

SUBMISSION TO THE COMMITTEE ON THE RIGHTS OF THE CHILD (CRC)

ALTERNATIVE REPORT FOR THE REVIEW OF

# EGYPT

MINORITY RIGHTS GROUP INTERNATIONAL

EGYPTIAN FRONT FOR HUMAN RIGHTS

	
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**Minority Rights Group International** (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples. MRG works with over 150 organizations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR).

**Egyptian Front for Human Rights** (EFHR) is an independent European organization established in Czech Republic in 2017. The Front works to improve the human rights situation in Egypt through research, advocacy and legal work, specifically in criminal justice. Egyptian Front aims to create a safe environment where people can exercise their fundamental rights and freedoms without threat. The Front aims to strengthen the capacities of civil society institutions and activists to influence public policies.

## **Introduction**

1. This submission to the Committee of the Rights of the Child (CRC), ahead of the adoption of the Concluding Observations for Egypt at its 96<sup>th</sup> session, is based on information gathered by Minority Rights Group International and the Egyptian Front for Human Rights. It provides information on the rights of children belonging to religious and ethnic minorities in Egypt. This includes Nubians, Amazigh and Bedouins, Beja as well as religious minorities like Christians, Bahá'ís and others.

## **Definition of the child (Article 1)**

2. According to Article 80 of the 2014 Constitution (amended in 2019), a child is 'anyone who has not reached 18 years of age'. They 'have the right to be named and possess identification papers, have access to free compulsory vaccinations, health and family care or an alternative, basic nutrition, safe shelter, religious education, and emotional and cognitive development'. The same article states that 'The state shall work to achieve children's best interest in all measures taken with regards to them.'

## **Civil rights and freedoms (Articles 7, 8, 14, 16)**

3. Several clauses in the Constitution contribute to discrimination against children belonging to minorities in areas of freedom of religion or belief. In addition to Muslims, Article 3 of the Constitution only recognizes the right of Christians and Jews to regulate their personal status matters according to their faith: ‘The principles of the laws of Egyptian Christians and Jews are the main source of laws regulating their personal status, religious affairs, and selection of spiritual leaders’. Article 64 further states that ‘The freedom of practicing religious rituals and establishing places of worship for the followers of revealed religions is a right organized by law’. Through this provision, the Constitution only protects the right of worshipers of the “revealed” religions of Islam, Judaism, and Christianity to openly practice their faith and thereby excludes children of other religions, such as Bahá’ism, from official recognition and public worship.
4. When reaching the age of 16, Egyptian children must obtain national identification document (ID) by law. When applying to such a document, citizens must register their religious identity as one of the three government recognised religions – Islam, Christianity, and Judaism – or risk not being issued documentation. While this adversely affects children who do not identify as members of any of the recognised ‘revealed’ faiths, children from the Bahá’í community have been particularly impacted, given the religious taboo associated with lying about one’s faith, particularly where they lack birth certification.
5. In 2009, Bahá’ís were granted the right to put a dash (-) instead of their religious affiliation on the religious section of the ID cards, hence allowing them to have ID cards. However, this compromise is restricted only to those Bahá’í who have had their previous IDs registered as “Bahá’í” or “other”. Muslims or Christians who convert to Bahá’ism, on the other hand, are denied this right. Hence, a number of Bahai’s still cannot get ID cards with correct information stipulated on their religious affiliation or cannot access ID at all, resulting in subsequent documentation obstacles for their children.
6. Newborns whose parents do not have IDs where the registered religion is left blank or as a dash, are often unable to access birth certification as the religion of the child to be written on the birth certificate is unclear. This has resulted in a risk of statelessness for many Bahá’í children who remain without documentation.
7. Similar challenges arise from the marital status of Baha’i parents. In Egypt, a marriage certificate is required to register the birth of children. While this severely

impacts children born out of wedlock, it also has notable ramifications for those born out of non-civil registered marriages. Without birth certificate, they are unable to obtain other forms of documentation, register for schools, or obtain health insurance.<sup>1</sup> Since personal status matters are governed by religious laws of the three state-recognised faiths (Islam, Christianity, Judaism), marriages performed by the Bahá'í community are not recognized by the government and are left unregistered<sup>2</sup>.

