

# Child trafficking crime and means of fighting it: Egypt as a case study

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## Abstract

**Purpose** – This paper aims to explore the factors leading to the phenomenon of child trafficking in Egypt, how deeply it runs through the Egyptian society and evaluate the state's efforts to combat it.

**Design/methodology/approach** – This research paper uses a case study method applied to the phenomenon of child trafficking in the Arab Republic of Egypt, and how the State is fighting it. The general policy approach is also used to clarify the State's plans, programs and legislation in addressing the phenomenon of child trafficking, evaluate those policies and analyze the international documents.

**Findings** – The research paper concluded that child trafficking in Egypt represents a serious phenomenon, which stems from social, economic and cultural reasons. Even though the Egyptian Government exerts relentless efforts to fight this crime, all attempts have proven insufficient due to the lack of coordination between the concerned parties and low funds, in addition to the feeble services offered to the victims.

**Practical implications** – This study sheds light on a very perilous phenomenon in the Egyptian society; an international one with intricate magnitudes, upon which the State must concentrate more and eradicate it.

**Originality/value** – The study contributes to drawing the attention of decision makers in Egypt to the dangers of this phenomenon, and to the points of strength and weaknesses of the government's efforts against it.

**Keywords** Human trafficking, Child trafficking, Body organ trafficking, Children rights

**Paper type** Research paper

## 1. Introduction

No country or region is free of trafficking in persons, which is a crime present nationally, internationally, sub-regionally, regionally and across continents. Recent views on this matter point out that human trafficking, most often than not, is from poor countries to richer ones within the same region. There also appears to be a correlation between the wealth of destination countries and the sold victims from other regions. Wealthier countries seem to entice victims from various different roots, whilst trafficking in less wealthy countries is limited to domestic and sub-regional trafficking flows (United Nations Office on Drugs and Crime, 2014).

The current study, therefore, aims at monitoring the phenomenon of child trafficking in Egypt and evaluating the effectiveness of Egyptian general policy in achieving its objectives to combat this phenomenon in accordance with international standards based on the annual reports of the US Department of Foreign Policy mandated by the United Nations. These countries are classified according to the commitment to these standards into three categories:



- (1) *Category 1*: Countries that completely abide by the minimum standards set by the Trafficking Victims Protection Act;
- (2) *Category 2*: Countries whose governments do not fully comply with the minimum standards of the act but make considerable efforts to comply with those standards; and
- (3) *Category 3*: Countries whose governments do not fully comply with the minimum standards provided by the Trafficking Victims Protection Act, and make no significant efforts in this connection.

The efforts of States are assessed according to three considerations: prosecution, protection and prevention through:

- *First*: identifying the protection of victims of human trafficking, saving them from slavery and protect them;
- *Second*: judicial inquiry with traffickers and fair trial; and
- *Third*: measures should be taken to prevent human trafficking such as awareness, training and enactment of laws.

The effectiveness of these steps is evaluated in accordance with indicators of whether the government is prosecuting acts of trafficking in persons, the extent to which they protect victims of trafficking, their ability to take measures to prevent trafficking, their cooperation with other governments in the investigation and prosecution and their ability to monitor various cases of trafficking in person (Gallagher, 2011).

## 2. The conceptual framework of the study

### 2.1 *The concept of human trafficking in general and children trafficking in particular*

Prior to approving the protocol prohibiting, suppressing and punishing trafficking in persons, especially women and children, supplementing the United nations Convention against Transnational Organized Crime (also known as Palermo Protocol 2000), other instruments have discussed the matter. To name but a few: 1926 Slavery Convention, 1956 Supplementary Convention on the Abolition of Slavery and Slave Trade, and 1949 Convention for the Inhibition of Trafficking in Persons and of the Exploitation of the Prostitution of Others. Additionally, other standardized international conventions include provisions to fight trafficking in humans, such as the Universal Declaration of Human Rights of 1948, The International Covenant on Civil and Political Rights of 1966, Convention on the Elimination of All Forms of Discrimination against Women of 1979, Convention on the Rights of the Child of 1989, and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography of 2000.

*2.1.1 Definition of trafficking in Persons according to the Palermo protocol 2000.* This protocol entered into force in December 2003; it has been ratified by numerous countries ever since. Its purpose is to prevent and combat trafficking in persons, especially women and children, and to defend and help the victims of such trafficking, in light of completely protecting their internationally recognized human rights, thus requiring a comprehensive international approach from the involved countries. In article 3-a, the protocol has defined the crime of "Trafficking in persons" shall mean the recruitment, transfer, harboring or receipt of persons, by means of threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power, exploitation of vulnerability or the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services,

slavery or practices similar to slavery, servitude or the removal of body organs ([Annex II, 2000](#)).

It has also been stated in subparagraph (c) of this article that the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article. The United Nations Office on Drugs and Crime offers applied assistance to countries enforcing the protocol. It consults on drafting and making laws, and developing comprehensive national strategies that can combat human trafficking. It also provides the necessary means to apply the said laws and strategies ([United Nations Office on Drugs and Crime, 2009](#)).

*2.1.2 Definition of trafficking in Persons according to the UN model law against trafficking in Persons.* According to experts in the United Nations Office on Drugs and Crime, a trafficker is any individual/organization that:

- Recruits, transfers, harbors or receives another person;
- By means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or exploitation of vulnerability, or of the giving or receiving of payments or benefits to detain the consent of a person having control over another person; and
- For the purpose of exploitation of that person; shall be guilty of an offence of trafficking in persons and upon conviction shall be subject to imprisonment or a fine, or both, for his/her crimes.

