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We arrest kids in parks who look like they are homeless. We arrest kids selling tissues in the street. These kids become known to us, so it isn't hard. [Sometimes] we arrest kids walking down the street during school hours with their school books, but I don't have enough officers to make as many of these arrests as I would like. I am asking for more officers, because in the future we want to conduct campaigns to search for and arrest truants."

— Brigadier Yasir Abu Shahdi, director of the Cairo Governorate Police Directorate's al Azbekiya juvenile lockup

A young boy shining shoes near the al Azbekiya police station in downtown Cairo. Egyptian police consider children who offer "services of little value" to be begging and can arrest them for being "vulnerable to delinquency." © Hani al Dessuqi.

## **CHARGED WITH BEING CHILDREN** **Egyptian Police Abuse of Children in Need of Protection**

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## EGYPT

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The guards at the [Sahel police] station curse us with curses about our mothers and so sometimes they hit us. My mother is dead so I don't let anyone curse her. If the guards do curse me I curse them back. Sometimes the guard tells the officer and then the officer hits me. Twice the officer has done this—it is the same one. He curses me and makes me stand while he hits me with a stick. When I fall to the ground he makes me stand again. He hits me all over my body—from my head to my feet.”

—Amal A., sixteen, Cairo, Egypt, July 17, 2002

I was in a big cell [in the adult section of the al Azbekiya police station], the size of three rooms, with my friend. There were bigger and smaller kids with us. The smallest was ten. There were adults with us. The adults hit us. I was hit a lot. We were there for about five days, and then they sent me home.

— Tariq A., sixteen, Cairo, Egypt, July 9, 2002

The prosecutor took the police investigative report but didn't ask any questions. They didn't say what I was charged with. They just wanted to send me back to the countryside. I didn't see a judge. Only criminals see a judge.

—Anwar R., fifteen, Cairo, Egypt, July 9, 2002

The children come in from the police stations beaten up, and tied together with ropes. They smell horrible—even the detention room downstairs smells bad and is filthy. [In the police stations] the police beat them and hang them from their feet and use electricity on them. I've seen a seven-year-old come in with his face swollen from the blows. When you ask the *mukhbirin* [low ranking police] who brought them about the children's condition they tell you, 'Those [children] deserve worse than that treatment. They run away and they lie.' If you ask the child, the child is afraid to talk about ill-treatment by the police because he knows he will be hit when he leaves [the social welfare experts' interview room].

—Social Welfare Expert, Cairo Juvenile Court, Cairo, Egypt, July 3, 2002

## I. SUMMARY

Egyptian police routinely arrest and detain children they consider “vulnerable to delinquency” or “vulnerable to danger.” These children have not committed any criminal offense, and in many cases the very basis for their arrest—that they are begging, homeless, truants, or mentally ill—shows that they are in need of protection and assistance rather than punishment. In place of care they are subjected to police beatings and sexual abuse and violence; detained in unsanitary and dangerous conditions for days or weeks, often with adult criminal detainees who abuse them; and denied adequate food, water, bedding, and medical care.

The categories “vulnerable to delinquency” and “vulnerable to danger,” set forth in Egypt's Child Law ostensibly to protect vulnerable children, have become a pretext for mass arrest campaigns to clear the streets of children, to obtain information from children about crimes, to force children to move on to different neighborhoods, and to bring children in for questioning in the absence of evidence of criminal wrongdoing. The number of such arrests has sharply increased since 2000. There were more than 11,000 arrests of children on these charges in 2001 alone, accounting for one quarter of all arrests of children in Egypt that year. In many cases they are victims of abuse even before their arrest, having suffered violence in the home, been subjected to exploitive and hazardous labor conditions, or been denied education because their families could not afford to pay for their school fees, books, and uniforms.

Concerted action to end abuses associated with the arrest and detention of children under these categories of the Child Law is lacking in part because children and their guardians have few avenues for effective legal recourse. Public prosecutors generally order children released without investigating police abuse and with only a cursory review of their cases. In many instances parents don't learn their child has been arrested until the child's release; in other cases police simply return the child to the street.

This report, based on interviews with thirty-seven children and numerous government officials and child welfare experts, details the serious violations sketched above in the Greater Cairo area, encompassing the governorates of Cairo, Giza, and al Qaylubiya. Information from nongovernmental organizations working with children in other cities has established that the problem is not limited to Cairo, but persists in other urban areas. The widespread and systematic nature of the abuses we found highlight the need for structural reform in how the Egyptian government addresses children in need of protection or in conflict with the law.

As detailed below, Human Rights Watch urges the Egyptian government to end immediately its policy of arresting and detaining children deemed “vulnerable to delinquency” or “vulnerable to danger,” and instead develop programs to provide such children the assistance they need. To be effective, this will require that public prosecutors and judges actively monitor arrest practices and conditions for children in police custody. We recommend in particular that the attorney general designate a full-time position to oversee government investigations of torture and ill-treatment of children in police custody and that the Ministries of Interior, Justice, and Insurance and Social Affairs work together to ensure that child welfare experts, rather than the police, are primarily responsible for matters involving vulnerable children. These changes should be important first steps in a much needed reform of the entire juvenile justice system to make it a system that safeguards children’s rights and promotes their wellbeing and development into productive members of society.

### **Abuses during Arrest, Transport, and in Police Lockups**

During arrests police in Cairo routinely beat children with fists and batons; one child we spoke with described being shocked with an electric baton. Police also use degrading language to humiliate and intimidate children, and transport them in unsafe vehicles. The most dangerous of these vehicles, large metal trucks used to transport prisoners, lack seating and adequate ventilation. Children told us police often transported them in these vehicles with adult criminal detainees who verbally abused them and sometimes physically assaulted them; one girl reported being sexually abused by a police guard during transport. Less dangerous means of transport are often degrading, as when police bind children together with ropes or handcuffs, sometimes in large groups, and force them to walk several blocks or to ride public transportation while bound or handcuffed.

Police also frequently use the threat of arrest or prolonged detention to extort bribes, or simply steal money from children in their custody. In some cases police extorted sex from girls in exchange for protection from sexual violence by others.

Once in custody, the abuses continue. Police in Cairo routinely detain children in overcrowded and dirty adult police lockups, where they face abuse by adult criminal detainees and are not provided with food, bedding, or medical care. When children are transferred to the al Azbekiya juvenile lockup, as required by Egyptian law, they also face overcrowding, inadequate food and bedding, and denial of medical care, and may be detained with children significantly older or younger who may have committed serious crimes.

Children told Human Rights Watch that police at lockups beat them with batons, whips, rubber hoses, and belts, and subjected them to sexual abuse and violence or tolerated sexual abuse and violence by adult detainees. In some cases this ill-treatment, aimed to punish, was so severe as to constitute torture. Both boys and girls complained that police used degrading language to humiliate and intimidate them. In the case of girls, highly sexualized verbal degradation was sometimes a prelude to sexual violence. Children who complained about police ill-treatment risked retaliation from both their abusers and the higher-ranking officers who were supposed to be supervising them.

### **Procedural Abuses**

Although Egyptian law requires that all persons be brought before the Public Prosecution Office (*al niyaba al `amma*) within twenty-four hours of arrest, children arrested for being “vulnerable to delinquency” are frequently held for longer periods without going before the prosecution office, and in some cases are released without ever seeing the prosecutor. Delays in presenting children to the prosecution office at best undermine and at worst effectively deprive them of their right to challenge the legality of their arrest, make complaints about abuse, or request protective measures.

Despite widespread and systematic violations of the rights of children in police custody, Egyptian authorities do not routinely monitor conditions of detention for children, investigate clear cases of arbitrary arrests or abuse in custody, or appropriately discipline those responsible for these abuses.

Ministry of Interior officials do not investigate or keep statistics on police abuse of children and have no procedure for children to make complaints. Public prosecutors for juveniles do not regularly visit places of detention for children or conduct adequate investigations of the circumstances of children's arrest and detention, as Egyptian law requires. Children arrested for being "vulnerable to delinquency" told us that prosecutors often did not speak to them at all, or only asked basic questions about their names and addresses, effectively denying them an opportunity to participate in their own defense or to make complaints about ill-treatment. Ministry of Insurance and Social Affairs social welfare experts' reports on children's circumstances and opportunities for rehabilitation, required by law when children appear before the Public Prosecution Office or courts, are frequently based on brief, superficial interviews, and contain only the barest information on the child's background. Such reports are often ignored by prosecutors and judges. Children "vulnerable to delinquency" are not entitled to legal counsel when appearing before the prosecution office or juvenile court, although prosecutors and judges can order them institutionalized for up to three years.

Human Rights Watch urges that the Government of Egypt give priority to implementing the following key recommendations. A more comprehensive set of recommendations to the Government of Egypt, the United Nations, and donor governments are included in Chapter IX, below.

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

- Immediately end the practice of arresting children considered "vulnerable to delinquency," or "vulnerable to danger" and amend Child Law 12 of 1996 to ensure that no child is penalized for "status offenses," that is, conduct that would not be penalized if committed by an adult. Bearing in mind that a large portion of children currently arrested under these provisions are children permanently or temporarily deprived of their family environment, or in whose best interests cannot be allowed to remain in that environment, ensure that they receive the special protection and assistance they are entitled to under the Convention on the Rights of the Child.
- Take urgent steps to minimize the role of police in matters involving children, including immediately revoking the Ministry of Interior's policy of routinely detaining children in police lockups.
- Ensure that every child deprived of liberty is held separately from adults and afforded prompt access to legal assistance and the right to challenge the legality of the deprivation of liberty. Arrest, detention, or imprisonment of children should always be a measure of last resort and then only for the shortest possible time.
- Create a full-time position within the Ministry of Justice dedicated to monitoring treatment of children in detention. The position should be charged with overseeing investigations of torture and ill-treatment of children in police custody, keeping precise and publicly accessible statistics on torture and ill-treatment complaints, identifying the officers responsible, and investigating practices at police stations that are subject of multiple complaints.
- Protect children in state custody from arbitrary detention and all forms of torture and cruel, inhuman or degrading treatment by police, officials and other government employees, and by other detainees. In particular, ensure that public prosecutors actively monitor conditions for children in police custody, social welfare institutions, or otherwise deprived of their liberty. Ensure that all such facilities meet international standards, and that public prosecutors promptly investigate and bring to justice those responsible for torture, cruel, inhuman or degrading treatment, or arbitrary detention of children.

- Judges involved in the juvenile justice system should also monitor conditions for children in police custody, social welfare institutions, or otherwise deprived of their liberty.
- Sign, ratify, and implement without delay the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establishing a system of regular visits by independent international and national bodies to places where people are deprived of their liberty.

## Methods

This report is based on research Human Rights Watch conducted in Cairo, Egypt between June 25, 2002 and July 30, 2002. We chose Cairo for our study because it has the highest number of arrests of children “vulnerable to delinquency” of any Egyptian city, and because, as the capital city, it has the resources for effective reform and meaningful oversight for the juvenile justice system. A Human Rights Watch researcher conducted private interviews with children living on the street, children in police custody, Egyptian government officials, United Nations representatives working on children’s issues, and representatives of Egyptian nongovernmental organizations. With a few exceptions, all interviews were conducted in Arabic.

Human Rights Watch interviewed thirty-seven children. Twenty-four of the children were originally from the Greater Cairo area, defined as the governorates of Cairo, Giza, and al Qaylubiya. The remaining children had come to Cairo from Alexandria (3), al Minya (2), al Isma’iliya (2), Bani Suwayf (2), al Daqahliya (1), al Gharbiya (1), Asyut (1), al Sharqiya (1), and Kafr al Shaykh (1) governorates.

The children ranged in age from nine to eighteen and included twelve girls aged fourteen to eighteen and twenty-five boys aged nine to seventeen. Thirty-five of the children had been arrested at least once, and some as many as ten times. All of the children who had been arrested had witnessed or been subjected to police beatings or other ill-treatment while in custody. We also interviewed four adults aged eighteen and nineteen who had recently been detained with children in police lockups.

Human Rights Watch interviewed all the children individually, in a private setting. Thirty children were interviewed at drop-in centers for street children operated by local nongovernmental organizations, and seven children—three girls and four boys—were interviewed while in police custody at the al Azbekiya Juvenile Welfare Facility, the Cairo Governorate Police Directorate’s lockup for children. Children interviewed at drop-in centers were selected at random from among those children present on the day of the visit. Boys interviewed at the al Azbekiya lockup were selected at random from a cell of younger children identified by police as “children vulnerable to delinquency.” A Human Rights Watch researcher interviewed three of the four girls present at the lockup before the director asked the researcher to leave.

Judges of the Cairo Juvenile Court graciously allowed us to observe an otherwise closed session of the court. We also met with the director of the Ministry of Interior’s General Administration for Juvenile Welfare Investigation, the director of the al Azbekiya Juvenile Welfare Facility, and interviewed police officers guarding children at the Bulaq al Dakrur police station. An interview with prosecutors in the Cairo General Prosecution Office for Juveniles was cut short when an assistant to the director of the Ministry of Interior’s General Administration for Juvenile Welfare Investigation informed prosecutors that they were not authorized to speak publicly about their work.

Human Rights Watch asked for but did not receive permission to visit Ministry of Insurance and Social Welfare facilities for children “vulnerable to delinquency.” Ministry of Insurance and Social Affairs experts provided information on these facilities and on the treatment of children referred to the Public Prosecution Office for Juveniles and the juvenile court. This information was further supplemented by meetings with the National Council for Childhood and Motherhood (NCCM), “the highest government authority entrusted with policymaking, planning, coordinating, monitoring and evaluation of activities in the areas of protection and development of children,” including the secretary general of the NCCM and a member of the NCCM technical committee who participated in the drafting of the 1996 Child Law and its implementing regulations. Human Rights Watch also met with legal and social experts at the government-funded National Center for Social and

Criminal Research who had conducted research on street children, working children, children arrested for being “vulnerable to delinquency,” and juvenile justice issues.<sup>1</sup>

Representatives of numerous intergovernmental, nongovernmental, and regional organizations, human rights activists, and lawyers spoke candidly about their experiences providing services and designing programs for Egyptian children living or working in the street.

We have assigned pseudonyms to all children mentioned in this report to protect their privacy.

### **International Standards**

In this report we assess Egypt’s treatment of children “vulnerable to delinquency” according to international law, as set forth in the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Egypt is party to all of these treaties. In addition, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty provide authoritative guidance on the treatment of children in conflict with the law. The United Nations Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provide authoritative guidance on the treatment of all persons, children and adults alike, deprived of their liberty.

### **Terminology**

In this report, the word “child” refers to any person under the age of eighteen. The Convention on the Rights of the Child defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is obtained earlier.”<sup>2</sup>

The Arabic term *mu`arid li inhiraf* can connote one exposed or vulnerable to delinquency, aberrance, or deviation. We translate it here as “vulnerable to delinquency” a term we believe is more accurate than the “liable to perversion” used by the National Council of Childhood and Motherhood in its English translation of the Child Law.<sup>3</sup> All translations from Arabic to English in this report are by Human Rights Watch unless otherwise noted.

## **II. CONTEXT**

When Human Rights Watch interviewed sixteen-year-old Amal A. in July 2002, she had been living on the street for about four months, sleeping in a public park. “I left home because my father needed money and wanted me to work as a maid in a house,” she said. “I had worked once in Aswan and the man there attacked me. He molested me. I told my father about it but he still wanted me to work. I was eleven years old the first time. I refused to work any more for those people so my father beat me with a whip. [Now] my father hits me all the time because he wants money. But where will I get him money? I was recently engaged to be married but the engagement was broken off because of money. He was a nice man, a twenty-two-year-old fruit seller. A victim of circumstances, like me.”<sup>4</sup>

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<sup>1</sup> The National Council for Childhood and Motherhood, created by Presidential Decree no. 54 of 1988, is closely associated with Egypt’s First Lady Suzanne Mubarak, who chairs its advisory Technical Committee. The Council is chaired by the Egyptian prime minister and its membership includes thirteen ministers. See The National Council for Childhood and Motherhood, “The Council” [online], <http://www.nccm.org.eg/> (retrieved July 20, 2002).

<sup>2</sup> Convention on the Rights of the Child, article 1, adopted November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (entered into force September 2, 1990). Egypt’s Child Law also defines “child” as any person who has not attained eighteen years of age. Child Law 12 of 1996, Official Gazette no. 13 [adjunct], March 28, 1996 (in Arabic), article 2.

<sup>3</sup> The Cabinet of the National Council for Childhood and Motherhood, *Child Law No. 12/1996*, (Cairo, Egypt: no date, in English).

<sup>4</sup> Human Rights Watch interview with Amal A., Cairo, Egypt, July 17, 2002.



Amal told us that her father removed her from school before she finished first grade and then prevented her from completing the literacy class she began at thirteen. “I had just finished the 2<sup>nd</sup> level when my father took me out. He said, ‘You are a big girl now. Bad things happen [to girls] in school.’” With only a second grade education, she supports herself by begging and selling tissues. Amal’s younger brother also lives on the street, but she said she rarely sees him. “My brother has also left home. My father told him not to come back unless he has money. He is fourteen.”

With no stable place of residence, no serious source of income, and no legal means of income, Amal meets the definition of a child “vulnerable to delinquency” in Egyptian law.<sup>5</sup> Police can legally arrest her at any time, and they had already done so six times at the time this report was researched.

Amal’s most recent arrest took place a few days before our interview in July 2002, during one of the Cairo police’s regular arrest campaigns against street children. “The government put me in a microbus and took me to the Sahel police station [in the Shobra neighborhood], up the stairs to the detectives’ office. The officer there hit me with his hands and then made an investigative report. Then he sent me to the bottom floor to the lockup. That time I was in the lockup for two days; the other times it was for four days.”

Like almost every child Human Rights Watch interviewed, police detained Amal without food or bedding, in a crowded, filthy cell, with adults who beat and threatened her. Police at the station did not protect Amal from abuses by adult detainees and beat and threatened her and other girls detained with her, using degrading, sexual language. “The guards at the station curse us with curses about our mothers and so sometimes they hit us,” she told us. “My mother is dead so I don’t let anyone curse her. If the guards do curse me I curse them back. Sometimes the guard tells the officer and then the officer hits me. Twice the officer has done this—it is the same one. He curses me and makes me stand while he hits me with a stick. When I fall to the ground he makes me stand again. He hits me all over my body—from my head to my feet.”

Despite Amal’s multiple arrests, Egyptian authorities have never offered her protection and care, nor have they investigated the police and family members who abused her. Instead, police who see her on the street routinely assume she is a criminal and detain her until they determine that there are no outstanding warrants for her arrest. “The police send our papers to the [Cairo Police] Directorate to see if we have cases against us, and when they don’t find anything they let us go. The papers go [to the Directorate], not us. They don’t send us home, they just let us go. Usually it is at night, about midnight or 1 a.m.”

Amal’s case is not unusual. Egyptian law does not effectively distinguish between children who have committed criminal offenses and children who are in need of protection. Chapter Eight of Egypt’s Child Law 12 of 1996, entitled “The Criminal Treatment of Children,” allows police to arrest any child under eighteen for a wide variety of activities.<sup>6</sup> Some of these activities, including being habitually absent from school or suffering from mental illness or diminished mental capacity, are “status offenses” that would not constitute crimes if committed by adults. Others, like being homeless, begging, or practicing or working for those involved in prostitution, gambling, or drugs, are clear evidence that a child is in need of special protection and assistance from the state.

Even when a child meets Egypt’s legal definition of a child in need of protection, he or she faces tremendous legal and practical obstacles to receiving such protection.<sup>7</sup> Police often illegally detain children without notifying family members or the Public Prosecution Office. When police do present children to the Public Prosecution Office, prosecutors and juvenile court judges frequently order children to be returned to their families without adequately investigating evidence of family or police abuse, and police responsible for carrying out these orders

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<sup>5</sup> See Child Law 12 of 1996, Official Gazette no. 13 [adjunct], March 28, 1996 (in Arabic), article 96.

<sup>6</sup> Child Law, articles 94-134. For a more detailed discussion of this issue, see Chapter VI.

<sup>7</sup> Prime Ministerial Decree 3452 of 1997 enacting the Executive Statute of Child Law 12 of 1996, Official Gazette no. 48 [adjunct], November 27, 1997, articles 203-204. For a more detailed discussion of this issue, see Chapter VI.

often simply return children to the street. The Public Prosecution Office for Juveniles and the juvenile court rarely order protective placements for children, although the Child Law's implementing regulation allows them to do so.

### Families in Crisis

In the vast majority of cases Human Rights Watch investigated, the single most important factor leading to a child's arrest on charges of being "vulnerable to delinquency" was the amount of time the child spent on the street. With the exception of one child who had been arrested while working in a brothel, all of the children we interviewed had spent significant periods of time living and/or working on the street; in some cases children had lived on the street for years. In almost every case, the children were living and working on the street because of severe family crises.<sup>8</sup>

The children we spoke with consistently cited family violence and the divorce or remarriage of a parent as the primary reasons they left home. When we interviewed thirteen-year-old Amin N. in July 2002, he had been living on the street for two years, ever since his parents divorced and each married other partners. "They have new families and don't want me," he said. Amin and his three brothers were left to fend for themselves, while his only sister stayed with their mother "because she's a girl." With no education, Amin supports himself with tips he earns wiping dust off cars that park near a well-known restaurant in the Sayyida Zaynab neighborhood of Cairo.<sup>9</sup> Yasir I., fourteen, told us that he worked moving crates at Cairo's al `Abur fruit market. "I sleep at the Qala` [an ancient citadel that is now a major tourist attraction] and go home maybe every other week," he said. "My father beats me so I don't like to stay there."<sup>10</sup> `Amr R., sixteen, left home when he was nine, following his parents' divorce. His father has since divorced and remarried several times, but each of the new wives has refused to allow `Amr to stay with her. `Amr told us he sleeps wherever he can; like Amin N. he supports himself with tips earned wiping dust from parked cars. "People treat us badly," he said. "Exactly like we are dogs in the street."<sup>11</sup> When interviewed in Cairo in July 2002 Wafa' R. had just fled her family home in a city in the Sa`id for the fourth time because of abuse. She expressed her exasperation with both her family and the police who returned her to them. "I do everything there," she said. "I wash clothes, wash dishes, everything, and still my father beats me. He hits me with an electric cord. As soon as the police send me [home] I come right back to Cairo."<sup>12</sup>

Thabit A., ten, has been living on the street for about three years and, like Amin N., wipes dust from cars in the Sayyida Zaynab neighborhood. Thabit said he goes home occasionally but never stays long. "My father hits me. Last Friday I went home and my father hit me with a piece of metal." Thabit's older brother also lives on the street, but the two rarely see each other. "Each one is responsible for himself," he said.<sup>13</sup>

In several cases, violence by stepparents was severe enough to lead very young children to undertake long journeys to escape abuse. Fifteen-year-old Anwar R. came to Cairo from the Sa`id at age twelve. "I rode the train," he said. "My dad's wife was hitting me so I left. My mother has been dead for seven years." Police have

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<sup>8</sup> A 2001 survey of fifty street children between ten and eighteen years of age (average age thirteen) produced similar findings: asked to identify the direct reasons for their street existence, 82 percent of children gave child abuse by the family or at work, and 62 percent indicated parental neglect; in addition, 62 percent of the children "came from broken families due to divorce, separation, the death of one or more parents, imprisonment of a parent or both, or extreme sickness of a parent or both." Abt Enterprises LLC, *Rapid Situation Assessment of Street Children in Cairo and Alexandria: Final Report, March 29, 2001, Prepared for the U.N. Office for Drug Control and Crime Prevention, the World Food Program, and the U.N. International Children Emergency Fund (UNICEF)*, pp. 17, 18.

<sup>9</sup> Most of the boys we interviewed earn money by staking out a high turn-over parking area, often near a busy restaurant or shopping district, where they direct cars in and out of parking spaces and wipe dust from parked cars with a rag. Drivers in Cairo generally tip 0.50LE to 1LE (approximately U.S.\$0.11 to U.S.\$0.22) for this service, and especially sympathetic children may easily earn more. Competition for spots in prime areas can be fierce, and children compete not only with each other but with men. Human Rights Watch interview with Amin N., Cairo, Egypt, July 9, 2002.

<sup>10</sup> Human Rights Watch interview with Yasir I., Cairo, Egypt, July 9, 2002.

<sup>11</sup> Muslims consider dogs to be ritually unclean, and calling someone a dog is extremely offensive. In Egypt, the government conducts regular campaigns to eradicate stray dogs during which police shoot any dog they find on the street. Human Rights Watch interview with Amr R., Cairo, Egypt, July 9, 2002.

<sup>12</sup> Human Rights Watch interview with Wafa' R., Cairo, Egypt, July 16, 2002.

<sup>13</sup> Human Rights Watch interview with Thabit A., Cairo, Egypt, July 10, 2002.

sent Anwar back to his home governorate several times, but he continues to return to Cairo.<sup>14</sup> Nasir Y., fifteen, rode a train to Cairo from the Bani Suwayf governorate at age ten. “My mother remarried and my mother’s new husband treated me badly. He beat me and cursed me, so I left.” Nasir now lives on the Cairo streets and supports himself by wiping dust from cars.<sup>15</sup>

### **Child Labor**

Egyptian law prohibits children under fourteen from working.<sup>16</sup> Little has been done to enforce the law, and a 1997 national survey estimated that some 1.7 million Egyptian children age six to fourteen worked in paid and unpaid labor.<sup>17</sup> During our interviews, we found strong evidence of a relationship among children working, families in crisis, and children’s likelihood of arrest on charges of being “vulnerable to delinquency.” Work at an early age frequently increases the amount of time children spend unsupervised, especially when a child’s workplace is the street. Poor families are more likely to send their children to work at an early age, and poor families are less likely to have the necessary resources to provide a nurturing environment for children. Finally, working children may gain a false sense of their ability to provide for themselves that encourages them to risk leaving a family environment that they consider unsatisfactory.

Nine-year-old Ayman M. told Human Rights Watch he worked as a mechanic’s assistant before deciding to leave his home in Alexandria in early June, 2002. “I saw shows on TV that showed nice things in Cairo,” he said. “Cairoland [amusement park], games, fish that jump from the water. . . . I was living with my mom and my mom’s husband, but he beats me.” A Cairo-based nongovernmental organization eventually found his family and attempted to arrange for his return, but Ayman prefers to stay in Cairo. “My mother says she doesn’t care if I stay here [at a drop-in center],” he said.<sup>18</sup> Sixteen-year-old Yusif H. has worked as a shoe-shine boy since he was small. He told us that he left home after finishing third grade because he wanted “greater freedom” than his family allowed him.<sup>19</sup>

Suliman M., fourteen, told us he left home when he was about ten, not long after his father pulled him out of school to work in a metal shop repairing automobile bodies. “For a while I worked with my brother, but I haven’t done that for a long time,” he said. “My brother used to beat me and throw me out on the street, so I left.” He now lives on the street in the Sayyida Zaynab neighborhood and supports himself with tips earned by wiping dust off parked cars. Evidence of his disturbed emotional state was evident even to a person without psychiatric training. Asked how he imagined his future, he told us: “My life is all sorrow in sorrow. When I grow up I want to be a police officer so I can take what’s due me. So that if anyone says anything to me or bothers me I can hit him. I want to be able to tell my mother, I’ll kill you for what you did to me.”<sup>20</sup>

### **Education and Poverty**

Education is a fundamental right for all children, both because it is crucial to the full development of a child’s personality, talents, and abilities, and because it is often a prerequisite for a child’s full realization of other

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<sup>14</sup> Human Rights Watch interview with Anwar R., Cairo, Egypt, July 9, 2002.

<sup>15</sup> Human Rights Watch interview with Nasir Y., Cairo, Egypt, July 9, 2002.

<sup>16</sup> Child Law, article 64. The same article allows for exceptions to the prohibition on children under fourteen working. For example, children twelve to fourteen years of age may receive vocational training and take part in seasonal agricultural work, provided that the work “is not hazardous to their health and growth, and does not interfere with their studies,” subject to approval by the Ministry of Education and the responsible governor.

<sup>17</sup> The estimate was based on a nationally representative, multistage, stratified, probability cluster sample of adolescents conducted in 1997. The total sample size was 13,271 households, and included children involved in paid and unpaid labor. Population Council, *Social and Health Status and Educational Achievement of Adolescents in Egypt* (Cairo, Egypt: Population Council, 1998). Selected data from the study are available at <http://www.aucegypt.edu/src/childlabor/ASCE.htm> (retrieved September 6, 2002). See also Human Rights Watch, “Underage and Unprotected: Child Labor in Egypt’s Cotton Fields,” *A Human Rights Watch Report*, vol. 13, no. 1(E), January 2001; and Bureau of International Labor Affairs, *Advancing the Campaign Against Child Labor: Efforts at the Country Level* (Washington, DC: U.S. Department of Labor, 2002), pp. 83-89.

<sup>18</sup> Human Rights Watch interview with Ayman M., Cairo, Egypt, July 17, 2002.

<sup>19</sup> Human Rights Watch interview with Yusif H., Cairo, Egypt, July 9, 2002.

<sup>20</sup> Human Rights Watch interview with Suliman M., Cairo, Egypt, July 9, 2002.

human rights.<sup>21</sup> Of thirty-two children who provided Human Rights Watch with information about their level of education, nine children had never attended school. Nine of the twenty-three children who had attended school had dropped out by the end of third grade; seventeen had dropped out by the end of sixth grade, and only two children had completed ninth grade.<sup>22</sup>

International law guarantees all children the right to free, compulsory primary education.<sup>23</sup> The Egyptian Constitution provides for free, compulsory Basic Education through grade nine and free education at other levels.<sup>24</sup> In practice, parents of children in public schools pay registration and health insurance fees, buy school uniforms and supplies, and often are pressured by underpaid teachers to pay for private tutoring so that their children succeed in school exams.<sup>25</sup> High rates of school non-attendance in Egypt are linked to poverty, poor quality of education, and low educational levels of heads of households.<sup>26</sup> These factors in turn increase the probability that children will face substantial disadvantages in the labor market, including pressures to engage in hazardous and exploitive work and diminished opportunities that may trap them and their children in a cycle of poverty and illiteracy.<sup>27</sup> Children not enrolled in school are also subject to arrest as habitual truants and miss out

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<sup>21</sup> See the Convention on the Rights of the Child, articles 28 and 29; the International Covenant on Economic, Social, and Cultural Rights, article 13; and the General Comments of the U.N. Committee on the Rights of the Child and the U.N. Committee on Economic, Social, and Cultural Rights, which provide authoritative guidance on the interpretation of the right to education in those two treaties. For a broader discussion of the impact of the right to education, see the U.N. Special Rapporteur on the right to education, *Annual Report of the Special Rapporteur on the right to education to the United Nations Commission on Human Rights* (New York: United Nations, 2001), E/CN.4/2001/52, paras. 6-14; and Human Rights Watch, *Second Class: Discrimination against Palestinian Arab Children in Israel's Schools* (New York: Human Rights Watch, 2001). International Covenant on Economic, Social and Cultural Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force January 3, 1976); Committee on the Rights of the Child, *General Comment No. 1, The Aims of Education*, April 17, 2001, paras. 1-4; Committee on Economic, Social, and Cultural Rights, *General Comment No. 29, The Right to Education*, December 8, 1999, para. 1.