8. This has compelled many families to resort to filing judicial claims to register their marriages in order to obtain civil documentation for their children. Repeated representations of the Bahai community to the Ministry of Justice to assist in resolving this issue have gone unanswered, and recently proposed amendments to the laws on civil status from the Ministry do not address the issues faced in this area by religious minorities, including Bahá'ís.<sup>3</sup>
9. In addition to marriage status, further child documentation complications arise from the ID registration status of each parent and administrative or logistical challenges of accessing registration offices.
10. Sinai Bedouin children most often live in remote areas of Egypt, and the closest public notary can be hundreds of kilometers away. Many Sinai Bedouin children also live in areas with ongoing conflicts or border disputes so travelling to a registration office can be rendered hazardous or impossible. According to Egyptian Personal Status Law, there is a 15-day window for children to obtain a birth certificate. If the registration does not occur within that timeframe, parents are faced with administrative hurdles, including returning to the civil registry department, paying additional fees and requirements to produce further documentation (e.g. declaration of paternity). For Bedouins with poor economic status or lack of proximity or secure access to registration office, these conditions can be challenging. Further challenges arise for parents who lack documentation themselves, and therefore cannot pass security checkpoints to reach a civil registry office.

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<sup>1</sup> Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014, Minority Rights Group (2019), available at: <https://minorityrights.org/resources/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>

<sup>2</sup> While before the 1960s certificates issued by the Spiritual Assemblies were approved by the state, this changed with the dissolution of the assemblies following Decree 263/1960. Article 134 of Chapter 5 in the second section of the Regulations for the Real Estate Registry further that states "It is not permissible to document the contracts of marriage of Baha'is either among themselves or between them and other adherents of other religions recognized in the Arab Republic of Egypt. It is also not permissible to document marriage contracts in which one of the Christian parties of the "Jehovah's Witnesses."

<sup>3</sup> A Brief Review of the Situation of the Bahá'ís in Egypt, Bahai International Community, (April 2023)

11. As birth certificates are required to access any other form of documentation, the inability to register births not only restricts children from a range of social rights such as education and healthcare, but also places them at risk of statelessness. In many cases, this has resulted in intergenerational conditions of statelessness within the community.
12. Similar documentation challenges are faced by children of the Beja community. Beja are stateless tribes that inhabit the Halayeb and the Shalateen triangle along the Egyptian/Sudanese border. This territory claimed by both Egypt and Sudan as part of a border dispute, has been annexed by Egypt in 1902. Those who stayed on the disputed territory have been denied citizenship by Egypt. Article 6 of the Constitution provides that ‘citizenship is a right to anyone born to an Egyptian father or an Egyptian mother’. However, Egyptian citizens that marry members of the Beja minority in the South of Egypt face difficulties and can be prevented from passing their nationality to their children. This leads to situations of stateless children. Effectively, children of a stateless father or mother are also rendered stateless even if one of the two parents is a recognized Egyptian citizen. This results in the lack of national identification documents for their children, who hence cannot access educational and health services.

### **Family environment and alternative care (Articles 5, 9, 18/1-2)**

13. In legal custody claims concerning children with parents of different faiths – specifically Muslim men and Christian women – custody is typically granted to the father. It is believed that if the mother is non-Muslim, her custody over the child can end when they become “religiously aware”, previously determined by a court ruling to be seven years of age if it is thought that the mother will be a negative influence over the child’s religion. In the case of interfaith marriages where there is an absence of civil marriage, Sharia law is applied to legal disputes relating to the child.<sup>4</sup> As a result, in cases of dispute over child custody, the child is likely to be placed under the custody of the Muslim parent (often father) over the non-Muslim parent (often mother).