Exploitation includes all forms of sexually exploiting such person, coerced labor, enslavement and organ removal. If the person mentioned in subparagraph (1/a) is a child, exploitation must include ([United Nations Office on Drugs and Crime, 2009](#)).

- The use in armed conflict;
- The work that, by its nature or by the circumstances in which it is carried out, is likely to harm the health or safety of children;
- The employment or use in work, where the said child has not reached the applicable minimum working age for the said employment or work; and
- Other forms of exploitation.

*2.1.3 Definition of trafficking in Persons according to the Arab Convention for combating organized crime across national borders 2010 (Rishmaui, 2010).* Article (11) of the convention for trafficking in persons, particularly women and children contained that “each and every concerned state pledges to take the required legal measures to incriminate committing or partaking in the following criminal acts, perpetrated by an organized criminal group:

- Threatening, use of force or other forms of coercion, abduction, fraud, deception, abuse of power or exploitation of vulnerability, to recruit, transport, harbor or receive another person for purposes of prostitution, sexual exploitation, slavery, forced labor, servitude and other forms of exploitation. The consent of a victim of trafficking in persons to the intended exploitation set forth in above article shall be irrelevant where any of the means set forth in the above article have been used.
- Using, transferring, harboring or receiving a child for exploitation is considered trafficking in persons even if none of the above-mentioned forms of abuse are applied. In any case, his/her consent is not taken into consideration.

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2.1.4 *Definition of trafficking in Persons according to US Department of State, Victims of Trafficking and Violence Protection Act of 2000 (Miko and Park, 2001)*

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.
- Recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

The Act sets minimum standards by which countries must abide when dealing with trafficking in persons; accordingly, efforts of governments in combating the phenomenon are evaluated. This evaluation ranks countries into three categories:

- (1) *Category 1:* Countries that completely abide by the minimum standards set by the Victims of Trafficking and Violence Protection Act to terminate trafficking in persons;
- (2) *Category 2:* Countries whose governments do not fully abide by the minimum standards set by the Victims of Trafficking and Violence Protection Act, but exert maximum efforts to meet the standards, on the following conditions:
  - They are facing an absolutely unmanageable count of dangerous forms of human trafficking, or this count is ever increasing.
  - They fail to provide evidence to their exerted efforts in combating human trafficking, and that the numbers exceed their successes in the previous year. Those successes must include investigations in human trafficking crimes and persecuting the offenders. It must also include proof of their increased help to the victims, lack of evidence against the involvement of government officials.
  - *Category 3:* Countries whose governments do not abide by the minimum standards set by the Victims of Trafficking and Violence Protection Act, and do not exert any efforts to meet the standards.

2.1.5 *Definition of trafficking in Persons in the Egyptian law (The Law Against Human Trafficking in Egypt, 2010).* According to Article 2 of Law 64 of 2010, anyone who exploits, in any way, another normal person, is considered a criminal of human trafficking. This includes selling, offering for sale, buying, promising either of the previous, using, transporting, delivering, harboring, hosting or receiving within the country or across its national borders. If this takes place using force, threatening, any form of capture, kidnapping, fraud, deceit, abusing power, abusing vulnerability or need, or promising giving or receiving any amount of money or privileges in return for consent of a person to traffic in another person upon which he has power over. It is also any form of exploitation; prostitution, sexual exploitation – children included – coercion, servitude, slavery, begging, organ removal, human tissue or part of it.

It is clear from the above that the definition of Palermo is the typical definition adopted by many anti-human trafficking legislation with some differences, including the addition of new elements not covered by the Protocol, such as the definition of the Egyptian Human Trafficking Law which expands the interpretation of child exploitation, or the deletion of some elements mentioned in the Protocol. Thus, the Protocol succeeded in globalizing the term human trafficking worldwide.

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*2.2 Types and patterns of human trafficking*

US Department of State presented the US Congress with two reports in 2004 and 2011 determining the severe forms of human trafficking in general, and children trafficking in particular ([USA Department of State, 2011](#)):

*2.2.1 Severe forms of human trafficking.* The Trafficking Victims Protection Act defines “severe forms of human trafficking” as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Definition of Terms Used in the Term “Severe Forms of Trafficking in Persons”:

“Sex trafficking”: means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

“Commercial sex act”: means any sex act on account of which anything of value is given to or received by any person.

“Involuntary servitude”: includes a condition of servitude induced by means of:

- Any scheme, plan or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint.
- The abuse or threatened abuse of the legal process.

“Debt bondage”: means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

“Coercion”: means:

- Threats of serious harm to or physical restraint against any person.
- Any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person.
- Abuse of law or threat of harm through legal process.

*2.2.2 Forms of children trafficking*

*2.2.2.1 Forced child labor.* Even though millions of children harmlessly work to financially support their families, UNICEF statistics show that around a 150 million children between the ages of 5 to 14 in developing countries, and an estimated 16 per cent of children around the world are engaged in child labor. The International Labor Organization estimates that around 215 million children under the age of 18, around the world, are full time workers. In the age group 5-17, in Africa, south the Great Desert, 1 of 4 children is a laborer, in comparison with 1 of 8 in Asia and the Pacific Ocean, and 1 of 10 in Latin America. The International Labor Organization “ILO” has also issued a report on the eradication of child labor in households, and protecting young laborers from exploitive work conditions ([International Labour Organization, 2013](#)). The report states that around 10 million 500

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thousand children around the world, most of whom are girls, work as servants in households under dangerous slave-like conditions. The report also states that domestic laborers are those most likely to suffer exploitation and abuse. As the majority of the said laborers live with their employers, they are susceptible to rape, sexual violence and trafficking in persons. In addition, some 215 million children work worldwide in different forms of employment. Therefore, there is a mounting consensus that the worst forms of child labor, especially slavery and forced labor, must be eradicated.

