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THE AMERICAN UNIVERSITY IN CAIRO

FORCED MIGRATION AND REFUGEE STUDIES (FMRS)

**SEPARATED REFUGEE CHILDREN IN CAIRO  
A RIGHTS-BASED ANALYSIS**

**LAURA MAXWELL & AYA EL-HILALY**

Working Paper No. 5  
SEPTEMBER 2004

The Forced Migration and Refugee Studies Program (FMRS) at the American University in Cairo (AUC) offers a multi-disciplinary graduate diploma. Central to the program is an effort to incorporate the experience of displacement and exile from the viewpoint of refugees and other forced migrants. FMRS supports teaching, research, and service activities that promote a growing appreciation of the social, economic, cultural and political relevance of forced migration to academics, the wide range of practitioners involved, and the general public. While maintaining a global and comparative perspective, FMRS focuses on the particular issues and circumstances facing African, Middle Eastern and Mediterranean peoples.

The Forced Migration and Refugee Studies Working Paper Series is a forum for sharing information and research on refugee and forced migration issues in Egypt and the Middle East at large. The Working Papers are available in hard copies as well as in electronic version from the FMRS website.

*Forced Migration and Refugee Studies (FMRS)  
The American University in Cairo  
113 Kasr El Aini Street, PO Box 2511  
Cairo 11511, Arab Republic of Egypt*

*Telephone: (202) 797-6626*

*Fax: (202) 797-6629*

*Email: [fms@aucegypt.edu](mailto:fms@aucegypt.edu)*

*Website: <http://www.aucegypt.edu/fms/>*

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**ABBREVIATIONS**

1951 Convention	1951 Convention Relating to the Status of Refugees
ACRWC	African Charter for the Rights and Welfare of the Child
AUC	American University in Cairo
CBO	Community-Based Organization
CRC	Convention on the Rights of the Child
EOHR RLAP	Egyptian Organization for Human Rights Refugee Legal Aid Project
FMRS	Forced Migration and Refugee Studies Program at AUC
HRCAP	Human Rights Center for the Assistance of Prisoners, Egypt
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IGOs	Inter-Governmental Organizations
ILO	International Labor Organization
ISCA	International Save the Children Alliance
LE	Egyptian Pound (Livre Egyptien)
NCCM	National Council for Childhood and Motherhood
NGOs	Non-Governmental Organizations
OAU	Organization of African Unity
OAU Convention	1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commission for Refugees (also used to refer the UNHCR Regional Office in Cairo)
UNICEF	United Nations Children's Fund
WAREP	West African Refugee Education Project, Cairo

## INTRODUCTION

The research examines international legal standards on the protection and care of separated child refugees, and compares them with the experiences of such children living in Cairo.

Egypt is party to four major international and regional human rights instruments relevant to the situation of separated refugee children: the Convention Relating to the Status of Refugees, the Convention on the Rights of the Child, the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, and the African Charter on the Welfare and the Rights of the Child.

Since 1954 the Egyptian government has delegated responsibility for both adult and child refugees to the United Nations High Commission for Refugees (UNHCR) Regional Office in Cairo. UNHCR-Cairo carries out refugee status determination assessments, provides humanitarian assistance and is involved in facilitating resettlement of refugees to third countries.

Contrary to the provisions of the 1989 Convention on the Rights of the Child (CRC), Egyptian state-sponsored programs for children exclude non-Egyptian children. Since the programs of UNICEF's Regional Office in Cairo also target only Egyptian children, UNHCR-Cairo is the only authority in Egypt which acts on behalf of refugee children in general and separated refugee children in particular.

UNHCR-Cairo prioritizes the refugee status determination of refugees. Through its NGO implementing partners, UNHCR is also involved in providing some humanitarian assistance (subsidized health care, grants for primary education and, in some cases, foster care) for separated children who have been recognized as refugees. However, many recognized and asylum-seeking separated children still live in environments where they are at risk of abuse and exploitation. Like other refugee children, separated children have little access to education or free primary health care.

The principle of the 'best interests of the child' and the right of the child to participate in decisions made on his or her behalf are major themes of the CRC. UNHCR-Cairo seeks to promote best interest considerations in refugee status determination procedures (RSD) and in decisions made about the refugee status of separated children. However, RSD procedures do not yet fully conform to standards set by the 'best interests' principle. Separated refugee children in Cairo rarely participate in decisions about refugee status, durable solutions, living arrangements or education at the individual or policy level.

Egyptian NGO child protection agencies lack awareness of the situation of refugee adults and children and their rights. Increased co-operation between governmental, inter-governmental and non-governmental refugee and child-care agencies in Cairo is necessary for the promotion of the rights of refugee children in general and separated refugee children in particular.

The first part of this research examines international and Egyptian law on the protection and care of separated children, and describes the governmental, inter-governmental and non-governmental agencies mandated to care for such children in Egypt. The second part examines the situation of separated refugee children in Cairo: their living conditions, access to asylum procedures, health care, education, and their vulnerability to abuse and exploitation. The third part presents a summary of findings and recommendations to the Egyptian Government, UNHCR and the international and local NGO community in Egypt.

**Definitions**

The CRC and UNHCR guidelines written previous to the year 2000 refer to the protection and care of ‘unaccompanied minors’ or ‘unaccompanied children’ rather than ‘separated children’. Unaccompanied children are defined as those ‘separated from both parents and who [are] not being cared for by an adult who by law or custom has responsibility to do so’ (UNHCR 1997:5). But it has since been recognized that children living with extended family members who were not previous caregivers may face risks similar to those encountered by unaccompanied refugee children (UNHCR 2001). More recent guidelines therefore make use of the term ‘separated children,’ i.e., those ‘who are separated from both parents or from their previous legal or customary primary caregiver’ (UN 2001).



## AIMS AND METHODOLOGY

This report was initially commissioned in response to concerns raised by staff and clients of legal aid clinics about procedures for asylum-seeking children at UNHCR-Cairo. It was decided to undertake a systematic survey of asylum procedures, but also to examine the implementation of other rights of separated refugee children as articulated by international law and guidelines.