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<sup>4</sup> [Is the custody of the child established for the mother, even if she is non-Muslim?], This Morning, (2020), (webpage in Arabic) available at: <https://rb.gv/tcv6mh>

## **Violence against children, including forced and early marriage (Articles 19, 24.3, 34)**

14. A number of incidents of enforced disappearances of Coptic Christian underage girls have been reported by Coptic families. In many cases, abducted children have only been found only after they have reached adulthood and converted to Islam. Police forces frequently fail to respond adequately to reports of disappearances of Christian girls, often failing to investigate cases brought before them and to take steps to assist the families of the victims. Similarly, in instances where forced religious conversions are alleged to have taken place, little is done by law-enforcement authorities to determine whether the conversion was free or forced.<sup>5</sup>
15. For example, in the case of M. – a 17-year-old high school student from Qena who disappeared in March 2018 – an administrative complaint was filed by her family due to the insufficient support they had received from the police. Two weeks later, when her family held a peaceful protest against the lack of police intervention, they were arrested. In a context marked by police inaction, many families resort to contacting church authorities to ask for their intervention in the matter.<sup>6</sup>
16. According to the Persons and Family Law No. 126 of 2008 and the Egyptian Child Law No. 126 of 2008 the minimum age of marriage is 18 years. Article 227 of Penal Code 53/ 1937 provides that a punishment of imprisonment or a fine not exceeding five hundred pounds will be imposed on the official granted the authority to complete the marriage contract, if they are aware that a party to the marriage is a minor. There are no punitive provisions in Egyptian law against those who have arranged the marriage of the child, such as the parents or guardian if no case of fraud has taken place. Furthermore, there is no punitive provision for the parents if the marriage has taken place informally.
17. In North Sinai, marriage is often based on a tribal system, where fathers or grandfathers provide consent to the marriage of their daughters. Many girls within the Sinai Bedouin community are forcibly married, sometimes as early as the age of 13. Although Egyptian law criminalizes the child marriage, it is a widespread practice in North Sinai, and the state does not take adequate measures to prevent or stop it. Marriage usually lacks formality, and tribal customs govern marriage in the absence

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<sup>5</sup> Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014, Minority Rights Group (2019), available at: <https://minorityrights.org/resources/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>

<sup>6</sup> *Ibid.*

of state laws, with families often not registering the marriage in the civil registry. Child marriage typically results in further violations for the girl including sexual and gender-based violence and school dropouts. There is also a chance of child pregnancy, with further registration issues for children born to unregistered marriages.<sup>7</sup>

### **Disability, basic health and welfare (Articles 6, 23, 24, 27.1-3)**

18. Minority communities living in the border zones of Sinai, Aswan and Matrouh face marginalization and poverty, resulting in poor welfare and health outcomes amongst minority children. The proportion of the population living below the poverty line in governorates where Nubians, Sinai Bedouins and Amazigh communities are concentrated is disproportionately high compared to national rates. According to the latest Sustainable Development Goals Localisation reports published by the Egyptian Ministry of Planning and Economic Development, 46.2% of the population in Aswan Governorate lived below the poverty line as of 2017/18, with rates of 50.1% in Matrouh Governorate and 38.4% in North Sinai.<sup>8</sup> Comparatively, according to World Bank figures the national poverty line rate was estimated to be 32.5% on that same year.<sup>9</sup>
19. Deep-rooted patterns of marginalization and discrimination in Egyptian society have created barriers to the enjoyment of the right to an adequate standard of living for children belonging to minorities, including access to housing, health and education. Socioeconomic factors stemming from marginalization and discrimination are contributing to poorer health outcomes among children belonging to minorities. Anemia is widespread among children in the governorates where minorities and indigenous peoples are concentrated. The latest available government statistics, dating from 2014, show a proportion of children with anemia in Aswan Governorate at 46.7 per cent, rising to 59.3 per cent in Matrouh Governorate – twice higher than the

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<sup>7</sup> From the hellfire of Wilaya to hellfire of the state, Egyptian Front for Human Rights (2021), available here: <https://egyptianfront.org/arabic/wp-content/uploads/2021/03/Sinai-State-Hell-EFHR.pdf>

<sup>8</sup> See Minister of Planning and Economic Development, Sustainable Development Goals Localization Reports, 2019: Aswan Report, p. 6; Matroh Report, p. 6; North Sinai Report, p. 5. Available at: <https://mped.gov.eg/DynamicPage?>