2.2.2.2 Child soldiers. The presence of children amongst soldiers is but evidence of human trafficking when it involves the illegal recruitment or use of children through force, fraud, or coercion as fighters or for labor or sexual exploitation by armed forces. Offenders may be government forces, paramilitary organizations, or rebel groups. Many children are forcefully kidnapped to be used as fighters. Others are illegally forced to work as porters, cooks, guards, servants, messengers or spies. Young girls can be forced to marry or have sex with male soldiers. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.

2.2.2.3 Child sex trafficking. Physical violence against children is a gross violation to children's rights. However, it is also a universal fact in all countries and among all social levels. It can manifest in sexual exploitation, rape, sexual harassment, or use in prostitution or pornography. It can take place in homes, institutions, schools, places of work, travel and tourism facilities, and within local communities.

The internet and portable phones also play a huge and increasing role in subjecting children to the risks of sexual violence, namely to pedophiles and sexual predators surfing the internet for sexual relations with children.

In 2002, the World Health Organization estimated that 150 million girls and 73 million boys under the age of 18 had been forced to have sexual relations and other forms of sexual violence that involve physical contact (UN secretary-general study on violence against children). More millions are probably abused in prostitution and pornographic material every year, either by being enticed with fake promises, or by force. Nevertheless, the actual magnitude of sexual violence is still concealed due to its sensitive and illegal nature, and as a result of children and their parents negating to report cases of abuse and exploitation because of stigma, fear and lack of faith in the authorities, as well as social intolerance and lack of awareness.

Additionally, evidence show that sexual violence has devastating short- and long-term consequences, as well as physical, psychological and social trauma; not only on the victims but also on their families and local communities. It also includes disease, unwanted pregnancy, social ostracism and educational difficulties.

2.2.2.4 Child marriage. The term "child marriage" is used to refer to both formal marriages and informal unions in which a girl or a boy lives with a partner as if married before the age of 18, and it has become a common reality for both boys and girls, although girls are disproportionately affected.

A third of females aged 20-24, in developing countries, are married off during their childhood. Child marriage is more common in South Asia and Africa – south the Great Desert –, but there are significant differences in frequency among different countries of the same region. While data from 47 countries generally indicate that the average age at first marriage is gradually increasing, this improvement has been limited primarily to girls from higher-income families. Overall, the pace of change is still slow. Whereas 48 per cent of women aged 45-49 were married before the age of 18, the percentage dropped to only 35 for women aged 20-24 ([UNICEF Humanitarian Action for Children, 2011](#)).

### 2.3 Elements of human trafficking (Burke, 2017)

*Trafficking commodity:* the person who is sold and bought by consent for need, coercion or fraud.

*Broker:* the exhibitor or the seller of the commodity, with the possibility of delivering it to the buyer in specified places; and to be able to label him/her as such, like organized crime, he/she has to frequently practice this profession.

*Market:* human trafficking is connected to several markets:

- **Origin country:** The country that exports the victims and is usually a country that suffers from political and economic problems.
- **Destination country:** The country that imports the victims, and is usually a wealthy one.
- **Transit country:** The country where the victims are assembled until the transport procedures of the destination country have been completed.

Based on the above, it can be said that the crime of human trafficking is an organized process as follows:

- *First: The recruiter:* The recruiter shall identify and contact the victim and may sell them to the employer or the mediator directly and may employ various means of recruitment, such as the use of the internet to advertise jobs or study abroad. Recruitment may be private in public places or through social contacts, or by buying children from their families.
- *Second: The agent:* He/she is the mediator between the recruiter and the employer.
- *Third: Recruitment agent:* He/she is the one who is the responsible for securing the employment of the victim and securing the issuance of identity papers required.
- *Fourth: Travel agent:* He/she transfers victims from the origin country to the destination country.
- *Fifth: The employer:* He/she buys the victim. (Calandrucchio, 2005)

## 3. Trafficking of children in Egypt

Egypt is categorized as an origin country and a transit one. It is also a scorched area of focus in the UN reports, in addition to the annual reports of the US Department of State. This pillar focuses on the increased rate of trafficking in persons in Egypt, and then moves onto the forms of trafficking in children in particular.

### 3.1 Reasons behind human trafficking in Egypt

*3.1.1 Poor economic conditions.* One of the most important factors causing human trafficking in general and children trafficking in particular are the economic factors, especially poverty that is the main reason for accepting different forms of trafficking. Poverty data in Egypt indicate that the proportion of the poor in 2016 increased to 30.8 per cent of the total population of 27.8 per cent in 2015, the highest since 2000, where the percentage of the poor increased from 16.7 per cent in 1999/2000 to 21.8 per cent in 2008/2009, 25.2 per cent in 2011, 26.3 per cent in 2012/2013, 27.8 per cent in 2015 and 30.8 per cent in 2016. This means increasing the total number of poor to 30 million (United Nation Children's Fund, 2017). In addition, 27.9 per cent of bread winners in Egypt do not work, 17.7 per cent of bread winners are women, including 28.1 per cent of rural Upper Egypt, the poorest in the region, where 56.7 per cent of its population cannot meet their basic needs