There is a substantial body of human rights and NGO research on the situation of separated children in Europe and North America.<sup>1</sup> But these countries have comprehensive asylum legislation with established refugee status determination procedures, and comparatively well-funded state social services. There are few points of comparison with the situation in Egypt, where UNHCR is the only body that assumes responsibility for the legal and humanitarian protection of refugees. The situation of separated children in refugee camps has also been extensively reported.<sup>2</sup> But there has been little academic or human rights research on the situation of separated refugee children in urban centers in the South. There has been no systematic study of the RSD procedures for children carried out by UNHCR regional offices.<sup>3</sup> This report, therefore, draws on research carried out by local and international NGOs and human rights organizations on adult refugees and Egyptian children in Cairo. While this research was being written, Save the Children (UK)'s Middle East and North Africa Regional Office - in partnership with the Sudanese Development Initiative (SUDIA) - published a report on the views of refugee children in Cairo. This could also provide a useful basis for comparison.

This research aims to:

- Provide a basis for raising awareness of the specific problems of separated children in Egypt and for alerting local and international child-care agencies.
- Contribute to the body of knowledge on separated children in non-Western urban centers and about UNHCR refugee status determination procedures with children.

### The 'Sample'

At the time of writing, statistics on the number of separated refugee and asylum-seeking children in Cairo were not available. A 2002 report by UNHCR-Cairo stated that over 250 separated children had approached the office seeking refugee status, and that 31 had been accepted, 63 rejected, and 160 cases were still pending (UNHCR-Cairo 2002: 1).

Thirty-four separated asylum-seeker and recognized refugee children were interviewed for this research. Each respondent was visited on multiple occasions and the size of the sample was limited by time. Respondents were young people who were at the time of the research or who had previously been separated refugee children in Cairo. The respondents were aged between 11 and 21 at the time of data collection, and had been between 8 and 17 years old when they first arrived in Cairo. Since separated children may have passports with false birth-dates to make it easier to leave their country of origin, and since children do not always know their own date of birth, in a few instances, the authors had to use potentially inaccurate criteria to determine the ages of the respondents. These included physical development, educational history, and the opinions of caregivers and legal advisors who had written up detailed life histories for their clients. We have indicated where ages are estimated. In cases where young people knew the year, but not the date of birth, the two possible ages are noted.

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<sup>1</sup> See for example Bhabha and Young (1999), IRIN (2003), Russell (1999), Ruxton (2000), Ayotte (1998), Human Rights Watch (1997), The Family Federation of Finland (2002) and International Organization for Migration (2001).

<sup>2</sup> For example, Blomqvist (1995), Machel (2001), Human Rights Watch (1999), UNHCR Evaluation and Policy Analysis Unit (2002).

<sup>3</sup> An assessment of the UNHCR's RSD procedures for children was considered to be 'beyond the scope' of the UNHCR/EPAU's report *Meeting the Rights and Protection Needs of Refugee Children* (EPAU 2002:42).

The sample included children and young people from five countries of origin: Sudan (14), Somalia (9), Liberia (4), Sierra Leone (4), and Burundi (3). Although Cairo receives refugees from a number of Middle Eastern countries, the researchers were unable to locate any separated children who had come to Cairo from this region. The authors spoke to young people who had been separated from their families both before and after arrival in Cairo. Six of the respondents were female.<sup>4</sup>

At the start of the research period, six respondents had not applied to UNHCR, three were waiting for their first interview, 11 had received refugee status (one after appeal) and five were waiting for their 'first instance' result. Eight had received negative decisions; six of these were waiting for their appeals to be processed, and one been rejected again on appeal. Four of the respondents received their UNHCR result during the research; all were recognized as refugees.

Respondents were identified by talking to refugee community leaders, community based organizations, interpreters, and other young refugees. A number of young people involved were already known to the researchers through their previous work at the Egyptian Organization for Human Rights Refugee Legal Aid Project (RLAP) and the West African Refugee Education Project (WAREP).<sup>5</sup>

## Collecting Data

Interviews followed Save the Children (UK)'s Guidelines on Interviewing Children (McCrum and Hughes 1998; Pinnock 2002; and Richman 1995) and an initial questionnaire was reviewed by Dr. Nancy Peterson, Assistant Professor of Psychology at the American University in Cairo. A checklist adapted from Save the Children (UK)'s 2002 *Research Practice* was used when obtaining informed consent from respondents and their caregivers. The purpose and potential outcomes of the report were explained, and potential respondents were told that the report would not affect the outcome of their applications for refugee status. Young people from within the refugee community were also consulted as to the best ways of approaching potential respondents. One young person said he would go about obtaining informed consent as follows:

I would first of all say some things about myself: who I am and what I am doing. Then I would talk a little bit to make them feel comfortable. Then I would say that I'm sorry I don't have the power to help you myself, but I wish I could. Then I would say not to be afraid, that I won't take your information to security, or something like that. Then I would say please tell me about your situation, and how things are for you, and anything you want to talk about and that you think is relevant.

After a month of fieldwork it was decided that the use of a questionnaire which contained a number of closed questions (those with only one 'correct' answer) did not adequately allow respondents to participate or express their views and so was inappropriate for a research project on children's rights. New interview techniques were then developed with the assistance of a focus group of separated and accompanied refugee children. Thereafter respondents' opinions and views about their experiences in Cairo were elicited through open-ended questions. Play methods were used with younger children, e.g., drawing diagrams and pictures. The new research methods gave participants more control over the discussion and enriched the results. Some of the respondents wanted to give detailed accounts of their experiences as asylum-seekers in Cairo while some chose to give opinions only about specific issues. The results of the research are thus qualitative rather than quantitative.

None of the respondents were asked to give information about their experiences in their country of origin, and children were not prompted to talk about any experiences in Cairo which might have been traumatic, although some children wanted to disclose such experiences. Following standard practice in research with children, during the initial discussion about the objectives of the research, respondents were told that their identities would remain confidential, except if they revealed that they or others

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<sup>4</sup> RLAP staff suggested that for cultural and security reasons fewer female children are sent abroad alone.