<sup>9</sup> Poverty & Equity Brief, Arab Republic of Egypt, World Bank, (2020) available here: [https://databankfiles.worldbank.org/public/ddpext\\_download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972D68AFE/Global\\_POVEQ\\_EGY.pdf](https://databankfiles.worldbank.org/public/ddpext_download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972D68AFE/Global_POVEQ_EGY.pdf)

national average.<sup>10</sup>

In terms of access to healthcare, health resources are highly centralized and unevenly distributed, with major cities benefiting from the concentration of these resources while rural and peripheral areas are lacking even essential health centers. This imposes a barrier to child access to healthcare on a largescale, as 57 per cent of the overall population resides in rural areas.<sup>11</sup>

20. Challenges for families include long-travel distances to healthcare services and a lack of affordability. These challenges can be more significant for children with disabilities. The problem is particularly acute for children from Nubian, Sinai Bedouin and Amazigh communities that live on the outskirts of the main cities in Egypt. The number of doctors per 10,000 persons is 5.8 in Aswan, 17 in Matrouh and 8.9 in North Sinai.<sup>12</sup> Despite the vastness of the Sinai peninsula, the distribution of specialized medical staff there is not as extensive as in many other governorates. As of 2020 the governorates of North Sinai and South Sinai had among the lowest number of hospitals of all the country's 28 governorates: 16 hospitals in North Sinai with a total of 384 beds. Aswan has just 31 governmental hospitals with a total of 1566 beds, serving some 1.5 million people and the whole of Matrouh Governorate has only 8 hospitals – the lowest number of hospitals among all the 28 governorates in the country – with just 468 beds serving more than half a million residents.<sup>13</sup>

### **Education, leisure and cultural activities (Articles 28, 29, 30)**

21. According to a Sinai Foundation for Human Rights report, In the last decade, the Egyptian military and security forces as well as armed group Wilayat Sina' have launched attacks against schools, school children and teachers in Egypt's North Sinai,

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<sup>10</sup> As of 2017/2018 according to the latest Sustainable Development Goals Localisation reports published by the Egyptian Ministry of Planning and Economic Development. See Minister of Planning and Economic Development, Sustainable Development Goals Localization Reports, 2019: Aswan Report, p. 6; Matroh Report, p. 6; North Sinai Report, p. 5. Available at: <https://mped.gov.eg/DynamicPage?id=107&lang=en>

<sup>11</sup> World Bank, 'Rural population (% of total population), 1960– 2021', <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=EG>

<sup>12</sup> As of 2017/2018 according to the latest Sustainable Development Goals Localisation reports published by the Egyptian Ministry of Planning and Economic Development. See Minister of Planning and Economic Development, Sustainable Development Goals Localization Reports, 2019: Aswan Report, p. 6; Matroh Report, p. 6; North Sinai Report, p. 5. Available at: <https://mped.gov.eg/DynamicPage?id=107&lang=en>

<sup>13</sup> Health Units With Beds by Sector (2010-2020), Arab Development Portal, Available here: [https://www.arabdevelopmentportal.com/sites/default/files/publication/egypt\\_in\\_figures\\_lshh.pdf](https://www.arabdevelopmentportal.com/sites/default/files/publication/egypt_in_figures_lshh.pdf)



severely undermining access to education in the area.<sup>14</sup> In Northern Sinai, dozens of schools were attacked or destroyed, and a number of them were used as a military bases, observation posts, and storage facilities by the army or supporting Sinai tribal armed groups since 2014<sup>15</sup>. Although the last confirmed attack by Wilayat Sina' was in December 2022, Egyptian security forces have remained in some schools. This has prevented many Bedouin children from continuing their primary and secondary education and has further prompted forced displacement of families as a result.<sup>16</sup>