(Central Agency for Public Mobilization and Statistics, 2016). In the absence of employment opportunities, unemployment is a motive to engage in human trafficking or to fall victim to this type of trafficking by selling organs, working in inhumane conditions, marriage of minor girls, involving in prostitution or other forms of trafficking. In Egypt, the Central Agency for Public Mobilization and Statistics announced the results of the Labor Force Survey for the first quarter of 2016. The overall unemployment rate (15-64 years) was 12.7 per cent of the total labor force, while it was 12.8 per cent in the previous quarter and the same quarter of 2015, and 27.3 per cent was the unemployment rate among youth (15-29 years). Central Agency for Public Mobilization and Statistics (2016) said in its report that the rate of unemployment among young people aged (15-29) was 27.3 per cent of the total labor force in the same age group, while the unemployment rate among young men was 21.0 per cent, and 46.8 per cent among female youth of the total labor force in the same age group, 19.9 per cent for the age group (15-19 years), 25.7 per cent for the age group (20-24 years), 31.3 per cent for the age group (25-29 years) and 36.1 per cent rate of unemployment among qualified youth aged (15-29 years). Poverty and unemployment are among the main causes of human trafficking in Egypt, and the individual may resort to it to escape poverty and unemployment. Moreover, economic conditions have led to an expansion of the “informal economy” that may deprive workers of their ability to bargain for their rights, recognized official labor standards and rights, such as minimum wages, social solidarity rights and safe working conditions, with the possibility of violations in informal work activities that act as a hidden form of paid employment (Columb, 2017). Economic conditions were also a major factor in the rise of the phenomenon of illegal immigration, especially in view of the high cost of legal migration and its strict policies. Therefore, illegal immigration is considered a key source of human trafficking. United Nations Office on Drugs and Crime (2014) “UNODC” Global Report in 2014 reported that 70 per cent of trafficking victims between 2010 and 2012 were cross-border. The most popular destinations are Italy and Greece. It is clear from the observations issued by Egypt and Italy that the number of migrants from Egypt in 2016 was more than the number of migrants in 2015. The United Nations High Commissioner for Refugees (UNHCR) estimated that the number of departures from Egypt to Italy by August 2016 reached 10112 people, that is 8.8 per cent of the total number of arrivals to Italy, which is 11,5068 people (Reitano *et al.*, 2017). In accordance with the report of the Organization of Immigration in Egypt, the number of Egyptians migrating across the sea to Italy reached 1,645, and the minors accompanying their families were 118, and the single minors were 2,467. This is in addition to other countries such as Greece and various European countries. Various media reported on the Egyptian migrant children, who are subjected to sexual exploitation, forced labor, violence and criminal activities (International Organization for Migration, 2016).

*3.1.2 Social and cultural conditions.* The community is influenced by its social conditions and its cultural component, especially with regard to the increase in the number of births in the Egyptian family and its association with the concepts of family and the importance of increasing the number of family members. These concepts also relate to social problems, mainly, families neglect to enroll their children in school at the appropriate age. The number of children without a birth certificate from 2 to 4 years was estimated at 0.3 per cent in 2014. (Central Agency for Public Mobilization and Statistics, 2017) This results in the ease of trafficking in these children for lack of knowledge of their existence. The increase in births is also linked to an increase in the illiteracy rate which reached 20.1 per cent in 2016, representing 14.4 per cent of males and 26 per cent of females. This can result in an increase in the phenomenon of child labor, street children and the consequent increase in

opportunities for human trafficking, as well as the drop-out phenomenon to help the family financially and the marriage of young girls.

Cultural corruption in the Egyptian society is an essential component of the ethics system and the ethics of society, which permeate the political, economic and social components of the society and carry with them destructive phenomena to society, primarily bribery to facilitate illegal work. This facilitates the work of human traffickers in Egypt. In its annual report, Transparency International Organization refers to the index of countries according to the degree of corruption, ranging from zero (high rates) to 100 (lack of corruption) (Tremblay and Karbassi, 2011). Egypt got 32/100 in 2017 compared to 34/100 in 2016, and 36/100 in 2015, which is evidence of the high rate of corruption in Egypt in recent years (Transparency Organization Index, 2017). The increase in corruption leads to the increase in the success of the business of traffickers at every stage of trafficking, particularly in the cross-border transition facilitated by public officials in return for bribes, in addition to exploiting the position to force forced labor, altering and falsifying data and documents for purposes such as minors marriage, and facilitating organ trafficking by some officials in hospitals (United Nations Office on Drugs and Crime, 2011).

*3.1.3 Political conditions.* The criminal networks exploit the unstable political conditions, and this is what happened after the Arab spring revolutions that created security disturbances experienced by the Egyptian society and led to an increase in crime rates, including crime of human trafficking. According to the Numbeo database, Egypt ranked 26th in the world in criminality in 2018 after it was ranked 38 in 2017, after Syria and Libya in the Middle East (Numbeo, 2018). Political instability has raised the number of refugees (children and adults), with or without their families, fleeing conflicts in their countries and they constitute an easy prey for exploitation and trafficking. According to the US State Department's 2018 report, incoming asylum seekers are passing through Egypt on their way to Europe, and are increasingly being exploited during their journey. Besides, those who decided to settle in Egypt in search of a better opportunity and got affected by the economic and social conditions of high prices and lack of employment opportunities, were exposed to harsh working conditions, the forced labor of children, sexual trafficking and marriage of girls under deals (Wilson and O'Brien, 2016). Others attempt to escape from the difficult living conditions in Egypt by illegal migration through which they face exploitation and torture.