<sup>5</sup> An educational project set up by the Liberian and Sierra Leonean refugee communities in Cairo see 'Education' for more details.

were at risk of abuse or exploitation. In some cases it was necessary to pass on some of the information disclosed to the respondent's legal advisors and to the UNHCR. This was discussed with respondents beforehand.

All respondents were assigned pseudonyms in this report to protect their identity. However, some of the respondents may be identifiable to UNHCR and Caritas because of the details of their experiences in Cairo. We have not included identifying details of respondents who made criticisms of UNHCR, or who told us information that they wanted to remain confidential from these organizations.

The interpreters for the project were themselves young refugees aged between 16 and 25. All had attended a training course for interpreters at the AUC and had previous experience interpreting. They were given further training on interviewing children.

Interviews with young people were conducted from April to September 2003. The researchers gave respondents a choice of venue for their interviews: at the respondents' homes, at churches, or at the American University in Cairo. Researchers did not tape-record sessions but took notes during and afterwards. In addition to carrying out visits and interviews, researchers were also able to draw on their previous experiences working with separated refugee children in Cairo.<sup>6</sup>

Interviews were also carried out with caregivers,<sup>7</sup> community representatives, staff at UNHCR, eight Egyptian NGOs and human rights organizations, members of the Egyptian National Council for Childhood and Motherhood (NCCM) (the Egyptian government body responsible for children), and local and international NGOs and faith-based organizations working with refugees. Staff at UNICEF said they did not have any information about refugee children but provided information on their programs with Egyptian children. Some data from a preliminary study carried out by the Egyptian Organization of Human Rights Refugee Legal Aid Project on the refugee status determination of separated children in Egypt is included in this research.

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<sup>6</sup> Both researchers had worked with the RLAP and one of the researchers had represented separated children during the RSD process and had also worked at an educational project for group of Sierra Leonean and Liberian separated young people: the West African Refugee Education Project (WAREP).

<sup>7</sup> 'Caregiver' refers to the person who takes responsibility for the welfare of the child.

## OVERVIEW OF THE PROTECTION OF SEPARATED REFUGEE CHILDREN IN EGYPT

### International and Regional Standards Regarding Separated Refugee Children

The two international instruments that are most relevant to the status of refugee children are the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol,<sup>8</sup> and the 1989 Convention on the Rights of the Child.<sup>9</sup> Egypt ratified<sup>10</sup> these Conventions in 1981 and 1991 respectively. Egypt has also ratified the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1981 African Charter on the Rights and Welfare of the Child. The Charter on the Rights of the Arab Child (which is not yet finalised) makes reference to Arab child refugees only. Other relevant international instruments include the four Geneva Conventions and the International Covenant on Civil and Political Rights (see 'Bibliography' for a more comprehensive list).

The Convention on the Rights of the Child is the most significant international instrument relating to children. Its importance lies in the recognition that children are active holders of rights rather than just potential recipients of care. All aspects of the child's life are covered, including guarantees relating not only to survival, development, health and education, but also to rights not previously recognised as being held by children, such as the right to freedom of expression and religion, the right to privacy, the right to seek and receive information, and the right to participation. The Convention has near universal acceptance; only the USA and Somalia have failed to ratify it.

Four principles ground the CRC:

- the right to non-discrimination (Article 2);
- the best interests of the child (Article 3);
- the right to survival and development (Article 6); and
- the right to participation (Article 12).

Each of these has special relevance to the situation of separated refugee children. The principle of non-discrimination recognizes that no child on the territory of the State should be denied rights because of their nationality, race, religion, language, immigration or other status. Since separated children lack the support of their immediate family, their survival and development becomes primarily the responsibility of a number of public bodies including governments, UN bodies, NGOs and refugee communities. The best interests principle recognizes that 'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.' Since separated refugee children are subject to decisions made on their behalf concerning their refugee status, living conditions, education (and so on) by such institutions, this provision is particularly significant. Children's right to participate in these decisions is also of primary importance. This right involves not only 'the right to express [their] views...the views of the child being given due weight in accordance with the age and maturity of the child' (Article 12), but also the 'freedom to seek, receive and impart information' (Article 13).

Article 22 specifically refers to refugee children, according them the right to appropriate protection and humanitarian assistance. 'Unaccompanied' refugee children are accorded the right to help in tracing family members, and equal rights with child citizens to alternative care. A number of other provisions have significance for separated refugee children:

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<sup>8</sup> Egypt has placed reservations on Articles 12, 20, 22(1), 23 and 24 of the 1951 Convention.

<sup>9</sup> With reservations on Articles 20 and 21 which refer to forms of alternative care for separated children.

<sup>10</sup> Under international law, when a State Party ratifies a convention, it becomes bound by all its provisions (except for those to which it has stated reservations at the time of ratification). According to Article 151 of the 1981 Egyptian Constitution, any international agreement to which Egypt becomes party automatically acquires the power of domestic law.

- The right to primary health care. Children who are victims of armed conflict, torture, neglect or maltreatment should receive appropriate treatment for their recovery and rehabilitation (Articles 24 and 39);
- The right to free and compulsory primary education, and access to secondary education (Articles 28 and 29);
- Protection from physical or mental harm and neglect, including sexual abuse or exploitation (Articles 9, 10, 11, 18 and 19);
- Protection from economic exploitation, abduction and trafficking (Articles 32, 34, 35, 36 and 39); and
- Freedom from arbitrary or discriminatory detention (Article 37).

The 1951 Convention gives everyone the right to seek asylum. The Convention does not make age distinctions in reference to this right, but children are mentioned in Annex IV (Recommendation B) which emphasizes the State's responsibility for the "protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption" (Ruxton 2000:65).

Drawing on the CRC, the 1951 Convention and other international legal standards, UNHCR has developed guidelines on the protection and care of both separated and non-separated refugee children. The most comprehensive of these are the 1994 *Refugee Children: Guidelines on Protection and Care* and the 1997 *Guidelines on Policy and Procedures in Dealing with Unaccompanied Children Seeking Asylum*. These guidelines play an important role in clarifying the CRC's application to the situation of refugee and separated children and they are referred to throughout this report.