22. The Siwa Oasis, which houses the Amazigh population of Egypt, also lacks sufficient educational facilities. Students in Siwa face several problems during the school year, including the severe shortage of school staff members, which affects their schooling and leads to low enrollment rates.<sup>17</sup>
23. Requests for mother tongue education by the Nubian community have been rejected by the state, both by the constitutional committee when drafting the Constitution and thereafter. Similarly, Egyptian authorities have rejected a number of local initiatives led by Coptic and Muslim activists to include the Coptic language as part of official educational curricula . The authorities have even targeted and questioned Coptic activists making this demand. In July 2019, a Coptic activist presented a proposal to the Minister of Education through a formal memorandum calling for the creation of a clear timeline for teaching Coptic in schools, in line with the UNESCO Convention Against Discrimination in Education, and establishing a separate curriculum for the Coptic language. Authorities arrested and detained the activist in November 2019, just before he was due to travel to the UN Forum on Minority Issues to testify on that year's theme, namely 'Education, Language and the Human Rights of Minorities'.<sup>18</sup>

### **Special protection measures (Articles 22, 32, 34, 35, 36, 37, 38, 39, 40)**

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<sup>14</sup> Attacks on Education in Egypt's North Sinai May Be War Crimes, Sinai Foundation for Human Rights (2024), available here: <https://sinaifhr.org//show/363>

<sup>15</sup> Mines of the Future, Sinai Foundation for Human Rights (2023), available here: <https://sinaifhr.org//upload//2vgi13m5iakgg4ogkg.pdf>

<sup>16</sup> "I was afraid... I was only 17", Sinai Foundation for Human Rights (2024), available here: <https://sinaifhr.org//upload//100unds7fnesg44g0w.pdf>

<sup>17</sup> The State of Cultural Citizenship for Egyptian Minorities, Minority Rights Group (2023), available here: <https://minorityrights.org/publications/egypt-cultural-citizenship/>

<sup>18</sup> Egypt: Immediately release Coptic activist Ramy Kamel, Cairo Institute for Human Rights Studies (2019), available here: <https://cihrs.org/egypt-immediately-release-coptic-activist-ramy-kamel/?lang=en>

24. In North Sinai, the Egyptian government is engaged in an ongoing non-international armed conflict against Wilayat Sinai, and North Sinai has been under a state of emergency since October 2014. Due to a lack of sufficient state protection from Wilayat Sinai, many families have forcibly married their underaged daughters to members of Wilayat Sinai to establish a perceived form of protection from the group. Some of the girls who were forcedly married to Wilayet Sinai fighters have been subjected to domestic violence, which is not recognised as a crime under Egyptian law. Girls who have tried to escape their marriages are frequently subjected to further violence by members of the Wilayet Sinai.
25. Girls who flee their marriages from Wilayet Sinai members are often stopped and searched by the officers once they reach military check points. As Sinai Bedouins usually do not possess identification, girls from this community are at risk of arbitrary arrest when stopped, as well as enforced disappearance and torture.
26. The Egyptian Front for Human Rights documented the cases of at least 4 underaged Bedouin girls who appeared before the Supreme State Security Prosecution between 2018 and 2019. They were arrested without an arrest warrant, taken to an unofficial detention center of the National Security Agency, they were prevented from accessing their lawyers and families, and were not informed of the charges against them<sup>19</sup>. Two girls were subjected to torture to extract confessions and information about Wilayat Sinai while they were held incommunicado in the National Security Agency's unofficial detention centers. Their cases were not referred to trial due to the lack of any material evidence of the commission of a crime.<sup>20</sup>
27. The state has also failed to investigate the potential violations committed against these four girls by Wilayat Sinai, and by the National Security Agency, including child marriage, sexual violence, domestic violence, arbitrary arrest, shared detention with adults, forced disappearance and torture. Acts of torture in detention include electrocution, tearing off the child's clothes, and threatening them with rape. The girls have not been offered rehabilitation services for either physical or psychological abuse<sup>21</sup>. In another case, in 2019 authorities detained a 15-year-old girl who had undergone three forced marriages since the age of 14, with her first two husbands