<sup>22</sup> A 2001 survey of fifty street children between ten and eighteen years of age (average age thirteen) found similarly high rates of non-attendance. Seventy percent of those children were dropouts and 30 percent had never been enrolled in school. Abt Enterprises LLC, *Rapid Situation Assessment*, pp. 15-16.

<sup>23</sup> Convention on the Rights of the Child, article 28; International Covenant on Economic, Social, and Cultural Rights, article 13.

<sup>24</sup> Constitution of the Arab Republic of Egypt, as amended, articles 18, 20; and Child Law, article 59. Egyptian Basic Education consists of primary education (grades one through six, corresponding with ages six through eleven), and preparatory education (grades seven through nine, corresponding with ages twelve through fourteen).

<sup>25</sup> Education Law 139 of 1981 allows for public schools to charge fees for services, insurance, and equipment. The 2000 Egypt Demographic Health Survey found median family expenditures per child among children age six to fifteen attending public schools were 25.3LE for registration and tuition fees, 66.7LE for uniforms/other clothing/bags, 31.8LE for textbooks/supplies, and 10.1LE for tutoring/special classes for a total of 133.9 LE, or approximately U.S.\$35 at the 2000 exchange rate. Fatma El-Zanaty and Ann A. Way, *Egypt Demographic and Health Survey 2000* (Ministry of Health and Population, January 2001), pp. 210-211.

<sup>26</sup> Based on the preliminary results of the 1999/2000 Household Income Expenditure Survey, the International Labor Organization estimates that over 20 percent (approximately twelve million people) of the Egyptian population fall below the lower poverty line (signifying an inability to satisfy their basic food and non-food needs), and over 50 percent of the population (almost thirty-two million people) fall below the upper poverty line (reflecting actual consumption expenditure of the poor, and not essential needs only). See Naglaa El-Ehwany and Heba El-Laithy, *Poverty, Employment and Policy-Making in Egypt: A Country Profile* (Cairo: Egypt, International Labor Organization Area Office, October 2001), pp. 13-14; and El-Zanaty and Way, *Egypt Demographic and Health Survey 2000*, pp. 10-11, 57-58.

<sup>27</sup> A 2001 International Labor Organization study on Egypt found levels of education “to be a major explanatory factor for the observed patterns of poverty,” with poverty being “highest and most severe for illiterate individuals.” Seventy-four percent of illiterate individuals belonged to households whose head was illiterate, and school enrollment rates for school-age children was “considerably lower for poor households compared to non-poor.” More than 20 percent of mothers interviewed in the 2000 Egypt Demographic Health Survey listed cost related reasons for why their child dropped out of school, with 12.2 percent specifying a need for the child’s labor. These rates were even higher for girls, 23.9 percent and 13.2 percent, respectively. El-Ehwany and El-Laithy, *Poverty, Employment and Policy-Making in Egypt*, pp. 13-14; and El-Zanaty and Way, *Egypt Demographic and Health Survey 2000*, p. 207.

on valuable services and benefits, most notably the state-subsidized health insurance.<sup>28</sup> Children who fall out of the educational system have difficulty reentering it later, and may find themselves ineligible for all forms of secondary education, including technical and vocational education.<sup>29</sup>

Children whom Human Rights Watch interviewed typically cited poverty as the primary reason they had never entered school or had left before completing Basic Education. This was particularly true of girls.<sup>30</sup> Wafa' R., fifteen, said, "I've never gone to school because we have no money. No one in my family has gone to school. We are two boys and one girl. My father sells fruit."<sup>31</sup> Fifteen-year-old Ilham N. said, "My father didn't want me to go to school. He said, 'Instead of spending money on sending you to school it is better to spend the money taking care of all of you.' Because we are seven children."<sup>32</sup> Reem G. dropped out after third grade. "I wanted to continue, but my mother had difficult circumstances," she said.<sup>33</sup> Boys also cited poverty as the reason they were not in school. Suliman M., fourteen, told us, "I went to school until fifth grade. Then my father took me out to work as a *sumkari* [a metalworker repairing automobiles]."<sup>34</sup>

Children who did not cite poverty as the direct cause of their dropping out of school often cited the effects of broken marriage, repeated failures related to a lack of tutoring, or their parents' perception that they were "not suitable for education." Sixteen-year old Yusif H. told Human Rights Watch that he left school during third grade because he "didn't have a constitution for learning."<sup>35</sup> `Amr R., also sixteen, dropped out in second grade "because I failed the makeup exam and had to repeat the year."<sup>36</sup> "I went to fifth grade, but I kept failing, so I left school," said Nasir Y., fifteen.<sup>37</sup> "I was too old to go to school," said Ayman M., nine.<sup>38</sup> Hoda L., fourteen, dropped out after fifth grade. "I left school because my mother and father divorced and remarried," she said. "I was staying with my mother and she didn't have money to send me to school. I'm the oldest. There are two younger children, plus one from my mother and her new husband."<sup>39</sup> Seif S., fourteen, said he left school because "my father's [new] wife took me out of school."<sup>40</sup>

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<sup>28</sup> Child Law, article 96(6). For a discussion of Egypt's School Health Insurance Program, see A.K. Nandakumar et. al, "Health reform for children: the Egyptian experience with school health insurance," *Health Policy*, vol. 50, issue 3, January 2000, pp 155-170, and Hassan Abd El Fattah, MD, et. al, *The Health Insurance Organization of Egypt: An Analytical Review and Strategy for Reform*, Technical Report no. 43, (Bethesda, MD: Partnerships for Health Reform Project, Abt Associates LLC, August 1997).

<sup>29</sup> Entry to all secondary level education is contingent on obtaining a Basic Education Certificate, issued after completing the preparatory level final examination. See Nagwa Megahed, "Secondary Education Reforms in Egypt: Rectifying Inequality of Educational and Employment Opportunities," *Improving Educational Quality (IEQ) Project: Case Studies in Secondary Education Reform* (Washington, D.C.: U.S. Agency for International Development, June 2002), p. 48.

<sup>30</sup> Nationally, girls of all backgrounds are less likely to enter school than boys, and more likely to drop out. A 2000 national survey of children age six to fifteen found that 14 percent of girls were not currently attending school, compared to 8 percent of boys. Mothers of children who had never attended school gave cost-related reasons to explain non-attendance in 44.9 percent of cases involving girls, compared to 29.9 percent of cases involving boys, and gave cost-related reasons to explain why a child dropped out in 23.9 percent of cases involving girls, compared to 18.4 percent of cases involving boys. El-Zanaty and Way, *Egypt Demographic and Health Survey 2000*, pp. 203-208.

<sup>31</sup> Human Rights Watch interview with Wafa' R.

<sup>32</sup> Human Rights Watch interview with Ilham N., Cairo, Egypt, July 16, 2002.

<sup>33</sup> Human Rights Watch interview with Reem G., Cairo, Egypt, July 15, 2002.

<sup>34</sup> Human Rights Watch interview with Suliman M.

<sup>35</sup> Human Rights Watch interview with Yusif H.

<sup>36</sup> Human Rights Watch interview with `Amr R., Cairo, Egypt, July 9, 2002.

<sup>37</sup> Human Rights Watch interview with Nasir Y.

<sup>38</sup> Human Rights Watch interview with Ayman M.

<sup>39</sup> Human Rights Watch interview with Hoda L., Cairo, Egypt, July 17, 2002.

<sup>40</sup> Human Rights Watch interview with Seif S., Cairo, Egypt, July 10, 2002.

### III. OVERVIEW OF THE JUVENILE JUSTICE SYSTEM

Egypt's juvenile justice system encompasses children who have committed crimes (*munhirifin*), children whom the law considers to be at risk of committing crimes, ("vulnerable to delinquency," or *mu`aridin li inhiraf*), and, since 1997, children in need of protection ("vulnerable to danger," or *mu`aridin li khatar*). Procedures and penalties for all these categories of children are set forth in Chapter Eight ("The Criminal Treatment of Children") of Child Law 12 of 1996 and its implementing regulations, Prime Ministerial Decree 3452 of 1997, which draw heavily from much-criticized earlier juvenile justice legislation.<sup>41</sup> Measures for children "vulnerable to delinquency" and children under fifteen who commit crimes range from a rebuke to commitment to a social welfare institution or specialized hospital for up to three years; the penalty for children over sixteen who commit crimes punishable by death is a minimum of ten years imprisonment, or a minimum of seven years imprisonment for crimes punishable by permanent hard labor.<sup>42</sup> The Child Law also allows for warnings and fines for guardians whose neglect results in a child becoming "vulnerable to delinquency," and for imprisonment for persons who facilitate a child becoming "vulnerable to delinquency."<sup>43</sup> In the absence of specific provisions in the Child Law, relevant Penal Code and Code of Criminal Procedures provisions apply.<sup>44</sup>

Under the terms of the Child Law, three ministries share responsibility for the treatment of children "vulnerable to delinquency": the Ministry of Interior, which makes arrests and operates the police lockups where children are detained; the Ministry of Justice, which supervises the public prosecutors and judges who determine the fate of arrested children and who are required by law to monitor police lockups, reformatories, and welfare institutions for children; and the Ministry of Insurance and Social Affairs, which operates these children's institutions and whose experts are required to evaluate the situation and needs of children appearing before the Public Prosecution Office and the court. Their roles are outlined below; the Child Law's provisions on children "vulnerable to delinquency" and children "vulnerable to danger" are discussed in detail in Chapter VI of this report.

#### Role of the Ministry of Interior

The Ministry of Interior is responsible for law enforcement, and its officers carry out the majority of arrests of children.<sup>45</sup> The Ministry of Interior's policing functions are spread among twenty-seven security directorates, one for each of Egypt's governorates. The staff of each security directorate includes regular police as well as specialized juvenile police (*shortat al ahdath*) who also report to the General Administration for Juvenile Welfare Investigations (*al idara al `amma li mabahith ri`ayat al ahdath*). The general administration is responsible for investigations and arrests in all crimes committed by children and in all cases of adults charged with corrupting or exploiting children, and with arresting and investigating children who are "vulnerable to delinquency" and "vulnerable to danger." The general administration also has overarching responsibility for police policies toward

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<sup>41</sup> See Child Law 12 of 1996, Official Gazette no. 13 [adjunct], March 28, 1996 (in Arabic), articles 94-143; and Prime Ministerial Decree 3452 of 1997 enacting the Executive Statute of Child Law 12 of 1996, Official Gazette no. 48 [adjunct], November 27, 1997 (in Arabic), articles 200-240. For a critique of Juvenile Act 31 of 1974 and discussion of its similarities with Child Law 12 of 1996, see Dr. Adel Azer and Imam Bibars, *Protecting Vulnerable Children: the Case of Juvenile Delinquents*, Draft, (Cairo: UNICEF Egypt Country Office, 1998), pp. 4-11.

<sup>42</sup> Child Law, articles 101-112. See Appendix A for the full list of measures that can be taken in cases involving children "vulnerable to delinquency" and children under fifteen who commit crimes. Children over fifteen but under sixteen years of age who commit crimes punishable by imprisonment or death may be sentenced to imprisonment, probation, or commitment to a social welfare institution for not less than one year at the court's discretion.

<sup>43</sup> Child Law, articles 98, 113, 114, and 116.

<sup>44</sup> Child Law, article 143.

<sup>45</sup> Certain social welfare experts (*muraqibin ijtimai`in*) appointed by the Ministry of Insurance and Social Affairs and the Ministry of Justice are also authorized to make arrests. The role of these experts is described in Chapter VII, below. See also Child Law, article 117, and more generally, Ministry of Insurance and Social Affairs Decree 130 of 1996.

children, and governorate police directorates report monthly to the general administration's director, a general with the rank of an assistant minister.<sup>46</sup>

Each governorate's security directorate has a Juvenile Welfare Administration (*idarat ri'ayat al ahdath*), staffed by two to three juvenile police officers and one or two female police social researchers (*bahithat shorta*). Each Juvenile Welfare Administration also maintains a police lockup for children; in Cairo this lockup is housed in a portion of an existing adult police station, and is known as the al Azbekiya Juvenile Welfare Facility. In addition to these facilities, the Ministry of Interior also operates the al Marg Penal Institution for Juveniles, a facility for convicted boys over age fifteen, jointly with the Ministry of Insurance and Social Affairs.<sup>47</sup> No facility exists for convicted girls over fifteen.<sup>48</sup>

### **Role of the Ministry of Justice**

The Ministry of Justice has three bodies responsible for juvenile justice issues: the Public Prosecution Office and the General Administration for the Legal Protection of Children, which are fully under the control of the Minister of Justice, and the Juvenile Court, which is subject to more limited oversight.<sup>49</sup> The General Administration, created by a ministerial decree in 1997 to address shortcomings in the functioning of the Public Prosecution Office and the Juvenile Courts, is not yet fully functional.<sup>50</sup>

Egypt does not have a permanent staff of public prosecutors and judges specializing in children's cases, and in most governorates the regular staff of the Public Prosecution Office and the Court of First Instance fulfill both functions. The Cairo Governorate is a notable exception, with a standing Public Prosecution Office for Juveniles (*al niyaba al `amma lil ahdath*) and juvenile court (*mahkamat al ahdath*). However, these are not career positions, and judges and prosecutors typically serve one to two years in these posts before moving to other Public Prosecution Offices or courts.<sup>51</sup> Trial judges are recruited from the ranks of public prosecutors, who in turn are increasingly recruited from graduates of the police academy, raising concerns in cases of police abuse about

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<sup>46</sup> Human Rights Watch interview with General Sayyed Mohammadayn, director, General Administration for Juvenile Welfare Investigation, Ministry of Interior, Cairo, Egypt, July 27, 2002.

<sup>47</sup> Ibid. See also Dr. Nagwa Hafith et al., *The al Marg Penal Institution for Juveniles: An Evaluation of the Conditions in the Institution in 1997* (Cairo: National Center for Social and Criminal Studies, 1999, in Arabic).

<sup>48</sup> Egyptian officials denied that convicted girls over fifteen were imprisoned with adults, but did not provide Human Rights Watch with concrete information on what happened to these girls. One public prosecution official told us that when girls over fifteen are convicted "We go to the social experts and pressure them to deal with it." Human Rights Watch interview with Khaled Mohammad Khass, Chief of the Cairo Public Prosecution Office for Juveniles, Cairo, Egypt, July 3, 2002, and Human Rights Watch interview with General Sayyed Mohammadayn, director, General Administration for Juvenile Welfare Investigation, Ministry of Interior, Cairo, Egypt, July 27, 2002.

<sup>49</sup> Although the Egyptian Constitution provides for an independent judiciary, the Judicial Authority Law grants the Minister of Justice significant oversight powers over courts and judges. See, for example, Judicial Authority Law 46 of 1972, Official Gazette no. 40, October 5, 1972, as amended (in Arabic) articles 58, 78 and 93; and Constitution of the Arab Republic of Egypt, as amended, articles 165, 166.

<sup>50</sup> The General Administration for the Legal Protection of Children has responsibility, in coordination with other national bodies, for developing and implementing national strategy on juvenile justice issues, including compiling statistics on juvenile delinquency and providing legal assistance to children. Officials at the National Council For Childhood and Motherhood told Human Rights Watch that the Ministry of Justice had appointed an official to head the General Administration but had yet to appoint other staff. See Minister of Justice Decree 2235 of 1997; and Government of Egypt, *Second Periodic Report of the Government of Egypt to the United Nations Committee on the Rights of the Child* (New York: United Nations, September 18, 1998), CR/C/65/Add.9, paras. 12-15. Human Rights Watch interview with Judge Mohammad al Gindi, member of the Technical Committee of the National Council for Childhood and Motherhood, Heliopolis, Egypt, July 28, 2002; and Human Rights Watch interview with Ambassador Moushira Khattab, secretary general of the National Council for Childhood and Motherhood, Cairo, Egypt, July 28, 2002.

<sup>51</sup> Human Rights Watch interviews with Chief Justice Ahmed Hussayn Mohammad Mi`ad, Cairo Juvenile Court, and Khaled Mohammad Khass.

potential conflicts of interest that may impair judges and prosecutor's abilities to provide independent oversight. No women are currently serving as juvenile court judges.<sup>52</sup>

Where it exists, the Public Prosecution Office for Juveniles is a branch of the Public Prosecution Office (*al niyaba al `amma*). The juvenile office has both investigative and prosecutorial functions and is charged with representing the interests of the state and the general public. The attorney general (*al na'ib al `amm*) and, ultimately, the minister of justice supervise the office. The duties of the Public Prosecution Office for Juveniles include receiving complaints, investigating allegations of criminal activity, bringing prosecutions where the accused are juveniles, and conducting regular inspections of penal institutions and other places of detention where children are held. As with adult detainees, police are required to bring arrested children before the Public Prosecution Office within twenty-four hours, at which time the public prosecutor determines whether to release the child, order one of several corrective measures, or refer the child to the court.<sup>53</sup>

Structurally, the juvenile courts are a section of Egypt's Court of First Instance (*mahkama ibtida'iya*), and the Child Law provides for the creation of one or more juvenile courts in each of Egypt's twenty-seven governorates.<sup>54</sup> In practice, only two standing juvenile courts have been created, one each in Alexandria and Cairo governorates; in twenty-one other governorates, judges from the Court of First Instance hear juvenile cases when necessary.<sup>55</sup>

With some significant exceptions, the Juvenile Court has jurisdiction over cases involving children under eighteen years of age at the time they are accused of committing a crime, or whom the juvenile prosecutor refers to the court on charges of being "vulnerable to delinquency" or "vulnerable to danger."<sup>56</sup> Each court sits as a panel of three judges, assisted by two social welfare experts appointed jointly by the Ministry of Justice and the Ministry of Insurance and Social Affairs. At least one of the experts must be a woman. The experts' attendance during trial procedures is mandatory, and the court cannot issue a ruling unless the experts have submitted their report on the child's situation, the reasons for the child's delinquency, and the expert's recommendations for the child's reform. Appeals of sentences issued by the Juvenile Court are heard by a panel of three judges of the Court of First Instance, of whom at least two must have the rank of court president, and this Appeal Court must provide for the same participation of social welfare experts as the Juvenile Court.<sup>57</sup>

Hearings are closed to the public, and only relatives, witnesses, social welfare experts, and lawyers may attend unless the court grants special permission.<sup>58</sup> Hearings and sentencing may take place in the child's absence if the child's guardian is present or the public prosecutor acts as guardian; the court also may order a child sent out of a hearing after questioning, or may order relatives, witnesses, social welfare experts, or lawyers sent out of a hearing.<sup>59</sup> In felony cases where the child does not have a lawyer, the Public Prosecution Office or the court is required to appoint a defense lawyer, and the court may at its discretion appoint a defense lawyer in misdemeanor

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<sup>52</sup> See, Baudouin Dupret and Nathalie Bernard-Maugiron, "Introduction: A General Presentation of Law and Judicial Bodies," in Nathalie Bernard-Maugiron and Baudouin Dupret, eds., *Egypt and Its Laws* (New York: Kluwer Law International, 2002), p. xxxviii, and A. el Sawi, "Law Professionals," in *Egypt and Its Laws*, pp. 197-208.

<sup>53</sup> Child Law, articles 98-101; Code of Criminal Procedures (Law 150 of 1950) [amended] (in Arabic), article 36.

<sup>54</sup> Child Law, article 120.

<sup>55</sup> In the Cairo governorate, which has two circuits of the Court of First Instance, the juvenile court consists of two panels of three judges each. E-mail message from Mohammad `Abd al Mon`im, director, the Association for Human Rights Legal Aid, Cairo, Egypt, to Human Rights Watch, September 10, 2002.

<sup>56</sup> A child charged with participating in a felony committed by an adult is tried before an adult court if he or she was over fifteen years of age at the time of the crime. Depending on the nature of the felony, the court with jurisdiction would be either the Criminal Court (*mahkamat al jinayat*) or the Supreme State Security Court (*mahkamat amn al dawla al `uliya*). Child Law, article 122.

<sup>57</sup> Child Law, articles 121, 127.

<sup>58</sup> Child Law, article 126.

<sup>59</sup> *Ibid.* If the court orders the child to leave the hearing it may not also order the lawyer or social welfare expert to leave, and the court cannot convict the child until after it has explained to the child what took place in his or her absence.



cases involving children age fifteen or over.<sup>60</sup> The law does not provide for lawyers for children arrested for being “vulnerable to delinquency” or “vulnerable to danger.”

The duties of the Juvenile Court also include monitoring conditions for children whom it orders institutionalized and reviewing prosecution office requests for preventative detention of children under fifteen years of age.<sup>61</sup> Monitoring is to be accomplished by regular visits by the president of the Juvenile Court or his delegate from among the court’s experts to observation houses (*dur mulahitha*), vocational educational centers (*marakiz al tadrīb al mihni*), child social welfare institutions (*mu’assasat al ri`aya al ijtimaiyya*), vocational rehabilitation institutions (*ma`ahid al ta`hil al mihni*), specialized hospitals (*mustashfayat al mutakhassasa*), “and other bodies that cooperate with the Juvenile Court and are within the court’s jurisdiction,” to take place at least once every three months.<sup>62</sup>

### **Role of the Ministry of Insurance and Social Affairs**

The Ministry of Insurance and Social Welfare provides care and services to children accused or convicted of felonies and misdemeanors or of being “vulnerable to delinquency” or “vulnerable to danger,” both through its own institutions and through nongovernmental organizations operating under its supervision.<sup>63</sup> These services include a variety of short-term and longer-term residential facilities and observation homes (*dur al mulahitha*) where children are held pending trial.

The ministry also appoints a variety of social welfare experts who investigate cases of children charged with crimes or with being “vulnerable to delinquency” or “vulnerable to danger.” Among these are social welfare experts attached to the Juvenile Court. These social welfare experts prepare the mandatory social inquiry reports on children going before the Public Prosecution Office and the court, serve as the mandatory experts in court proceedings, and serve as probation officers (*muraqibin ijtimaiyyin*) who supervise many of the court’s sentences and report back to the court.<sup>64</sup> The probation officers are authorized to carry firearms and to make arrests in cases involving children “vulnerable to delinquency” or crimes committed by children.<sup>65</sup>

## **IV. ARREST AND TRANSPORT**

Children “vulnerable to delinquency” in custody are especially vulnerable to extortion, beatings, and other ill-treatment by police, because they typically lack adults willing to monitor their treatment and to make complaints on their behalf. While the worst police abuse took place in police adult and juvenile lockups, Human Rights Watch found evidence of serious violations of children’s rights during interactions with police outside of lockups, most commonly when police arrested children or transported them between facilities.

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<sup>60</sup> Child Law, article 125.

<sup>61</sup> While article 119 prohibits “preventative detention” of children under fifteen, it nevertheless allows for the public prosecutor to detain a child in an observation facility for up to one week, which can be extended by court order “in accordance with the rules for preventive detention specified in the Code of Criminal Procedures.” The Code of Criminal Procedures allows for preventive custody in a number of circumstances, including cases where the suspect is accused of a misdemeanor punishable by imprisonment and “does not have a known regular place of residence in Egypt,” which would apply to many cases involving children living on the street. Such orders generally expire after fifteen days, but can be renewed by an investigating judge for up to a total of forty-five days. Child Law, article 119; and Code of Criminal Procedures, articles 134, 142.

<sup>62</sup> Child Law, article 134.

<sup>63</sup> See also Abt Enterprises LLC, *Rapid Situation Assessment of Street Children in Cairo and Alexandria: Final Report, March 29, 2001, Prepared for the U.N. Office for Drug Control and Crime Prevention, the World Food Program, and the U.N. International Children Emergency Fund (UNICEF)*, pp. 35-41; and Government of Egypt, *Second Periodic Report of the Government of Egypt to the United Nations Committee on the Rights of the Child*, paras. 199-207.

<sup>64</sup> Child Law, article 135.

<sup>65</sup> Child Law, article 117.

### Police Beatings and Other Ill-treatment

We were four kids, in al Manial [neighborhood]. It was during the day. There were six or seven police who came in “the box” [a pickup truck with partially covered back]. They hit me on my back with a stick until the stick broke. Then they hit me with a glass bottle and the bottle broke on my back.

—Ziyad N., fourteen, Cairo, Egypt, July 10, 2002

Human Rights Watch interviewed thirty-five children who had been arrested at least once. All of the children reported being beaten or subjected to obscene and degrading language while in police custody. “The police usually beat you during the arrest and at the police station,” said Yusif H., sixteen. “Even the police who know you.”<sup>66</sup> Only one child reported having seen other police intervene to protect children from such abuse.<sup>67</sup> No child we interviewed reported being questioned by prosecutors or other officials about police ill-treatment, even in cases where children had visible injuries. Police beatings during arrest are typically less severe and less frequent than beatings at police stations, possibly because of the greater opportunities for public scrutiny of police behavior during arrests.<sup>68</sup>

Unlike beatings in police lockups, where police used a wider variety of implements to beat children, most children said police beat them with hands or batons during arrests. Anwar R., fifteen, told us he had been beaten by police during arrest several times. His arrest in February 2002 was typical of many accounts we heard. “The police grabbed me and hit me and tied my hands with a rope and put me in a car,” he said. “Then they took me to the police station, first to Giza police station and then to al Azbekiya police station.” More unusual was his experience in June 2002, when he said police used an electric baton to shock him.<sup>69</sup> “The police in the white police cars sometimes have an electric baton, a black one, that they use,” he said. “About a month ago police in a white car grabbed me. They were four police, but only one used electricity on me. He said, ‘What made you leave your house?’ I told him, ‘I’m from here, from Giza!’ I knew if I told them I was from [a city in the Sa’id] they would arrest me and send me back.” Anwar said the police eventually released him without taking him to the station.<sup>70</sup>

In the quotation that begins this section, Ziyad N., fourteen, described his treatment during an arrest campaign in late June 2002. After the police beating during his arrest, he spent two nights at the Sayyida Zaynab police station before being released the third day.<sup>71</sup>

Police routinely used obscene and degrading language to humiliate and intimidate children during arrests. The most frequently reported verbal abuse used by police included calling children “bastards,” “whores,” children of “whores” or dogs, or making references to children’s mothers’ sexual organs—all extremely offensive attacks on family and personal honor in Egyptian society. Most children we interviewed were visibly uncomfortable when asked to repeat specific terms police used, and apologized for repeating such language. “The police hit us, curse us, take us to the police station, then send us to the police station [in the city] we came from,” said fourteen-

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<sup>66</sup> Human Rights Watch interview with Yusif H., Cairo, Egypt, July 9, 2002.

<sup>67</sup> One child reported that higher-ranking police officers sometimes intervened to stop sexual abuse of girls in custody by lower ranking officers. See Chapter V.

<sup>68</sup> For example, the head of a development organization told Human Rights Watch that he and other riders intervened to prevent transit police from arresting a young boy selling newspapers on the Cairo metro in July 2002 after they witnessed the police beating the boy while attempting to arrest him. Human Rights Watch interview with Mahmud Mortada, director, the Alternative Center for Development, Cairo, Egypt, July 20, 2002.

<sup>69</sup> Human Rights Watch did not document other cases where electric batons were used against children “vulnerable to delinquency” during arrest, and we do not know how widespread this practice is. Police use of electric shock to torture detainees held at police stations is well documented, including some cases involving children. See, for example, U.N. Special Rapporteur on torture, *Report to the Commission on Human Rights 57th Sess.*, January 25, 2001, E/CN.4/2001/66, paras. 415-476; and the Egyptian Organization for Human Rights, *Victims without Rights: Torture in Police Stations and Detention Centers in Egypt* (Cairo: EOHR, March 2002, in Arabic).

<sup>70</sup> Human Rights Watch interview with Anwar R., Cairo, Egypt, July 9, 2002.

<sup>71</sup> Human Rights Watch interview with Ziyad N., Cairo, Egypt, July 10, 2002.

year-old Seif S.<sup>72</sup> “The government curses us. They curse us badly—curses of religion, of mothers, of fathers,” said Nagla’ R., seventeen.<sup>73</sup> Violence and the threat of violence during arrest to humiliate and intimidate children was often an integral part of other forms of abuse, including police extortion and sexual abuse and violence.<sup>74</sup>

### Police Extortion

The police say, ‘Give me your identity document’ and I say, ‘I’m fifteen [below the legal age for an identity document].’ And then they hit me. If I have money, I give the *mukhbir* [a low-ranking police officer] 5LE (US\$1.10), and they tell the [lower ranked police] to let me go. It happens a lot. The last time was the day before yesterday.

—Nasir Y., fifteen, Cairo, Egypt, July 9, 2002

Both girls and boys told Human Rights Watch that police frequently extorted money in exchange for avoiding arrest, securing early release from detention, or gaining access to food during detention. Girls said they sometimes agreed to sex with low-level police in exchange for police protection from sexual violence by other men and boys. Police officers told us that they believed street children earned significant sums of money through begging or selling small items, a factor that may have contributed to police targeting such children for extortion during arrest and detention.<sup>75</sup>

Children told us that police officers frequently stopped them on the pretext of determining their identity, only to release them if they agreed to pay a bribe. Nasir Y.’s experience, described above, is typical of the accounts we heard. “I was in the al Manial neighborhood. We were four kids. They were one ordinary police officer and the police station commander and two low-ranked police. We were crossing the University Bridge and they were waiting at the other side of the bridge. They asked us for our identity documents, but we were all young so we didn’t have them. They kept hitting us and telling us to get identity documents. Then the regular officer took me aside, and I gave him 5LE (U.S.\$1.10). Then he let us go.”<sup>76</sup>

Eighteen-year-old Farida N. said she and a group of younger girls and boys made good money selling paper tissues on the Cornishe, a busy pedestrian and auto thoroughfare, but much of her earnings went to bribe police. “The Cornishe is hard. The police are always asking you for your identity document and the auxiliary police (*shortat al baladiya*) comes twice a week and takes 20LE (U.S.\$4.40) from each of us to let us work. If we don’t pay the police, the man who employs us won’t let us work there. On an average day I earn 15LE to 20LE (U.S.\$3.30 to U.S.\$4.40).”<sup>77</sup>

In other cases, police simply stole money from children in their custody, confident that they would face no repercussions. Ziyad N., fourteen, described how a police officer stole his money during an arrest two weeks earlier. “During an arrest campaign the police go around in a microbus or in “the box”. . . In “the box” an officer took my money—it was 7LE (U.S.\$1.54)—and he said, ‘You don’t need it, you’ll only spend it.’ He wouldn’t give it back.”<sup>78</sup>

Like many children with whom Human Rights Watch spoke, Ziyad N. believed that police punished children who couldn’t pay bribes by detaining them longer than other children. “[At the police station] the *amin al shorta* [a mid-level position that assists a higher ranking officer] will take your money by force. They take your money and then let you go. If you don’t have any money, they make you stay a while and then they release you. The small kids don’t stay too long—only three or four days.”<sup>79</sup> Nasir Y. said, “If you pay 2LE to 5LE (U.S.\$0.44 to

<sup>72</sup> Human Rights Watch interview with Seif S., Cairo, Egypt, July 10, 2002.

<sup>73</sup> Human Rights Watch interview with Nagla’ R., Cairo, Egypt, July 14, 2002.

<sup>74</sup> See also Chapter V.

<sup>75</sup> See Chapter V for a discussion of extortion in police lockups. Human Rights Watch interview with mid-level and lower-level police officers, Bulaq al Dakrur Police Station, Cairo, Egypt, July 24, 2002.

<sup>76</sup> Human Rights Watch interview with Nasir Y., Cairo, Egypt, July 9, 2002.

