over them, owing to their confidence in them and the poor opportunities to escape the situations of exploitation. Other factors, like cultural factors in the society like approving child's labor and marriage, contribute to the exposure of children to trafficking.

Article 2 of Law No. 64 of 2010 and Article 291 of the Penal Code define the child victim of trafficking in persons as "a natural person under 18 years who suffered any material or moral harm, in particular bodily, psychological or mental harm; or economic loss if the harm or loss was caused directly by one of the crimes stipulated in this law". The Law also stresses that it is not necessary in case of children to use any of the forms set forth in Article 2 of the Law Regarding Combating Trafficking in Persons.

Identification and registration of child victims of trafficking

The identification and registration process of child victims of trafficking in persons face some difficulties owing to the common factors between the crimes of migrant smuggling and trafficking in persons. Both crimes involve the transfer of children for profit and overlap, as the actual victims may move from one crime to the other. Many victims of trafficking in persons start their journey by agreeing to be smuggled from one country to another, but later they find themselves involved by deception or coercion in exploitative situations, and therefore they become victims of trafficking in persons.

Accordingly, Law No. 64 of 2010 Regarding Combating Trafficking in Persons and the Executive Regulations thereof adopts an accurate and detailed definition of trafficking in persons, so that it is not confused with other similar crimes (like prostitution, illegal migration and migrant smuggling). Trafficking in persons occurs only when the following three factors are fulfilled:

1. Act: dealing in a person in any manner (sale, purchase or harboring).
2. Means: using criminal methods like deception, violence, threat, coercion or force.
3. Purpose: exploitation, whether material or moral.

It should be noted that:

The identification of child victims of trafficking in persons is significantly important, compared to the identification of child refugees and victims of smuggling for the following reasons:

1. Trafficking in persons involves many acts that make it different from other crimes, including force, coercion or deception for the victims' exploitation. Although the elements that distinguish

trafficking in persons may be clear, however proving them is often impossible without carrying out actual investigations. In case the victim of trafficking is not properly identified, he/she may be deprived of their rights stipulated in the Law.

2. Trafficking in persons is a violation of human rights in its broadest sense. Therefore, the legal position of the victim of trafficking is much better than his/her position in other crimes, which requires accurate identification from the beginning to provide special protection and secure certain rights for the victims during investigations, data collection and intervention plans in a later stage.

Accordingly, Article 23 of the Law stipulates that in all stages of evidence collection, investigation or trial of the crimes of human trafficking, efforts shall be made to identify the victim, to classify him, to determine his identity, nationality, and age to ensure that he is far removed from his perpetrators. In addition, the following rights of the victim shall be guaranteed:

- a. The right to physical, psychological and mental safety;
- b. The right to protect his inviolability and identity;
- c. The right to inform him of the relevant administrative, legal and judicial procedures and access the information related thereto;
- d. The right to be heard and to have his views and interests considered during all stages of criminal proceedings without prejudice to the rights of defense;
- e. The right to legal assistance, in particular assigning a lawyer to inform him of his/her rights and the legal processes.

Proposed actions

- Prepare a flexible form (tool) to help identify the child victim of trafficking, to be used in each case individually. This form shall be reviewed and updated periodically.
- The competent law enforcement bodies (police departments and juvenile departments at security directorates) shall carry out investigations and data collection. When it is suspected that there are cases of trafficked children, the law enforcement bodies shall call the Child Helpline 16000 or contact the nearest District Child Protection Committee (DCPC) to conduct an interview with the child to determine whether or not he/she is a victim of trafficking, using the abovementioned tool.
- Deal with the child in a way that considers his/her age, culture, level, development and language by providing an interpreter and a trained psychologist to offer the proper support.

Form (tool) for identifying child victims of trafficking

There is a number of indicators used to identify and recognize the victims of trafficking in general, and other more specific indicators to identify child victims of trafficking²², since it is more difficult to identify children as they rarely realize that they are victims of trafficking. Therefore, more specific

²² Guide to Evidence Collection, Investigation and Prosecution in Human Trafficking Crimes and Victim Protection in the context of law enforcement.

indicators should be formed to help the investigation authorities and specialists of the Childhood Protection Committees to identify the cases of trafficked children. In case there is an indicator or sign showing that the child has been trafficked, the necessary measures shall be taken to conduct further investigations, taking into account the provision of immediate protection to the child.