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<sup>19</sup> Egypt: Gender-based violence against women and girls in North Sinai by the State and armed groups, Egyptian Front (2021), available here: [https://egyptianfront.org/2021/11/egypt-gender-based-violence-against-women-and-girls-in-north-sinai-by-the-state-and-armed-groups/#\\_ftn3](https://egyptianfront.org/2021/11/egypt-gender-based-violence-against-women-and-girls-in-north-sinai-by-the-state-and-armed-groups/#_ftn3)

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

dying in armed clashes. When she moved from North Sinai to Cairo, authorities detained her, held her incommunicado for six months, and prosecuted her according to her lawyer.<sup>22</sup>

28. Between 2013 – 2022, the Egyptian armed forces in North Sinai enlisted children as young as 12 in the war against Wilayet Sinai. Children aged 15-18 were allocated tasks such as spying or delivering food supplies, which exposed some of them to Wilayet Sinai. The Egyptian government also failed to prevent its allied militias from recruiting and using children under 18 in hostilities against the Wilayet Sinai group. Some of these children were killed by Wilayet Sinai after the group discovered their connection to pro-government militias<sup>23</sup>.

### **Recommendations to the Government of Egypt**

- Remove all discriminatory provisions in the Constitution, including the restriction of legal recognition to the ‘heavenly religions’, to ensure full equality before the law for persons of all religions or beliefs without exception. The provision of the principles of Islamic Sharia in Article 2 as the main source of legislation should also be removed, and a civic code for personal status affairs should be established including for matters of child custody.
- The Government of Egypt should ensure that freedom of religion or belief, including individual and collective prayer, is granted equally to all members of religious groups and denominations, including to children belonging to religious or belief minorities.
- Ensure that all citizens can receive identification documents, irrespective of their religion or belief, and of the religion or belief and documentation status of their parents.
- Remove or make optional the religious section of the ID cards.
- Ensure that all children born are registered and receive birth certificates, irrespective of religion, marital status, national origin or any other characteristic of their parents.
- Ensure that reasonable accommodations are made to facilitate and ensure the registration of children born in rural areas and/or in low-income households.

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<sup>22</sup>Women subjected to violations allegedly related to ISIS, Sinai Foundation for Human Rights (2023), available here: <https://sinaifhr.org//show/196>

<sup>23</sup> “I was afraid... I was only 17”, Sinai Foundation for Human Rights (2024), available here: <https://sinaifhr.org//upload//100unds7fnesg44g0w.pdf>

- Take measures to allow stateless Beja children and their parents to acquire Egyptian nationality. The government of Egypt should make sure that Egyptian women can pass on their nationality to their children, including when they are born in a marriage with a Beja person.
- Ensure that stateless and undocumented children face no obstacles in accessing their right to health, education and movement.
- Take all necessary measures to prevent, address and punish effectively abduction, forced marriage and forced conversion affecting disproportionately children belonging to minority communities. Security forces should monitor, register and properly investigate disappearances of Christian and other minority girls, as well as undertake a full and independent examination of their conversion to Islam when there are reports of forced or coerced conversions.
- Adapt the Social Health Insurance (SHI) law in Egypt to guarantee access to primary health care to all citizens.
- Ensure a fair and non-discriminatory distribution of health resources, to reach remote and isolated communities in Egypt.
- Immediately cease using schools in North Sinai for military purposes and evacuate military posts in or near schools.
- Restore functionality of damaged schools and build education infrastructure to ensure that pupils and students whose education was interrupted have unhindered access to schools that are close to where they live and adequate access to education.
- Recognize in the law the right of linguistic minorities to learn their own languages and to have them included in educational curricula at different educational levels and taught in their own schools, in line with international standards.
- Recognize the right of members of linguistic minorities to carry out their own educational activities to teach their own languages, in line with international standards.
- Ensure prompt, effective, independent, transparent and impartial investigations into all allegations of arbitrary arrests, torture, extrajudicial killings and other serious violations of human rights involving security forces, particularly of girls fleeing violence.
- Take concrete steps to address the root causes of child marriage, including marginalization, insecurity and poverty, and criminalise and ensure appropriate penalties on parents or guardians who marry off their children as well as adults who engage in child marriage.