<sup>77</sup> Human Rights Watch interview with Farida N., Cairo, Egypt, July 17, 2002.

<sup>78</sup> Human Rights Watch interview with Ziyad N.

<sup>79</sup> Ibid.

U.S.\$ 1.10), the police at al Azbekiya [juvenile lockup] will let you go, but, if you don't pay, you stay a long time."<sup>80</sup>

Younger children said they were more likely to be released without paying bribes. Thabit A., ten, described his arrest a few months earlier, in the winter. "They took me to the Sayyida Zaynab police station. They didn't keep me there; they just put me back on the street without saying why. I was going to give them 5LE (U.S.\$1.10) to let me go, but the officer said, 'Keep it in your pocket and get out of here.' He hit me once with his hand and then let me go."<sup>81</sup>

Both girls and boys are at risk for sexual abuse and violence in police custody, but girls and women living on the street face additional pressures to enter into sexual relationships with police even when not in custody.<sup>82</sup> Several girls and women we interviewed reported that they had entered into relationships with police guarding parks and other public places, because they depended on the police to protect them from sexual violence by other men and boys. "We make friends with the police, so that they will treat us well and watch out for us while we sleep in the park and release us quickly if we are detained," said Nawal A., nineteen.<sup>83</sup>

Girls who were unwilling to seek such "police protection" could find themselves facing other forms of exploitation to ensure a safe place to sleep. Ilham N., a fifteen-year-old runaway, told us that she tolerated abusive conditions working as a housemaid rather than live on the street. "I didn't want to do the nasty things the girls here [at a nongovernmental center for street children] have done, so I looked for work. But it is hard to find work. I don't want to be like the other girls, who befriend police or boys because they might force me to do something I don't want to do. Something sexual. And then later, when I marry, I might be walking with my husband and the police officer might stop me, or the boy greet me, and then what would I say? It is better to keep to yourself. I befriend girls, but only girls. And any girls who does those filthy things, I stay away from."<sup>84</sup>

### Conditions During Transport

The first time [I was sent back to my home governorate] there were fifty or sixty people in the transport vehicle. Adults and kids. One adult told me I was a "bastard." I had handcuffs on and the adults did too. I couldn't breathe. I thought I was going to die. I was screaming, but no one did anything. They didn't open the door until we arrived. There were small kids crying, but no one did anything for them.

—Yahiya H., eleven, Cairo, Egypt, July 27, 2002

Egyptian police routinely transport children in conditions that violate international standards, including the prohibition on cruel, inhuman, or degrading treatment. Police frequently transport children considered "vulnerable to delinquency" with adults and children charged with serious crimes, often using poorly ventilated prison transports or other unsuitable vehicles. In some cases groups of children are moved on foot or on public transport while bound in handcuffs or ropes, exposing them to public censure and humiliation.

Cairo police generally transport a child arrested for being "vulnerable to delinquency" at least four times: from place of arrest to an adult police lockup; from the adult lockup to the al Azbekiya juvenile lockup; from the juvenile lockup to the Public Prosecution Office for Juveniles; and from the Public Prosecution Office back to the juvenile lockup. If the Cairo Public Prosecution Office or the juvenile court orders a child returned to family living in a different city, the child must make an additional journey from the al Azbekiya juvenile lockup to a police station in that city, and children ordered to spend time in a social welfare or punishment facility also pass through al Azbekiya on their way to and from that facility.

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<sup>80</sup> Human Rights Watch interview with Nasir Y.

<sup>81</sup> Human Rights Watch interview with Thabit A., Cairo, Egypt, July 10, 2002.

<sup>82</sup> See Chapter V for a discussion of police sexual abuse and violence against girls in custody.

<sup>83</sup> Human Rights Watch interview with Nawal A., Cairo, Egypt, July 15, 2002.

<sup>84</sup> Human Rights Watch interview with Ilham N., Cairo, Egypt, July 16, 2002.

Each stage of the transport process exposes children to different dangers. Based on Human Rights Watch interviews, the vehicles used to transport children from the point of arrest to the nearest adult police lockup are usually safer than other vehicles used for transport, because they typically hold smaller numbers of children and police are less likely to mix children with adults or to mix children “vulnerable to delinquency” with children arrested for serious criminal offenses. Nevertheless, two types of vehicles commonly used during arrests raise special concerns. The first, a pickup truck commonly known as “the box” because of its canvas or hard cabin partially covering wooden benches in the back, lacks secure seating and children whose hands are bound are especially at risk of being thrown from the narrow benches while the vehicle is moving. The vehicle’s open back also exposes children to public scrutiny and censure. The second type of vehicle, a microbus van, is commonly used during arrest campaigns when larger numbers of children are detained at one time, increasing the possibility that children of different ages and backgrounds will be mixed together. In some instances, the minibuses are taxis confiscated by police specifically for use in arrest campaigns and may be in poor repair.<sup>85</sup> When police use pickup trucks or minibuses instead of smaller vehicles, children may spend longer periods in the vehicle if police wait until the vehicle is full before returning to the police station.

The most dangerous vehicles police use to transport children are Ministry of Interior Transport Administration vehicles. These large, dark blue metal trucks are most frequently used to transport adult criminal suspects and convicts, but police also often use them to move children between adult police lockups, the al Azbekiya juvenile lockup, and the prosecution office.<sup>86</sup> The trucks typically have four small barred windows on both long sides, one small barred window on the rear door, and no seating for detainees. The trucks’ dark color and poor ventilation make them extremely hot during the summer and the lack of seating makes it difficult for detainees to avoid being thrown about during transit. A human rights lawyer who had been transported in one such vehicle seven times during the summer of 1994 described it as hellish, saying: “To keep from falling while the vehicle was moving you have to hang onto the window bars, but when the sun is beating on the bars they are too hot to hold. You have to wrap them in a shirt. The smell was horrible, and everyone fought to stand near the windows just to take a breath. We would cling to the windows to breathe even though the bars and the [metal] sides of the vehicle burned us.”<sup>87</sup> Human Rights Watch witnessed several instances when adult detainees held in Transport Administration vehicles parked near police stations used underclothing to clasp the barred windows and begged passers-by to bring them water.

Children told us that Transport Administration trucks were sometimes extremely crowded and that police regularly mixed children with adult criminal detainees who beat and verbally abused them. Sixteen-year-old `Amr R. said, “I was taken to the prosecution office in a blue transport [vehicle], with handcuffs on. I rode with the men in the transport. Some of the men cursed me, but only one hit me. I was the only kid. The trip took an hour, going and coming.”<sup>88</sup> Anwar R. told us that police transported him with adult criminal detainees multiple times during the two and a half weeks he spent at the Giza police station, the Giza Observation House, and the al Azbekiya juvenile lockup, before being returned to his family. “They just move us from station to station until they send us to the countryside,” he said. “We were moved [between stations] in prison transports, with adults. We were tied with ropes, but the adults had handcuffs. It was winter and cold. Every time they moved us [in Cairo] they used the big transport vehicles.”<sup>89</sup>

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<sup>85</sup> Police also use confiscated minibuses during arrest campaigns against adults. An experienced Egyptian human rights lawyer told Human Rights Watch that the practice was particularly common during the early 1990s, and that he had once filed a complaint on behalf of 120 taxi owners from the Helwan neighborhood of Cairo whose minibuses had been confiscated by police for up to three days for use in arrest campaigns. Human Rights Watch interview with Gamal Eid, formerly director of the Information and Documentation Unit of the Center for Human Rights Legal Aid, Cairo, Egypt, July 24, 2002.

<sup>86</sup> In June and July 2002 a Human Rights Watch researcher observed children being transported in the trucks at the al Azbekiya Juvenile Welfare facility and the Cairo Juvenile Court complex, and observed children detained in a similar transport truck at the Bulaq al Dakrur police station.

<sup>87</sup> Human Rights Watch interview with Gamal Eid.

<sup>88</sup> Human Rights Watch interview with `Amr R., Cairo, Egypt, July 9, 2002.

<sup>89</sup> Human Rights Watch interview with Anwar R.

Children who witnessed or were victims of assaults by other detainees during transport told Human Rights Watch that police had done nothing to protect them from these assaults. In at least one case a guard from the al Azbekiya juvenile lockup took advantage of limited supervision during transport to sexually abuse a child. Mona A., sixteen, told us a police guard attacked her a month and a half earlier, while she was being transferred between the al Azbekiya juvenile lockup and the facility where she was being held on a morality charge. “The guard was watching me from early on,” she said. “We were in a transport vehicle full of girls and boys of different ages. When the vehicle is moving all the people in it are thrown from side to side. The guard fell on me, but when we moved again he wouldn’t get off me.” Mona said the guard pinned her to the floor and groped her until she hit him repeatedly; other children then joined in hitting the guard until he let go of her. “Usually the boys from [her home province] protect the girls from there,” she said. “But this was a guard.”<sup>90</sup>

In some instances police also use trains to transport children and adult detainees to or from police stations and facilities in distant governorates. Anwar R. described his transport by train to his home province. “After a week at al Azbekiya there was a group of us from the Sa`id region, and they sent us all back to the Sa`id together. It was a lot of people. They sent us in a train of prisoners. The small kids were tied with ropes, and the adults were in handcuffs. We were all together. The first two cars of the train are prison cars and the rest were regular cars. There were a lot of police. They didn’t feed us on the train. We got on at noon and arrived at night.”<sup>91</sup> Seif S. told Human Rights Watch that police had sent him by train to Asyut and al Minufiya governorates some ten times, depending on where he said his family lived. “When they sent us to the countryside it was in a train, with adults. Last time they sent us to Shibin al Kawm [in al Minufiya]. It took about an hour. There is no food on the train, but there is water.”<sup>92</sup>

General Sayyed Mohammadayn, director of the Ministry of Interior’s General Administration for Juvenile Welfare Investigations, told Human Rights Watch “We issue instructions to police officers that children are to be moved separately in special vehicles, and children should not be placed with adults under any circumstances.” When asked to respond to specific instances of abuses during transport, he acknowledged that “the people who are responsible for transporting the children are a problem,” but he said it was responsibility of the Cairo Police Directorate, and not the General Administration for Juvenile Welfare Investigations, to investigate violations of general administration policies that placed children in danger.<sup>93</sup>

Many of the children we interviewed said police bound their hands with rope or handcuffs at some points during their arrest and detention. Police use of restraints was most common during transport between police stations and the prosecution office, but also occurred when children were being moved within buildings or being transported by train.<sup>94</sup> Children were often bound to each other in groups, with no attempt to separate children by age or by charge. “They put me on a train handcuffed to two girls. One was charged with murder, one with writing bad checks,” said Warda N., sixteen, describing her transport from a city near the Suez Canal to Cairo in July 2002.<sup>95</sup> Based on Human Rights Watch interviews, police appear to be equally likely to use handcuffs with younger and older children. The youngest child who reported being handcuffed was an eleven-year-old boy who was handcuffed while being transported by train with adults.

The use of ropes to bind groups of children appears to be most common when police arrest children for being “vulnerable to delinquency” within a few blocks of a police station and force them to walk as a group to the

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<sup>90</sup> Human Rights Watch interview with Mona A., Cairo, Egypt, July 27, 2002.

<sup>91</sup> Human Rights Watch interview with Anwar R.

<sup>92</sup> Human Rights Watch interview with Seif S.

<sup>93</sup> General Mohammadayn said later in the interview that he would investigate an incident at the Bulaq al Dakrur police station where police detained children with adults in a Ministry of Interior Transport Administration vehicle for several hours on a hot summer day. Human Rights Watch interview with Gen. Sayyed Mohammadayn, director, General Administration for Juvenile Welfare Investigation, Ministry of Interior, Cairo, Egypt, July 27, 2002.

<sup>94</sup> Children of all ages typically reported being bound within police stations during questioning or when being moved from administrative rooms to the lockup. Human Rights Watch also observed police using handcuffs on children of all ages at the Cairo Juvenile Court, although police removed the handcuffs during hearings and interviews with social workers.

<sup>95</sup> Human Rights Watch interview with Warda N., Cairo, Egypt, July 27, 2002.

station. Widad T.'s description of her tenth arrest, in early July 2002, was typical of many children's experiences. "Five girls were arrested with me. They took us to al Azbekiya. They tied us with rope and made us walk to the station. There were four police. They didn't say anything, just 'Begging.'"<sup>96</sup> In addition, lawyers and staff of the Association for Human Rights Legal Aid told us that they often saw police marching groups of children bound together with ropes from a nearby metro station to the Cairo Juvenile Court/Dur al Tarbi'a complex, or from the nearby police station to the Cairo Juvenile Court.<sup>97</sup>

General Administration for Juvenile Welfare Investigations Director General Mohammadayn told Human Rights Watch that ministry policy prevented the use of handcuffs on young children and on children "vulnerable to delinquency." "Handcuffs can be used with children who have committed crimes, but their transport can't be with adults or on general public transport. Children 'vulnerable to delinquency' are never handcuffed. It isn't a problem, because the child isn't a danger if he runs away. Still, we do see cases where a guard with twenty juveniles [in his custody] uses a rope to tie up the juveniles. In such cases we tell that guard that using a rope is wrong."<sup>98</sup> A mid-level police officer at the Bulaq al Dakrur police station told us he decided when to use handcuffs based on the child's age, and not based on the charge against the child. "We don't put handcuffs on the small kids. Could you put handcuffs on a small kid? I can't do it; it wouldn't be right. Besides, the small kids are afraid of us so we don't have to put handcuffs on them. Only on the older ones."<sup>99</sup>

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<sup>96</sup> Human Rights Watch interview with Widad T., Cairo, Egypt, July 14, 2002.

<sup>97</sup> The association's offices are located within a few blocks of the Cairo Juvenile Court, the Dur al Tarbi'a social welfare facility, the Bulaq al Dakrur police station, and the Cairo University metro station.

<sup>98</sup> Human Rights Watch interview with General Mohammadayn.

<sup>99</sup> Human Rights Watch interview with police officer with rank of *amin al shorta*, Bulaq Dakrur Police Station, Cairo, Egypt, July 24, 2002. Name not given.

### **Use of Transport Vehicles as Temporary Police Lockups**

At approximately 11 a.m. on July 24, 2002, a Human Rights Watch researcher observed police at the Bulaq al Dakrur station using a truck labeled “Ministry of Interior Transport Administration Vehicle” to detain a group of approximately twelve children and ten adults. The truck appeared to be of the type used to transport police conscripts to their posts, and was similar to a prisoner transport but lacked a back door and had wooden benches inside. Six of the detained children were boys and girls who appeared to be between ten and fourteen years old, and the remaining children were all girls who appeared to be fifteen or sixteen years old. Police guarding the truck told us that all the younger children had been arrested for begging and that some of the older girls had been arrested on morality charges, while others had been arrested “for selling tissues.” The men and one of the older girls wore handcuffs, while the other children were not bound.

Although police had parked the truck in partial shade, conditions inside the poorly ventilated dark metal vehicle already were sweltering. Asked why the children were being held in a transport truck on a day when the temperature was expected to reach 95 degrees Fahrenheit (35 degrees Centigrade), the mid-level officer supervising the vehicle told us, “Because they are going to be released. Then their families will come to get them. And if their families don’t come, then we will send them away at 5 or 6 p.m.”

Most of the adult detainees were seated on the floor of the crowded vehicle, apparently to distance themselves from the hot metal walls. The children stood in the remaining space, except for two older girls whom police allowed to stand in guards’ niches outside the vehicle’s back door, and two well-dressed girls who were allowed to remain outside the vehicle. The supervising police officer told us that the two girls were allowed to stand outside, because “[t]hose are good girls. We know them. They live near here. They sell tissues by the Sheraton Hotel. We are just waiting for the results of the check [for outstanding warrants] and then we will release them. In such cases, they only stay at the police station twenty-four hours, and then, once we get the results of the check, we release them.”

The younger children told Human Rights Watch that they had not eaten since their arrest the previous day, and asked for food and water. The supervising officer confirmed that police did not feed detainees, but said that detainees were permitted to “collect money from each other and then send someone to buy food.” The researcher observed a young child delivering sandwiches to some of the adult men, and was later able to buy sandwiches for the detained children.

Human Rights Watch was unable to determine how commonly other police stations use transport vehicles as temporary lockups, but it was clear from our conversation with police that this practice was not unusual at the Bulaq al Dakrur station. We also observed police holding children in Transport Administration prisoner transport trucks for shorter periods at the Cairo Juvenile Court/Dur al Tarbi`a complex in June and July 2002. In those cases, the trucks were parked in partial shade, but the back door was kept locked, and the trucks were moved within one hour.





A low-ranking policeman marching two boys in handcuffs on a public street after having taken them to the Cairo Juvenile Court building only to find out that there were no court sessions that day. © Hani al Dessuqi.

## V. POLICE LOCKUPS

The government is oppressive. The police insult me and mistreat me. About four or five days ago the police grabbed me. I spent one night at the adult police station, not at [the juvenile section of] al Azbekiya. At the police station an officer hit me with a fist on my back, one blow. He didn't say anything. Then they made an investigative report and took me to the lockup. The cell is below. It is small, maybe 2 meters by 4 meters. There were a lot of us, girls and women. There was no food. The women who had visitors shared their food. They let me go the on the second day. No one came to get me. It was after the *`asha* [evening call to prayer].

—Hoda L., fourteen, Cairo, Egypt, July 17, 2002

Ministry of Interior regulations require that a child arrested for being “vulnerable to delinquency” be held in the police juvenile lockup of the local governorate’s Juvenile Welfare Administration (*idarat ri`ayat al ahdath*), pending review of his or her case by the Public Prosecution Office. According to Ministry of Interior officials, children also may be held for very short periods at adult police lockups, separated from adult detainees, pending transfer to the juvenile lockup. Gen. Sayyed Mohammadayn, the director of the ministry’s General Administration for Juvenile Welfare Investigations, told Human Rights Watch, “The rule is no sleeping at [adult] police stations. The child should be sent to the al Azbekiya [juvenile lockup] very quickly, because there is no place for him to sleep at a police station.” In an apparent admission that this rule was not always followed, General Mohammadayn added that his agency had issued strict instructions to all police officers that “as soon as the arresting police complete the investigative report the child should transferred to the juvenile lockup. This should be the next day, and should never take more than twenty-four hours. . . . [but] there may be problems in the adult police stations due to the pressure of many arrests during arrest campaigns against children ‘vulnerable to delinquency.’” According to General Mohammadayn, under normal circumstances a child taken to an adult police lockup would be processed and transferred to the juvenile lockup within “one to two hours.”<sup>100</sup>

In contrast to the government’s claims, children we interviewed said they regularly spent at least one night, and often several nights, detained with adult criminal detainees at an adult police lockup before being transferred to the juvenile lockup. In many cases, children said they were detained and released without ever being transferred to the juvenile lockup. Detention at adult lockups exposes children to serious human rights violations at the hands of adult criminal detainees and police, including sexual abuse and violence, police beatings, and violence by other detainees. Extremely poor conditions in adult lockups, including overcrowding and the denial of basic necessities such as food, medical care, and bedding, often are so severe as to endanger children’s health and well-being and in many cases directly contribute to the likelihood that children will be subjected to extortion, exploitation, and violence by police or other detainees.

Children detained at the Cairo Security Directorate Juvenile Welfare Administration’s al Azbekiya juvenile lockup suffer serious human rights abuses at the hands of police and other detainees. Every one of the nineteen children Human Rights Watch interviewed who had been detained at least once at the al Azbekiya juvenile lockup reported that police there had beaten and/or sexually abused them. Police at al Azbekiya also routinely mix older and younger children, and mix children deemed “vulnerable to delinquency” with children charged or convicted of serious crimes, placing children at risk of violence, extortion, and recruitment for illegal activities. Children’s access to food, medical care, bedding, and other necessities at the al Azbekiya juvenile lockup is somewhat better than in adult police lockups, but nevertheless violate international standards for the treatment of children deprived of their liberty.

### Police Beatings

Police at adult police lockups and at the al Azbekiya juvenile lockup routinely beat children “vulnerable to delinquency” with their hands or batons. In addition, police at adult lockups sometimes beat children with rubber hoses or whips, while police at al Azbekiya frequently beat children with belts. Police beatings are so

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<sup>100</sup> Human Rights Watch interview with General Sayyed Mohammadayn, director, General Administration for Juvenile Welfare Investigation, Ministry of Interior, Cairo, Egypt, July 27, 2002.

common that most children we interviewed described being beaten as merely one stage children pass through between arrest and release. “They take us to the station to make a police report for begging, then to the Police Directorate [to check for outstanding warrants], then back to the station. When they don’t find [an outstanding warrant] they hit us and let us go,” said Samira Y., fifteen.<sup>101</sup>

Egyptian police routinely torture and ill-treat adult detainees to obtain information.<sup>102</sup> However, none of the children we interviewed had been beaten to elicit information. Seif S., fourteen, described a beating at the Giza police station during an arrest campaign a few months prior to our interview. “We were in a big cell with adults,” he said. “The smallest kid I saw was eleven or so. My six friends and I are all thirteen, or fourteen, or fifteen. The police hit us with a thick stick and a rubber hose. They don’t say why. They don’t say anything.”<sup>103</sup> Sixteen-year-old Tariq A. said, “Two months ago I was in the metro and two police grabbed me and a friend. They took me to [the adult lockup in the al Azbekiya police station] and beat me. They don’t say anything. They just hit you with their stick. I was there for about five days and then they sent me home.”<sup>104</sup>

Police beatings of children “vulnerable to delinquency” appear to be purely punitive, intended to punish children either without apparent reason or for minor infractions committed while in custody. A mid-level police officer at the Bulaq al Dakrur police station told us that he beat children brought there to discourage them from staying on the streets, although he doubted that beatings were an effective deterrent: “I hit them and still they come back. I choke them and still they come back. These children are a lost cause.” The same officer complained that children were not treated severely enough in government social welfare institutions and expressed his desire for broader powers to punish children. “I go [to the Dur al Tarbi’a social welfare facility] to turn over a child and I see the door open and the kids playing ball outside,” he said. “That isn’t the correct treatment. That isn’t reform. These children need a strict system to punish them when they do wrong and to get them used to right behavior. Like in the army. If you give me a child for three months I will make sure that he learns right behavior and never does anything wrong again.”<sup>105</sup> A nineteen-year-old woman recounted a particularly degrading beating she received when police re-arrested her and a group of younger friends during an arrest campaign only one day after they had been released from an earlier detention. “The officer beat me with a shoe on my head and on my legs. He said, ‘Didn’t I just release you? Don’t come here again. If I see you again I’ll make up a case against you to make sure you will never see the sun again.’”<sup>106</sup>

Children who had been detained at the al Azbekiya juvenile lockup told us that most abuses at that facility were committed by *mukhbir* (plural *mukhbirin*) and *askari* (plural *asakir*) rank police, low-level positions used as assistants to higher ranking officers or as guards. “The worst thing at al Azbekiya is the *mukhbirin*,” said Tariq A., sixteen. “They keep hitting us. I don’t know why they hit us. The bigger officers don’t stop it. The *mukhbirin* are even worse than the adults in the [adult police station] cell.”<sup>107</sup> Nasir Y., fifteen, specified by name a female staff member who he said “beats us with a belt,” but did not know if the woman was a police officer or a police social worker.<sup>108</sup> An expert familiar with conditions at al Azbekiya told Human Rights Watch that poorly trained staff was the greatest danger to children at that facility. “Since 1996 there has been a lot of improvement in the physical structure of al Azbekiya, but there really needs to be training of the police and social workers. It isn’t a

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<sup>101</sup> Human Rights Watch interview with Samira Y., Cairo, Egypt, July 14, 2002.

<sup>102</sup> Egyptian security forces and the police routinely torture or ill-treat detainees. Torture and ill-treatment is particularly common during interrogation, but often is also used against relatives of suspects or as a favor to a third party in a personal dispute. For a more detailed discussion of the role of the Ministry of Interior in these abuses, see Chapter VII, below.

<sup>103</sup> Human Rights Watch interview with Seif S., Cairo, Egypt, July 10, 2002.

<sup>104</sup> Human Rights Watch interview with Tariq A., Cairo, Egypt, July 9, 2002.

<sup>105</sup> Human Rights Watch interview with police officer with rank of *amin al shorta*, Bulaq Dakrur Police Station, Cairo, Egypt, July 24, 2002. Name not given.

<sup>106</sup> Many Egyptians consider shoes to be unclean, and beating or threatening to beat someone with a shoe is serious insult to that person’s dignity. The woman who gave this account was so embarrassed by the attack that she repeatedly asked that her name not be used when reporting on this incident. Human Rights Watch interview, Cairo, Egypt, July 14, 2002.

<sup>107</sup> Human Rights Watch interview, Cairo, Egypt, July 9, 2002.

<sup>108</sup> Human Rights Watch interview with Nasir Y., Cairo, Egypt, July 9, 2002.

matter of renovations; it is a matter of training in how to deal with children. The *mukhbirin* are the ones who first arrest the child and then deal with the child in the police station. They need to be trained.”<sup>109</sup>

Children consistently reported that guards at the al Azbekiya juvenile lockup beat them with belts for fighting among themselves, making noise, or other minor infractions. In some cases, guards beat all the children in a cell because one child had misbehaved. Marwan `I., thirteen, said, “Every little bit they hit us. They hit us with belts. When they come to wake us, they wake us up with belts. If someone says anything, they hit all of us.”<sup>110</sup> “I saw the one who brings tea hit a boy because we were joking,” said Yahiya `I., eleven. “He hit the boy on his head and shoulders with a belt.”<sup>111</sup> Fourteen-year-old `Abdullah A. told us, “The good officers bring us food. The bad ones hit us. I haven’t been hit, but I’ve seen them hit others. They use belts. They take off the belt and hit us with the leather part.”<sup>112</sup> Mansur N., a fifteen-year-old whose family moved to Cairo a few years ago, told us that police at al Azbekiya beat him a few days earlier because he refused to say that he was from a different district after he was arrested near the Ramsis train station. “The *mukhbir* told me I was from `Ain al Sira, then he hit me with a belt. I still have marks on my back.”<sup>113</sup> “They hit us with belts,” said sixteen-year-old Widad T. “The most important thing is for them not to hit us.”<sup>114</sup>

In a few cases children described prolonged beatings that left them unable to stand. Rabi` S., thirteen, described a severe beating he received at the Muharram Bey Juvenile Police Lockup in Alexandria. “They stood me on a post and grabbed my feet and hit me on my feet with a fat hose like a watering hose.” Asked why he was beaten, he said, “Because I was coughing.” Asked if any other police officers witnessed the beating, he said, “The captain asked the guard, ‘Why do you beat him?’ and the guard said, ‘Because he is a pickpocket.’”<sup>115</sup>

### Sexual Abuse and Violence against Girls

The guard here says, ‘You are a woman [sexually].’ He keeps saying that to me. I keep saying, ‘No, I’m a girl [i.e. a virgin].’ Yesterday, he said, ‘If you are really a girl, take your clothes off so we can examine you.’ Then he grabbed my breasts, but I hit him.

—Warda N., sixteen, Cairo, Egypt, July 27, 2002

Sexual abuse and violence by male guards and officers supervising children is a serious problem both at adult police lockups and at the al Azbekiya juvenile lockup.<sup>116</sup> Police frequently use obscene and degrading language to intimidate and humiliate children in their custody, and during our interviews children consistently listed such language as one of their main complaints, along with police beatings and prolonged arbitrary detention. While both boys and girls reported being subjected to certain types of offensive language—summed up as “curses of religion, of mothers, of fathers” by one child—police often singled out girls arrested for prostitution or for being “vulnerable to delinquency” for highly sexualized harassment. This verbal degradation sometimes was a prelude to other forms of sexual abuse or sexual violence, as police apparently presume girls arrested on these charges to be sexually available and to have relinquished their right to refuse sexual contact. Girls known to have entered into sexual relationships with police in exchange for protection from other men (see Police Extortion, above) are also vulnerable to sexual abuse and violence by police.

As with police beatings, children told us that most sexual abuse and violence was committed by low-level male police who had regular, unsupervised access to children. Higher-ranking police officers frequently let sexual

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<sup>109</sup> Human Rights Watch interview, Cairo, Egypt, July 23, 2002. Name withheld by request.

<sup>110</sup> Human Rights Watch interview with Marwan `I., Cairo, Egypt, July 27, 2002.

<sup>111</sup> Human Rights Watch interview with Yahiya `I., Cairo, Egypt, July 27, 2002.

<sup>112</sup> Human Rights Watch interview with `Abdullah A., Cairo, Egypt, July 27, 2002.

<sup>113</sup> Human Rights Watch interview with Mansur N., Cairo, Egypt, July 10, 2002.

<sup>114</sup> Human Rights Watch interview with Widad T., Cairo, Egypt, July 14, 2002.

<sup>115</sup> Human Rights Watch interview with Rabi` S., Cairo, Egypt, July 9, 2002.

<sup>116</sup> The term “sexual abuse” here refers to sexual harassment and forced sexual contact that does not include rape; the term “sexual violence” refers to rape. For a discussion of sexual abuse and violence in custodial settings in the United States, see Human Rights Watch, *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons* (New York: Human Rights Watch, 1996).

abuse and violence go unpunished, and girls who complained about police sexual abuse and violence often faced retaliation from their abusers or higher-ranking officers. Nora N., nineteen, described routine sexual abuse of girls and women detained at the Qasr al Nil police station by male police guarding the cells. “There are some guards who are bad, who grab girls’ breasts or say filthy things. The officers don’t do this. Some officers will let the guards do what they want, and some will punish them.”<sup>117</sup> Samira Y., fifteen, told us, “Rod al Farag police station is famous for the filthiness of the police there. They say filthy things, sexual things, to the girls.” According to Samira, girls who complained were often punished by higher-ranking officers, or detained for longer periods. “Some girls laugh with them so that the police leave them alone,” she said. “Others bear it in silence. The last time [we were arrested] we were quiet because we had already been detained for a long time and didn’t want to be held any longer.”<sup>118</sup> Amal A., sixteen, told us that an officer at the Sahel police station beat her until she collapsed because she answered back when low-level guards used sexually derogatory language about her mother. “The guards at the [Sahel police] station curse us with curses about our mothers and so sometimes they hit us. My mother is dead so I don’t let anyone curse her. If the guards do curse me I curse them back. Sometimes the guard tells the officer, and then the officer hits me. Twice the officer has done this—it is the same one. He curses me and makes me stand while he hits me with a stick. When I fall to the ground he makes me stand again. He hits me all over my body—from my head to my feet.”<sup>119</sup>

It is difficult to assess how widespread a phenomenon police sexual abuse and violence against girls in custody is, but the girls that we interviewed clearly feared sexual abuse and violence by police. Several girls told us that sexual abuse and violence was common at the al Azbekiya juvenile lockup and even singled out certain police as being known for raping girls, but declined to discuss specific incidents. “I’ve heard about Captain [X] at al Azbekiya,” said sixteen-year-old Widad T. “I’ve heard he does bad things to girls.”<sup>120</sup> In other cases, girls reported that they or others in the cell avoided rape only because other girls joined in to help beat the guard who was attacking them.