UNHCR is not itself a signatory to the conventions and is not legally bound by them. However, UNHCR is mandated to promote international law and guidelines relating to the rights of refugees across the globe. The *raison d'être* of the organization is undermined if the work of its field offices are not themselves in accordance with international human rights law.

### **The Status of Separated Refugee Children under Egyptian Law**

President Mubarak declared 1989-1999 the first Decade of the Egyptian Child and renewed the declaration in 2000. Egypt has also ostensibly placed children at the center of its social development plan (UNICEF 2002:3). NGOs as well as governmental and inter-governmental agencies are active in the area of children's rights. Nevertheless, with a few recent exceptions, all efforts are directed toward Egyptian children.

According to Article 151 of the 1980 Egyptian Constitution, any international treaty which is ratified by Egypt has the power of domestic law and is adjudicable before domestic courts. Article 53 of the Egyptian constitution recognizes the right to 'political asylum'.<sup>11</sup> However, there is neither domestic law governing asylum in general nor legal provisions dealing specifically with refugee children. Egypt's 1996 Child Law covers a wide range of rights recognized in the CRC. However, it does not refer to protection or assistance for refugee children.<sup>12</sup>

The National Council for Childhood and Motherhood (NCCM) is the governmental authority for children. It is mandated under Article 145 of the Child Law to supervise the Law's implementation and is responsible for planning, coordinating, and evaluating policies and activities relating to the development and protection of children. Previous to 2004 the NCCM's projects and programs had only addressed the needs of Egyptian children. However, in January 2004 NCCM officials stated that refugee children were

<sup>11</sup> It is normally only accorded such notables as the Shah of Iran by the Offices of the Presidency.

<sup>12</sup> Law No. 12 for year 1996. The law emphasizes the 'best interest of the child' (Article 3). It gives a child the right to a name (Article 5), nationality (Article 6), registration at birth (Articles 14-19), and the enjoyment of all other rights (Article 7). The law also covers the child's right to health and health care (Articles 25-29), nutrition (Article 30), alternative family care (Article 46, Article 48), the right to education (Article 54), prevention of child labor (Articles 64-69), rights of disabled children (Articles 75-86), and cultural rights of the child (Articles 87-93).

now on their agenda. More recently, in collaboration with the Ministry of Health they have established a health center in the Arba Wi Nuss district that admits both locals and refugees.

The Egyptian government is required to submit a report every five years on the implementation of the CRC to the UN Committee on the Rights of the Child. Previous government reports have not mentioned refugee children. For the not-yet-submitted 2002 report, UNHCR has briefed the NCCM on the current situation of refugee children and it is likely that the issue will be included.

### **Inter-Governmental Organizations**

Since 1954, the Egyptian government has delegated responsibility for refugee protection and care to UNHCR-Cairo. The focus of UNHCR's work in Cairo is on determining the legal status of asylum-seekers (the procedures involved are outlined in more detail in the section 'Refugee Status Determination' below). UNHCR also makes determinations about 'durable solutions' for refugees (repatriation, resettlement to a third country, or local integration) and intervenes with the authorities if recognized refugees or asylum-seekers are detained for immigration reasons, or are in danger of deportation. Working through local and international partners, UNHCR also provides humanitarian assistance (subsidized health care, some financial assistance, and grants for primary education) to 'recognized' refugees, and funds local NGOs that assist refugees.

UNICEF is mandated by the United Nations General Assembly to "advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential" (UNHCR, UNICEF et al. 2004:6). "UNICEF is committed to ensuring special protection for the most disadvantaged children - victims of war, disasters, extreme poverty, all forms of violence and exploitation and those with disabilities" (ibid.:). UNICEF therefore has a strong mandate to work with refugee children. In March 1996, UNICEF and UNHCR signed a Memorandum of Understanding agreeing to collaborate on the care and family reunification of unaccompanied children in emergencies. UNHCR and UNICEF have co-operated in a number of refugee emergencies (Liberia, Tanzania and Rwanda, for example).

UNICEF and the Egyptian government concluded a Basic Cooperation Agreement in 1971. UNICEF's current Program of Cooperation was developed in 2001 and extends from 2002-2006. The Special Protection Program addresses issues such as the protection and participation of adolescents, violence against children, and childhood disability, but refugee children are not included (UNICEF 2002: 24). UNICEF-Cairo's 2002 report, entitled "The Situation of Egyptian Children and Women," deals solely with Egyptian children. UNHCR-Cairo has made repeated efforts to persuade UNICEF to co-operate with them in their work with refugee children, especially with regards to separated children found ineligible for asylum. However, UNICEF maintains that it cannot operate outside of its current agreement with the NCCM.

### **Non-Governmental Organizations**

Egypt has a well-established NGO child care community. Most NGOs focus on work with street children, child labor, disabled children and children from low-income families. A minority work on domestic abuse, sexual violence, and child rights advocacy. But, with very few exceptions, services are targeted at Egyptian children.

Eight Egyptian NGOs were interviewed for this report. Only one of these currently works with refugee children: the Egyptian Organization for Human Rights Refugee Legal Aid Project (RLAP), which provides legal assistance to asylum-seekers [see 'Legal Aid'].<sup>13</sup> One other agency, the Egyptian Center for the Rights of the Child (which works on disability, child abuse, and the right to nationality) has plans to work with

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<sup>13</sup> In 2004, the Refugee Legal Aid Project separated from EOHR and is now an independent charity: Assistance Middle East and North Africa (AMIRA), registered in the United Kingdom.

refugee children pending a needs-assessment. Staff members of the other Egyptian NGOs seemed unaware that there were separated refugee children in Egypt and were, in general, uninformed about issues concerning refugees in their country. Staff at some NGOs showed interest in working towards involving refugee children in their programs, or in establishing separate projects for refugee children, but voiced concerns over the lack of expertise in the Egyptian NGO community and the lack of information available in Arabic.