First: General indicators for identifying victims of trafficking

Age:	Trafficking increases particularly among children and youth. The older the person is, the less likely they are to be a victim of trafficking. The same applies to trafficking in girls for sexual exploitation or illegal organ trade.
Sex:	Trafficking for sexual exploitation focuses mainly on girls and children. Male children and teenagers are also trafficked for the same purpose.
Nationality:	Victims of trafficking usually come from poor countries that suffer from unemployment, discrimination and lack of opportunities.
Documents:	The geographical domain is one of the main factors that require holding identity documents. The perpetrators usually keep the victims' passports to prevent their escape and force them to work or to other forms of exploitation.
Signs of abuse:	Any signs of physical or sexual injury or exploitation.

Second: Specific indicators for identifying child victims of trafficking

In addition to the abovementioned indicators, the following indicators help identify whether or not the child has been trafficked. The following indicators are examples and non-exhaustive and their availability requires further investigations and screening:

- Signs that the child was assaulted (physically, mentally or sexually)
- The employer/ the person responsible for the child keeps the child's official documents.
- The child is forced to work for long hours or work in dangerous vocations/industries.
- The child earns low or no pay.
- The child does not go to school or drops out.
- The child lives in his/her workplace or with their employer.
- The child lives in large groups/crowded in very limited areas.
- The child feels frightened in general and does not usually trust the police.
- The child's inability to talk when they are unaccompanied.
- The child works in prostitution or is forced to work in the commercial sex industry.
- Child marriage.
- Begging or committing minor offences like picking pockets or any other illegal activities.

Third: Proposed actions for the protection and rehabilitation of child victims of trafficking

- Refer the child to the competent prosecution service to complete the investigations and follow-up with the DCPC to provide maximum protection and immediate relief services.
- Provide an interpreter if the victim does not speak Arabic to help the child during the process of investigation and giving their testimony before the prosecution and court.
- The competent prosecution service issues a decision on placing the child victim in a safe institution to protect him from the perpetrators, pursuant to Article 24 of Law No. 64 of 2010 and Article 16 of the Executive Regulations thereof, which set forth the terms and conditions and description of the places that accommodate the victims, in coordination between the Ministry of Housing, Utilities and Urban Communities, MoSS, NCCM and NCCPIM & TIP to provide premises to host the victims of trafficking that fulfill the following:
 - * Separated and isolated from those of the perpetrators.
 - * These premises should allow the victims to receive their families, lawyers and representatives of the concerned authorities, in case the victim is a child or an incapacitated person. In addition to the above, the victims shall be hosted in a social and educational institution that provides social care for children or in a social care institution for children deprived of family care.

It should be noted that

Article 143 of the UN Guidelines for the Alternative Care of Children stipulates that child victims of trafficking should neither be detained in police custody nor subjected to penalties for their involvement under compulsion in unlawful activities.

The DCPC, in coordination with NCCM, Public Prosecution, MoFA and NCCPIM & TIP, shall manage the child's case file, including the provision of the services stated in Article 22 of the Law, which stipulates that the state shall guarantee the protection of the victim and shall work to create the appropriate conditions for his assistance, health, psychological, educational and social care, and rehabilitation. Article 9 of the Executive Regulations No. 3028 of 2010 identifies the entities responsible for protecting the victims of trafficking in persons and providing the necessary services for them, including:

- MoI, protects and guards the victim and ensures their physical integrity.
- MoH, provides health and psychological care.
- MoE, provides educational care.
- MoHP in coordination with MoSS provides social care, rehabilitation and reintegration into the society in an atmosphere of freedom and human dignity.
- MoFA Consular Affairs Department ensures the victim's swift and safe return to their country, if the victim is a foreigner or not a permanent resident in Egypt.
- Inform NCCPIM & TIP.

The DCPC shall coordinate with NCCM to inform MoFA/Department of Emigration and Refugee Affairs and Combating Trafficking in Persons to coordinate with IOM to take the proper decision on returning the child to his/her country of origin. The return process involves many complexities,

particularly that paragraph 84 of the General Comment No. 6 of the Convention on the Rights of the Child stipulates that “return to the country of origin is not an option if it would lead to a “reasonable risk” that such return would result in the violation of fundamental human rights of the child, and in particular, if the principle of non-refoulement applies. Return to the country of origin shall in principle only be arranged if such return is in the best interests of the child”.

It should be noted that

Sometimes the child’s return to his/her family is not the best option, since the family has trafficked or has been involved in trafficking in the child. Therefore, upon taking the decision of returning the child to his/her family, the relevant risks shall be assessed by determining:

- Is the child’s family involved in their trafficking?
- Are there any mechanisms to provide support for the child and their family?
- Ways for protecting the child when they return to their family or community, as they might be subject to trafficking once again.
- Does the child suffer any diseases or trauma? If yes, can the child’s family afford his/her treatment?