In addition to authorities’ failure to investigate and punish sexual abuse and violence by guards, poor facility design and a lack of female guards significantly contributed to girls’ vulnerability to sexual abuse and violence by male guards at the al Azbekiya juvenile lockup. According to the facility’s director, no female guards are on duty after 10 p.m., and female social workers are only in the building from 9 a.m. to 1:30 p.m.<sup>121</sup> When Human Rights Watch toured the facility on the afternoon of July 27, 2002, no female officers, guards, or social workers were visible at any time during the three-hour visit.<sup>122</sup> Both the girls’ cell and the girls’ toilet are located directly adjacent to the guard station, giving male guards easy access to detained girls at all times, and girls must leave the cell to use the toilet, during which time they can easily be isolated from the protection of their cellmates.

A Human Rights Watch researcher interviewed three of the four girls detained at al Azbekiya juvenile lockup on the day of our visit.<sup>123</sup> Two of the girls said a guard had sexually abused them shortly after they arrived at the facility; the third girl reported that she had been sexually abused by a guard earlier, while in a police transport vehicle.<sup>124</sup> The experience of Warda N., quoted at the outset of this subsection, demonstrates one way guards at the al Azbekiya lockup used sexual language to intimidate girls and coerce sexual contact. The sixteen-year-old told us that she had left home about a year and a half earlier, after her stepmother tried to force her to work as a prostitute. She has been raped twice since running away. Warda was arrested in a city near the Suez Canal after approaching police there for protection from a group of boys who were following her. “I turned myself in because I was afraid of the boys,” she said. “But the police won’t believe me. They say I am a prostitute.” As indicated

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<sup>117</sup> Human Rights Watch interview with Nora N., Cairo, Egypt, July 14, 2002.

<sup>118</sup> Human Rights Watch interview with Samira Y.

<sup>119</sup> Human Rights Watch interview with Amal A., Cairo, Egypt, July 17, 2002.

<sup>120</sup> Human Rights Watch interview with Widad T.

<sup>121</sup> Human Rights Watch interview with Brigadier Yasir Abu Shahdi, director of Cairo Province Police Directorate’s al Azbekiya Juvenile Welfare facility, Cairo, Egypt, July 27, 2002.

<sup>122</sup> The director explained the absence of female police by saying that the female officer on duty had left that morning to accompany a group of girls being transported to an institution. *Ibid.*

<sup>123</sup> The director of the facility asked the researcher to leave before she completed interviewing all the children.

<sup>124</sup> The assault in a police transport vehicle is described in the section on Conditions during Transport in Chapter IV.

above, a male guard has verbally abused Warda almost continually since her arrival at al Azbekiya and physically attacked her on one occasion.<sup>125</sup>

Hala S., fifteen, told us that police had arrested her one day earlier after she fought with a group of boys who then told police she had stolen 5LE (U.S.\$1.10) from them. Like Warda N., guards began to harass her using sexual language as soon as she arrived. “The police curse us with filthy language here. They call us ‘whore’ and things like that,” she said. Hala told Human Rights Watch that a guard attempted to rape her in the cell on her first night at al Azbekiya, “but we beat him and he hit us and left.” Another girl had told her of a similar attack the night before her arrival, and she and other girls feared they might be attacked again. As a precaution, the girls did not leave the cell at night to go to the adjacent toilet, even though this meant “some times we urinate on ourselves rather than go out at night.” Hala expected to spend another three nights at the al Azbekiya juvenile lockup before being transported to her home governorate.<sup>126</sup>

### **Detention with Adult Criminal Detainees**

I was in the Giza police station for a week before they sent me to al Azbekiya. At the Giza station I was with thieves who hit us and made us sit in the bathroom. The cell was very big. There were adults and kids. The smallest kid was nine, Suliman. The adults would hit us and tell us “get back, get back” and make us sit in the bathroom. There were three toilets, all full of water and filth. They made us sit there.

—Anwar R., fifteen, Cairo, Egypt, July 9, 2002

The detention of children with unrelated adults places children at extreme risk of abuse and is prohibited under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.<sup>127</sup> Yet fifteen of the thirty-five children Human Rights Watch interviewed who had been arrested had been detained with adult criminal detainees at least once. These children reported being held with unrelated adults in adult police lockups for periods averaging from one to three days, and sometimes lasting as long as two weeks. Girls reported being held with women detainees, while boys were typically detained with men.<sup>128</sup>

The children Human Rights Watch interviewed had been detained at one or more of twelve adult police stations in the Greater Cairo area.<sup>129</sup> They described large, crowded, unsanitary, and poorly supervised cells where violence was common. The account of Yasir I., fourteen, was typical of many children’s experience. “The last time I was arrested was a month ago,” he said. “The police grabbed me and two other kids, but when we went to the police station there were a lot of kids there. I was there for about a week. It was the Sayyida Zaynab police station. I was in very big cell. There were a lot of people, adults and kids... There were two adults who got in a fight and were hurt. One was wounded on the neck; the other had a knife wound on the shoulder. The police don’t do anything.”<sup>130</sup> Sixteen-year-old Tariq A. described his detention in the adult lockup at the al Azbekiya police station, two months earlier. “I was in a big cell, the size of three rooms, with my friend. There were bigger and

<sup>125</sup> Human Rights Watch interview Warda N., Cairo, Egypt, July 27, 2002.

<sup>126</sup> Human Rights Watch interview with Hala S., Cairo, Egypt, July 27, 2002.

<sup>127</sup> The Convention on the Rights of the Child requires children deprived of their liberty to be separated from adults “unless it is in the child’s best interest not to do so”; the ICCPR prohibition has no such exception. See Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (entered into force September 2, 1990), article 37(c); and the International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force March 23, 1976), article 10(b).

<sup>128</sup> Only one boy reported being held with women detainees. Sixteen-year-old `Amr R. spent three days in a cell with women detainees at the Sayyida Zaynab police station near the end of March 2002. “I was in a room about this size (3.5 meters x 3.5 meters), with the women [detainees]. All the kids there were there with women, and I was the only one whose mother wasn’t there. The police only bring food once in a while (*biyigibu akl kul fain wa fain*). There is someone who sells *ful* and *tamiya* [inexpensive foods made of fava beans] and I had LE 5 with me so I bought some.” Human Rights Watch interview with `Amr R., Cairo, Egypt, July 9, 2002.

<sup>129</sup> Children identified the police stations in Greater Cairo as Giza, Sayyida Zaynab, `Abdin, `Aguza, al Khalifa, Sahel, Rod al Farag, Qasr al Nil, Doqqi, the adult lockup and the juvenile lockup at al Azbekiya, Shobra al Khayma, and what appears to be a police substation in the Ahmad Helmi neighborhood. Two children also described being detained at the Muharram Bey juvenile police lockup in Alexandria.

<sup>130</sup> Human Rights Watch interview with Yasir I., Cairo, Egypt, July 9, 2002.

smaller kids with us. The smallest was ten. There were adults with us. The adults hit us. I was hit a lot. We were there for about five days, and then they sent me home.”<sup>131</sup>

Police lockups for women and girls are usually smaller than lockups for men and boys, but share problems of crowding, unsanitary conditions, poor supervision, and violence. “The lockup at the station in Ahmad Helmi smelled very bad from the filth there,” said Ilham N., fifteen. “When I first got there there was a woman [detainee] in the lockup. She made me clean the whole lockup. There was a small toilet in the lockup so I got water from there. There were only two of us, this older woman and I, and then the second day two girls and a boy joined us. They were fighting with each other, tearing each other’s clothes, and the officer came and hit them with his hand, hard.”<sup>132</sup> “Sometimes there are women in the lockup who are mean and curse and hit us, but most of the time the women are OK,” said Amal A., sixteen.<sup>133</sup>

Egyptian police do not provide food, bedding, or regular medical care to detainees held in adult police lockups, and detainees must either have visitors bring them food, blankets, and medicines, or bribe guards to purchase these items for them. Children arrested from the street on charges of being “vulnerable to delinquency” rarely receive visitors because their guardians generally do not learn of the arrest until the child is ordered to be returned home, and in some cases guardians are never notified. Even if guardians do learn where the child is being held, distance, poverty, anger at the child, or fear of the police may keep them from visiting the police station. According to staff at one nongovernmental organization that works to re-integrate street children with their families, “the police’s treatment of parents makes the situation worse,” because parents forced to come to the police station to take a child into custody are frequently cursed, forced to wait long periods, and sometimes pay fines. “The parents are humiliated and take it out on the kids,” which in turn encourages children to give false names and addresses to police.<sup>134</sup>

Without access to regular visitors, children who lack money to bribe guards must beg food and bedding from adult criminal detainees. Samira Y., fifteen, said, “In Rod al Farag station the women and girls are in a room half this size [i.e. half the size of a 3.5 meter by 3.5 meter room]. We sleep on the ground with no blankets. There is no food; we eat from what the visitors of others bring.”<sup>135</sup> Sixteen-year-old Yusif H. described three days he spent at `Abdin police station about a month earlier. “The adults are mixed with the kids in the same cell at `Abdin. The smallest kid there was five. After that there was a seven year old.... There are no blankets; you sleep on the tile floor. Sometimes there is space to stretch out and sometimes not. I didn’t get food from the police. I got food from other detainees.” Asked about how the adult detainees treated the children, Yusif first denied there were serious problems, and then said, “Any way, the kids are used to it.”<sup>136</sup>

While children were reluctant to discuss the details of their relationships with the adult detainees who provided them with food, dependence on adult criminal detainees for such basic necessities can only increase children’s vulnerability to sexual exploitation inside the lockup and to recruitment for criminal activities after their release. In a random survey of 104 children who had been detained in Greater Cairo, Alexandria, and al Minya, twenty-four of the children reported witnessing sexual violence against small children while in detention, and twelve children said they had themselves been attacked sexually. This survey may underreport cases of sexual abuse and violence by adults because some of the children surveyed had been detained in short-term punishment institutions or observation houses where adults are not detained.<sup>137</sup>

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<sup>131</sup> Human Rights Watch interview with Tariq A., Cairo, Egypt, July 9, 2002.

<sup>132</sup> Several children we interviewed described being taken to “the Ahmad Helmi police station.” This appears to be a reference to a police substation near a busy bus station in the Ahmad Helmi neighborhood of Cairo. Human Rights Watch interview with Ilham N., Cairo, Egypt, July 16, 2002.

<sup>133</sup> Human Rights Watch interview with Amal A.

<sup>134</sup> Human Rights Watch interview, Cairo, Egypt, June 29, 2002. Name withheld by request.

<sup>135</sup> Human Rights Watch interview Samira Y.

<sup>136</sup> Human Rights Watch interview Yusif H., Cairo, Egypt, July 9, 2002.

<sup>137</sup> The survey asked children if they were detained with adults, and those who answered yes were then asked, “Did one of them try do something bad to you?” (*had hawal ya `amal ma `k haja wahsha?*), followed by additional questions to clarify the

Seventeen-year-old Badr A. told us that he used his connections with officers at the Sayyida Zaynab station to avoid spending the night in the lockup, but other children had told him about sexual violence by adults there. “The police officer isn’t always watching, so sometimes there are rapes. No one does anything. Maybe there will be someone standing at the door [of the cell] to make sure that no one calls the officer. A small kid among fifty or sixty adults—what can he do? A kid of ten or eleven doesn’t have any idea of how to defend himself.”<sup>138</sup>

### **Failure to Adequately Separate Children by Age and Offense**

One of the other boys hit me on the face a half hour ago. We were fighting. The guards didn’t do anything.

—`Abdallah H., fourteen, al Azbekiya juvenile lockup, July 27, 2002

Children who are not detained with adults are also at risk of violence, ill-treatment, or recruitment by other children if they are not properly classified and separated on the basis of each child’s particular characteristics and needs. The Ministry of Interior official in charge of juvenile investigations told Human Rights Watch that the juvenile lockup in each police directorate has a staff of two to three female social workers and female police officers whose responsibilities included preparing a social inquiry report (*bahith ijtima`i*) on the circumstances of each child, to be used in determining each the child’s treatment.<sup>139</sup> However, only one child we interviewed recalled ever having been interviewed by a woman at the al Azbekiya juvenile lockup, a person who, the child said “beats us with a belt.”<sup>140</sup>

Although the al Azbekiya juvenile lockup has six rooms labeled as cells for children—five labeled as cells for boys of various ages and one labeled as a cell for girls—when we visited the facility in July 2002 only three of the cells appeared to be in regular use. One cell held four girls, a second held nine older boys, and a third held eight young boys.<sup>141</sup> Al Azbekiya Director Brigadier Abu Shahdi described the younger boys as “vulnerable to delinquency,” and the older boys as having committed misdemeanors. Two other rooms labeled as boys’ cells were being used for storage (see below), and a third room labeled as a boys’ cell was empty except for a single bunk bed. According to Director Abu Shahdi, the two rooms used for storage were never used to house children, and the room with a single bunk bed was only used when it became necessary to isolate children with infectious diseases.<sup>142</sup>

Director Abu Shahdi told Human Rights Watch that he separated children entering the facility “depending on the number of children and their ages. If I have a lot of children and a lot of different ages then I have to put a larger number of ages together, against my will. I have only four cells available.” Abu Shahdi added that even with limited space there were things he would not allow: “I don’t take children under three years old and I don’t put a girl coming in on a prostitution case with an orphan, for example.”<sup>143</sup> However, an expert familiar with the police station told us that in normal practice the fourth “isolation” cell was not used, and children were only classified by age, with “one cell for girls of all ages, one for twelve- to fifteen-year-old boys, and one for fifteen- to eighteen-year-old boys.”<sup>144</sup>

This level of classification is grossly inadequate to meet individual children’s particular needs and to ensure protection from harmful influences and risk situations. The provision of a single cell for girls is especially troubling because girls convicted of serious crimes in other governorates often are detained for a time at the al

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meaning of “something bad” (*haja wahsha*). Mohammad `Abd al `Athim, *Under Detention: A Study of Detained Children*, (Cairo: Association for Human Rights Legal Aid, 2002), pp. 94-96, 108-109 (in Arabic).

<sup>138</sup> Human Rights Watch interview with Badr A., Cairo, Egypt, July 10, 2002.

<sup>139</sup> Human Rights Watch interview with General Mohammadayn.

<sup>140</sup> Human Rights Watch interview with Nasir Y.

<sup>141</sup> Children told us that a much larger number of children had been at the facility the day before, but had been transferred out on the morning of Human Rights Watch’s visit, an account that the director later confirmed.

<sup>142</sup> Human Rights Watch interview with Brigadier Yasir Abu Shahdi, Cairo, Egypt, July 27, 2002.

<sup>143</sup> Ibid.

<sup>144</sup> Human Rights Watch interview, Cairo, Egypt, July 23, 2002. Name withheld by request.



Azbekiya juvenile lockup before reaching the facility where they will serve their sentence.<sup>145</sup> This virtually ensures that very young girls and girls arrested for truancy, begging, running away, or being homeless will be detained with much older girls who have committed serious crimes.

Both boys and girls detained at the al Azbekiya juvenile lockup told us that they were often held with children significantly younger or older, and boys complained that guards rarely intervened when older or bigger children beat younger or smaller children. When we interviewed children at the facility in July 2002, one fourteen-year-old boy's cheek was visibly red. Asked why, `Abdallah A. said, "One of the other boys hit me on the face a half hour ago. We were fighting. The guards didn't do anything."<sup>146</sup> Nine-year-old Ayman M. told us that guards intervened when children were fighting during the five nights he spent at al Azbekiya in early July 2002, but only to beat children. "I was held with the kids," he said. "The oldest kid was about twelve. The older boys cursed me and hit some other kids but didn't hit me. There was a boy my age who hit me, so I hit him back. Then the officer came and that is when the officer hit me and cursed me. The officer would come and hit us all when there were fights in the cell."<sup>147</sup>

### Medical Care

Children arrested on charges of being "vulnerable to delinquency" often suffer from serious health problems predating their arrest. Most of the children Human Rights Watch interviewed had lived on the street for long periods of time, a factor that significantly increased their risk of chronic health problems, including skin diseases, anemia, intestinal parasitic infections, respiratory diseases, infections from untreated wounds, drug addiction, and malnutrition.<sup>148</sup> None appeared to be eligible for the government's subsidized medical care for school-age children because they were not currently enrolled in school, and, as a consequence, children told us they only sought out medical care when they had serious injuries.<sup>149</sup> "It costs 3LE (U.S.\$0.66) to go to the public hospital, plus the cost of medicine," said fourteen-year-old `Azza S. "I'll be very sick but I grit my teeth and bear it."<sup>150</sup>

Girls living on the street often had additional health problems linked to their high risk of rape, early pregnancy, and general lack of access to reproductive health care. Social workers at one nongovernmental organization working with street girls told us that many of the girls had been raped and all of the girls lacked information on menstruation, pregnancy, and prenatal care. "We have to teach them even basic things," said the

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<sup>145</sup> Egypt has no punishment facilities for girls over age fifteen and only seven social welfare institutions that accept children "vulnerable to delinquency" or girls under fifteen who are convicted of crimes. Four of those facilities are in the greater Cairo area, two are in Alexandria governorate, and one is in Port Said governorate. Girls from governorates lacking facilities must be transferred to governorates that have them, and Cairo-based facilities are the closest for most cities. Human Rights Watch interview, Wafa' al Mistikawy, Director, Administration for Studies, Planning, and Follow-up, Social Protection Sector, Ministry of Insurance and Social Affairs, July 18, 2002.

<sup>146</sup> Human Rights Watch interview `Abdallah A.

<sup>147</sup> Human Rights Watch interview with Ayman M., Cairo, Egypt, July 17, 2002.

<sup>148</sup> A 2001 study of street children in Cairo and Alexandria found evidence of high rates of anemia, respiratory problems due to glue sniffing and cigarette smoking, and skeletal problems due to violence. Children frequently complained of headaches, heart pain, chest pain, abdominal colic, renal colic, back pain, blood in the urine, shortness of breath when running, cough, wounds and bruises, diarrhea, dental problems, fever, and discharge from the ear. Nongovernmental organizations providing services to street children reported scabies, tinea, anemia, intestinal parasitic infections, skin abscesses and septic wounds, tonsillitis, otitis media, and hair lice as common problems. Abt Enterprises LLC, *Rapid Situation Assessment of Street Children in Cairo and Alexandria: Final Report, March 29, 2001, Prepared for the U.N. Office for Drug Control and Crime Prevention, the World Food Program, and the U.N. International Children Emergency Fund (UNICEF)*, pp. 26-28.

<sup>149</sup> The School Health Insurance Program, established by Law 99 of 1992, provides preventive and curative health care services for school children until secondary school. Children pay a LE4 (U.S.\$ 0.88) fee to register, and registration takes place through their schools. See A.K. Nandakumar et. al, "Health reform for children: the Egyptian experience with school health insurance," *Health Policy*, vol. 50, issue 3, January 2000, pp 155-170, and Hassan Abd El Fattah, MD, et. al, *The Health Insurance Organization of Egypt: An Analytical Review and Strategy for Reform*, Technical Report no. 43, (Bethesda, MD: Partnerships for Health Reform Project, Abt Associates Inc., August 1997).

<sup>150</sup> Human Rights Watch interview with `Azza S., Cairo, Egypt, July 15, 2002.

director of one drop-in center. “Most don’t know about personal hygiene and menstruation. We have to tell them what they should eat when they are pregnant and to stop sniffing glue because it harms the baby.”<sup>151</sup>

Police at adult lockups routinely denied children medical care in all but the most life-threatening circumstances. “If you get sick you give the guard money and he goes to buy you medicine,” explained Amal A., sixteen.<sup>152</sup> Ziyad N. told us he spent three days at the Sayyida Zaynab police station without medical care for wounds he received when police beat him during arrest. “I was bleeding but I didn’t see a doctor until after I was released,” he said.<sup>153</sup> “They don’t believe you if you say you are sick,” said Samira Y., fifteen. “If they see you are really very sick and look like you will die, they let you go.” Children told us that they had never seen a doctor visit detainees in an adult police lockup, but Samira Y. reported having once seen someone hospitalized. “It was a woman visitor who tried to smuggle in painkillers to a male detainee at Rod al Farag police station,” she said. “The woman was pregnant but you couldn’t tell because she was big and her clothes were loose. The police caught her and beat her and threw her in the cell with us. She bled a lot. We banged on the door and an officer came and took her to the hospital. Four days later she came back to the cell but she had lost the baby.”<sup>154</sup> Nineteen-year-old Nawal A. was the only other person we interviewed who had seen a detainee at an adult police lockup hospitalized. “I saw a woman with diabetes who was very sick,” she said. “If you get sick the police leave you until you die. They waited until the very last minute before they called the ambulance.”<sup>155</sup>

Children’s access to medical care at the al Azbekiya juvenile lockup was only marginally better than that in adult police lockups. Of nineteen children who had been detained at al Azbekiya, only one child, a sixteen-year-old who had been injured by another child, reported having received medical treatment. “The last time I was arrested I went to the hospital,” said Tariq A. “One of the bigger kids had hit me, on my side. I was screaming from the pain and they took me to the hospital. There was no delay. The doctor gave me medicine, and then I went back to al Azbekiya and the police took me home.” Although the injury took place two months earlier, Tariq still suffered from pain when he moved. “There isn’t a mark on the outside, but it still hurts on the inside,” he said.<sup>156</sup>

More typical was the case of Widad T., sixteen, who said police at the al Azbekiya juvenile lockup refused medical care to one of the eighteen girls in her cell in early July 2002. “One was very sick, with a high fever, but the police didn’t do anything. We put water on her to cool her.”<sup>157</sup> Mansur N. was still breathing with difficulty and had a clear liquid dripping from his ear when interviewed a few days after his release in early July 2002. “I was already sick when I got there from smoking too many cigarettes. The crowding and the lack of air made me sicker. There wasn’t enough food and there wasn’t a doctor there. After I was released I went to a doctor and he wrote me a prescription.”<sup>158</sup>

Gen. Sayyed Mohammadayn told Human Rights Watch that it was not his agency’s policy to provide medical care to detained children. “The period the child stays with us is short, so we don’t offer health services in al Azbekiya,” he said. “There is first aid or the child is sent to hospital, but there is no doctor at al Azbekiya.”<sup>159</sup> The juvenile lockup’s director, Brigadier Yasir Abu Shahdi, told us that “a health inspector from the Ministry of Health comes every two days,” but that as director he was the person primarily responsible for determining if a child needed medical care. Abu Shahdi said he did this by visually inspecting the child at the time of admission, although he is not a medical officer and said he had only recently transferred to the Juvenile Welfare Administration after spending most of his career in a police anti-drug unit. “When a child comes in I look at him to see if he has medical problems. If I suspect he has a contagious disease, I send him to the hospital.” It seems

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<sup>151</sup> Human Rights Watch interview, Cairo, Egypt, July 11 and 14, 2002. Names withheld by request.

<sup>152</sup> Human Rights Watch interview with Amal A.

<sup>153</sup> Human Rights Watch interview with Ziyad N., Cairo, Egypt, July 10, 2002.

<sup>154</sup> Human Rights Watch interview with Samira Y.

<sup>155</sup> Human Rights Watch interview with Nawal A., Cairo, Egypt, July 15, 2002.

<sup>156</sup> Human Rights Watch interview with Tariq A.

<sup>157</sup> Human Rights Watch interview with Widad T.

<sup>158</sup> Human Rights Watch interview with Mansur N.

<sup>159</sup> Human Rights Watch interview with General Mohammadayn.

unlikely that even this inadequate level of medical review and referral takes place: later in the interview Abu Shahdi contradicted his earlier testimony, saying that he detained children he believed to have infectious disease on the premises, and that he supervised the juvenile lockup by mobile phone because he was “almost never” in the building.<sup>160</sup>

Even if a doctor were to visit the al Azbekiya lockup twice a week, he or she would find few resources for treating children. When Human Right Watch asked to see the “clinic,” we were shown a small, narrow room with two tables, a small desk, an examination table, one chair, and a sink. Like the rest of the lockup, the floor had been recently mopped, but the furniture was dusty and stacked high against the walls. Despite sweltering temperatures, the only source of ventilation, a single wire mesh covered window, was covered with a blanket so thickly layered in dust that it appeared to have been undisturbed for at least several weeks. The room contained no medical supplies, medical equipment, or even soap.

## Food

Access to adequate food is a major concern for children detained in both adult and juvenile police lockups. Egyptian police do not provide food to detainees in the adult police lockups, where many children are taken upon arrest and again prior to release. Children typically spend one to three days at these lockups, during which time they survive by bribing guards to buy them food or begging from adult criminal detainees.<sup>161</sup> “The police don’t give us food,” said Amal A., sixteen, describing her sixth arrest, when she spent two days at the Sahel police station in the Shobra neighborhood in early July 2002. “If we have money we send the guard to buy food. He takes 1LE (U.S.\$0.22) to do this. If we don’t have money, we stand on the sink (under the window that opens on the men’s cell) and ask the men in the cell next to us to give us food. You need about 5LE (U.S.\$1.10) per day to eat well—food and tea.”<sup>162</sup> Marwan `I., thirteen, spent one night at a Shobra al Khayma police station before being transferred to the al Azbekiya juvenile police lockup in late July 2002. “There is no food at Shobra,” he said. “The police there hit me and took 3LE (U.S.\$0.66) from me. The guard took the money but didn’t bring me the food [I had paid for].”<sup>163</sup> The ability to provide or deny detained children food gives guards and adult detainees tremendous leverage over children and increases children’s vulnerability to exploitation.<sup>164</sup>

Children who had been detained at the al Azbekiya juvenile lockup told us that they were typically fed two to three times a day, but the food was of poor quality and left them feeling hungry. Nagla’ R., seventeen, said she had been detained at al Azbekiya three times and each time had only been served two meals each day. “You get a piece of bread and cheese for breakfast and bread and jam for dinner,” she said. “There is no lunch.”<sup>165</sup> Muhsin M., thirteen, said he had spent all his money bribing a guard at al Azbekiya to bring him additional food. “When I first came here [seven days earlier] I had money and sent the guard to get food,” he said. “He takes 1LE or 1.5LE (U.S.\$0.22 to U.S.\$0.33) [in addition to the cost of the food]. But now my money is gone.”<sup>166</sup> Fifteen-year-old Mansur N. described receiving two meals of bread and cheese and one meal of bread and jam, then said simply, “it is not enough food.”<sup>167</sup>

Reem G., seventeen, told us that she believed that a lack of appropriate food contributed to the death of her eight-month-old son, who fell ill during the fifteen days she was detained at al Azbekiya in early 2002. “The police fed us one piece of bread with ‘nesto’ cheese for breakfast; lunch was a piece of bread and a container of cheese that we split among fifteen to twenty people; and dinner was a piece of bread with jam,” she said. “They

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<sup>160</sup> Human Rights Watch interview with Brigadier Yasir Abu Shahdi.

<sup>161</sup> Most children we interviewed reported being held in adult police lockups for three days or less, but one child reporting being held a week, and another child reported being held approximately two weeks.

<sup>162</sup> Human Rights Watch interview with Amal A.

<sup>163</sup> Human Rights Watch interview with Marwan `I.

<sup>164</sup> See sections on Police Extortion and Detention with Adult Criminal Detainees, above.

<sup>165</sup> Human Rights Watch interview with Nagla’ R., Cairo, Egypt, July 14, 2002.

<sup>166</sup> Human Rights Watch interview with Muhsin M., Cairo, Egypt, July 27, 2002.

<sup>167</sup> Human Rights Watch interview with Mansur N.

gave me a piece of bread for the baby, but he didn't want to eat it. He was too little. We were so hungry we had to eat the food, but it was disgusting. The jam was like medicine, thin and bad tasting."<sup>168</sup>

According to General Mohammadayn, the Ministry of Interior's General Administration for Juvenile Welfare Investigations has issued standing instructions to all police stations that detained children should be fed "food equal to what the conscripts (*mujannidin*) at the station are served."<sup>169</sup> Brigadier Abu Shahdi told us that he provided all children detained at al Azbekiya with "the same dry meal (*wajba jafa*) that conscripts get," which he said consisted of two pieces of "nesto" cheese and one piece of bread for breakfast, 110 grams of white cheese and two pieces of bread for lunch, and 75 grams of jam and one piece of bread at night.<sup>170</sup> Abu Shahdi said that he did not order meals based on the number of children detained on a given day, but instead ordered "an average number of meals to cover both the conscripts and the children."<sup>171</sup> When we visited the al Azbekiya "kitchen," a small room with an adjoining storage room but no refrigerator or cooking facilities, we observed a few cases of "nesto" cheese and containers of jam, but no bread or white cheese.

Abu Shahdi told Human Rights Watch that children were fed cold meals because he lacked facilities to prepare hot meals, and in any case he preferred cold meals because they offered corrupt personnel and suppliers fewer opportunities for cheating, thereby making it easier for him to ensure quality. He added that charitable organizations occasionally donated food to the facility, which he "tested by giving some of it to the guards" before distributing any leftovers to the children.<sup>172</sup> An expert familiar with the facility confirmed that "there used to be a nongovernmental association that provided children with *koshari* [a lentil, pasta, and rice dish served with tomato sauce] and another that gave them meat on special occasions, not every day," but said that no longer happened on a regular basis. "The Ministry of Social Affairs should provide the food but it doesn't, so the Ministry of Interior has to but it doesn't have the budget."<sup>173</sup>

### Overcrowding

Police frequently detain children in extremely crowded cells without bedding or with inadequate bedding. Cell overcrowding and dirty bedding facilitate the spread of many diseases, particularly the skin diseases and intestinal parasites common among street children. Overcrowding also generates filth and creates competition for limited sleeping space, food, and bedding, all of which in turn exacerbate the tensions caused by overcrowding. In Cairo's hot summers, overcrowding can also significantly raise ambient temperatures in poorly ventilated cells. While Human Rights Watch was not able to visit adult police lockups, children's accounts of conditions at some of these lockups raise serious health concerns. When visiting the al Azbekiya lockup, we observed that cells there had no fans and only limited cross ventilation when cell doors were closed. Although few children complained about temperature extremes, the room at the al Azbekiya juvenile lockup where we interviewed children was stiflingly hot and temperatures must have been even hotter when crowded cells were locked down.

Children told us that police at adult lockups routinely held them in overcrowded cells where they slept on bare tile or cement, unless an adult agreed to share his or her blanket. Yusif H., sixteen, spent three nights at the 'Abdin police station in early June 2002. "There were no blankets," he said. "We slept on the tile floor. Sometimes there was space to stretch out, and sometimes not."<sup>174</sup> 'Azza S., fourteen, spent two nights in the women's cell at the Doqqi police station in late June 2002. "Inside the cell there is a toilet and a *mastaba* [a raised platform] along the wall and one window covered with a screen. We were about seven people, and we couldn't all

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<sup>168</sup> Human Rights Watch interview with Reem G., Cairo, Egypt, July 15, 2002.

<sup>169</sup> Human Rights Watch interview with General Mohammadayn.

<sup>170</sup> "Nesto" is a term used in Egypt to refer to any of several brands of processed cheese food that come packaged as individually-wrapped triangles in a round box. A single triangle of one such brand, Laughing Cow, weighs about 18 grams. Human Rights Watch interview with Brigadier Yasir Abu Shahdi.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> Human Rights Watch interview, Cairo, Egypt, July 23, 2002. Name withheld by request.