In 1999, a coalition of 19 Egyptian NGOs (the Egyptian NGO Coalition for the Rights of the Child) produced a 'shadow' report to the official government report on the implementation of the CRC in Egypt. Like previous government reports, the shadow report did not mention refugee children. The researchers discussed the need for this information to be included in the next shadow report with several NGOs. A representative of the NGO Coalition initially said that data and statistics on refugees in general and child refugees in particular were unavailable. However, at a meeting in September 2003, the Egyptian Center for the Rights of the Child agreed to consult with UNHCR, refugee NGOs and the Forced Migration & Refugee Studies Program at the American University in Cairo for the next report.

UNHCR has partnerships with three international NGOs in Cairo: Caritas, SOS-Kinderdorf International and Catholic Relief Services (CRS). Caritas is funded to provide medical and, in some cases, financial assistance to recognized refugees and is responsible for finding foster families for separated refugee children. SOS-Kinderdorf International is involved in providing alternative care for a small number of male separated refugee children. CRS distributes UNHCR grants for education.

A number of church-based organizations provide assistance to refugees. Services provided include education, vocational training, and health care. For example, Refuge Egypt, based at the All Saints Cathedral in the Zamalek district, provides medical care to some asylum seekers. Refuge Egypt and seven other churches also provide primary education for refugee children (see 'Education'). These receive some funding from UNHCR.

Save the Children (UK)'s Cairo office, in partnership with the Sudanese Development Initiative, Cairo, has carried out and published research in 2004 on the views of refugee children. However, the office has decided not to follow up on its findings and has no current plans to work with refugee children in Egypt.

Services provided by churches and international organizations are outlined in more detail in the relevant sections below.

## THE SITUATION OF SEPARATED REFUGEE CHILDREN IN CAIRO

### Arrival of Separated Children in Cairo

Asylum-seekers arrive by airplane at the Cairo International Airport, or by boat at the ports in Suez, Alexandria and Aswan. Asylum-seekers are not identified by government or UNHCR officials at ports of entry. Their application for asylum is first registered when they approach the UNHCR office in central Cairo. If an asylum-seeker is detained on arrival and if UNHCR is contacted, the office will intervene to negotiate their release. There are no mechanisms in place to identify or assist separated refugee children arriving alone or accompanied by an adult who is not a parent or guardian. Children who arrive alone must find living accommodation on their own. Some have contact details for friends or relatives in Cairo, and others ask someone from the airplane or at the airport for help.

When I came out of the airport I saw a Somali man standing there. I went up to him and told him I didn't know anyone in Cairo. He told me he could take me to his house. I stayed there for three or four days. After that the other guys in the house told me they didn't want me there and told me to leave. They chased me out of the house into the street. *Hassan, aged 16/17 when he arrived in Cairo, now 17/18.*

When I got to the Cairo airport I saw a Nigerian man. I went up to him and asked him to show me some Sierra Leoneans. He took me home with him to Du Aya where I stayed with him some weeks. He told me there are people who take care of refugees [i.e. UNHCR], and that he would take me there. *Omar, aged 17 when he came to Cairo, now 18.*

I had the address of some Burundians when I came here. When I got to the airport I asked directions from a Sudanese man. We couldn't find the place so I stayed the night with him, and then the next day he found some Burundians who could direct me. *Abubacre, 16 when he came to Cairo, now 19.*

Sudanese people go to the Sakakini church in Abbasiya to figure out where to find their family or to find people to live with. I knew Malaka in Sudan. When I arrived in Cairo I took a microbus to Sakakini to meet her, and then she took me to live with her. *Yassir, aged 15 on arrival, now 17.*

I was given the telephone number of this house by my older brother who has now gone to the US. When I arrived I called up here. *Zaki, aged 15/16 when he first came to Cairo, now 18.*

### Children who become Separated/Unaccompanied after Arrival in Cairo

A number of the respondents (including all the female respondents) were accompanied on their journey to Cairo but were later abandoned. Sara became separated from her family during an attack on her village in south Sudan when she was about 6 years old. She then went to Khartoum with Mary, an older girl from the same village. Mary brought Sara to Cairo when she was between eleven and thirteen years old. Sara and Mary went to stay with another woman of the same nationality, and Mary disappeared soon after.

One day, in August 2001, Mary didn't come home from work. I asked Ashol where she was and Ashol told me that she had left. I cried a lot, but she didn't want to give me any more details, just that she had gone to another country. Later she told me that Mary had got married and had gone abroad with her new husband. I don't know who he was.

Children can also become separated from their parents or guardians after their arrival in Cairo. Because of the insecure nature of life in Egypt, refugees may travel onward, or may voluntarily return or be deported to their country of origin. Children are sometimes abandoned in the process. Deqa, for example, had been abandoned, aged 16, by her mother and stepfather when they left Cairo for a third country (see section on 'Abuse and Exploitation' for further details). Children can become separated at any age. The authors were told about a 12-month-old baby who had been left in Cairo without relatives when her mother was deported to Sudan.

Children may become either temporarily or permanently separated from parents or guardians, even if the latter remain in Cairo. EOHR RLAP staff knew of a number of instances where refugee parents were



detained for long periods and their children were left alone with no support. Refugee children can become homeless while living in Cairo. Egyptian NGOs working with street children said they did not know of instances of refugee street children. But the Cairo-based Sudanese Organization for Victims of Torture had worked with four Sudanese brothers aged between 8 and 15 who had left their parents' home in Cairo because of abuse, and were living on the roof of a house.

## LIVING CONDITIONS

### Alternative Care Arrangements

Articles 20, 21 and 22 of the CRC accord children who have been permanently or temporarily separated from their family the right to alternative care.

- Appropriate forms of alternative care include: foster placement, *kafalah* of Islamic law, adoption or if necessary, placement in suitable institutions (Article 20).
- Adoption must conform with the best interests of the child (Article 21).
- ‘Unaccompanied’ refugee children have the same right to alternative care as child nationals (Article 22).
- Continuity in the child's upbringing and with the child's ethnic, religious, cultural and linguistic background is desirable (Article 20).