### *3.2 Forms of child trafficking in Egypt*

*3.2.1 Child labor.* Child labor is a phenomenon closely related to the economic situation within any society. When talking about the spread of this phenomenon in Egypt, the economic situation that Egyptian society goes through must be considered. Prevailing customs and traditions about this phenomenon, spread of some industries dependent on child labor, and neglect of families to enroll their children in school when they reach the appropriate age are other factors that have to be taken into account. Statistics and estimates are clearly differentiated by the methodological variables on which statistics are based, such as time, age group, among others. According to the latest statistics of the Central Agency for Public Mobilization and Statistics (CAPMAS), the number of children working in Egypt exceeded the 1.59 million; they practice begging and working in workshops and factories and poorly paid, leading to the loss of their childhood (Central Agency for Mobilization and Statistics, 2016).

Child labor increases the incidence of violence against children. According to the 2004 census, 93 per cent of all children were subjected to violence, 93.4 per cent of whom were males, compared to 92.6 per cent of females, 91.1 per cent of whom were psychologically

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punished, 91.6 per cent of whom were males, compared to 90.6 per cent of females. The total number of children subjected to corporal punishment was 78 per cent, 78.2 per cent for males versus 77.8 per cent for females (Central Agency for Mobilization and Statistics, 2015).

It is important to clarify that not all child labor is a type of human trafficking. Egyptian law allowed the children to work at the age of 15, but should not be harmful work to children aged 13-15 years; it should be seasonal work that does not harm their health, development, or school attendance (Child Act No. 12, 1996). Consequently, any child labor is considered to be detrimental to their health or safety, and the completion of their studies is a form of exploitation or forced labor under the concept of human trafficking.

The areas of child labor in industry and services, seasonal agricultural work and domestic service are varied. For industry and services, child took part in mechanical, chemical, glass, foundry and textile industries with 46.14, 21.83, 17.37 and 13.87 per cent, respectively, according to a study conducted by the Arab Center for Childhood and Development on 566 working children (Nahed, 2002).

In accordance with a study carried out by the National Center for Social and Criminal Research on the exploitation of children in employment, conducted on 489 working children, the average age of children is 11.08, far below the legal age of child labor. The number of children in quarries reached 42.4 per cent, and in foundries was 17.2 per cent (Nahed *et al.*, 2010). Pursuant to the nature of the work, the child is exposed to certain risks, such as dust and smoke, fuel and flame, noise, cold and extreme heat, underground work in dark places, exposure to chemicals or pesticides, explosive materials in addition to extreme stress which affects the physical and psychological health of children and affects their natural growth and their education. In compliance with the previous study by the National Center for Social and Criminal Research, about 14 per cent did not attend school in the first place, compared to 45 per cent who dropped out especially at the age of 14.

As for the agricultural sector, all school children in rural Egypt are practically seasonal workers during the harvest period. In addition, the rest of the rural children who did not attend or drop out of school are considered a small labor force of peasants, where the dropout rate of education in the primary stage was 1 per cent in males and 0.6 per cent in females out of 90 per cent in the primary stage. As for the preparatory stage, the dropout rate between males and females is estimated at 4.9 per cent for 84 per cent of the total, according to the Central Agency for Public Mobilization and Statistics (2016). The percentage of children working in agriculture was 26 per cent of the total number of working children. In most cases, children work with their families without pay. This percentage is about 58 per cent of the total number of working children (Arat, 2002).

Child labor in agriculture is not less exploited than industry and services, where children work long hours and use heavy tools and machinery not suitable for their age, as well as the chemicals, pesticides and fertilizers that pose poisoning risks to them.

Turning to the domestic service sector, a study, conducted by the Labor Bureau of Labor and Forced Labor of the US Department of Labor on the work of Egyptian children in domestic service (Webbink *et al.*, 2012), indicated that poverty, need and lack of family awareness are the main causes of child labor in domestic service, which is the reason for not continuing their basic education. One of three working girls never went to school compared to boys. Furthermore, the situation of full-time children differs from part-time children. In the first case, statistics show that half of full-time children never went to school, twice the number of part-time children.

Children are required to work long hours, working all day and for long months without leave. The number of working hours among girls (33.8) is higher than boys (18.3) and slightly higher among older children (35) than in younger children (30.2). The number of weekly working hours was almost doubled among full-time children compared to part-time

children (46.5 and 24.2h, respectively), and those who are living with employers, are working for longer hours (46.5h) than those living elsewhere (31.1 h). Besides, they exert a high level of physical effort that is not commensurate with their age and to an extent that is not bearable at times (Assaad *et al.*, 2010).

The Central Agency for Mobilization and Statistics (CAPMAS), in collaboration with the National Council for Childhood and Motherhood (NCCM) and UNICEF, has published the Statistical Abstract of Children in Egypt 2016. Some figures showing proportion of children participating in the work aged 5-17 years old in 2014. The figures are as displayed in [Table I](#). Previous presentation clearly shows that children are exposed to serious damage resulting from working conditions and denial of education, physical and psychological pressure and physical abuse.

It may be pointed out that the law allows the regulation of child labor to train children at the age of 13 and employ them at the age of 15 years, has opened the door for the employment of children of young age. This may be exploited to allow children to work long hours and in heavy work affecting their education, growth and health which may be seen as legitimizing the exploitation of children at work.

*3.2.2 Exploitation of street children.* Street children represent an easy opportunity for others to trade and exploit because they are unprotected, easy to reach and influence. UNICEF has defined three types of street children. "Street living children" who live on the street permanently. "Street working children" - children who spend most of their time on the street in various jobs, such as begging. "Street families", children who live with their families on the street. According to this definition, the United Nations has estimated the number of street children in the world at 150 million children, and Egypt has 2 million children (UNICEF, 2016).

Street children are subjected to all forms of sexual exploitation and trafficking, begging, drug trafficking, theft and body organs trafficking. Each type of exploitation has its own law and a master who leads its operations and is responsible for a team that executes his/her instructions.