<sup>174</sup> Human Rights Watch interview with Yusif H.

sleep on the *mastaba*, so some slept on the floor. There were no blankets.”<sup>175</sup> “You sleep on the floor unless some of the adult women send for a blanket from home,” said Amal A., sixteen.<sup>176</sup>

Children who were transferred to the al Azbekiya juvenile lockup were removed from the immediate danger of detention with adults, but often found conditions at the juvenile lockup equally crowded, with even less access to clean bedding. The al Azbekiya juvenile lockup director, Brigadier Yasir Abu Shahdi, told Human Rights Watch that crowding was a problem both because of the large population of the Cairo Governorate and because his facility took children in transit from other governorates. “Any child going to a punishment facility comes here, because all the punishment facilities are in Cairo. Any child arrested in a [Cairo] police station also comes here. Children stay here while waiting for trains to other places.” Abu Shahdi estimated that “five thousand to six thousand children pass through al Azbekiya each month,” and that 3,500 of those children were “regulars” who had been arrested multiple times and were known to the police.<sup>177</sup> If this estimate is correct, this would mean that even if no child spent more than one night at al Azbekiya there would still be at least forty-one children held in each cell on any given day, or at least 2.6 children per square meter.<sup>178</sup>

Children we spoke with said they frequently spent several days at the al Azbekiya juvenile lockup, further exacerbating overcrowding. Children who were ordered returned to their families, the most common action taken in cases of children “vulnerable to delinquency,” could spend a week or more at al Azbekiya. In some cases, the reason for this was that children could not or would not provide police with a correct home address. Al Azbekiya director Abu Shahdi told us, “I might spend ten days looking for a child’s address because he gives the wrong address.”<sup>179</sup> In other cases, children were held for several days awaiting transport to a different facility or police station. When we interviewed Muhsin M. at the al Azbekiya juvenile lockup he had already spent seven nights there. “They called my paternal aunt in [a city in the Delta] and they are going to send me home,” he said, “but the day hasn’t come for the train for [that governorate].”<sup>180</sup> Hala S., who we interviewed on the same day, said she expected to spend five days at al Azbekiya before she was scheduled to be sent to her home governorate.<sup>181</sup>

In other cases, the reason for the delay was not readily apparent but the impact on children was clear. Wafa’ R. spent a week at al Azbekiya in early July 2002. “We slept on the tile floor. There were no blankets,” she said.<sup>182</sup> “The room was smaller than this room [i.e. smaller than 3 x 3 meters],” said Widad T., sixteen. “There were eighteen of us in the room. There were no blankets. We slept on the floor.”<sup>183</sup> “The last time I was arrested there were ten or eleven of us in a small room,” said Nagla’ R., seventeen.<sup>184</sup> Nine-year-old Ayman M. spent five

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<sup>175</sup> Human Rights Watch interview with `Azza S.

<sup>176</sup> Human Rights Watch interview with Amal A.

<sup>177</sup> Ministry of Interior arrest figures for the Cairo Governorate’s Juvenile Welfare Administration alone list 3,360 children arrested for being “vulnerable to delinquency,” 1,568 children arrested for misdemeanors, and 269 children arrested for felonies in 2001. In comparison, the governorate with the second highest number of children arrested for being “vulnerable to delinquency,” Alexandria, reported 1,891 cases in 2001. Human Rights Watch interview with Brigadier Yasir Abu Shahdi. Ministry of Interior, Social Protection Sector, General Administration for Juvenile Welfare Investigation, *The Administration’s Efforts Year 2001* (Cairo: Ministry of Interior, 2002) (in Arabic), p. 105, 108.

<sup>178</sup> Abu Shahdi’s estimate appears high, given that the Ministry of Interior lists 42,505 as the total number of arrests of children in Egypt in 2001, but may reflect inaccuracies in the Ministry’s statistics or be a result of counting each time a child passes through al Azbekiya separately, even when they occur during the same arrest. Our estimate of crowding is based on Abu Shahdi’s lower figure of 5,000 children per month, spread among thirty days, with no child staying more than one day, and children spread among four cells with an average size of sixteen square meters per cell. However, according to Abu Shahdi, only three cells are in regular use and the policy of separating girls from boys necessarily prevents an even distribution of children among all three cells. Ministry of Interior, Social Protection Sector, General Administration for Juvenile Welfare Investigation, *The Administration’s Efforts Year 2001*, pp. 95-97.

<sup>179</sup> Human Rights Watch interview with Brigadier Yasir Abu Shahdi.

<sup>180</sup> Human Rights Watch interview with Muhsin M.

<sup>181</sup> Human Rights Watch interview with Hala S.

<sup>182</sup> Human Rights Watch interview with Wafa’ R., Cairo, Egypt, July 16, 2002.

<sup>183</sup> Human Rights Watch Interview with Widad T.

<sup>184</sup> Human Rights Watch interview with Nagla’ R.

nights at al Azbekiya in early July 2002. “There was a mat on the tile floor but no blankets,” he said.<sup>185</sup> Nasir Y., fifteen, spent three nights at al Azbekiya in early July 2002. “The cell was crowded,” he said. “We couldn’t sleep lying down. For three days I slept sitting up.”<sup>186</sup>

When Human Rights Watch toured the al Azbekiya juvenile lockup in July 2002, all three of the cells holding children were full of as many bunk beds as they would hold, leaving almost no space for children to stand, and blankets on the beds appeared dusty and had a rank smell that was easily discernable from the cell’s doorway. The smallest cell, which held eight young boys, was barely large enough to hold the three bunk beds arranged with their long sides touching each other and the heads of the beds touching one wall. The children had only a strip of bare floor the width of the door to stand in, a space they filled completely when ordered to line up against the single bare wall. A second cell held nine older boys, and was slightly wider, with four bunk beds arranged in the same way as in the younger boys’ cell. A third cell held four girls and had four bunk beds, one on each wall with their ends overlapping to leave a small bare space in the center of the room. Despite the crowded conditions, a fourth cell was empty except for a single bunk bed. Children told us that more children had been present earlier but a large number of children had been removed from the facility that morning. “Yesterday there were more than forty boys in the cells,” said `Abdallah A., a fourteen-year-old who was being held in the smallest cell. “My room had fifteen kids.”<sup>187</sup>

Al Azbekiya director Abu Shahdi told us that it was sometimes difficult for him to cope with influxes of large numbers of children. “There are beds, but sometimes the cells are full. We have a storeroom for the beds and mattresses. But the children who come here aren’t used to beds and destroy them. If there aren’t enough beds, I take out the beds and have them sleep on the floor.” He added that he lacked washing facilities to keep children’s bedding clean. “Every week I wash two or three of the blankets the children sleep on and hang them on the roof. It’s the best I can do. I have to call friends to send me the soap to wash them.”<sup>188</sup> During the visit, we observed two rooms labeled as boys’ cells that Abu Shahdi described as “storerooms.” One smaller room contained a tall pile of fabric-covered mattresses that appeared to be unused, and a number of dust-covered blankets and pillows that appeared to be new or nearly new. The second, much larger room held a few unassembled bunk bed frames and a few extremely dirty and torn foam mattresses.

### **Water and Hygiene**

Children who had been detained at adult and juvenile police lockups complained of limited access to clean toilets and drinking water and no access to bathing and laundry facilities. Such restrictions on water and hygiene are degrading and contribute to the spread of disease, especially in conditions of overcrowding. Guards at the al Azbekiya juvenile lockup control children’s access to toilets and drinking water, and boys complained that guards routinely denied access to both at night. “At night, if we want to go to the toilet, the guard says, ‘No, in the morning.’ One time I had to wait a whole day,” said `Abdullah A., fourteen.<sup>189</sup> “When we want to go to the toilet or drink water at night they tell us, ‘In the morning,’” said Muhsin M., thirteen.<sup>190</sup>

Girls detained at al Azbekiya told us that their access to water and toilets varied according to who was on duty. “They didn’t want to let us go to the bathroom,” said Reem G., seventeen. “It depended on their mood. Some girls urinated on the ground in the cell.”<sup>191</sup> Girls who had been sexually abused by guards or seen other girls abused at al Azbekiya told us that it wasn’t safe to use the toilets there at night.<sup>192</sup>

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<sup>185</sup> Human Rights Watch interview with Ayman M.

<sup>186</sup> Human Rights Watch interview with Nasir Y.

<sup>187</sup> The director later confirmed that a large number of children had been transferred out of the facility earlier in the day. Human Rights Watch interview with `Abdallah A.

<sup>188</sup> Human Rights Watch interview with Brigadier Yasir Abu Shahdi.

<sup>189</sup> Human Rights Watch interview with `Abdullah A.

<sup>190</sup> Human Rights Watch interview with Muhsin M.

<sup>191</sup> Human Rights Watch interview with Reem G.

<sup>192</sup> See Sexual Abuse and Violence against Girls, above.

Both boys and girls complained that they were not able to properly wash themselves or their clothing while at the al Azbekiya juvenile lockup. Asked if he had any complaints about the facility, Muhsin M. said the biggest problem was that “there isn’t a place to wash.” Throughout the interview he had been scratching his arms.<sup>193</sup> Reem G. told us that she believed a lack of clean water for washing had contributed to the death of her eight-month-old son after the two spent fifteen days at the al Azbekiya juvenile lockup in early 2002. “The baby was urinating blood,” she said, “but the police wouldn’t give us water all the time. We would ask for water to drink, but they would bring it according to their whims. Only rarely they would give me water to wash the baby’s clothes. I would try to dry the clothes on the mesh covering the window and the guard would make me take them down. What could I do? I didn’t have any changes of clothes for him. The other girls would take off their clothes so that I would have clothes to change the baby. They gave me their blouses, underskirts, anything they had.” Reem’s son died two days after her release.<sup>194</sup>

Children detained in adult police lockups typically had access to drinking water and toilets inside the cell, but no access to bathing facilities. Toilet areas were often the filthiest areas in the dirty, overcrowded cells. “There is one toilet [at Rod al Farag police station], and it is putrid,” said Samira Y., fifteen.<sup>195</sup> “The water in the lockup tasted very bad. I didn’t drink it because it was so bad,” said Ilham N., fifteen.<sup>196</sup> Anwar R., fifteen, said when he and other children spent a week at the Giza police station the cell was so crowded that the adult criminal detainees forced the children to stay in a filthy toilet area. “The adults would hit us and tell us ‘get back, get back’ and make us sit in the bathroom. There were three toilets, all full of water and filth. They made us sit there.”<sup>197</sup>

### **Education, Recreation, and Work**

Police at the al Azbekiya juvenile lockup make no provisions for education, exercise, or leisure activities for children detained there, and they routinely confiscate belongings that might serve to divert children during their detention.<sup>198</sup> Children frequently spend days at a time in crowded cells, leaving only if they are given permission to go to the toilet. “We want a television and a radio and fans,” said Marwan `I., thirteen.<sup>199</sup> The only exception to this numbing routine appears to be when children are ordered to clean the lockup. Girls who had been detained at the al Azbekiya juvenile lockup told us that police routinely gave them water and rags and ordered them clean the station, and lawyers familiar with the station said it was common to see young girls wiping down the floors there. Wafa’ R., fifteen, spent a week at al Azbekiya in early 2002 while awaiting transfer to her home governorate. “The police made us clean the whole station and if we stopped they hit us with a whip,” she said.<sup>200</sup> Nagla’ R. told us, “In the morning they make us clean the whole station—the stairs, the walls, everything.”<sup>201</sup>

One individual familiar with conditions at the al Azbekiya juvenile lockup explained, “The police believe that girls’ normal duty is to clean so they make them clean. I often saw them clean the stairs and the cells on that floor. If there are no girls, the boys are forced to clean. It is a police station; the children have no choice.”<sup>202</sup> Two of four boys detained at al Azbekiya on the day we visited confirmed this pattern, saying they too had been forced to clean the facility because “a visitor was coming.” “We just cleaned today,” said `Abdallah A., fourteen. “They give us rags to clean the floors. We cleaned the whole section that we are in.”<sup>203</sup>

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<sup>193</sup> Human Rights Watch interview with Muhsin M.

<sup>194</sup> Human Rights Watch interview with Reem G.

<sup>195</sup> Human Rights Watch interview with Samira Y.

<sup>196</sup> Human Rights Watch interview with Ilham N.

<sup>197</sup> Human Rights Watch interview with Anwar R., Cairo, Egypt, July 9, 2002.

<sup>198</sup> Human Rights Watch interview with Brigadier Yasir Abu Shahdi.

<sup>199</sup> Human Rights Watch interview with Marwan `I.

<sup>200</sup> Human Rights Watch interview with Wafa’ R., Cairo, Egypt, July 16, 2002.

<sup>201</sup> Human Rights Watch interview with Nagla’ R.

<sup>202</sup> Human Rights Watch interview, Cairo, Egypt, July 23, 2002. Name withheld by request.

<sup>203</sup> Human Rights Watch interview with `Abdallah A.

## VI. THE CHILD LAW: ARBITRARY ENFORCEMENT AND VAGUE LAWS

We conduct arrest campaigns to demonstrate the government's presence. Because if we didn't have arrest campaigns then quickly the streets would fill up with kids selling tissues and wiping cars and begging.

—Police Officer, Bulaq al Dakrur Police Station, July 24, 2002

According to Ministry of Interior statistics, more than 25 percent of all children arrested in Egypt in 2001 were arrested on charges of being “vulnerable to delinquency.”<sup>204</sup> The Egyptian government argues that the provision is intended “to protect children exposed to delinquency before they ever commit an offence.”<sup>205</sup> In reality, police effectively treat these children as criminal suspects, detaining them in police lockups until it is determined that they have no warrants for their arrest, or until the Public Prosecution Office or the juvenile courts order them released, remanded to a social welfare institution, or placed under judicial probation. While not criminal sentences, these orders can result in children being placed in institutions or monitored weekly by armed social welfare experts for up to three years with little or no judicial review of the prosecution order or the placement.<sup>206</sup> In most if not all cases Human Rights Watch investigated, these arrests were based on the police's arbitrary application of overly broad and vaguely worded provisions that penalize conduct that would not be grounds for arrest if the victim were an adult or if existing laws exempting children from prosecution for begging were implemented. In many cases the arrests also result in numerous violations of children's procedural rights, without providing children any of the Child Law's protective or rehabilitative measures.

The number of arrests of Egyptian children on charges of being “vulnerable to delinquency” has more than doubled since 2000, rising from 4,197 arrests to 10,958 in 2001.<sup>207</sup> Arrests of children “vulnerable to danger” went from zero cases in 2000 to 185 cases in 2001.<sup>208</sup> Three thousand three hundred sixty of the 2001 arrests took place in the Cairo governorate, in comparison to four cases listed in 2000.<sup>209</sup> Ministry of Interior officials credit the rise in arrests to the October 2000 decision to increase the status and resources allocated to the General Administration for Juvenile Welfare Investigations, and told us they wanted additional resources to allow them to increase the number of arrests and expand arrests of children who are truants from school.<sup>210</sup>

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<sup>204</sup> Of the 42,505 children arrested in 2001, 10,958 children were charged with being “vulnerable to delinquency.” Ministry of Interior, Social Protection Sector, General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2001* (Cairo: Ministry of Interior, 2002) (in Arabic), pp. 95-97; and Ministry of Interior, Social Protection Sector, General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2000* (Cairo: Ministry of Interior, 2001) (in Arabic), p. 43.

<sup>205</sup> Government of Egypt, *Second Periodic Report of the Government of Egypt to the Committee on the Rights of the Child*, November 11, 1999, CRC/C/65/Add.9, para. 192.

<sup>206</sup> In cases where the child violates the terms of the probation, the court may order other measures specified in article 101 of the Child Law. Child Law 12 of 1996, Official Gazette no. 13 [adjunct], March 28, 1996 (in Arabic), articles 106-107.

<sup>207</sup> In comparison, 921 children were charged with felonies and 30,626 were charged with misdemeanors in 2001. The 10,958 children arrested for being “vulnerable to delinquency,” included 4,914 charged with mixing with other children “vulnerable to delinquency” or suspects, 3,662 charged with begging, 1,450 charged with sleeping in the streets, and 757 children charged with habitual truancy. General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2001*, pp. 95-97; and General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2000*, p. 43.

<sup>208</sup> Ministry of Interior statistics list 185 “cases,” of arrests for being “vulnerable to danger” in 2001 and no cases in 2000. General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2001*, p. 91.

<sup>209</sup> The 2000 figure appears to significantly under report arrests in all three Greater Cairo governorates and may be a reflection of the arbitrary manner in which the Ministry of Interior categorizes children as “vulnerable to delinquency.” It appears in a chart labeled “Distribution of Cases of Vulnerable to Delinquency by the Governorates of the Republic for Year 2000” that lists eight categories of conduct considered “vulnerable to delinquency,” but lists underneath each category the term “misdemeanor,” although these categories are not misdemeanors and are not included in a separate chart of cases of misdemeanors. General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2001*, p. 97; and General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2000*, p. 43.

<sup>210</sup> Ministerial Decree 15511 of 2000 restructured the Ministry of Interior's existing Administration for Juvenile Police, making it a General Administration for Juvenile Welfare Investigations headed by an assistant minister with the rank of



## Defining Children “Vulnerable to Delinquency” and “Vulnerable to Danger”

Egypt’s Child Law (Law 12 of 1996) borrows the concept of children “vulnerable to delinquency” with only minor modifications from earlier legislation that considered such children to be socially dangerous and in need of the intervention of the criminal justice system.<sup>211</sup> According to Egyptian officials, the Child Law is intended to prevent children “vulnerable to delinquency” from becoming criminals by holding parents or guardians criminally accountable for their failure to ensure the child behaves properly, and by authorizing judicial authorities to order rehabilitative measures and custody by the state when necessary.<sup>212</sup> This approach contravenes international standards, which specify that children should not be charged with a crime or act of delinquency for any offense that would not be a crime if committed by an adult.<sup>213</sup> Consistent with this principle, parents should not be held criminally responsible for behavior by their children that would not be a crime if committed by an adult. When parents have difficulties in undertaking child-rearing duties, the state’s first response should be to take appropriate measures to assist them in the performance of their responsibilities.<sup>214</sup> In some cases, it may be appropriate to subject parents to noncriminal proceedings to determine whether it is in the best interest of the child to remain in the custody of his or her parents. Measures that disrupt the family should be kept to a minimum and should be limited to cases in which removing a child from his or her family environment is strictly necessary for the child’s safety and well-being. In such cases, the child is entitled to special protection and assistance provided by the state.<sup>215</sup> Under certain circumstances, a parent’s abusive treatment of a child may subject the parent to criminal sanctions.

Following the passage of the Child Law, and in partial recognition of the failure of the law’s provisions to address Egypt’s international legal obligations toward children in need of protection, the government added a category of children “vulnerable to danger” when it issued the Child Law’s implementing regulation in 1997.<sup>216</sup> However, police, prosecutors, and judges rarely invoke the provisions on children “vulnerable to danger,” and both legal concepts encompass extremely broad categories of ill-defined conduct and status that, while not crimes, nevertheless subject children to arrest and in practice rarely result in genuine rehabilitative measures.

The Child Law defines as “vulnerable to delinquency” any person under eighteen who begs, including selling or performing for small amounts of money; collects cigarette butts or rubbish; engages in immoral conduct or works for those who do; lacks a stable place of residence; associates with suspect persons or others vulnerable to delinquency; is a habitual truant; is incorrigible; lacks a legal source of income or support; suffers from a mental defect or illness; or, in the case of children under seven, commits any felony or misdemeanor.<sup>217</sup> The law provides

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general. Human Rights Watch interview with General Sayyed Mohammadayn, director, General Administration for Juvenile Welfare Investigation, Ministry of Interior, Cairo, Egypt, July 27, 2002; and Brigadier Yasir Abu Shahdi, director, Cairo Province Police Directorate’s al Azbekiya Juvenile Welfare facility, July 27, 2002.

<sup>211</sup> Child Law 31 of 1974, Official Gazette no. 20, May 16, 1974, (in Arabic), articles 2-4. For a critique of Child Law 31 of 1974 and discussion of its similarities with Child Law 12 of 1996, see Dr. Adel Azer and Imam Bibars, *Protecting Vulnerable Children: the Case of Juvenile Delinquents*, Draft, (Cairo: UNICEF Egypt Country Office, 1998), pp. 4-11.

<sup>212</sup> Government of Egypt, *Second Periodic Report of the Government of Egypt to the United Nations Committee on the Rights of the Child* (New York: United Nations, September 18, 1998), CR/C/65/Add.9, paras. 187-207.

<sup>213</sup> See, for example, the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112, annex, 45 U.N.GAOR Supp. (no. 49A), U.N. Doc A/45/49/ (1990), para. 56; Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Chile*, U.N. Doc. CRC/C/15/Add.173 (2002), para. 53; and Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Nigeria*, U.N. Doc. CRC/C/15/Add.61 (1996), para. 21.

<sup>214</sup> Convention on the Rights of the Child, article. 18(2).

<sup>215</sup> *Ibid.*, articles 9, 20(1).

<sup>216</sup> According to the law’s chief architect, the provision on children “vulnerable to danger” was added when visiting juvenile justice experts pointed out that the Child Law lacked provisions for children at risk and treated all children as juvenile offenders. Human Rights Watch interview with Judge Mohammad al Gindi, member of the Technical Committee of the National Council for Childhood and Motherhood, Heliopolis, Egypt, July 28, 2002.

<sup>217</sup> Article 94 of the Child Law sets the age of criminal responsibility at seven years. See Appendix A for the full definition of categories of children considered “vulnerable to delinquency.” Child Law, articles 94, 96, 97, 99.

virtually no information on when authorities should take such a child into custody or how the various elements of the definition relate to each other.<sup>218</sup>

The vague language of this definition invites selective enforcement and stigmatizes children by making them subject to arrest for conduct that in many cases would not be a criminal offense if committed by an adult and is often direct evidence of the child's need for protection. This is particularly apparent when considering the provisions on begging, mixing with suspect persons, sleeping in the streets, and truancy, which together account for more than 98 percent of all arrests of children "vulnerable to delinquency" in 2001.<sup>219</sup> Truancy, like incorrigibility, is a status offense—an act that would not be criminal if committed by an adult. Begging is a criminal offense in Egypt, but the Begging Law only applies to persons at least eighteen years old.<sup>220</sup> Egypt's Vagrants and Suspect Persons Law criminalizes persons who lack a legal means to support themselves, but excludes from this category women and children under fifteen who do not actively pursue an illegal means of living.<sup>221</sup> It also specifies that a person must be over eighteen years old to be considered a suspect person, and does not criminalize association with suspect persons.<sup>222</sup>

The Child Law's implementing regulations state that a child is "vulnerable to danger" if "found in a state that threatens the sound rearing he requires, and especially" in situations where the child's security, morals, health or life are in danger, where his environment exposes him to danger, where the person responsible for his support abandons him, where the child is in danger of not completing his education, or where the child is exposed to incitement to illicit use of drugs, alcohol, violence or immoral acts.<sup>223</sup> These categories are essentially status offenses and subject children to arrest not for criminal acts they have committed but for others' failure to provide them with the care and protection they require. Like the provision on children "vulnerable to delinquency," these categories are so ill-defined as to encourage selective enforcement, and indeed enforcement jumped suddenly from no cases in 2000 to 185 in 2001.<sup>224</sup>

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<sup>218</sup> The exceptions are provisions stating that no action should be taken against an incorrigible child without parental permission and setting standards for determinations of mental defect or illness. Child Law, articles 96(7) and 99.

<sup>219</sup> Of 10,958 arrests of children for being "vulnerable to delinquency," 4,914 were for "mixing with suspect persons," 3,662 were for "begging," 1,450 were for "sleeping in the streets," and 757 were for "habitual truancy." Ninety-seven percent of the 3,360 arrests of children in 2001 by the Cairo Police Directorate for being "vulnerable to delinquency" were for four categories: "begging" (1727), "mixing with suspects" (775), "sleeping in the streets" (715), and "habitual truancy" (32). General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2001*, pp. 97, 105.

<sup>220</sup> Law 49 of 1933 on Begging, article 1.

<sup>221</sup> The law excludes skilled persons or crafts persons who cannot find work and specifies that gambling, deviance, fortune telling, and similar activities are not considered legal livelihoods. Law 98 of 1945 on Vagrants and Suspect Persons (amended), articles 1, 4.

<sup>222</sup> Law 98 of 1945 on Vagrants and Suspect Persons (amended), article 5.

<sup>223</sup> See Appendix A for the full definition of "vulnerable to danger." Prime Ministerial Decree 3452 of 1997 enacting the Executive Statute of Child Law 12 of 1996, Official Gazette no. 48 [adjunct], November 27, 1997, article 203.

<sup>224</sup> Ministry of Interior statistics list 185 cases of arrests for being "vulnerable to danger" in 2001 and no cases in 2000. General Administration for Juvenile Welfare Investigation, *The Administration's Efforts Year 2001*, p. 91.



A young boy selling toys on one of Cairo's major downtown streets. © Hani al Dessuqi.



Boys selling roasted corn and sandwiches in downtown Cairo. © Hani al Dessuqi.



A young boy selling tissues to drivers stopped in traffic in Ramsis Square in downtown Cairo.  
© Hani al Dessuqi.



A boy sleeping on a park bench in Ramsis Square in downtown Cairo. © Hani al Dessuqi.

## Arrest Campaigns

The police come in a microbus and grab anyone they see and take them to the station.

—`Azzat A., fourteen, Cairo, Egypt, July 10, 2002

In al Manial neighborhood and in Ramsis Square, the police catch you a lot. We run, but sometimes they catch us. Almost every other day there is a problem with the police.

—Khaled M., eleven, Cairo, Egypt, July 9, 2002

Egyptian law requires that police making arrests have a warrant from the Public Prosecution Office or, in cases of suspects apprehended while committing a serious crime, “sufficient evidence” to charge.<sup>225</sup> Both requirements are frequently violated in practice.<sup>226</sup> The Child Law lowers this standard by allowing police and officials appointed by the Ministry of Justice in cooperation with the Ministry of Insurance and Social Affairs to arrest children who are not suspected of crimes but who are considered “vulnerable to delinquency.”<sup>227</sup>

The director of Cairo Governorate Police Directorate’s al Azbekiya juvenile lockup, Brigadier Yasir Abu Shahdi, described his interpretation of these arrest powers: “We arrest kids in parks who look like they are homeless. We arrest kids selling tissues in the street. These kids become known to us, so it isn’t hard. [Sometimes] we arrest kids walking down the street during school hours with their school books, but I don’t have enough officers to make as many of these arrests as I would like. I am asking for more officers, because in the future we want to conduct campaigns to search for and arrest truants.”<sup>228</sup> While some of these arrests involve small numbers of children, more often they take the form of arrest campaigns involving tens of children in a targeted neighborhood.<sup>229</sup> “Our daily work is to gather up children from the streets and arrest any who are in violation of the law.” Abu Shahdi said. “[In contrast,] the arrest campaigns last three or four days and are more specialized. For example, if we learn that the number of children who sell tissues in a particular neighborhood has increased, I conduct a campaign in that neighborhood.”<sup>230</sup> Other Ministry of Interior officials told us that they believed arrest campaigns were necessary to discourage children “vulnerable to delinquency” from congregating in middle class and tourist sections of Cairo. A mid-level police officer who had participated in arrest campaigns told us that the police conduct arrest campaigns “to demonstrate the government’s presence. Because if we didn’t have arrest campaigns then quickly the streets would fill up with kids selling tissues and wiping cars and begging.”<sup>231</sup>

In reality the arrest campaigns are even broader in their scope than this description suggests. Juvenile justice experts, social workers, and activists at nongovernmental organizations providing services to street children and working children consistently said that during the campaigns police simply grab any child they find on the street. “[T]he campaigns to gather children can happen as a result of an important conference,” said Dr. `Azza Kuraym, the leading expert on juvenile justice and street children at the government-funded National Center for Social and Criminal Research. “They send police vehicles to gather children the way they send vehicles to collect dogs from

<sup>225</sup> Egyptian Constitution, article 41; Code of Criminal Procedures (Law 150 of 1950) [amended] (in Arabic), article 34.

<sup>226</sup> According to the nongovernmental Egyptian Organization for Human Rights, 2001 witnessed a marked increase in arrest campaigns against citizens who did not belong to any political trend in order “to force the citizen to confess to a crime or as a favor to a third party.” EOHR, “The Right to Freedom and Personal Integrity,” in EOHR, *Annual Report 2001*, (Cairo: Egyptian Organization for Human Rights, 2002), Part II Chapter 2, (retrieved November 15, 2002 <http://www.eohr.org/ar/annual/2002/p2-2.htm>).

<sup>227</sup> The Child Law does not specify arrest procedures for children “vulnerable to danger” but Egyptian authorities appear to extend the apply the same arrest provisions to them as to children “vulnerable to delinquency.” Child Law, article 117.

<sup>228</sup> Despite Abu Shahdi’s assertion that police only arrest some of the children they “gathered” in this manner, all children subjected to this process are detained for at least a day and sometimes several days while police check for outstanding warrants against them. Human Rights Watch interview with Brigadier Yasir Abu Shahdi

<sup>229</sup> According to the director of the Ministry of Interior’s General Administration for Juvenile Welfare Investigation, police typically arrest “twenty to thirty children” during a campaign. Human Rights Watch interview with General Mohammadayn.

<sup>230</sup> Human Rights Watch interview with Brigadier Yasir Abu Shahdi.

<sup>231</sup> Human Rights Watch interview with police officer with rank of *amin al shorta*, Bulaq al Dakrur Police Station, Cairo, Egypt, July 24, 2002. Name not given.

the street. . . . There is no consideration for which children [they arrest,] street children, those in school or not, those begging or not; all that is important is that they collect the children on the street.”<sup>232</sup> Another expert told us, “The police don’t distinguish between the child who works as a mechanic’s assistant and is coming back from work in dirty clothes and the child who is actually begging. They arrest first and then they wait for the social worker to find the family so that the family can come to the station to get the child.”<sup>233</sup> Nongovernmental organizations providing services to street children told us that these campaigns seriously impair their work by preventing children from reaching their centers, and some children complained that they had been arrested while on their way to nongovernmental organizations’ drop-in centers. In some cases, police even waited outside nongovernmental organization drop-in centers to arrest street children and working children when they arrived. The director of one drop-in center told us that on normal days twenty-five to thirty children visited his center, but on days when there was a police arrest campaign “the numbers might drop to four or five children, either because they have been arrested or because they are afraid that if they come to the center they will be arrested outside the center.”<sup>234</sup>

Police also use arrest campaigns to check if children living or working on the street have outstanding warrants, obtain information about crimes in the neighborhood, and force children to move on to other neighborhoods when they became too visible in a given neighborhood. Nasir Y., fifteen, described one such arrest in early June. “We were seven kids, sitting on the Nile, and the police came in an unmarked Fiat 128 and took us to the `Aguza police station. There had been a theft in the neighborhood, some girls had stolen gold and money and a mobile phone from a car, so the police were arresting everyone. They wanted to know where the girls were.” The children were released the following dawn, after being held with adults in a crowded lockup. “The cell was big, two chambers and a passageway, with a lot of people. We were sleeping in the passage, but at least we were lying down. We got food from the other detainees. We didn’t get food from the police. We were arrested during the daytime, taken to the Public Prosecution Office, returned to the station, and released before dawn. The Public Prosecution Office checked for previous charges and then said it was OK to release us.”<sup>235</sup> Khaled M., eleven, said, “Almost every other day there is a problem with the police. Day before yesterday the police grabbed me in al Manial [neighborhood]. They were looking for a particular kid so they grabbed a bunch of us, about five kids. They said, ‘Do you know a kid named Ahmad?’ ‘Yes,’ we said. They said, ‘If you bring us the kid we will let you go.’ But instead we all ran away and they couldn’t catch me.”<sup>236</sup> Lawyers and activists told Human Rights Watch that police sometimes used arrests to recruit children to work as informers, a practice commonly used with adult detainees.