Adoption is not permitted by Islamic *shari'a* law, ‘the primary source’ of Egyptian law, according to the 1981 Egyptian Constitution. Egypt has entered reservations to Articles 20 and 21 of the CRC which make reference to adoption (although these provisions also refer to the Islamic *kafalah* system). However, Egypt has placed no reservations on Article 22 of the CRC or to similar provisions in the ACRWC, since it does not allow reservations.

In Egypt, the *kafalah* fostering system exists in place of adoption to provide orphans or foundlings with long-term care in a family environment; the system has been regulated by the government since 1968. Between the ages of two and six, children are cared for in foster care nurseries. They are then transferred to a foster family or to institutional care until the age of 21 for boys, and until marriage for girls. According to the Minister of Social Affairs’ Decree No. 181 of 1989, fostered children must be foundlings, children born of illegal sexual relations, lost children with no identified legitimate families, or children deprived of family care due to imprisonment of one or both parents, insanity of one or both parents, or lack of a responsible legal guardian (UNICEF 2002: 72). Foster parents must be married couples between 25 and 55 years of age, have no more than two biological children, and earn at least LE 500 (approximately US\$80) per month. Foster parents must also be Egyptian nationals.

Although UNHCR Guidelines advise that ‘the care and placement of unaccompanied children should be supervised by national or local child welfare services’ (UNHCR 1994: 92), the restriction on the nationality of foster parents in the Decree means that the fostering of separated refugee children (who are usually cared for by members of their community) is not regulated by the state or monitored by state social workers. However, the Decree may have been written with an implicit understanding that its provisions referred to Egyptian children, since Egyptian legislation on children (in particular the 1996 Child Law) generally applies only to child nationals. There may therefore be room for negotiation for foreign children to be fostered by fellow foreign nationals.

However, in the current absence of state involvement, UNHCR has *de facto* responsibility for fostering arrangements. UNHCR has delegated the supervision of fostering arrangements to two international NGOs with programs in Egypt: Caritas and SOS-Kinderdorf International.

### The Role of UNHCR in the Fostering of Separated Children

Caritas is mandated by UNHCR to supervise fostering arrangements for recognized separated child refugees. After a child has been recognized by UNHCR, he or she is referred to the Caritas office where an initial interview is conducted with a social worker to assess his or her needs. Staff at Caritas said that if the child has no caregiver at the time of interview the social worker will locate a foster family from the refugee community, although children are first asked if they know a family who is willing to care for them. According to Caritas staff, once the child is established in the family, the social worker makes a (usually

one-time) visit to the home to check on their living conditions and their relationships with other members of the household. Caritas staff said that during home visits social workers observe “whether the family is getting along or not, the health of the minor, and their sleeping arrangements.” If the social worker concludes that there is a problem, then they “discuss it with the host family and try to arrange a solution.” If no solution can be found, the child is moved to another foster family. The caregiver receives monthly financial assistance to care for the child. Children are also interviewed by social workers when they come with their caregiver to collect the monthly financial allowance.

Previous to 2004, only recognized separated children received financial assistance, but asylum-seeking children now receive a one-time payment while they are waiting for their cases to be decided. Caritas staff may also visit the homes of child asylum-seekers to determine whether they are genuinely separated and to report on their living situation.

Delays in the refugee status determination process previous to 2003 meant that many of the research respondents had reached adulthood before their cases were referred to Caritas. However, it is notable that the two children who not had caregivers when they were interviewed at Caritas were not assisted with care placements. Both were experiencing or had experienced abuse of some kind with previous caregivers or co-habitants. In both cases, no action was taken on the first visit: Fardoza, aged 16 (who was pregnant as a result of sexual abuse), was only seen by an interpreter who told her to return after her baby’s due date [see ‘Abuse and Exploitation’ for more details]. Hassan, aged 17, had lived in two households where he was verbally and psychologically abused. Eventually he ended up sleeping on the floor of a room in the Al-Azhar University student hostel. He had to avoid security in order to enter the hostel, and once inside often could not leave for days for fear of not being able to get back in. He reported witnessing fights and being threatened with violence.

I told [the social worker] about my problems, but she said I was not a minor and she couldn’t do anything. I said ‘look at my passport, look at my documents’ but she said ‘you are going to be 18.’ *Hassan, aged 16/17 on arrival, now 17/18.*

Both Fardoza and Hassan were re-interviewed by Caritas after the RLAP intervened in their cases. They were then offered monthly financial assistance but not given foster placement, and received no home visits.<sup>14</sup> The eight respondents who were seen at Caritas while still under 18 years of age reported that they did not receive visits to their homes to monitor their living conditions. Respondents said that they visited the Caritas office a number of times before they received an initial interview with a social worker.

They asked if I had my birth certificate, so I showed it [to] them. Then they asked, where do you sleep, how do you survive, and do you work? I said the worst for me is where to sleep, when this girl [the caregiver] leaves Egypt I don’t know where I’ll go. They said, ‘What are you asking for?’ I said, ‘Education, and something for my rent.’ They said ‘What kind of education?’ and I said, ‘Anything you give me I will learn because I don’t have anything to do.’ I also told them I need medical treatment. After that they gave me appointment after appointment, but they didn’t do anything. I went there eight times, and you can’t count how many times I called or how many times [name of Legal Advisor] called. *Deqa, aged 17 when she became separated in Cairo (and during her Caritas interview), now 18.*

According to the Associate Resettlement Officer, who supervises the staff interviewing children, UNHCR is aware of the problem with Caritas. But UNHCR-Cairo does not itself have staff who are able to make home visits for children. UNHCR-Geneva’s policy has been that UNHCR-Cairo does not require a staff member responsible for children, although this position is considered necessary at other UNHCR field offices. Refugee status determination positions are seen to be a priority at UNHCR-Cairo.