The sexual relations of street children are common and these relations appear in two basic forms (Ensor, 2010):

Axis	Children who participated in economic activities for a number of hours equal to or exceeding the age limit	Children who participated in domestic work for a number of hours equal to or exceeding the age limit	Children who worked under hazardous conditions	Total child labor
Total	3.6	0.8	5.6	7.0
<i>Age group</i>				
5-11	3.3	0.5	2.6	3.9
12-14	4.3	1.4	6.7	8.5
15-17	3.4	0.9	12.7	13.8
<i>Gender</i>				
Male	4.2	0.8	6.8	8.1
Female	2.9	0.8	4.4	5.8
<i>Residence</i>				
Urban	1.3	0.5	2.2	2.9
Rural	4.7	1.0	7.4	9.1

**Table I.** Percentage of children aged 5-17 years participating in child labor, according to their participation in various activities in 2014

**Source:** Statistical Abstract of Children in Egypt (2016)

- (1) Prostitution: purchase of sexual acts and exploitation by a person or organization for the purpose of making a profit.
- (2) Sexual exploitation of children: by seducing them with safe housing or by circumventing and kidnapping, in which there is a kind of continuity and repetition for a long time without any gain even if it does not contain force and threat.

Children are the main pillar of begging where they are used either for begging and sharing their earnings, or by using them to win people's sympathy. Those exploiters can be divided to three groups, including "criminal gangs" that give each child a certain location at the street to practice begging and after spending the whole day begging on street, they go back to their employers to surrender the money and they will get a minimal amount of wage as a daily fee. Toddlers were either purchased from poor families or kidnapped and used for begging. They are also controlled by thugs who are entitled to a cut of their money in return for protection. Moreover, children may be exploited by their parents themselves (Faten, 2018).

Many street children resort to drugs, which is the result of mixing with other children with the same behavior that begins with gradual use to reach the stage of addiction. Some children are also exploited in the drug trafficking to work in the distribution and preparation of drugs, whether in return for money or for free. This is considered to be a form of trafficking in children regardless of their satisfaction or coercion to do so. The most exploited age groups are between 15 and 18 years, followed by the 11-year age group (Karim, 2010).

As for the exploitation of street children in the trade of organs, the Egyptian law (Law No. 5 of 2010) authorized the donation of human organs in some cases, and specified the mechanisms of the donation process, stressing that the donation should not be of any value, as well as incriminating the sale of organs. The donations were limited to relatives on specific and precise terms, and donations to non-relatives, but on more complicated terms, were limited to protecting the donor from potential health damage that could endanger his/her life.

The increase in the number of needy patients around the world in light of medical progress and scientific achievements in human organ transplants, along with the large number of illegitimate children and street children, has led to an increase in the magnitude of this phenomenon (Unit for Policy and Human Rights Analysis, 2017).

Work is coordinated among brokers and their activities are adapted to such coordination, exchange of information and zoning so as not to compete, knowing the market value of the organs traded (Columb, 2016).

Despite the lack of statistics and accurate information on human organ trade because of its secrecy in most cases, in a State Department report on human trafficking in 2016 (US Department of State Publication Office of the Undersecretary for Civilian Secretary, 2017), the report pointed out that Egypt is among the countries whose government has not met the minimum protection of victims of trafficking, but it is working hard to meet those standards. In a report by the British Journal of Criminology, it explained that Egypt is one of the largest markets for human organ trade around the world. In a report by the World Health Organization (WHO), Egypt is among the top five exporters of human organ trade, the predominantly are male (95 per cent) (Budiani and Karim, 2008), although it is difficult to obtain sufficient information on the phenomenon (Bulletin of the World Health Organization, 2018).

Many mediators are involved in human organs trade; doctors with special skills in transplants and organ transplantation are key actors. They specialize in the treatment of diseases related to organ transplantations. There are large potential laboratories, as well as hospitals that provide operation theatre.

The exploitation of street children in the trade of human organs varies as follows (Noura, 2017):

- Sale of organs: children are sold for their organs in return for money, and this trade spread in the category between the age of 15-18 years and then 11-15 years.
- Organ theft: The mafia of human organs kidnaps and exploits children by selling them to families that have been deprived of children, kidnapping and killing homeless and disabled people and selling their organs in return for huge amounts.

*3.2.3. Marriage of minors.* Marriage of minors is one of the phenomena prevalent in Egyptian society. A minor is the one who has not attained the age of eighteen years. According to the United Nations Working Group on Contemporary Forms of Slavery, early marriage is a contemporary form of slavery and one of the forms of sexual exploitation of children (Scarpa, 2008). According to the statistics of the Central Agency for Mobilization and Statistics in 2017, there are about 118,000 girls who married under the age of 18. The rate of marriage of minors was 74 per cent of the number of marriages in 2010, according to a study conducted by the Ministry of Family and Population (Ministry of State for Family and Population, 2016).

The Health and Population Survey (DHS) 2014 indicated that one out of every six women in Egypt married early (Male and Wodon, 2016). Marriage of minors takes two primary forms; the first is the marriage of the minor to an Egyptian man. This phenomenon is particularly predominating in Upper Egypt according to the customs and traditions prevailing there, which necessitate the marriage of girls at a young age. The marriage is carried out by a marriage registrar (ma'zoun) but not registered until after the girl is 18 years old according to the laws of the State. As a result, births are not registered after birth until after the bride is 18. The second is the marriage of a minor to a foreign man. This type of marriage is called the transactional marriage, and is spread in several Egyptian villages. Most of the time, the husband belongs to Arab Petroleum countries and much older. They temporarily married to a common law marriage (urfi). This marriage is arranged by a broker who is aware of the circumstances of poor families. The husband may reside in Egypt for the duration of the marriage, which may range from one week to several months and then divorce her. The husband may travel and does not return again. In other cases, the husband travels and returns every year for a few periods. The girl may travel with her husband to his country and sometimes force her to perform forced sexual labor (McCabe and Manian, 2010).