In some cases children were arrested while working. Marwan `I., thirteen, told Human Rights Watch that police arrested him during a campaign when he went to get food for colleagues at the bakery where he worked. “I saw someone calling me, and when I went over they arrested me and took me to the Shobra police station.”<sup>237</sup> `Abdullah A., fourteen, was arrested during his meal break. “A detective in a microbus arrested me. He told me I was a ‘bastard.’ I was eating when they arrested me. I worked in a workshop as a mechanic. My family knows this.”<sup>238</sup>

In other cases, police appeared to target for arrest children whose accent, dress, or location may have identified them as being originally from areas outside of Cairo. Many of these arrests took place in the vicinity of the main train station in Ramsis Square, near the al Azbekiya police lockup. Mansur N., fifteen, is originally from Banha but has been living in Cairo for five years. He described his most recent arrest, three days before our interview. “I was in Alexandria for a few days and I had just returned to the Ramsis train station in Cairo. I was with a friend and I had my shoe shine box with me. The police grabbed me and took me to al Azbekiya and put

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<sup>232</sup> Transcript of Remarks, Association for Human Rights Legal Aid Conference on Children in Detention, Cairo, Egypt, May 30, 2002.

<sup>233</sup> Human Rights Watch interview, Cairo, Egypt, July 23, 2002. Name withheld by request.

<sup>234</sup> Human Rights Watch interview, Cairo, Egypt, July 11, 2002. Name withheld by request.

<sup>235</sup> Human Rights Watch interview with Nasir Y., Cairo, Egypt, July 9, 2002.

<sup>236</sup> Human Rights Watch interview with Khaled M., Cairo, Egypt, July 9, 2002.

<sup>237</sup> Human Rights Watch interview with Marwan `I., Cairo, Egypt, July 27, 2002.

<sup>238</sup> Human Rights Watch interview with `Abdullah A., Cairo, Egypt, July 27, 2002.



me in the ‘refrigerator’—it is a small room about three meters by three meters, with two windows, while they were waiting for the *kashf* [computer search] to say if I had any outstanding warrants. I was handcuffed to my friend. The computer said I was a juvenile so they sent me upstairs to the left with the kids.” He was released after two days.<sup>239</sup> Muhsin M., thirteen, was arrested as he left a train at the Ramsis station. “An officer grabbed me and asked me where I was from,” he said. “I said [a Delta city] and he arrested me.”<sup>240</sup>

Arrest campaigns frequently involve large numbers of children and therefore increase the likelihood that children arrested during these sweeps will be subjected to overcrowding, detention with adult criminal detainees, and other abuses during detention and transport.<sup>241</sup> The director of the Ministry of Interior’s General Administration for Juvenile Welfare Investigations acknowledged the connection between the policy of mass arrests and abuses of children’s rights, but placed the blame on the local police directorates. “In the [adult] police stations there may be problems when they are facing the pressures of many arrests [of children] due to arrest campaigns,” he said. “There are written instructions sent to all officers, but our staff capacities are not sufficient to supervise the entire country. We do trainings for the [governorate-level] police directorates. Some learn, and some don’t.”<sup>242</sup>

### **Detention without Prosecution Office Review**

Egyptian law requires that any person arrested by police be presented to the Public Prosecution Office within twenty-four hours.<sup>243</sup> When arresting children the police must present the Public Prosecution Office with a social report on the child in addition to the police investigative report.<sup>244</sup> These requirements are intended to prevent arbitrary arrest and detention and to ensure that the Public Prosecution Office has sufficient information on the child to make a decision in the child’s best interests. Children we interviewed said that police regularly detained them for longer than twenty-four hours without presenting them to the prosecution office. In several cases we investigated police detained children for up to two weeks without police ever presenting them to the Public Prosecution Office.

Nasir Y.’s account of his arrest in early July 2002 was typical of many children we spoke with. “I was in Ramsis [Square]. A *mukhbir* named [Y] grabbed me and a lot of other kids and tied us up with rope... I spent three days at al Azbekiya. I didn’t go to the prosecution office. They put us on a train to the Sa’id. I stayed two days with my family and then rode the train back.”<sup>245</sup> Police arrested fourteen-year-old Yasir I. in an arrest campaign in June 2002 while he was working for a fruit seller. He was held at the Sayyida Zaynab police station for about a week. “Someone asked questions and wrote something down, but I don’t know why,” he said. “The questions were about age, name, things like that. They don’t say why. Then they let me go. I didn’t go any place outside the police station.”<sup>246</sup> Seventeen-year-old Reem G. was detained at the al Azbekiya juvenile lockup with her eight-month-old son for fifteen days in early 2002, apparently in an attempt to pressure her to give testimony in a murder case. “I didn’t go to the prosecution office or to the police directorate. If I had I would have complained to the prosecutor. They just kept me there and hit me when I tried to complain. At the end they just said, ‘Go’ and let me go.”<sup>247</sup> Lawyers, social workers, and other experts told us that some police officers used such illegal detentions against children they perceived were treated too leniently by the Public Prosecution Office. “When a child has been arrested many times the police may not send him to court, but instead keep him for a while and then release him,” said an expert from one nongovernmental organization providing services to street children.<sup>248</sup>

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<sup>239</sup> Human Rights Watch interview with Mansur N., Cairo, Egypt, July 10, 2002.

<sup>240</sup> Human Rights Watch interview with Muhsin M., Cairo, Egypt, July 27, 2002.

<sup>241</sup> See chapters IV and V.

<sup>242</sup> Human Rights Watch interview with General Mohammadayn.

<sup>243</sup> Code of Criminal Procedures, article 36.

<sup>244</sup> Human Rights Watch interview with General Sayyed Mohammadayn, Cairo, Egypt, July 27, 2002.

<sup>245</sup> Human Rights Watch interview with Nasir Y.

<sup>246</sup> Human Rights Watch interview with Yasir I., Cairo, Egypt, July 9, 2002.

<sup>247</sup> Human Rights Watch interview with Reem G., Cairo, Egypt, July 15, 2002.

<sup>248</sup> Human Rights Watch interview, Cairo, Egypt, July 23, 2002. Name withheld by request.

Public prosecutors are also required by law to conduct regular visits to all places of detention.<sup>249</sup> Justice Mohammad al Gindi, a former attorney general who is widely credited as the author of the Child Law, told us, “The prosecution office for juveniles is responsible for supervising all places of detention, including police stations. The problem is that the attorney general must ask for regular reports on police stations, prisons, and other institutions where children are held. When I was attorney general I asked for such reports, but it doesn’t happen now.”<sup>250</sup> When asked about their last visit to the al Azbekiya juvenile lockup, prosecutors in the Cairo Public Prosecution Office for Juveniles told us they had never inspected that lockup or visited other police stations to inspect detention conditions for children, and said that they did not as a rule inspect any detention centers for children. “Who has the time?” one deputy prosecutor told us. “I’d lose the whole day coming and going.”<sup>251</sup>

Children who are detained without prosecution office review are deprived of an important mechanism intended to minimize arbitrary arrest or detention and provide detainees an opportunity to make complaints against ill-treatment in police custody. They also lose access to the few potentially protective measures the Child Law specifies for children “vulnerable to delinquency” or “vulnerable to danger,” because these measures must either be ordered by the prosecutor or by the court following a referral from the prosecutor.<sup>252</sup>

## VII. INSTITUTIONAL BARRIERS TO ENSURING CHILDREN’S RIGHTS

The Ministries of Interior, Social Affairs, and Justice are the agencies that are supposed to deal with children “vulnerable to delinquency” but none of them take real responsibility. Kids are at the bottom of all the ministries’ list of priorities and there is no coordination among ministries.

—Nongovernmental expert working with street children, Cairo, Egypt, June 29, 2002

Many of the types of abuse of children in police custody documented in this report predate the Child Law.<sup>253</sup> Rather than prevent these abuses, the Child Law has contributed to them by reinforcing the view that children in need of protection should be treated as potential criminals. In doing so, it consigns these children to the care of three ministries that have proven unwilling or unable to ensure their protection: the Ministry of Interior, the Ministry of Justice, and the Ministry of Insurance and Social Affairs.

This chapter focuses primarily on institutional barriers that prevent the Ministry of Justice’s Public Prosecution Office and the Juvenile Court from fulfilling of their role in investigating abuses of children deprived of their liberty and promoting each child’s best interests. Human Rights Watch believes that these Ministry of Justice institutions, with proper staffing, training, resources, and nongovernmental and governmental oversight, could become effective defenders of the rights of Egyptian children in need of protection or in conflict with the law. To date, the Ministry of Justice has proven incapable of serving as a meaningful check on the Ministry of Interior, an agency notorious in Egypt for tolerating widespread torture, ill-treatment, and corruption by its personnel and for its resistance to reform.

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<sup>249</sup> See Prisons Law 396 of 1956, articles 85-86; Attorney General Circular 11 of 1999 regarding periodic unannounced inspection of places of detention, October 25, 1999; and Attorney General Decree 837 of 1999 amending some provisions regarding criminal matters of the judicial directives to public prosecution offices (article 1749).

<sup>250</sup> Al Gindi also serves on the Technical Committee of the National Council for Childhood and Motherhood, and directs the al Horriya Center in Alexandria, a facility that provides residential care for street children and juvenile offenders. Human Rights Watch interview with Mohammad al Gindi.

<sup>251</sup> Human Rights Watch interview with members of the Cairo Public Prosecution Office for Juveniles, Cairo, Egypt, July 3, 2002. Name not given.

<sup>252</sup> These measures include placement in the custody of a qualified parent or guardian, or placement in a vocational training center, a specialized hospital, or a social welfare institution. Child Law, articles 98, 101-108; Prime Ministerial Decree 3452 of 1997, articles 204- 205.

<sup>253</sup> See for example the Center for Human Rights Legal Aid’s report on children in conflict with the law, which draws on the cases of 561 children investigated by the center between 1994 and 1996. Center for Human Rights Legal Aid, *Treatment of Juveniles in Egypt: Protection or Incubation of Criminals?* (Cairo: Center for Human Rights Legal Aid, March 2001, in Arabic).

We limit our discussion of the Ministry of Insurance and Social Affairs to the role of its social welfare experts, whose work often supports that of Ministry of Justice and Ministry of Interior officials.<sup>254</sup> These social welfare experts currently lack the training, resources, and status necessary to determine the best interests of the children who come before them and to be effective advocates for those interests, a failing that seriously undermines the few existing mechanisms to combat Ministry of Justice and Ministry of Interior abuses.

Finally, we note the need for significant improvement in coordination and exchange of information among all government and nongovernmental bodies dealing with children in need of protection or in conflict with the law.<sup>255</sup> Of particular concern, as the sections that follow reveal, is the lack of coordination between the Ministry of Insurance and Social Affairs, which has the greatest capacity to evaluate children's needs and interests, and the Ministry of Justice, which alone has the power to initiate criminal investigations into abuse and to order protective or rehabilitative placements for children "vulnerable to delinquency."

### **Lack of Effective Oversight within the Ministry of Interior**

The widespread, systematic use of torture and ill-treatment by Ministry of Interior officials against detainees has been well documented since at least the early 1990s.<sup>256</sup> In his January 2001 report to the Commission on Human Rights, the United Nations Special Rapporteur on Torture cited thirty-two cases of death in custody, apparently as a result of torture, occurring between 1997 and 1999, while the nongovernmental Egyptian Organization for Human Rights documented seven deaths due to torture in police custody in 2001.<sup>257</sup> Many of the cases from the 1990s involved torture of suspected dissidents by the Ministry's State Security Investigations personnel (*mabahith amn al dawla*), a practice that remains common. However, since the mid-1990s torture and ill-treatment by regular police against ordinary citizens has become common. Many observers attribute the rise in

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<sup>254</sup> Human Rights Watch was denied access to Ministry of Insurance and Social Affairs social welfare institutions and observation houses where children accused or convicted of crimes or considered "vulnerable to delinquency" or "vulnerable to danger" may be held and only a handful of the children we spoke with had ever been ordered placed in these institutions. While these institutions are reputed to be significantly better than Ministry of Interior lockups and punishment facilities, based on our interviews with Ministry of Insurance and Social Affairs social welfare experts and representatives of nongovernmental organizations we believe that serious concerns about the treatment of children in these institutions warrant further investigation.

<sup>255</sup> In addition to those government bodies already mentioned, this would include at a minimum the Ministries of Health and Education, the National Council for Childhood and Motherhood, the National Center for Social and Criminal Research; regional bodies working on children's issues such as the Arab Council for Childhood and Development; international intergovernmental organizations working on children's issues such as UNICEF, the International Labor Organization's International Program on the Elimination of Child Labor, and the U.N. Office for Drug Control and Crime Prevention; and local and international nongovernmental organizations promoting children's rights in Egypt.

<sup>256</sup> Torture and ill-treatment by both State Security Investigation and regular police is particularly common during interrogation, but often is also used against persons who happen to be in police stations for reasons unrelated to any criminal suspicion, such as relatives of suspects, witnesses to police torture, or individuals involved in personal disputes with third parties known to police. For further information on torture and ill-treatment in police custody, see Human Rights Watch, "Egypt: Human Rights Background," *A Human Rights Watch Backgrounder*, October 2001, Human Rights Watch Letter to Prosecutor General Maher `Abd al Wahid, November 19, 2001, Human Rights Watch Letter to President Husni Mubarak, November 13, 1998; Middle East Watch, "Egypt: Hostage-taking and Intimidation by Security Forces," *A Middle East Watch Report*, January 1995; Middle East Watch, "Behind Closed Doors: Torture and Detention in Egypt," *A Middle East Watch Report*, May 1992; U.N. Committee against Torture, Conclusions and Recommendations: Egypt, November 20, 2002, CAT/C/XXIX/Misc.4; World Organization against Torture and Egyptian Organization for Human Rights, "Comments on the Report of the State of Egypt Concerning the Implementation of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," November 2002 [online], <http://www.eohr.org/report/2002/omtcl.htm> (retrieved December 4, 2002) The Nadim Center for the Treatment and Psychological Rehabilitation of Victims of Violence, "Torture in Egypt: Facts and Testimony," (Cairo: Nadim Center, February 2002, in Arabic).

<sup>257</sup> U.N. Special Rapporteur on torture, *Report to the Commission on Human Rights*, 57<sup>th</sup> Sess., January 25, 2001, E/CN.4/2001/66, paras. 415-476; and Egyptian Organization for Human Rights, *Annual Report 2001* [online] <http://www.eohr.org/ar/annual/2002/p2-1.htm> (retrieved December 18, 2002).

torture and ill-treatment in police stations to the perceived impunity from prosecution or disciplinary action enjoyed by Ministry of Interior personnel.<sup>258</sup>

Although the Ministry of Interior has an Inspection Unit responsible for investigating any kind of abuse committed by police, it operates with extreme secrecy. By law it is empowered to recommend that an offender be tried administratively before a disciplinary council of two high-ranking Ministry of Interior officials and a senior judge.<sup>259</sup> However, the Inspection Unit does not make public information on the number of complaints received and the action it has taken, does not allow victims and their lawyers any role in or access to information about ongoing investigations, does not allow victims to call witnesses, and does not notify victims of investigation results. According to Col. Dr. Muhammad Ghanam, former head of the Legal Research Office of the Ministry of Interior and former professor of law at the Police Academy, “the Ministry of Interior regards torture as a simple administrative offense.”<sup>260</sup>

This lack of information makes it difficult to determine what, if any, action the Ministry of Interior has taken to combat torture and ill-treatment of children in police custody. However, the assessment of the Ministry of Interior official with direct responsibility for children is telling: according to General Mohammadayn, the Ministry of Interior does not compile statistics on police abuses of children, has no procedures for children to file complaints, has no special procedures to guide its response when it receives multiple complaints about a particular police station or police officer, and does not monitor implementation of its own regulations regarding children. “We issue written instructions to all police officers but our staff doesn’t have the capacity to monitor the whole country. [Our role in preventing abuses is to] offer trainings for the police directorates. Some officers learn and some don’t.” Asked what a child should do if abused in police custody, he told us: “If something happens to a child in the al Azbekiya juvenile lockup the child won’t be able to do anything while he is there. After he is released, if the child knows how to read and write, he will do what he needs to do to make a complaint to this office. He can write me a letter.”<sup>261</sup>

### **Inadequate Public Prosecution Office Investigations**

The prosecutor took the police investigative report but didn’t ask any questions. They didn’t say what I was charged with. They just wanted to send me back to the countryside. I didn’t see a judge. Only criminals see a judge.

— Anwar R., fifteen, Cairo, Egypt, July 9, 2002

None of the thirteen children Human Rights Watch interviewed who had gone before the Cairo Public Prosecution Office for Juveniles had ever been asked about police abuse, detention with adults, or conditions in police lockups. Many children told us that prosecutors did not speak to them at all, or only asked basic questions about their names and addresses, effectively denying children an opportunity to participate in their own defense or

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<sup>258</sup> The lack of detailed, publicly accessible data on complaints and resolutions make it difficult to assess fully the degree of impunity enjoyed by members of the police. In its state party report to the U.N. Committee Against Torture submitted in 1999, the government admitted to having received sixty-three complaints of torture committed by officials in 1993, seventy-one in 1994, and fifty-one in 1995. In all years, only about 10 to 15 percent of complaints resulted in the institution of criminal or administrative proceedings; the rest were put on file or closed for “lack of evidence.” The government’s 2001 report to the Committee against Torture does not include the total number of complaints, but does report the number of cases of torture, cruelty, ill-treatment, and unlawful detention by police that the Public Prosecution Office referred for “administrative sanction,” “disciplinary trial,” or “criminal trial”: 49 in 1998, 52 in 1999, and 40 between January 1 and October 1, 2000. Government of Egypt, *Third Periodic Report of the Government of Egypt to the United Nations Committee against Torture* (New York: United Nations, January 28, 1999), U.N. doc CAT/C/34/Add.11 paras. 152-154; and Government of Egypt, *Fourth Periodic Report of the Government of Egypt to the United Nations Committee against Torture* (New York: United Nations, October 18, 2001), U.N. doc CAT/C/55/Add.6 paras. 124-128.

<sup>259</sup> Police Law 109 of 1971, article 57.

<sup>260</sup> Muhammad Ghanam, “The Golden Age of Torture,” *al Sha`b* (Cairo, in Arabic), February 8, 2000.

<sup>261</sup> Human Rights Watch interview with General Sayyed Mohammadayn, director, General Administration for Juvenile Welfare Investigation, Ministry of Interior, Cairo, Egypt, July 27, 2002.

to make complaints about abuse. The impact of these violations of international and Egyptian law is enormous for children “vulnerable to delinquency,” who frequently have no adults they can call upon to speak on their behalf.

Under Egyptian law, the Public Prosecution Office is the only agency authorized to initiate criminal investigations into allegations of police torture or ill-treatment.<sup>262</sup> These investigations generally require a forensic report from the Justice Ministry’s Department of Forensic Medicine, which can only be obtained with a referral from the prosecution office or the court.<sup>263</sup> Yet social welfare experts attached to the Cairo Juvenile Court told Human Rights Watch that they could not recall any instance when public prosecutors for juveniles asked children about police beatings or other ill-treatment, although children brought before them frequently bore visible signs of abuse. “The children come in from the police stations beaten up, and tied together with ropes,” one social welfare expert told us. “They smell horrible—even the detention room downstairs smells bad and is filthy. [In the police stations] the police beat them and hang them from their feet and use electricity on them. I’ve seen a seven-year-old come in with his face swollen from the blows. When you ask the *mukhbirin* who brought them about the children’s condition they tell you, ‘Those [children] deserve worse than that treatment. They run away and they lie.’ If you ask the child, the child is afraid to talk about ill-treatment by the police because he knows he will be hit when he leaves [the social welfare experts’ interview room].”<sup>264</sup> These accounts of the prosecution officials’ failure to investigate police torture and ill-treatment are consistent with more general findings by Egyptian human rights organizations, the U.N. Special Rapporteur on Torture, and the U.N. Committee against Torture.<sup>265</sup>

Children arrested for being “vulnerable to delinquency” have few if any opportunities to explain their situation to the public prosecutor or defend themselves from possible criminal charges. Many of the children we spoke with said the prosecutor did not speak to them at all, or only repeated questions the police had asked earlier about their names, ages, and addresses or whether they had committed crimes. Ziyad N., fourteen, was arrested with four other children during a campaign in June 2002 and detained for three nights at the Sayyida Zaynab police station. “They took me to the prosecution office. He didn’t ask any questions; he just looked at the paper and said, ‘Go’. Then I went back to the police station, and they released me after two nights.”<sup>266</sup> Khaled M., eleven, described his experience at the Cairo prosecution office. “They ask you where you are from. Then the prosecutor says ‘You stole something.’ I say, ‘I didn’t steal anything.’ Then he says, ‘O.K. Begging.’”<sup>267</sup> Wafa’ R., fifteen said, “At the police directorate the government orders four or five days detention. At the Public Prosecution Office they say, ‘Why did you leave your family? It is wrong for a girl to leave her family.’ Then they take you to the police station; then they deport you [to your home governorate].”<sup>268</sup>

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<sup>262</sup> Egypt has yet to modify its domestic legislation to fully implement the Convention against Torture. Of particular concern are provisions in the Penal Code that punish torture only when it is committed or ordered by a public servant against a criminal suspect or when it consists of physical torture or death threats against a person illegally detained, and do not otherwise include acts that cause mental suffering, and provisions in the Code of Criminal Procedures that prevent private individuals from bringing criminal cases against public officials for abuses they commit during the course of their duties. Penal Code (Law 58 of 1937) [amended] (in Arabic), articles 126, 129, 282; and Code of Criminal Procedures, article 63. See Convention against Torture, article 1 for that treaty’s definition of torture, which includes acts resulting in severe mental suffering, regardless of whether the victim is a criminal suspect.

<sup>263</sup> See Regulation Organizing the Forensic Medical Administration, November 1928 (amended), Part 3, articles 85-89.

<sup>264</sup> Human Rights Watch interview, Cairo, Egypt, July 3, 2002. Name withheld by request.

<sup>265</sup> See for example, U.N. Committee against Torture, Conclusions and Recommendations: Egypt, November 20, 2002, CAT/C/XXIX/Misc.4; U.N. Special Rapporteur on torture, Report to the Commission on Human Rights, 57<sup>th</sup> Sess., January 25, 2001, E/CN.4/2001/66, paras. 415-476; World Organization against Torture and Egyptian Organization for Human Rights, “Comments on the Report of the State of Egypt Concerning the Implementation of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” November 2002 [online], <http://www.eohr.org/report/2002/omtcl.htm> (retrieved December 4, 2002); The Nadim Center for the Treatment and Psychological Rehabilitation of Victims of Violence, *Torture in Egypt: Facts and Testimony*, (Cairo: Nadim Center, February 2002, in Arabic); and The Human Rights Center for the Assistance of Prisoners, “The Citizen is Egyptian: Torture in Police Stations,” June 6, 2002 [online] [http://www.hrcap.org/Reports2/THecitizenisEgyptian/thecitizenis\\_egyptian.htm](http://www.hrcap.org/Reports2/THecitizenisEgyptian/thecitizenis_egyptian.htm) (retrieved December 4, 2002).

<sup>266</sup> Human Rights Watch interview with Ziyad N., Cairo, Egypt, July 10, 2002.

<sup>267</sup> Human Rights Watch interview with Khaled M., Cairo, Egypt, July 9, 2002.

<sup>268</sup> Human Rights Watch interview with Wafa’ R., Cairo, Egypt, July 16, 2002.

In a few cases children told us that the prosecutor had asked if they wanted to go home, but did not say what if any alternatives they had to going home. Although many children we interviewed came from abusive home situations, they nevertheless said that it was best to tell prosecutors that they wanted to go home because they thought this would speed their release. Other strategies included claiming to be from distant cities, because the police routinely returned children from outside of Cairo to those cities without investigations. “The police grab me and send me back to Tanta,” explained Hani B., thirteen. “I’m not from Tanta, but I say I’m from Tanta because it is easier to get released at the Tanta police station. I sit there and cry until they release me. The other kids do this too. Tanta is the best, because they release you in one day. The others take longer.”<sup>269</sup>

The summary nature of the prosecution office review is exacerbated by both the poor training of public prosecutors for juveniles and the paucity of information prosecutors have about the children who come before them. According to the chief prosecutor for the Cairo Public Prosecution Office for Juveniles, prosecutors in that office rarely stay more than a year before being transferred to another post. New prosecutors receive some basic training, but most of their training is on the job. “There should be more permanent positions so that there is a professional group of prosecutors working with juveniles,” he said.<sup>270</sup>

In addition to interviewing the child, prosecutors are supposed to base their decisions in cases of children “vulnerable to delinquency” on police investigative reports, social reports prepared by police social experts at the police station, social inquiry reports prepared by social welfare experts assigned to the juvenile court, and information on children’s previous arrests. In actuality, prosecutors often have little if any information outside of that contained in the police investigative report. Social welfare experts assigned to the Cairo Juvenile Court told Human Rights Watch that the police almost never provided the social report that is supposed to be completed at the police station at the same time that the investigative report is written. According to one experienced social welfare expert, “most of the case files for juveniles are completely devoid of evidence of the role of the female police investigator responsible for the police social report because of the speed in which the juvenile is processed and because police in local stations don’t believe this [social expert] position is important, and think that the police report is sufficient.”<sup>271</sup> Social inquiry reports prepared by the court’s social welfare experts contain only the barest information on the child’s background (see below).

Police, prosecutors, and social workers also complained that they frequently lack information on children’s previous arrests, although the number of previous arrests is considered to be the key determinant in whether or not a child arrested for being “vulnerable to delinquency” received additional scrutiny. This was true even in cases of children like Seif S., fourteen, who told us he had never seen a judge, despite multiple arrests. “They always send me home. This has happened a lot, maybe ten times.”<sup>272</sup> An experienced social welfare expert at the Cairo Juvenile Courts told us, “On the first arrest the child is handed over to his parents. On the second arrest the child should go to court. If children tell you they didn’t go to court it is because they gave a wrong address and the court issued a ruling in their absence. The list of priors shows all prior arrests and this should be reflected in the report, but the children don’t give their correct names so the previous arrests don’t always show up.”<sup>273</sup> According to police and social workers, in most cases prosecutors only order social welfare placements for children found “vulnerable to delinquency” if they see evidence that the child has had multiple previous arrests. Al Azbekiya director Abu Shahdi told us, “The first time a child is arrested the prosecution office issues a warning to the

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<sup>269</sup> Human Rights Watch interview with Hani B., Cairo, Egypt, July 10, 2002.

<sup>270</sup> One experienced social worker in the Cairo Juvenile Court told Human Rights Watch that he believed that the Ministry of Interior kept moving prosecutors and judges to keep them from developing relationships that might lead to corruption. Human Rights Watch interview with Khaled Mohammad Khass, Chief of the Cairo Public Prosecution Office for Juveniles, Cairo, Egypt, July 3, 2002; and Human Rights Watch interview with Mohammad `Abd al Radi Shehata, Ministry of Insurance and Social Affairs social welfare expert attached to the Cairo Juvenile Court, June 26, 2002.

<sup>271</sup> Human Rights Watch interview with Mohammad `Abd al Radi Shehata, June 26, 2002.

<sup>272</sup> Human Rights Watch interview with Seif S., Cairo, Egypt, July 10, 2002.

<sup>273</sup> Human Rights Watch interview with Mohammad `Abd al Radi Shehata, Ministry of Insurance and Social Affairs social welfare expert attached to the Cairo Juvenile Court, July 24, 2002.

guardian. The second time the guardian is charged with a misdemeanor. The third time the guardian is fined. The fourth time the prosecution office orders the child placed in a social welfare institution.”<sup>274</sup>

In all but two of the thirty-five cases we investigated of children arrested for being “vulnerable to delinquency,” children were either released directly to the street or ordered returned to their parents.<sup>275</sup> While there may be some instances where release under these conditions is appropriate, such decisions should never be made without a prompt, thorough study of the child’s family situation, undertaken by a social welfare authority that is independent from both the police and the prosecution, to determine the child’s best interest; such thorough investigations are especially important when dealing with children who may be victims of violence, neglect, or exploitation. Based on our interviews with children, social welfare experts, prosecutors, and judges, it is difficult to believe that this standard is ever met.

Staff at two nongovernmental organization told us that knowing that prosecutors would order children’s release encouraged some police to take matters into their own hands when dealing with street children. With boys this often took the form of beatings and prolonged illegal detention in police stations, described earlier in this report; with girls it sometimes meant that police filed false charges against them. The gender disparity may reflect a perception that it is more socially unacceptable for girls to remain on the street than it is for boys, who are assumed to be better able to take care of themselves. “Sometimes the police will charge a girl with a more serious crime if she has been arrested several times for begging,” said a social worker who had worked with street girls at one nongovernmental organization. “Generally the courts will only order a child to be placed in a social welfare institution if the child has been arrested many times or has been arrested for a serious crime.”<sup>276</sup>

### **Inadequate Judicial Review**

The Child Law provides for placements of up to three years in a social welfare institution or under judicial probation for children found “vulnerable to delinquency” and unlimited placements in social welfare institutions for children found “vulnerable to danger.”<sup>277</sup> The juvenile court is required to monitor conditions in these institutions, including conducting visits every three months.<sup>278</sup> In practice almost no such judicial monitoring exists, and trials do not appear to meet international minimum standards for juvenile justice.

According to social welfare experts attached to the Cairo Juvenile Court, before 2001 the court had never attempted to monitor conditions in children’s institutions, although two major institutions are housed in the same complex, one of which is in the same building.<sup>279</sup> Even now, under a more activist chief justice, the court does not routinely monitor these institutions. “The Ministry of Insurance and Social Affairs [operated] institutions are supposed to issue reports every three months on the children in their care, but they rarely provide them because the judge doesn’t ask for them,” one social welfare expert said. “In more than fifteen years as a social welfare

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<sup>274</sup> Human Rights Watch interview with Brigadier Yasir Abu Shahdi, the director of Cairo Province Police Directorate’s al Azbekiya Juvenile Welfare facility, Cairo, Egypt, July 27, 2002.

<sup>275</sup> These findings are generally consistent with UNICEF’s analysis of 8,043 cases of children brought before the Cairo Public Prosecution Office for Juveniles on misdemeanor charges in 1992, including 4,365 children who met the 1996 Child Law’s definition of children “vulnerable to delinquency.” Of this latter group, the prosecution office’s only action was to issue a warning to the parent or guardian in 76.1 percent of cases of begging; 84.9 percent of cases of sleeping on the street; 87.1 percent of cases of associating with vagrants; 89.7 percent of cases of selling trivial items; and 91.9 percent of cases of collecting rubbish. Dr. Adel Azer and Imam Bibars, *Protecting Vulnerable Children: the Case of Juvenile Delinquents*, Draft, (Cairo: UNICEF Egypt Country Office, 1998), pp. 18-25.

<sup>276</sup> Human Rights Watch interview, Cairo, Egypt, June 29, 2002. Name withheld by request.