## The SOS Transit Home

UNHCR has recently taken steps to set up a more structured fostering arrangement with SOS-Kinderdorf International, an international agency which has established three non-traditional institutions for

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<sup>14</sup> In less extreme cases providing financial help *did* seem to be of use - since it gave children more choice over their living arrangements.

abandoned children or orphans in Egypt known as ‘children’s villages’. Children remain in the villages until they are 14 years old, at which point they are transferred to a ‘youth integration project’ located in the city, designed to re-integrate them into Egyptian society.

In 2003, following the blueprint of the Egyptian integration project, SOS collaborated with UNHCR in establishing a care facility (termed a ‘transit home’) for separated refugee boys.<sup>15</sup> UNHCR staff stated that the aim of the project was to “provide supervised care in a safe environment on a temporary basis until other solutions can be found, or care arrangements made.”<sup>16</sup> But due to the apparent lack of available refugee caregivers, children have ended up staying in the project indefinitely (unless they have been resettled to another country). Initially the project housed four separated boys (the youngest being 15 years old). The number of boys has since fluctuated; three of the original children left for resettlement in the USA, while new children have arrived.

The boys stay in a three-bedroom apartment located in a central area of Cairo. They are cared for by two Egyptian staff, an educator and an assistant. The children take classes in English and Computer Studies at two refugee NGOs: the St. Andrew’s Church school, and the Sudanese Development Initiative (SUDIA). They receive health care at a private clinic. Children also receive monthly financial assistance from Caritas. Overall, the children’s access to education, health, nutrition and a stable living environment seems to be much higher than that of most refugee children (separated or otherwise) living in Cairo. It could be argued that disproportionate resources are being focused on a very small number of children. UNHCR guidelines warn against providing higher standards of services for separated children than for other refugee children because it may encourage desperate parents to abandon children (UNHCR 1994:53). Staff working on the project said that SOS is obligated to maintain certain minimum standards.

The fact that both caregivers are Egyptian and that the apartment is located relatively far from areas with significant refugee populations, has resulted in the children being somewhat isolated from their original communities. Article 20 of the CRC and the UNHCR Guidelines emphasize the importance of cultural, religious and linguistic continuity for separated children: “find homes for children with persons from the same areas of origin” (UNHCR 1994:127) and “foster parents should come from the same ethnic and cultural background as the child and speak the same language” (UNHCR et al. 1998:33). A number of studies have shown that cultural continuity in living arrangements is a major factor in promoting the psychological well being of separated children (see Rousseau 1995:299-331 and McCloskey and Southwick 1996:394-9, both cited in Trang and Lau 2002:11).

This issue was discussed with the SOS project coordinator. He said that while designing the project he had met with a group of Sudanese separated children living in an area of Cairo with a large Sudanese population, who had voiced fears about hostility from Egyptian neighbors. It was thought that Egyptian staff would be able to intervene if problems arose with neighbors as well as the police and landlord. The coordinator said that there had since been a number of hostile incidents between locals and the boys which had been resolved by the Egyptian caregivers. He felt that locating the home outside of areas with large refugee populations resulted in fewer problems with neighbors (although it could also be argued that the children are more of a focus of attention as a result). But he agreed that ideally at least one caregiver should be employed from the refugee community. However, since the project houses children from a number of different nationalities it is not possible for all the children to have a caregiver from their own community.

### **Other Living Arrangements**

Respondents who were not staying in the SOS transit home usually lived with members of the same community. Only one child (a Liberian) had stayed with an Egyptian, and in this case it was his aunt by

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<sup>15</sup> It was felt that a similar project for girls would not be work because having unrelated girls cohabiting, supervised by a single female staff member, would be considered socially unacceptable in the Egypt.

<sup>16</sup> Email from the UNHCR Deputy Regional Representative to the Director of FMRS, August 2004.

marriage (his uncle having disappeared a few years previously). All the Sudanese, Somali and Burundi respondents had stayed with people of the same nationality while some of the Liberian and Sierra Leoneans had stayed with other West Africans.

UNHCR's Deputy Regional Representative said that "it is often a better solution when separated children are able to find foster arrangements on their own, as such caregivers usually do so out of a genuine desire to help the children of their community rather than for financial gain."<sup>17</sup> A staff member at one of the church schools suggested that the more inclusive African concept of 'family' meant that separated children in Cairo were spontaneously fostered by relatives or members of the child's tribe or clan. Assumptions that separated children are automatically cared for by unrelated members of their community exist in the UNHCR guidelines. According to the 1994 Guidelines "such care arrangements are normal in many cultures" (126). The Action for the Rights of Children publication 'Separated Children' suggests that such children may be "spontaneously fostered by unrelated carers without the intervention of any other party" (UNHCR et al. 1998: 29-30).

However, judging by the experiences of the respondents, fostering by members of the refugee community is far from automatic. None of the children had been assisted by community leadership or community based organizations. A group of Dinka community leaders in Arba Wi Nuss (a slum area of Cairo with a large Sudanese refugee population) said that they knew of a number of separated Sudanese children living in the area. But they implied that the problem was that the children had been rejected by UNHCR and the solution was for UNHCR to put them forward for resettlement to another country. Nor was fostering by individual members of the community 'spontaneous'. It was often children's own efforts that resulted in them finding carers. Some of the children described knocking on the doors of strangers from their community to ask for accommodation. In some cases children were assisted only after they had had to leave previous accommodation and were on the streets:

I took my clothes and went to the Mansheat Al-Sudr Sudanese church near Demerdesh. A man called [name] found me crying there. I told him I didn't have a family or home and so he took me back to his apartment for the night. The next day he took me to live with his sister and her family. *Sara aged 11-13 (est.) when she came to Cairo, now 12-14.*

*Kamal:* I remember we were standing in front of a petrol station, crying, when Ali came up to us. He started speaking to us in Arabic and I said 'What are you saying' because we didn't know any Arabic.

*Mohamed:* Ali asked us 'where is your father, what are you doing here?' We told him my father's name. Ali had known him. We told him that my father was dead and that we are alone here. We have been thrown out with nowhere to go.