#### **4. Egypt's efforts to combat child trafficking**

The Egyptian Government has taken many legal and executive measures to combat child trafficking.

##### *4.1 Legal efforts*

Article (80) of the Egyptian Constitution stipulates that "the State shall be committed to the welfare and protection of the child from all forms of violence, abuse, ill-treatment and sexual and commercial exploitation". In accordance with this article and other articles related to human trafficking in general, the Egyptian legislation contains a set of laws that are related to combating the crime of human trafficking, foremost of which is the Anti-Human Trafficking Law No. 64 of 2010 and its executive regulations. It also identified victims' protections and forms of guaranteeing their rights with special attention to women, children and the disabled, with the establishment of a national committee to combat human trafficking. The law aims to develop the society from within and rehabilitate it in all social, economic, educational and security aspects in order to limit the availability of conditions conducive to committing human trafficking crimes (Ministry of Justice and Ministry of Interior, 2011). The Act has adopted a comprehensive approach to fight against the crime of trafficking based on precaution and prevention, protection, assistance, safety and reintegration into society. It has identified the

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authorities responsible for this which are the Ministry of Interior, the Ministry of Health, the Ministry of Education and the National Council for Childhood and Motherhood, in coordination with the Ministry of Solidarity, the Consular Affairs Department at the Ministry of Foreign Affairs and the National Coordinating Committee for Combating and Preventing Human Trafficking, which is working on coordination between these bodies (combating human trafficking Law No. 64, 2010). The approach is also based on the principle of prosecution, partnership with civil society organizations and international cooperation in its all forms.

This is in addition to the texts of the other articles that the Egyptian legislator is interested in to regulate child's work, including Article 14 of 1959, Article 224 of the Labor Law No. 91 of 1959, the text of the Labor Law No. 126 of 2008 and Article 7/96 of the Children's Law No. 12 of 1996 on situations where the child is at risk, including begging.

Besides, Egypt ratified international conventions on child labor, including an ILO Convention on the Minimum Age of 1973, Convention No. 182 on the Worst Forms of Child Labor of 1999, the United Nations Convention on the Rights of the Child of 1989, the Optional Protocol to the Convention on the Rights of the Child of 2000, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children and Child Prostitution of 2000, and the Palermo Convention on Combating Trafficking in Persons of 2000.

#### *4.2 Institutional efforts*

The National Coordinating Committee for Combating and Preventing Illegal Immigration and Human Trafficking ([Ministry of Foreign Affairs, 2018](#)) was established in January 2017, including the Ministry of Education, the Ministry of Higher Education, the Ministry of Health and Population, the Ministry of State for Migration and Egyptians Abroad, as well as the Administrative Control Authority, the National Council for Motherhood and Childhood, the National Council for Women, the Cairo Center for Conflict Resolution and Peacekeeping, CCCOA. The Commission has adopted, in its approach, prevention, control, protection and cooperation at the national and regional levels, and has made numerous efforts at those levels. One of the steps taken by the Committee was to draw up the strategic plans adopted by the Committee to combat human trafficking starting with the strategic plan launched in 2010, leading to the adoption of Plan 2016-2021, which was based on several principles ranging from raising awareness of the crime of trafficking and eliminating its sources to Legal assistance and protection of victims while enhancing the security and judicial prosecution of traffickers to achieve several objectives adopted by the Committee during the above-mentioned period. The objectives were to establish national measures taken by the concerned authorities in the country to prevent, combat and prosecute, and to launch national awareness, education, cultivation and national capacity-building programs for workers in the concerned parties. Another objective is continuing to harmonize relevant Egyptian legislation with international and regional conventions and charters which Egypt has joined, the development of national standards to strengthen partnership with civil society, the intensification of security and judicial pursuits to prevent impunity and the establishment of an assistance fund for victims of trafficking crimes ([National Coordinating Committee, 2016](#)).

The Committee has established a microfinance system, programs for the empowerment of women workers, literacy and elimination of slums and has prepared awareness programs on the dangers and forms of human trafficking in addition to targeting the phenomenon of illegal migration. The Commission also established the Legal Support Unit to provide victims with the necessary legal support. The committee has worked closely with civil society organizations, through holding periodical meetings and discussing issues related to human trafficking, in addition to holding workshops to train in how to receive and deal with victims and provide psychological

and social care for them. Civil society organizations have participated in many seminars and meetings of the Global Initiative to Combat Human Trafficking, as well as coordinating the exchange of experiences between civil society organizations and international organizations working in the field of human trafficking.

And it cooperated also with international organizations, led by the United Nations, the International Organization for Migration, the African Union, the League of Arab States and the Organization for Security and Cooperation in Europe within the framework of joint cooperation agreements and protocols working to combat and reduce the phenomenon ([National Coordinating Committee, 2016](#)).