<sup>277</sup> Felonies committed by children are punishable by up to ten years imprisonment, and misdemeanors by up to five years imprisonment. Child Law 12 of 1996, Official Gazette no. 13 [adjunct], March 28, 1996 (in Arabic), article 106, 107; Prime Ministerial Decree 3452 of 1997 enacting the Executive Statute of Child Law 12 of 1996, Official Gazette no. 48 [adjunct], November 27, 1997 (in Arabic), article 204.

<sup>278</sup> The Child Law requires the head of the juvenile court or his delegate to visit observation homes, vocational training centers, social welfare institutions, vocational rehabilitation institutes, specialized hospitals and other agencies that cooperate with the court every three months. Child Law, article 134.

<sup>279</sup> The Dur al Tarbi’a facility is located in the same complex, and an observation house (*dar mulahitha*) is located in the same building as the Juvenile Court.

expert attached to the First Instance and Appeal levels of the Juvenile Court, this past year was the first time a judge asked me to visit an institution. Last year he asked me to visit al Qasirat [Institution for Social Welfare, a girl's facility specializing in "decency" cases, loosely defined as any case with a sexual aspect] and Dur al Tarbi'a, and in January 2002 I visited the 'Ain Shams Boys facility.<sup>280</sup> Ironically, these same social welfare experts often have information that would significantly facilitate both public prosecutors and judges in monitoring conditions in children's institutions, but lack any mechanism for sharing that information: "I have authority to visit Ministry of Insurance and Social Affairs' children's institutions because I am a Ministry of Insurance and Social Affairs expert responsible for regular visits to those places, but those reports go to the Ministry of Social Affairs, not to the Ministry of Justice."<sup>281</sup> Cairo Juvenile Court Chief Justice Ahmed Hussayn Mohammad Mi'ad told us it was impossible for the court to fulfill its monitoring obligations with its current staffing. "We are supposed to visit the social welfare institutions, but we don't because we don't have time. If we had thirty juvenile courts for Cairo it wouldn't be enough."<sup>282</sup>

The lack of resources and inefficient deployment of shared resources is compounded by a lack of interest in addressing issues of police abuse. Social welfare experts who prepare the social inquiry reports on children's cases told us that in their experience judges never asked for information about police abuses of children. One social welfare expert attempted to explain this lapse, saying that judges did not normally see children when the police first brought them in, the moment when they were most likely to bear visible signs of abuse. "This is all at the stage before the child goes to the prosecution office so the judge hasn't seen the case yet. After the child goes to the prosecutor, either he is released or he is detained here, at the observation house, where the child is bathed and given new clothes before he goes to the judge. Usually a week to fifteen days pass between the arrest and the first court session, so the judge doesn't know and doesn't ask."<sup>283</sup> However, the prosecution office, the social welfare experts' interview room, and the observation house are in the same small building as the court, literally steps away from each other.

Only a handful of children we interviewed said they had ever been before a judge. Those who had described extremely brief hearings where they were asked only their names and addresses. Hani B.'s experience was typical of these children's accounts: "[T]he prosecutor asked me where I lived, then wrote to send me to Tanta. Then the judge asked me if I wanted to go home, so I said yes. They only want to know where we are from in order to send us home."<sup>284</sup> Dr. 'Azza Kuraym told us that in her experience judges routinely order children sent back to their families: "I think a child shouldn't be returned to a family that exposed the child to delinquency. . . .but the judges don't think that children should be in institutions so they send the child back home. There is too much freedom for judges to do whatever they want."<sup>285</sup>

In only two cases we investigated did the court order children placed in social welfare facilities. In one case the child had been arrested in a raid on a brothel, and in the other case the child had been charged with theft. Suliman M., fourteen, described an arrest about five years ago that resulted in his detention for six months. "I was about nine or ten. The police took me to the Sayyida Zaynab police station and charged me with stealing wallets. I spent four days at Sayyida, then seven days at al Azbekiya, then I went to the prosecution office. . . [The judge] asked if I sniffed glue or smoked cigarettes. Then he said, 'End of the session.' At the end of the session, he said, 'Six months.' That was all."<sup>286</sup> Suliman said he served his sentence at a facility in Giza where he received no educational services or vocational training and where staff frequently beat children. "We would get up, then clean, then eat breakfast, then watch television, then eat lunch, then play, then eat dinner, then clean, then go to sleep.

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<sup>280</sup> Human Rights Watch interview with Mohammad 'Abd al Radi Shehata, July 24, 2002.

<sup>281</sup> Ibid.

<sup>282</sup> Human Rights Watch interview with Chief Justice Ahmed Hussayn Mohammad Mi'ad, Cairo Juvenile Court, July 3, 2002.

<sup>283</sup> Human Rights Watch interview, Cairo, Egypt, July 3, 2002. Name withheld by request.

<sup>284</sup> Human Rights Watch interview with Hani B.

<sup>285</sup> Human Rights Watch interview with Dr. 'Azza Kuraym, juvenile justice expert, the National Center for Criminal and Social Studies, Cairo, Egypt, July 18, 2002.

<sup>286</sup> Although Suliman believed he had seen only the public prosecutor, his description of his second meeting with an official is consistent with the trials before the Cairo Juvenile Court we witnessed.



Kids who didn't listen [to the staff] got hit. Kids who ran away got hung up. The police would bring the kids back and the 'sir' would hang them by their feet or hands and hit them with a baton or a thick stick (*shuma*)," he said.<sup>287</sup>

These accounts of superficial trials are consistent with the cases we observed during a session of the Cairo Juvenile Court on July 3, 2002. Justices and social welfare experts present at the session described the caseload as normal to light, with approximately fifty cases on the roll; children were present at the court in roughly half of the cases. The majority of the children present were charged with misdemeanors or felonies, including murder; only a handful was charged with being "vulnerable to delinquency." A guardian and/or lawyer accompanied many, but not all, of the children charged with serious offenses. Among the few children charged with being "vulnerable to delinquency" were three unaccompanied boys who appeared to be six to seven years old, and one four-year-old accused of begging who appeared with a parent. No hearing lasted longer than five minutes, and in the majority of cases judges asked no questions of children other than their names. Social welfare experts, while present as required by law, did not speak on behalf of children except in a very few cases when they were asked specific questions by the judges. Social welfare experts told us that they considered this panel of judges the best they had worked with, and praised Chief Justice Ahmed Hussayn Mohammad Mi`ad. "He is very understanding of children's circumstances, and he pays attention to the reports of the social experts and mentions them in his rulings," one expert said. "The other judges have not been so interested."<sup>288</sup>

### **Overworked Juvenile Court Social Welfare Experts**

Ministry of Insurance and Social Affairs social welfare experts assigned to the juvenile court are authorized to carry handguns, make arrests involving children, prepare social inquiry reports on children going before the Public Prosecution Office and before the court, monitor children under judicial probation, visit the Ministry of Insurance and Social Affairs' children's institutions, and visit some places of detention.<sup>289</sup> As such, they would appear to be uniquely well placed to monitor and intervene on behalf of children arrested for being "vulnerable to delinquency" and "vulnerable to danger." Instead, our interviews suggest that limited resources, training, and a general lack of respect from prosecutors and judges made it difficult, if not impossible, for them to determine and promote the best interests of these children.

Social welfare experts are required to present a social inquiry report for every child going before the Public Prosecution Office for Juveniles; the reports should include a recommendation on what action the prosecutor should take. In Cairo, social welfare experts assigned to the juvenile court prepare the report, a short standardized form, based on an interview conducted while the child is waiting to see the prosecutor.<sup>290</sup> We observed three such interviews in July 2002. None of the interviews lasted more than five minutes. Seated social welfare experts conducted simultaneous interviews while children stood in close proximity to each other and to other social workers not conducting interviews. The social welfare experts did not ask children about police abuse or detention conditions, and interviews were within hearing of the guards who had brought them. Social welfare experts we spoke with said they knew the interview and standardized form were inadequate for a proper evaluation of the child's needs, but tended to see the form itself as the problem. "There used to be a longer social report form but not any more," one said.<sup>291</sup>

No more detailed study of the child's situation takes place unless the prosecution office decides to open an investigation. In that case, social welfare experts are required to prepare a second, slightly longer standardized report that should include information on the child's home environment.<sup>292</sup> Social welfare experts told us that this proved difficult in cases involving children arrested for being "vulnerable to delinquency," because sometimes

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<sup>287</sup> Human Rights Watch interview with Suliman M., Cairo, Egypt, July 9, 2002.

<sup>288</sup> Human Rights Watch interview with Mohammad `Abd al Radi Shehata, Ministry of Insurance and Social Affairs social welfare expert attached to the Cairo Juvenile Court, July 3, 2002.

<sup>289</sup> Ibid. Their access to places of detention does not include penal facilities.

<sup>290</sup> See Appendix B.

<sup>291</sup> Human Rights Watch interview, social welfare expert attached to the Cairo Juvenile Court, Cairo, Egypt, July 24, 2002. Name withheld by request.

<sup>292</sup> See Appendix C.

children had no address or gave incorrect addresses, making it impossible for the social welfare experts to find them once they were released. Even in the best of cases, the impact of such superficial reports is unclear, even to those who write them. “The reports that we do are largely collecting basic data, and so they don’t really sway the judges,” said one social welfare expert with more than a decade of experience at the Cairo Juvenile Court. Dr. `Azza Kuraym, a leading expert on juvenile justice, had similar findings based on her research for the National Center for Criminal and Social Studies: “We analyzed these reports and we found that most of the reports don’t mention an opinion on the ruling and leave the decision to the court because the social welfare expert’s opinion isn’t enforceable and the court is the one that makes the decision so the social welfare expert sees that his view isn’t valued and has come to neglect his role. Because whether or not he works, there is no result.”<sup>293</sup>

Social welfare experts also cited poor training, low pay, and heavy caseloads as obstacles to their performing their tasks. “The social experts need better training,” one said. “The Ministry of Insurance and Social Affairs gives social experts some training, but there are always new social experts starting work, and they don’t always start at a time when there are training sessions. Of about eighty social experts attached to the court, about 75 percent are good social experts. The rest are either not appropriate for this kind of work or they don’t have an education in social work and don’t understand the basics of working with children. The pay is also very low, so the job does not attract the best people. The standard salary for a social expert is 150LE (U.S.\$33) per month.” The social welfare expert estimated his annual caseload to include an average of six hundred in-depth studies of children going before the court and 120 probation cases over the course of a year.<sup>294</sup>

### **Lack of Access to Legal Counsel**

The Child Law requires children be provided with legal counsel only in felony cases.<sup>295</sup> In the absence of court- or prosecution-office-appointed lawyers, children who lack families or whose families are unable or unwilling to provide them with lawyers must rely on *pro bono* lawyers. There is currently only one group, the Association for Human Rights Legal Aid, providing such services on a regular basis in all of Egypt.<sup>296</sup> This nongovernmental group offers free legal aid to children appearing before the juvenile courts for the Cairo, Giza, and al Qaylubiya governorates and before the Alexandria Juvenile Court. The Association’s lawyers said they faced almost insurmountable obstacles to providing legal aid to children. “The prosecution office secretary makes it hard for us to do our work. We can’t get an official power of attorney except from the child’s legal guardian, but the children that need a lawyer the most are the children whose parents aren’t with them. Usually it isn’t enough for us to have an oral agreement to represent the child, although sometimes the judge will agree unofficially for us to represent a child without having a power of attorney. It isn’t unusual for the family of a child not to know that the child has been arrested. This is true even when the child is facing a serious charge, like a drug charge with a heavy sentence.”<sup>297</sup>

Even with a power of attorney, the lawyers do not have ready access to the full case file. Lawyers told us they were only allowed to make copies of the police investigative report and the prosecution office’s interrogation report, and that the prosecution office secretary often rushed them or otherwise limited the amount of time they could spend reading case files. In addition, obtaining copies of police and prosecution office reports is both costly and extremely time consuming. “To get a copy of the police report or the prosecution office report you need to submit a request to the prosecution office. When you get a permit from the prosecution office you take it to al Azbekiya to pay a fee there and get a receipt. Then you come back to the prosecution office secretary, show your

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<sup>293</sup> Transcript of Remarks, Association for Human Rights Legal Aid Conference on Children in Detention, Cairo, Egypt, May 30, 2002.

<sup>294</sup> According to the social welfare expert, the probation cases ranged from five to forty per month, and required weekly visits to the child’s home. Human Rights Watch interview with Mohammad `Abd al Radi Shehata, July 24, 2002.

<sup>295</sup> The court may at its discretion provide a lawyer to children over fifteen charged with misdemeanors. Child Law, article 125.

<sup>296</sup> The Hisham Mubarak Center for Legal Aid stopped providing legal aid to children at the juvenile courts because “we found that legal aid in itself was not sufficient because the children just ended up back on the street.” Human Rights Watch interview with Ahmad Seif, director, Hisham Mubarak Center for Legal Aid, Cairo, Egypt, July 1, 2002.

<sup>297</sup> Human Rights Watch interview with Yasir Hassan Suliman, lawyer, Association for Human Rights Legal Aid, Cairo, Egypt, July 8, 2002.

receipt, and ask for the police report or the prosecution office report. Since it is the original copy they won't give it to you, so you have to have a police guard take it and go to the nearest photocopy store, several blocks away. He takes it, makes the copies, and when he returns with them you have to get them stamped by the Ministry of Justice employee in charge. You pay by the number of pages, plus the cost of the photocopying, plus the cost of the tip to the guard who does the photocopying.”<sup>298</sup>

## VIII. INTERNATIONAL STANDARDS

Egypt has ratified the principal international treaties that protect the human rights of children in police custody or otherwise deprived of their liberty: the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention against Torture).<sup>299</sup> In addition to these treaties, a number of United Nations documents provide authoritative guidance under international law for interpreting these treaties' provisions relevant to the treatment of children in conflict with the law.<sup>300</sup>

### **Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

The ICCPR, the Convention against Torture, and the Convention on the Rights of the Child require states to prevent torture, defined as any act by which severe pain or suffering that is “intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”<sup>301</sup> States must also prevent other cruel, inhuman, or degrading treatment or punishment which do not amount to torture when such acts are inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>302</sup> This prohibition applies “not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.”<sup>303</sup>

Many of the instances of police abuse, extortion, and acquiescence in abuse by other detainees we document in this report constitute cruel, inhuman or degrading treatment; in some instances this ill-treatment may rise to the level of torture. Police use of electric shocks and beatings with batons, whips, hoses, or other implements that cause children severe pain or suffering and are intended to punish or intimidate children constitute torture. Due to

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<sup>298</sup> Ibid.

<sup>299</sup> Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (entered into force September 2, 1990); the International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 999 U.N.T.S. 171 (entered into force March 23, 1976), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984, G.A. Res. 39/46, U.N. Doc. A/RES/39/46, 1465 U.N.T.S. 85 (entered into force June 26, 1987).

<sup>300</sup> See the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), G.A. Res. 40/33, annex, 40 U.N. GAOR Supp. (no. 53), U.N. Doc A/40/53 (1985); the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), G.A. Res. 45/112, annex, 45 U.N. GAOR Supp. (no. 49A), U.N. Doc A/45/49/ (1990); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (The U.N. Rules), G.A. Res. 45/113, annex, 45 U.N. GAOR Supp. (no. 49A), U.N. Doc. A/45/49 (1990); the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of May 13, 1977; the Basic Principles for the Treatment of Prisoners, G.A. Res. 45/111, December 14, 1990; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. Res. 43/173, December 9, 1988.

<sup>301</sup> Convention against Torture, article 1.

<sup>302</sup> The Convention against Torture article 16. Article 37 of the Convention on the Rights of the Child and article 7 of the ICCPR also prohibit torture and cruel, inhuman, or degrading treatment or punishment. U.N. Human Rights Committee General Comment 20 concerning torture or cruel treatment or punishment (Forty-fourth session, 1992) provides authoritative guidance on the implementation of ICCPR article 7.

<sup>303</sup> ICCPR General Comment 20 concerning prohibition of torture and cruel treatment or punishment, para. 5.

the terrifying nature of custodial sexual abuse and violence against children described in this report, amplified by children's utter lack of protection or recourse, such abuse and violence, whether by detainees with police acquiescence or by police themselves, is inherently intimidating and result in severe physical and mental suffering, constituting torture.

In cases where beatings and harassment of children by police or other detainees do not rise to the level of torture, they may nevertheless produce a level of physical or mental suffering that constitute cruel or inhuman treatment or punishment. Similarly, police verbal harassment of boys and girls that causes or is intended to cause gross humiliation or an insult to a child's dignity violates Egypt's obligation to prevent degrading treatment. When poor layout of girls' detention facilities and lack of supervision of guards significantly contribute to high rates of police sexual abuse or violence against girls in their custody, these practices further violate girls' right to protection from discrimination based on sex and their right to equal protection before the law.<sup>304</sup>

Finally, violence and exploitation of children in custody by police or other detainees violate children's right under the Convention on the Rights of the Child to protection from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."<sup>305</sup> Insofar as many children "vulnerable to delinquency" are by definition entitled to "special protection and assistance provided by the state," these abuses are particularly egregious.<sup>306</sup>

### **Arbitrary and Unlawful Arrest and Detention**

The ICCPR and the Convention on the Rights of the Child prohibit all arbitrary or unlawful deprivations of liberty and provide everyone with the right to challenge the legality of arrest or detention before a court.<sup>307</sup> The ICCPR further provides an enforceable right to compensation for victims of unlawful arrest or detention.<sup>308</sup>

Arrest campaigns that round up large numbers of children without distinction are by their nature arbitrary and unlawful, as are arrests intended to extort money or information from children or to force children to leave one neighborhood for another and arrests that target children whose accent, dress, or location may identify them as being originally from areas outside of Cairo. When police fail to present detained children before the Public Prosecution Office within twenty-four hours, or when prosecutors fail to conduct adequate reviews of the circumstances and legality of children's arrest and detention, these deprivations of liberty are also arbitrary and unlawful. In addition, this lack of prosecutorial review undermines children's ability to document unlawful arrest or detention, and thus undermines their ability to seek compensation.

Even when arrest or detention of children "vulnerable to delinquency" is not conducted in an arbitrary manner, it may still be unlawful if children are denied their procedural rights. The Convention on the Rights of the Child specifies that deprivation of liberty of children "shall be used only as a measure of last resort and for the shortest appropriate period of time," and that "[e]very child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action."<sup>309</sup>

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<sup>304</sup> Convention on the Rights of the Child, article 2(1) and ICCPR article 2(1).

<sup>305</sup> Convention on the Rights of the Child, article 19.

<sup>306</sup> Article 20(1) of the Convention on the Rights of the Child states, "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State."

<sup>307</sup> ICCPR, articles 9(1) and 9(3); and Convention on the Rights of the Child, article 37(b). The U.N. Human Rights Committee, in its authoritative interpretation of the article 9 right to liberty and security, states that article 9(1) is "applicable to all deprivations of liberty, whether in criminal cases or in other cases such as, for example, mental illness, vagrancy, drug addiction, educational purposes, immigration control, etc." U.N. Human Rights Committee, General Comment 8: Right to liberty and security of persons (Art. 9), Sixteenth session, 30/06/82.

<sup>308</sup> ICCPR article 9(5).

<sup>309</sup> Convention on the Rights of the Child, articles 37(b) and 37(d).

As this report documents, Egypt's policy of routinely holding in custody children for being "vulnerable to delinquency" violates the principle that detention should only be used as a measure of a last resort. In addition, in every case Human Rights Watch investigated, Egyptian police, prosecutors, judges, or social workers failed to act as effective advocates for the views and best interests of the children before them, and based on the superficiality of their interactions with children, it is highly questionable that they knew what children's views or best interests were. None of the children we spoke to received any form of legal assistance; public prosecutors routinely denied children an opportunity to challenge the legality of their arrest, and children's guardians were either never notified of arrests or were not notified in a timely manner that would have allowed them to provide the child with assistance when going before the prosecution office. Such actions violate the Convention on the Rights of the Child's requirement that the best interests of the child be a primary consideration "[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies."<sup>310</sup> They also deny children their right to express their views freely "in all matters affecting the child," and particularly their right "to be heard in any judicial and administrative proceedings."<sup>311</sup>

Finally, Egypt's Child Law and police practice toward children "vulnerable to delinquency" and "vulnerable to danger" effectively punish children for conduct that would not be a criminal offense if committed by adults, and for which existing criminal legislation on begging and vagrancy exempt children from punishment. As such they violate the U.N. Guidelines for the Prevention of Juvenile Delinquency, which specify, "In order to prevent further stigmatization, victimization and criminalization of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalized if committed by an adult is not considered an offence and not penalized if committed by a young person."<sup>312</sup>

### **Classifying and Segregating Detainees**

The ICCPR guarantees all persons deprived of their liberty the right to be treated with humanity and respect at all times, and for accused persons to be segregated from convicted persons.<sup>313</sup> In recognition of the special vulnerability of children in custodial care, the ICCPR and the Convention on the Rights of the Child provide additional protections to every child deprived of liberty, including the right for both accused and convicted children to be separated from adults, and the right to be treated in a manner that takes into account the needs of persons of his or her age.<sup>314</sup> The United Nations Rules for the Protection of Juveniles Deprived of their Liberty provides authoritative guidance on the minimum factors to be taken into account when determining these needs:

The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of

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<sup>310</sup> Convention on the Rights of the Child, article 3(1).

<sup>311</sup> The Convention on the Rights of the Child allows for this right to be exercised "either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law." Convention on the Rights of the Child, article 12.

<sup>312</sup> The Riyadh Guidelines, para. 56. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Chile*, U.N. Doc. CRC/C/15/Add.173 (2002), para. 53; and Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Nigeria*, U.N. Doc. CRC/C/15/Add.61 (1996), para. 21.

<sup>313</sup> Article 10(1) of the ICCPR states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Article 10(2)(a) states: "Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons."

<sup>314</sup> Convention on the Rights of the Child article 37(c) states: "Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances." ICCPR article 10(2)(b) states: "Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication," while article 10(3) requires that "[j]uvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status."

offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.<sup>315</sup>

Egypt's routine mixing of children with unrelated adult criminal detainees and with children of different ages, backgrounds, and legal status during detention and transport places children at risk of torture, ill-treatment, and exploitation, and violates children's right to be held separately from adults and to be treated with humanity and respect and in a manner which takes into account their needs. Such practices also violate children's right to protection from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."<sup>316</sup> Insofar as many children "vulnerable to delinquency" or "vulnerable to danger" are by definition entitled to "special protection and assistance provided by the state," these abuses are particularly egregious.<sup>317</sup>

### **Right to Privacy and Minimum Standards for Treatment During Transport**

The Convention on the Rights of the Child and the ICCPR prohibit arbitrary or unlawful interference with a child's privacy.<sup>318</sup> This prohibition, along with other international law guarantees of treatment with dignity and respect and protection from cruel, inhuman or degrading treatment, underlie the minimum standards for privacy and transport set forth in the U.N. Standard Minimum Rules for the Administration of Juvenile Justice, the U.N. Rules for the Protection of Juveniles Deprived of their Liberty, and the U.N. Standard Minimum Rules for the Treatment of Prisoners. These minimum standards require that every child's privacy be respected at all stages of the juvenile justice process, and that safeguards be taken during transport to shield children from public view and protect them from insult, curiosity and publicity in any form.<sup>319</sup> Children should only be transported "in conveyances with adequate ventilation and light, [and] in conditions that should in no way subject them to hardship or indignity."<sup>320</sup> Instruments of restraint should "only be used in exceptional cases, when all other control methods have failed... should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time."<sup>321</sup> These rights are violated by Egypt's routine use of means of transport that lack adequate ventilation, light, or secure seating and expose children to public scrutiny and censure, and its practice of exposing children bound in handcuffs or ropes to public view by making them ride public transport or walk on public streets. In many instances documented in this report, these means of transport also constitute cruel, inhuman, or degrading treatment.

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<sup>315</sup> The U.N. Rules, article 28.

<sup>316</sup> Convention on the Rights of the Child, article 19.

<sup>317</sup> "A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State." Convention on the Rights of the Child, article 20(1).

<sup>318</sup> Article 16 of the Convention on the Rights of the Child, following closely the language of article 17 of the ICCPR, states "(1) No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation. (2) The child has the right to the protection of the law against such interference or attacks."

<sup>319</sup> The Beijing Rules state, "The juvenile's right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling." The Standard Minimum Rules for the Treatment of Prisoners state, "When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form." The Beijing Rules, para. 8.1; and The Standard Minimum Rules for the Treatment of Prisoners, article 45(1).

<sup>320</sup> Similarly, the U.N. Standard Minimum Rules for the Treatment of Prisoners state, "The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited." U.N. Rules, para. 26; and U.N. Standard Minimum Rules for the Treatment of Prisoners, article 45(2).

<sup>321</sup> The U.N. Rules, para. 64.

## Medical Care

The U.N. Rules for the Protection of Juveniles Deprived of their Liberty provide detailed guidelines on the minimum standards of medical care guaranteed children deprived of their liberty.<sup>322</sup> Egypt routinely violates all of these standards in its failure to provide adequate medical care to children in adult police lockups and the al Azbekiya juvenile lockup.

The U.N. Rules require that children deprived of their liberty be provided with adequate preventive and remedial medical care, “including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated.”<sup>323</sup> As part of that care, every child has a right to be examined by a physician immediately upon admission to a detention facility.<sup>324</sup> Medical services should also seek to detect and treat any physical or mental illness, substance abuse, or other condition that may hinder the child’s integration into society.<sup>325</sup> Treatment of substance abuse should include specialized drug abuse prevention and rehabilitation programs administered by qualified personnel.<sup>326</sup> Every detention facility should have immediate access to adequate medical facilities and staff trained in preventive health care and the handling of medical emergencies, and a medical officer should promptly examine every child who is ill or shows symptoms of physical or mental difficulties.<sup>327</sup>

## Overcrowding, Food, Water, and Hygiene

Conditions in adult police lockups and the al Azbekiya juvenile lockup violate international minimum standards for facilities and services and endanger children’s health and well being. Conditions of extreme crowding in detention facilities violate children’s right under the Convention on the Rights of the Child to be treated with humanity and respect for the inherent dignity of the human person, facilitate the spread of disease, and may contribute to violence among detainees.<sup>328</sup>

International standards require that children deprived of their liberty “have the right to facilities and services that meet all the requirements of health and human dignity,” and to “be provided with separate and sufficient bedding, which should be clean when issued, kept in good order, and changed often enough to ensure cleanliness.”<sup>329</sup> Children should be provided with adequate bathing and shower installations to enable every prisoner to bathe “as frequently as necessary for general hygiene...but at least once a week in a temperate climate.”<sup>330</sup> Children should also have access to clean drinking water at all times, and access to sanitary installations as necessary.<sup>331</sup>

The U.N. Rules for the Protection of Juveniles Deprived of their Liberty further provide that children in detention must receive food at normal meal times and of a quality and quantity to satisfy the standards of health and hygiene.<sup>332</sup> Egypt’s failure to provide food to children in adult police lockups both violates this provision and

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<sup>322</sup> Ibid., paras. 49-55.

<sup>323</sup> Ibid., para. 49.

<sup>324</sup> Ibid., para. 50.

<sup>325</sup> Ibid., para. 51.

<sup>326</sup> “Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programmes administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcohol-dependent juveniles.” U.N. Rules, para. 54.

<sup>327</sup> Ibid., para. 51.

<sup>328</sup> Convention on the Rights of the Child, article 37(c).

<sup>329</sup> The U.N. Rules, paras. 30 and 33.

<sup>330</sup> The Standard Minimum Rules, article 13.

<sup>331</sup> The U.N. Rules for the Protection of Juveniles Deprived of their Liberty requires that clean drinking water “be available to every juvenile at any time,” and that sanitary installations “be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.” The U.N. Rules, paras. 34, 37.

<sup>332</sup> The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the authoritative statement of minimum standards for the treatment of children in detention, states, “Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the

places children at risk of extortion and exploitation by guards and adult detainees. While authorities provide food to children at the al Azbekiya juvenile lockup, officials' statements that the same meals are provided to all children, regardless of age or health status, and children's testimony that food is often substandard in quality and quantity suggest that these meals may not meet children's needs.<sup>333</sup>

### **Education, Recreation, and Work**

International standards require that children deprived of their liberty be provided with adequate time, space, and equipment for daily free exercise, in the open air whenever weather permits, and additional time for daily leisure activities. Children of compulsory school age have the right to education suited to their needs and abilities, and facilities should make every effort to provide appropriate educational programs to children above compulsory school age. These standards "apply to all detention facilities and institutions setting in which juveniles are detained," with no exceptions made for instances where the child's detention is expected to be short term.<sup>334</sup> While Human Rights Watch appreciates the challenges of providing individualized educational programs to short-term detainees, these challenges do not excuse Egypt's failure to make any attempt whatsoever to provide for children's education, nor for the lack of basic recreation and leisure facilities.

Finally, international standards for children deprived of their liberty require that children be provided, wherever possible, with opportunities for remunerated labor that will enhance the possibility of their finding suitable employment upon their release. In no instance should labor be imposed as a disciplinary sanction, nor should violence or the threat of violence be used to coerce children to engage in unremunerated labor.<sup>335</sup> Discriminatory assignment of onerous cleaning tasks to girl detainees further violates girls' right to protection from discrimination based on sex.<sup>336</sup>

## **IX. RECOMMENDATIONS**

### **To the Government of Egypt**

#### ***Mechanisms for Investigating Arbitrary Arrest, Torture, and Ill-treatment***

- Create a full-time position within the Ministry of Justice dedicated to monitoring treatment of children in detention. The position should be charged with overseeing investigations of torture and ill-treatment of children in police custody, keeping precise and publicly accessible statistics on torture and ill-treatment complaints, identifying the officers responsible, and investigating practices at police stations that are subject of multiple complaints.
- The attorney general should instruct all prosecutors to give priority to investigating and prosecuting cases of arbitrary arrest, torture, or ill-treatment in police custody of children. These instructions should include a requirement that prosecutors conduct regular, unannounced inspections of all places of detention where

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standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time." The U.N. Rules, para. 37.

<sup>333</sup> Assuming that the loaves of bread given to the children are about 130 grams in weight (a standard used in food subsidy programs in Egypt) and that they are made with whole wheat flour, this diet offers about 2020 calories, about 75 grams of protein, and about 17 milligrams of iron per day. Standards for nutrient requirements of adolescents vary from source to source, but these totals would meet the daily requirement for protein and iron set by most experts but would fall short of the recommended calorie intake, which for boys age fifteen to eighteen years, for example, would be about 3000 calories, according to some sources. For girls aged eleven to eighteen, the recommended intake is about 2200 calories per day. If the bread loaves received by the children were smaller or made with refined white flour, this diet would likely be deficient in both calories and iron. See United States Department of Agriculture, Agricultural Research Service, Nutrient Database for Standard Reference, [online] [http://www.nal.usda.gov/fnic/cgi-bin/nut\\_search.pl](http://www.nal.usda.gov/fnic/cgi-bin/nut_search.pl), (retrieved October 9, 2002); and United Nations Food and Agricultural Organization/World Health Organization, *Handbook on Human Nutrient Requirements* (Rome: United Nations, 2001).

<sup>334</sup> The U.N. Rules, paras. 15, 38-47.

<sup>335</sup> *Ibid.*, paras. 45, 67.