#### *4.3 The efforts of specialized councils*

Several specialized government councils are members of the Coordinating Committee and carry out numerous practices to combat trafficking; including the National Council for Childhood and Motherhood (NCCM), which was established in 2007, works on three parallel axes, ([National Council for Childhood and Motherhood, 2014](#)) prevention and mitigation of demand for exploitative services, the center of victim protection and rehabilitation, the focus of prosecution and law enforcement through several steps:

- Preparation of a national plan to prevent trafficking in children 2009 in partnership with other governmental, civil and other agencies. The plan was based on the principles of prevention, protection, rehabilitation and integration of victims in society, as well as the prosecution of traffickers.
- The establishment of a specialized library on human trafficking to raise awareness, with many studies to identify the size of the phenomenon to take action to fight against it, and to allocate special lines to report cases of trafficking, and to organize community-based campaigns to prevent child marriage.
- Training girls and women in income-making occupations in order to empower poor families as an entry point to combat poverty, the first factor in human trafficking.
- Acting as a “national referral mechanism” as a formal entity authorized to sort out, identify and manage cases of victims to provide the parties involved in the fight against trafficking with information.
- Establishing a center for the rehabilitation of child victims of trafficking crimes in Al-Salam City. It provides many service programs such as literacy, raising awareness of child exploitation and psychological rehabilitation services for child victims, and establishing a regional shelter for women and children victims of trafficking to assist Egyptian and foreign victims.
- Cooperating with the Public Prosecution to prosecute and punish the offender and support children.

Through this cooperation, the Public Prosecution has been able to uncover a number of human trafficking cases and to refer 40 accused in 2018 to the Criminal Court for crimes of human trafficking and migrants smuggling. Investigations by the Administrative Control Authority have implicated officials of the State Department, along with others in the migrants smuggling and forgery in official publications, and 75 people, including foreign officials, have been detained in connection with the investigation of human trafficking ([Faten, 2018](#)).

This is in addition to the efforts of ministries and other institutions in combating the crime of human trafficking, which focused on providing programs, training and containment of victims.

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## 5. Assessment

- Law No. 64 of 2010 on human trafficking: It is clear that this law contains some loopholes and overlapping in terms that can interfere with the prosecution during investigation, including the law of prostitution which criminalizes the person who committed the act, and this is contrary to the law of human trafficking which excludes the person being exploited to carry out the same act. There are also new images of crime that the law must cover.
- Although the government has trained law enforcement personnel in human trafficking, reports indicate an increase in the number of cases being investigated and some settled outside the courts due to lack of understanding by law enforcement officials of investigation techniques, which has made it difficult to obtain accurate data about the number of cases, in addition to punishing some victims for the illegal acts they committed as a direct result of their exploitation. (Dragiewicz, 2015).
- The Coordination Committee: it faces many challenges; as it is a coordinating committee subordinate to the Prime Minister, not an executive committee; therefore, there is no mechanism for the accountability of the bodies to carry out the tasks required, and only an annual report to monitor the efforts of the representatives bodies represented. Besides, it does not have mechanisms for continuous monitoring of human trafficking cases in Egypt, in addition, the funding challenge, as the Commission relies on foreign funding in its activities (Faten, 2018).
- Specialized councils also lack funding and rely on external funding. As a result of the lack of funding, most of their activities are halted and some places that serve as a shelter for victims of trafficking have been closed down. (US Department of State, 2014).
- Lack of funding is one of the weaknesses of the government. The State has not included anti-human trafficking activities in the budget of the parties and concerned government institutions. Some reports referred to the poor status of the Government's facilities for victims of women and children after the closure of shelters. Despite the Government's reliance on international organizations and civil society organizations to finance victim assistance, it did not, in turn, provide any financial assistance or support to these organizations, thus hampering the ability of organizations to continue to provide protection services to victims of trafficking. (US Department of State, 2015). Although the State's intention to fund the first national program for the protection of homeless children funded by Tahya Misr Fund and implemented by the Ministry of Social Solidarity in partnership with NGOs, funding remains a major obstacle to the State in the field of awareness, control and protection.

## 6. Conclusion

Despite the State's efforts to combat the crime of trafficking as recognized by the State Department's Trafficking in Persons Report 2018, the government showed an increase in its efforts compared to the previous reporting period. Egypt, therefore, remains second. The growing efforts of the Government have emerged in funding for the newly established Commission on the Prevention and Control of Illegal Immigration and Human Trafficking, which has coordinated inter-ministerial efforts to combat human trafficking. The Government has also initiated further investigations and prosecutions in human trafficking cases, increased the incidence of anti-trafficking awareness campaigns; established courts in four provinces and assigned a team of prosecutors to focus exclusively on trafficking cases. Through special response teams, the government has assisted a large number of street children most vulnerable to trafficking. However, the Government did not meet the minimum standards in several

important areas, as the Government did not report on any services provided – if any – to the victims discovered. The Government did not implement victim identification and referral procedures, and as a result authorities continued to punish undisclosed victims of trafficking for unlawful acts they had committed as a direct result of their exposure to trafficking, such as violations of immigration laws (US Department of State, 2018).

The State of Egypt has yet to implement standard operating procedures (SOPs) to identify and refer to victims of human trafficking; ensure that victims of trafficking are not treated as criminals for wrongful acts as a direct result of their exposure to human trafficking; provision and allocation of appropriate resources for protection services, including but not limited to the national hotline and shelter for victims of trafficking in all its forms; increasing the follow-up of investigations, prosecutions and convictions of all forms of human trafficking, and to punish the perpetrators – including officials involved – with deterrent penalties; enhancing the training provided to all officials, including judges in the courts dealing with human trafficking cases – to implement the Anti-Human Trafficking Act and procedures for the detection and referral of victims; providing a clear legal basis for non-governmental organizations to provide services to victims; extending legal and employment protection to domestic workers; raising awareness in courts dealing with human trafficking cases among law enforcement officials and judicial officials; encouraging victims of trafficking to assist the authorities in the investigation and prosecution of traffickers; and increasing the collection of data on human trafficking cases, taking into account the separation of different forms of trafficking, such as sexual trafficking, labor trafficking, among others.

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