<sup>336</sup> Convention on the Rights of the Child, article 2(1) and ICCPR article 2(1).



children are held. The inspections should result in timely and thorough official inquiries into all complaints of violations of children's rights. The inspections should be conducted in teams that include physicians, juvenile court judges, and independent experts. All inspections should incorporate private interviews with each child present regarding all aspects of his or her treatment in custody, using standards specified in the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. The inspection team should pay special attention to instances of torture or cruel, inhuman, or degrading treatment by police or other detainees. The prosecution office should submit prompt, written reports of its findings to the Ministries of Justice and Interior with a view to developing effective procedures to prevent abuses.

- In light of the failure of its current Inspection Unit to adequately investigate and punish abuses of children in police custody, the Ministry of Interior should take urgent steps to develop an independent, transparent, and effective mechanism to investigate complaints and take appropriate disciplinary action against any Interior Ministry officials who participate in, fail to report, or otherwise tolerate instances of arbitrary arrest, extortion, torture, or ill-treatment of children. This mechanism should be accessible to children and their advocates, including guardians, lawyers, and representatives of nongovernmental organizations, and should compile and make publicly accessible precise statistics on the number and type of complaints, the officers and police stations responsible, and the outcome of each investigation, including the details of any disciplinary actions. Disciplinary action should be made a permanent part of the officer's record and be considered a strong negative factor in any future decisions regarding promotion. Those found responsible for abuses should be removed from responsibility for all matters involving children.
- The Egyptian Parliament should amend the Penal Code and the Code of Criminal Procedures to be consistent with its obligations under the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment. This should include adopting a definition of torture which fully corresponds to the definition in article 1 of the Convention, providing victims of torture and ill-treatment with direct access to the courts to lodge complaints against police, and raising penalties for illegal detention and use of cruelty by officials.
- The government should declare its recognition of the competence of the Committee against Torture under the Convention against Torture to receive and consider communications regarding violations of the Convention as specified in articles 21 and 22.
- The government should agree to the standing request since 1996 of the United Nations special rapporteur on the question of torture to conduct a visit to Egypt, and facilitate his visit by providing logistical support and access to police stations, social welfare institutions for children, Public Prosecution Offices for children, juvenile courts, and all places where children deprived of their liberty may be detained.
- The government should extend an invitation to the United Nations Working Group on Arbitrary Detention to visit Egypt at the earliest possible moment. The government should facilitate the Working Group's investigation by providing logistical support and access to child detainees and all places of detention where children are held as well as police, judicial personnel, social workers, and others working in the juvenile justice system.

#### ***Mechanisms for Preventing Abuses in Custody***

- Protect children in state custody from arbitrary detention and all forms of torture and cruel, inhuman or degrading treatment by police, staff, or other detainees. In particular, ensure that public prosecutors and judges actively monitor conditions for children in police custody, social welfare institutions, or otherwise deprived of their liberty. Ensure that all such facilities meet international standards, and that public prosecutors promptly investigate and bring to justice those responsible for torture, cruel, inhuman or degrading treatment, or arbitrary detention of children.

- The Ministry of Justice should end its practice of short-term appointments of public prosecutors for juveniles and support the creation of a permanent, professional corps of prosecutors, judges, and social welfare experts working solely on juvenile justice matters. These professionals should be provided with ongoing training to enable them to carry out their responsibilities effectively, including training in child psychology, child welfare, and international human rights standards, and with the resources necessary to make informed decisions on children's best interests.
- The Ministry of Interior should make public nationwide statistics, updated annually, on police arrests of children broken down by age, gender, charge, and governorate; statistics on complaints of police abuse and their outcomes, broken down by age and gender of the complainant, the category of abuse, and the governorate and police station where the abuse occurred. This information should be used in developing mechanisms to prevent abuses.
- The Ministry of Interior and the Ministry of Insurance and Social Affairs should allow independent nongovernmental organizations full access to all places of detention where children are held, including adult and juvenile police lockups, observation houses, social welfare institutions, and reformatory or punishment institutions, with a view to monitoring the treatment of these children and their conditions of detention.
- The Ministry of Interior should institute mandatory training for police at all levels on the special needs and rights of children, including international standards for the administration of juvenile justice and the treatment of children deprived of their liberty.
- Whenever a child is arrested, arresting officers should immediately notify the child's guardians. If the guardians are unable or unwilling to assist in the child's defense the Ministry of Justice should provide the child with legal assistance.
- Sign, ratify, and implement without delay the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establishing a system of regular visits by independent international and national bodies to places where people are deprived of their liberty.
- Fully implement the recommendations of the United Nations Committee on the Rights of the Child, including its recommendations to establish effective, child-friendly, and independent complaints mechanisms; develop facilities and programs for the physical and psychological recovery and social reintegration of children; and seek assistance from the Office of the United Nations High Commissioner for Human Rights, the Center for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF in bringing its law and practice into conformity with international standards on the administration of juvenile justice.

### ***Conditions of Detention***

- Take urgent steps to minimize the role of police in matters involving children, including immediately revoking the Ministry of Interior's policy of routinely detaining children in police lockups. Arrest, detention, or imprisonment of children should always be a measure of last resort and then only for the shortest possible time.
- Ensure that conditions in all places of detention where children are held comply with international standards for the administration of juvenile justice and the treatment of children deprived of their liberty. In particular, children should be afforded prompt access to legal assistance and the right to challenge the legality of the deprivation of liberty, be examined by a physician immediately upon admission; be separated from adults and classified and segregated in a manner that ensures their safety and well being; have adequate access to appropriate food, medical care, bedding, and water and hygiene; and have opportunities for education and recreation. Special attention should be paid to the needs of girls, including ensuring that female guards are on duty at all times, all guards are adequately supervised, and facilities' layout does not isolate or otherwise expose girls to risk.

### ***Children in Need of Protection***

Bearing in mind that children “vulnerable to delinquency” and “vulnerable to danger” are first and foremost children in need of protection and care, the Egyptian government should:

- Immediately end the practice of arresting children considered “vulnerable to delinquency,” or “vulnerable to danger” and amend Child Law 12 of 1996 to ensure that no child is penalized for conduct that would not be penalized if committed by an adult. Bearing in mind that a large portion of children currently arrested under these provisions are children permanently or temporarily deprived of their family environment, or in whose best interests cannot be allowed to remain in that environment, ensure that they receive the special protection and assistance they are entitled to under the Convention on the Rights of the Child.
- Work with donors to develop and implement programs to improve the Ministry of Insurance and Social Affairs’ ability to identify children in need of protection and provide appropriate assistance to them and their families. In developing these programs, the government should draw on the expertise of UNICEF, the International Labor Organization’s International Program for the Elimination of Child Labor, local and international nongovernmental organizations working with children. The best interests of the child should be a primary consideration in all decisions concerning these children, and programs should take into account the views of the child.
- Take steps to ensure all children fully enjoy the right to free and compulsory primary education without discrimination, including enforcing existing compulsory education legislation and developing programs to prevent non-attendance, provide remedial programs for children who leave school early or are at risk of leaving school early, and provide for the associated costs of education (school fees, books, uniforms, and government health insurance) for such children.
- Implement provisions in the Child Law prohibiting children under age fourteen from working, and move quickly to fully implement International Labor Organization Convention 182 (Worst Forms of Child Labor Convention).

### **To Donor Governments**

Donor governments should raise concerns over Egypt’s treatment of children considered “vulnerable to delinquency” or “vulnerable to danger” in their bilateral meetings with Egyptian authorities, and work with them to promote children’s rights, including earmarking assistance for:

- Improving conditions in all facilities where children “vulnerable to delinquency,” “vulnerable to danger,” or accused or convicted of criminal offenses are held.
- Training police, prosecutors, judges, social welfare experts, and other staff members who have contact with children in the juvenile justice system on the special needs and rights of children.
- Developing programs to identify and provide assistance to children in need of protection and their families.

### **To the United Nations**

- The United Nations Special Rapporteur on the question of torture should include the treatment of children arrested for being “vulnerable to delinquency” and “vulnerable to danger” among the issues he investigates in any future visit to Egypt.
- The United Nations Working Group on Arbitrary Detention should include the treatment of children held in state custody for being “vulnerable to delinquency” and “vulnerable to danger” among the issues it investigates in any future visit to Egypt.

## APPENDIX A

### Selected Articles from the Child Law and its Executive Statute (Translation from Arabic by Human Rights Watch)

#### The Child Law (Law 12 of 1996)

##### Article 96

A child shall be considered vulnerable to delinquency in any of the following cases:

- 1) if he is found begging, with begging activities to include offering products or services of little value, performing acrobatic shows or other such acts that do not constitute a serious source of income;
- 2) if he practices collecting cigarette butts or other leftovers or rubbish;
- 3) if he practices activities connected with prostitution, debauchery, corruption of morals, gambling, drugs, or other similar conduct or works for those who practice such conduct;
- 4) if he lacks a stable place of residence or habitually sleeps in the street or other places unsuitable for residence or sleeping;
- 5) if he associates with persons vulnerable to delinquency or suspect persons or those known for bad behavior;
- 6) if habitually absent from educational or training institutions;
- 7) if he is badly behaved and deviating from the authority of his father or guardian or curator or from his mother's authority in case of the death, absence, or legal incapacity of his guardian, and it is not permitted in this situation for any procedure to be taken against the child, even if it is an investigation procedure, except based on permission from his father or guardian or curator or his mother, depending on the circumstance;
- 8) if he lacks a legal means of income or a responsible supporter.

##### Article 97

A child whose age is less than seven shall be considered vulnerable to delinquency if one of the cases specified in the previous article applies of if he commits an act constituting a felony or a misdemeanor.

##### Article 98

If a child is apprehended in one of the situations of vulnerability to delinquency specified in items 1 through 6 of articles 96 and 97 of this law, the prosecution office for juveniles shall warn the child's guardian in writing to supervise his good behavior and conduct in the future. This warning may be contested before the Juvenile Court within ten days of its receipt. The established procedure for contesting criminal warrants shall be followed in considering and making a decision in this contestation, and the ruling shall be final.

If the child is found in one of the situations of vulnerability to delinquency referred to in the previous paragraph after the warning has become final, or is found in one of the two situations specified in items 7 and 8 of article 96, one of the measures specified in article 101 of this law shall be taken. If the child has not reached seven years of age, then no measure shall be taken except the measure of handing over [to a guardian] or placement in one of the specialized hospitals.

##### Article 99

A child shall be considered vulnerable to delinquency if he has a mental or psychological illness or mental weakness that is established through observation, in accordance with the relevant procedures and provisions of the law, that he has lost all or part of his ability to perceive or choose so that there will be fears for his own safety or the safety of others, and in this case he shall be placed in one of the specialized hospitals or specialized institutions in accordance with the procedures specified in the law.

### **Article 101**

The child whose age has not reached fifteen years, if he commits a crime, shall be sentenced to one of the following measures:

- 1) Reprimand
- 2) Handing over [the child to a parent, guardian, relative, or someone who temporarily takes custody]
- 3) Enrollment in vocational training
- 4) Obligation to perform specified duties
- 5) Judicial probation
- 6) Placement in one of the social welfare institutions
- 7) Placement in one of the specialized hospitals

With the exception of confiscation and closure of places, this child shall not be sentenced to any punishment or measure specified in any other law.

### **Article 107**

Placement of the child shall be in one of the social welfare institutions for juveniles affiliated to the Ministry of Social Affairs or recognized by it. If the child is disabled the placement shall be in an appropriate institute for his rehabilitation and the court shall not specify the period of the placement in its ruling.

The period of placement must not exceed ten years in felonies, five years in misdemeanors, and three years in cases of vulnerability to delinquency, and the institution in which the child is placed must present to the court a report on his situation and conduct each six months at the longest in order for the court to decide its opinion of his situation.

### **Article 113**

Whomever neglects supervision of the child after [having received] a warning in accordance with the first paragraph of article 98 of this law, and as a result of that the child was vulnerable to delinquency in one of the situations referred to in articles 96 and 97 of this law, shall be punished with a fine not exceeding 100LE.

### **Article 114**

Whomever the child is turned over to and neglects to provide one of his duties [toward the child], if that results in the child's commission of a crime or vulnerability to delinquency in one of the situations specified in this law, shall be punished by a fine not exceeding 200LE.

### **Article 116**

Without prejudice to any other harsher punishment specified in law, whomever exposes a child to delinquency or to one of the situations referred to in article 96 of this law, or prepared him for that or helped him or incited him to such behavior or facilitated such behavior in any way, even if the situation of vulnerability to delinquency was not realized in actuality, shall be punished by imprisonment.

The punishment of imprisonment shall be for a period not less than three months if the perpetrator uses coercive or threatening means against the child, or was the child's relative or someone responsible for his upbringing or for watching him, or if the child was placed in his custody in accordance with the law.

In all these cases if the crime involves more than one child, even if at separate times, the punishment shall be imprisonment for a period not less than six months and not more than five years.

And it shall be assumed that the perpetrator knew the age of the child unless he proves that it was not possible for him to determine the child's real age.

**Prime Ministerial Decree 3452 of 1997**

**Article 203**

The child is considered to be vulnerable to danger if found in a state that threatens the sound rearing he requires, and especially in any of the following circumstances:

- 1) if his security, morals, health or life are in danger;
- 2) if the conditions of his upbringing within the environment surrounding him by their nature exposes him to danger;
- 3) if the person responsible for his support abandons him;
- 4) if the child's educational future is in danger of not being fulfilled;
- 5) if the child is exposed to incitement to illicit use of drugs, alcohol, violence or immoral acts.

**APPENDIX B**  
**Social Inquiry Report: Short Form**  
 (Translation from Arabic by Human Rights Watch)

**The Egyptian Committee for Social Defense**  
 Established according to law 2638/1976  
 Office of Social Supervision and Continuing Care

Date: / /  
 Case Number: .....  
 The Charge: .....  
 Trial Session Date: / /

**Social Report**

Supervisor:.....  
 Juvenile's Name: ..... Age: .....  
 Guardian's Name: ..... Relationship: .....  
 Address: ..... Police Station:.....  
 Description of the Residence:.....

No.	Name	Age	Relationship	Marital Status	Occupation	Monthly Income		Notes
						LE	piasters	

Juvenile's Education Level: .....  
 Juvenile's Employment Status: .....  
 Juvenile's Health Status: .....  
 Summary of the Problem: .....

.....  
 Investigator's Opinion:.....  
 .....  
 .....

Signature: .....

Expert's Opinion: .....  
 Signature: .....

**APPENDIX C**  
**Social Inquiry Report: Long Form**  
(Translation from Arabic by Human Rights Watch)

Ministry of Social Affairs  
The General Committee for Social Defense  
Dur al Tarbi` of Giza  
Office of Social Supervision

Social Report Presented to Juvenile Courts In Accordance with Law 31/1974

Juvenile's name: ..... Date of birth: / / Age at time the offense was committed:.....  
Location of juvenile at the time the report was written: .....  
Family's address: .....  
Guardian's name and address: .....  
Summary of charge according to case file: .....  
.....  
Previous charges: .....  
.....  
Previous convictions: .....  
.....  
Summary of the problem according to the family: .....  
.....  
Summary of the problem according to the juvenile: .....  
.....  
Education level of juvenile and the reason for dropping out if applicable: .....  
.....  
Employment status and the potential for advancement and stability: .....  
.....  
Juvenile's health status and physical disabilities if applicable: .....  
.....  
Report about the juvenile if there is any:  
Observation Houses .....  
    Psychological report: .....  
    Educational report: .....

Juvenile's Family

No	Name	Relationship	Age	Education Level	Occupation	Monthly Income		Marital Status	Notes
						LE	piasters		
1									
2									
3									
4									
5									
6									
7									
8									
9									



General description of the house or neighborhood: .....  
.....  
General observations about the family's economic situation and consumption pattern: .....  
.....  
Emotional environment of the family and it's attitude toward the juvenile and it's cooperation: .....  
.....  
Decision of the Office of Social Supervision and Continuing Care staff:  
.....  
Social expert's opinion:.....  
.....  
.....  
Signature of the observer: .....Signature of the office manager: .....

## APPENDIX D

### United Nations Rules for the Protection of Juveniles Deprived of their Liberty

#### I. Fundamental Perspectives

1. The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.

2. Juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these Rules and in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.

3. The Rules are intended to establish minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.

4. The Rules should be applied impartially, without discrimination of any kind as to race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. The religious and cultural beliefs, practices and moral concepts of the juvenile should be respected.

5. The Rules are designed to serve as convenient standards of reference and to provide encouragement and guidance to professionals involved in the management of the juvenile justice system.

6. The Rules should be made readily available to juvenile justice personnel in their national languages. Juveniles who are not fluent in the language spoken by the personnel of the detention facility should have the right to the services of an interpreter free of charge whenever necessary, in particular during medical examinations and disciplinary proceedings.

7. Where appropriate, States should incorporate the Rules into their legislation or amend it accordingly and provide effective remedies for their breach, including compensation when injuries are inflicted on juveniles. States should also monitor the application of the Rules.

8. The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and preparation for their return to society is a social service of great importance, and to this end active steps should be taken to foster open contacts between the juveniles and the local community.

9. Nothing in the Rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that are more conducive to ensuring the rights, care and protection of juveniles, children and all young persons.

10. In the event that the practical application of particular Rules contained in sections II to V, inclusive, presents any conflict with the Rules contained in the present section, compliance with the latter shall be regarded as the predominant requirement.

#### II. Scope and Application of the Rules

11. For the purposes of the Rules, the following definitions should apply:

(a) A juvenile is every person under the age of 18. The age limit below which it should not be permitted to deprive a child of his or her liberty should be determined by law;

(b) The deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.

12. The deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.

13. Juveniles deprived of their liberty shall not for any reason related to their status be denied the civil, economic, political, social or cultural rights to which they are entitled under national or international law, and which are compatible with the deprivation of liberty.

14. The protection of the individual rights of juveniles with special regard to the legality of the execution of the detention measures shall be ensured by the competent authority, while the objectives of social integration should be secured by regular inspections and other means of control carried out, according to international standards, national laws and regulations, by a duly constituted body authorized to visit the juveniles and not belonging to the detention facility.

15. The Rules apply to all types and forms of detention facilities in which juveniles are deprived of their liberty. Sections I, II, IV and V of the Rules apply to all detention facilities and institutional settings in which juveniles are detained, and section III applies specifically to juveniles under arrest or awaiting trial.

16. The Rules shall be implemented in the context of the economic, social and cultural conditions prevailing in each Member State.

### **III. Juveniles under Arrest or Awaiting Trial**

17. Juveniles who are detained under arrest or awaiting trial ("untried") are presumed innocent and shall be treated as such. Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. Therefore, all efforts shall be made to apply alternative measures. When preventive detention is nevertheless used, juvenile courts and investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of

detention. Untried detainees should be separated from convicted juveniles.

18. The conditions under which an untried juvenile is detained should be consistent with the rules set out below, with additional specific provisions as are necessary and appropriate, given the requirements of the presumption of innocence, the duration of the detention and the legal status and circumstances of the juvenile. These provisions would include, but not necessarily be restricted to, the following:

(a) Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available, and to communicate regularly with their legal advisers. Privacy and confidentiality shall be ensured for such communications;

(b) Juveniles should be provided, where possible, with opportunities to pursue work, with remuneration, and continue education or training, but should not be required to do so. Work, education or training should not cause the continuation of the detention;

(c) Juveniles should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice.

## **IV. The Management of Juvenile Facilities**

### **A. Records**

19. All reports, including legal records, medical records and records of disciplinary proceedings, and all other documents relating to the form, content and details of treatment, should be placed in a confidential individual file, which should be kept up to date, accessible only to authorized persons and classified in such a way as to be easily understood. Where possible, every juvenile should have the right to contest any fact or opinion contained in his or her file so as to permit rectification of inaccurate, unfounded or unfair statements. In order to exercise this right, there should be procedures that allow an appropriate third party to have access to and to consult the file on request. Upon release, the records of juveniles shall be sealed, and, at an appropriate time, expunged.

20. No juvenile should be received in any detention facility without a valid commitment order of a judicial, administrative or other public authority. The

details of this order should be immediately entered in the register. No juvenile should be detained in any facility where there is no such register.

## **B. Admission, registration, movement and transfer**

21. In every place where juveniles are detained, a complete and secure record of the following information should be kept concerning each juvenile received:

- (a) Information on the identity of the juvenile;
- (b) The fact of and reasons for commitment and the authority therefor;
- (c) The day and hour of admission, transfer and release;
- (d) Details of the notifications to parents and guardians on every admission, transfer or release of the juvenile in their care at the time of commitment;
- (e) Details of known physical and mental health problems, including drug and alcohol abuse.

22. The information on admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.

23. As soon as possible after reception, full reports and relevant information on the personal situation and circumstances of each juvenile should be drawn up and submitted to the administration.

24. On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension.

25. All juveniles should be helped to understand the regulations governing the internal organization of the facility, the goals and methodology of the care provided, the disciplinary requirements and

procedures, other authorized methods of seeking information and of making complaints and all such other matters as are necessary to enable them to understand fully their rights and obligations during detention.

26. The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity. Juveniles should not be transferred from one facility to another arbitrarily.

## **C. Classification and placement**

27. As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and programme required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and programme required and to be pursued. When special rehabilitative treatment is required, and the length of stay in the facility permits, trained personnel of the facility should prepare a written, individualized treatment plan specifying treatment objectives and time-frame and the means, stages and delays with which the objectives should be approached.

28. The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

29. In all detention facilities juveniles should be separated from adults, unless they are members of the same family. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special programme that

has been shown to be beneficial for the juveniles concerned.

30. Open detention facilities for juveniles should be established. Open detention facilities are those with no or minimal security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.

#### **D. Physical environment and accommodation**

31. Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.

32. The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. The design and structure of juvenile detention facilities should be such as to minimize the risk of fire and to ensure safe evacuation from the premises. There should be an effective alarm system in case of fire, as well as formal and drilled procedures to ensure the safety of the juveniles. Detention facilities should not be located in areas where there are known health or other hazards or risks.

33. Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness.

34. Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.

35. The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of the juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognized and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be returned to the juvenile on release, except in so far as he or she has been authorized to spend money or send such property out of the facility. If a juvenile receives or is found in possession of any medicine, the medical officer should decide what use should be made of it.

36. To the extent possible juveniles should have the right to use their own clothing. Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health, and which should in no manner be degrading or humiliating. Juveniles removed from or leaving a facility for any purpose should be allowed to wear their own clothing.

37. Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time.

#### **E. Education, vocational training and work**

38. Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the

education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

39. Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes.

40. Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized.

41. Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.

42. Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.

43. With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.

44. All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.

45. Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

46. Every juvenile who performs work should have the right to an equitable remuneration. The interests of the juveniles and of their vocational training

should not be subordinated to the purpose of making a profit for the detention facility or a third party. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to purchase articles for his or her own use or to indemnify the victim injured by his or her offence or to send it to his or her family or other persons outside the detention facility.

## **F. Recreation**

47. Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so wishes, to arts and crafts skill development. The detention facility should ensure that each juvenile is physically able to participate in the available programmes of physical education. Remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it.

## **G. Religion**

48. Every juvenile should be allowed to satisfy the needs of his or her religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination. If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request. Every juvenile should have the right to receive visits from a qualified representative of any religion of his or her choice, as well as the right not to participate in religious services and freely to decline religious education, counselling or indoctrination.

## **H. Medical care**

49. Every juvenile shall receive adequate medical care, both preventive and remedial, including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.

50. Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.

51. The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer.

52. Any medical officer who has reason to believe that the physical or mental health of a juvenile has been or will be injuriously affected by continued detention, a hunger strike or any condition of detention should report this fact immediately to the director of the detention facility in question and to the independent authority responsible for safeguarding the well-being of the juvenile.

53. A juvenile who is suffering from mental illness should be treated in a specialized institution under independent medical management. Steps should be taken, by arrangement with appropriate agencies, to ensure any necessary continuation of mental health care after release.

54. Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation

programmes administered by qualified personnel. These programmes should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcohol-dependent juveniles.

55. Medicines should be administered only for necessary treatment on medical grounds and, when possible, after having obtained the informed consent of the juvenile concerned. In particular, they must not be administered with a view to eliciting information or a confession, as a punishment or as a means of restraint. Juveniles shall never be testers in the experimental use of drugs and treatment. The administration of any drug should always be authorized and carried out by qualified medical personnel.

## **I. Notification of illness, injury and death**

56. The family or guardian of a juvenile and any other person designated by the juvenile have the right to be informed of the state of health of the juvenile on request and in the event of any important changes in the health of the juvenile. The director of the detention facility should notify immediately the family or guardian of the juvenile concerned, or other designated person, in case of death, illness requiring transfer of the juvenile to an outside medical facility, or a condition requiring clinical care within the detention facility for more than 48 hours. Notification should also be given to the consular authorities of the State of which a foreign juvenile is a citizen.

57. Upon the death of a juvenile during the period of deprivation of liberty, the nearest relative should have the right to inspect the death certificate, see the body and determine the method of disposal of the body. Upon the death of a juvenile in detention, there should be an independent inquiry into the causes of death, the report of which should be made accessible to the nearest relative. This inquiry should also be made when the death of a juvenile occurs within six months from the date of his or her release from the detention facility and there is reason to believe that the death is related to the period of detention.

58. A juvenile should be informed at the earliest possible time of the death, serious illness or injury of any immediate family member and should be

provided with the opportunity to attend the funeral of the deceased or go to the bedside of a critically ill relative.

#### **J. Contacts with the wider community**

59. Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organizations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as part of the period of sentence.

60. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.

61. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.

62. Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures, and through the visits of the representatives of any lawful club or organization in which the juvenile is interested.

#### **K. Limitations of physical restraint and the use of force**

63. Recourse to instruments of restraint and to force for any purpose should be prohibited, except as set forth in rule 64 below.

64. Instruments of restraint and force can only be used in exceptional cases, where all other control

methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.

65. The carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained.

#### **L. Disciplinary procedures**

66. Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.

67. All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labour should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing him or her for return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.

68. Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:

(a) Conduct constituting a disciplinary offence;



(b) Type and duration of disciplinary sanctions that may be inflicted;

(c) The authority competent to impose such sanctions;

(d) The authority competent to consider appeals.

69. A report of misconduct should be presented promptly to the competent authority, which should decide on it without undue delay. The competent authority should conduct a thorough examination of the case.

70. No juvenile should be disciplinarily sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless he or she has been informed of the alleged infraction in a manner appropriate to the full understanding of the juvenile, and given a proper opportunity of presenting his or her defence, including the right of appeal to a competent impartial authority. Complete records should be kept of all disciplinary proceedings.

71. No juveniles should be responsible for disciplinary functions except in the supervision of specified social, educational or sports activities or in self-government programmes.

#### **M. Inspection and complaints**

72. Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.

73. Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services, as well as any other aspect or conditions of institutional life that affect the physical and mental health of juveniles. Every

juvenile should have the right to talk in confidence to any inspecting officer.

74. After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.

75. Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorized representative.

76. Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.

77. Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints made by juveniles deprived of their liberty and to assist in the achievement of equitable settlements.

78. Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints.

#### **N. Return to the community**

79. All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end.

80. Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.

## **V. Personnel**

81. Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles.

82. The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.

83. To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective.

84. The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each detention facility so as to enhance

cooperation between the various services engaged in the care of juveniles, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties.

85. The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career.

86. The director of a facility should be adequately qualified for his or her task, with administrative ability and suitable training and experience, and should carry out his or her duties on a full-time basis.

87. In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

(a) No member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever;

(b) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;

(c) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power;

(d) All personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to secure medical attention whenever required;

(e) All personnel should respect the right of the juvenile to privacy, and, in particular, should safeguard all confidential matters concerning juveniles or their families learned as a result of their professional capacity;

(f) All personnel should seek to minimize any differences between life inside and outside the detention facility which tend to lessen due respect for the dignity of juveniles as human beings.

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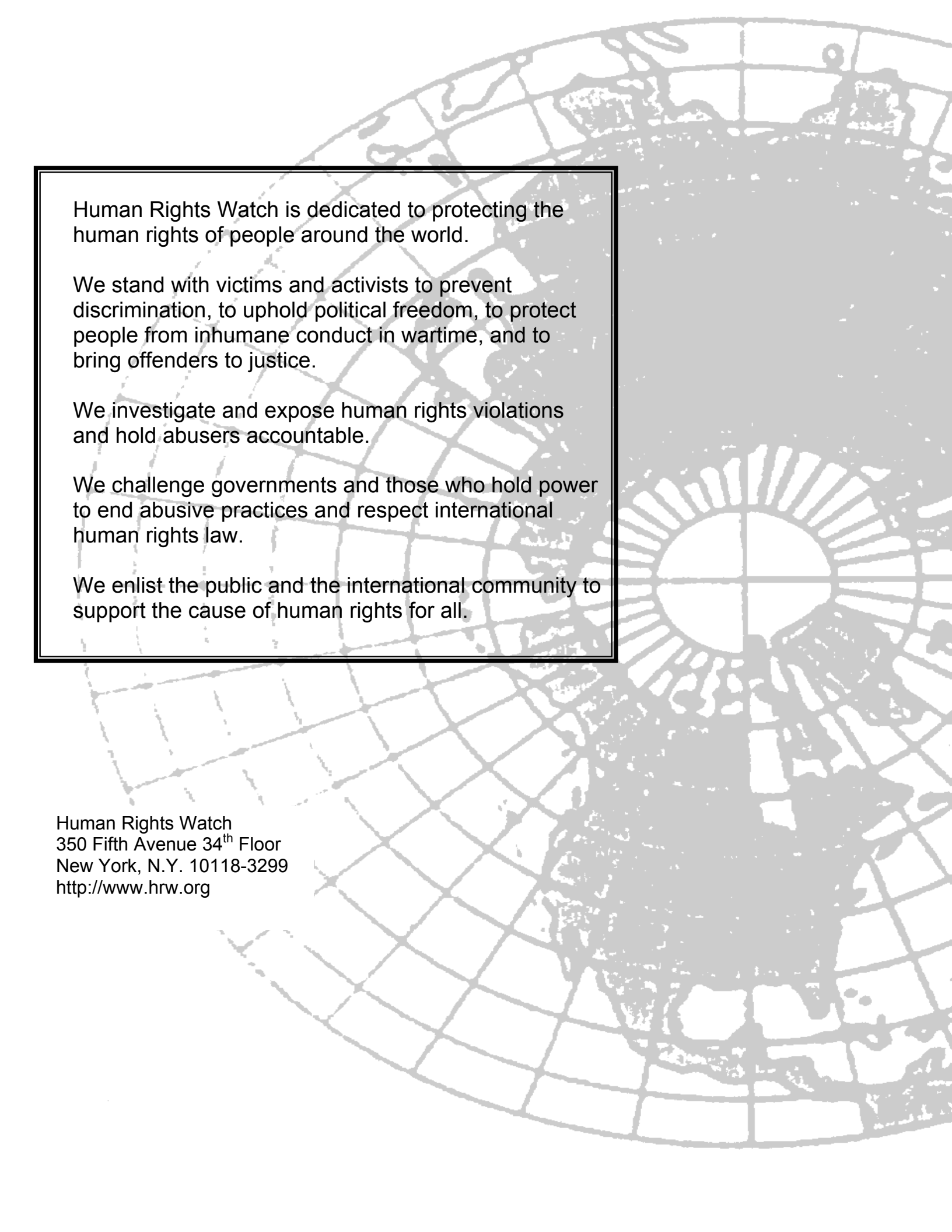
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