*Kamal:* Ali took us to his house, his wife told us to have a bath and while we were in the bath she cooked lunch for us. When she came out she said 'don't be afraid: you will stay with us, whatever happens to us will happen to you, and whatever doesn't happen to us, won't happen to you.' *Mohamed, aged 12/13 (est.) when he came to Cairo, now 13/14, and Kamal, aged 10/11 (est.) when he arrived, now 11/12.*

I was staying with a girl who made me leave, even though she knew I didn't have anywhere to go. I left the house with my bags in my hand. I was walking in the street crying. Then I thought about a Somali/Canadian man I knew who lived on the same street. I didn't know him before, I just used to say 'hi' to him. I went to his house, and asked him if I could stay for only two days, and he said, 'Welcome,' and I stayed there for three months. He had two boys and one girl. They were very nice. *Deqa, aged 17 when she came separated in Cairo, now 18.*

I looked around the area for some Somalis. Someone directed me to a woman living in Hay Tamin (8<sup>th</sup> district). I asked the owner, an old woman, if I could stay with her. She was good to me. She bought me new clothes and shoes, and gave me money during the Eid Festival. I stayed with her for five months and then she left Cairo. *Hassan, aged 16/17 when he came to Cairo, now 17/18.*

Children lived in one of the following arrangements:

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<sup>17</sup> Email from the UNHCR Deputy Regional Representative to the Director of FMRS, August 2004.

- With a caregiver or caregivers<sup>18</sup> (which could be adults or a group of mutually supporting young people) who took responsibility for their well-being.
- With an adult, adults or other young people who required them to contribute substantially to their upkeep by earning money or doing housework.
- Moving between households with no permanent place to stay.

Living arrangements are rarely permanent, even for children with caregivers. The refugee population in Cairo is transitory, and caregivers frequently move on to other countries either through the UNHCR resettlement program, through sponsorship programs, or on their own initiative. Caregivers who left Cairo did not seem to have assisted children in finding new accommodation after their departure. As a result, children often found themselves left to find new caregivers. Deqa, for example, had moved five times in two years and had had four different caregivers.

None of the respondents reported having slept on the streets, but some had no fixed place to stay:

I am three months pregnant. I don't have one place to live; I have to move from place to place. I stay in three different apartments. Sometimes I go and stay with a girl who helps me and gives me money, but she can't do anything for me. *Fardoza, aged 14 on arrival, now 16.*

Sometimes I felt bad about moving between houses, but there was no choice. I didn't want to pass around. I wanted to be doing something. *Omar, 17 when he came to Cairo, now 18.*

Sometimes they used to tell me to go and sleep on the street, but I used to force myself to stay with them. Really it was tight: there was nowhere to lie down. They said 'there's no place for you to stay here' but I said 'then I'll just sit down until the morning.' *Amadou, aged 17 when he came to Cairo, now 20.*

The Burundian and most of the West African separated children lived with other young people of the same nationality. They lived in co-operative arrangements where responsibility for rent and household tasks was shared. Juma, for example, lived with a group of five other young Burundian men (all of the same tribe) who were sharing a one-bedroom flat on the outskirts of Cairo. Only one of the flatmates worked, and resources were scarce so that there was often only enough money for one meal per day. Juma was not working, but he said that he was not expected to look for employment or do any extra household chores: "No one sets rules for me. We all clean the house and everyone takes turns to cook: it's no one's special job. Otherwise everyone is free. We are all here from the same country."

I went to live with [name]'s house in Gamra. There are lots of other Sierra Leoneans there, from five up to ten. I liked it there a lot because I could hang out with other Sierra Leoneans in the parlor. *Omar, 17 when he came to Cairo, now 18.*

It's normal to co-operate. Those who work will do so and when you can you will work and pay them back. We are all passengers here sharing the same problem. If you see a Burundian you have to assist, regardless of religion or race. *Abubacre, 16 when he came to Cairo, now 19.*

Some children were expected to do a substantial amount of housework in return for their living expenses:

I used to do everything she wanted, cooking, cleaning and carrying things. But she wanted me to feed her baby, and I said she should take care of her when she is at home. Then she wanted me to carry a carpet, and I said we can do it together if you like, but I can't carry it on my own. *Deqa, aged 17 when she became separated in Cairo, now 18.*

I went from house to house asking people if I could stay with them. Some people told me they didn't have any room. I found the house of someone called [name]. There were seven people there, all young men like me. I asked if I could stay with them. They told me they would discuss it with the others living there and I should return the next day. When I came back they said they would accept me to stay if I knew how to cook and clean. I would have to cook food in the day and clean the house and wash their clothes and do errands. *Hassan, aged 16/17 when he came to Cairo, now 17/18.*

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<sup>18</sup> 'Caregiver' was defined above (footnote 7) relatively broadly as "someone who takes responsibility for the welfare of the child". UNHCR's 1994 *Guidelines* definition requires caregivers to be "loving and nurturing, and [...] meet the developmental needs of the child" (54).

Other children worked outside the house to contribute to living expenses (see next section for further discussion). In a number of cases children had been either abused or financially exploited by the people responsible for their care. These issues are discussed in the next section, 'Safety and Security'.

## SAFETY AND SECURITY

### Domestic Abuse and Exploitation

The CRC calls on State Parties to protect all children within their territory from any form of abuse and exploitation, including: violence, injury, neglect, maltreatment, exploitation and sexual abuse (Article 19); and torture or other cruel, inhuman and degrading treatment or punishment (Article 37).

Machel's 2001 study of the impact of war on children found that there is little guarantee that foster placement for separated refugee children provides the child with the requisite family environment. In many cases, such placement results in further violations of the child's rights (Machel 2001:28). A 1999 Human Rights Watch report on the global situation of refugee children emphasizes the need for continuous monitoring of the living conditions of separated refugee children living with foster families:

While fostering of separated refugee children by families is welcome and needed, and preferable to placement in institutions, the care and delivery of assistance to these children must also be carefully monitored...While many are well cared for by their foster families, others might be neglected, physically or sexually abused, denied food, denied education, or exploited for hazardous forms of labor. (Human Rights Watch 1999)

The UNHCR publication, *Refugee Children: Guidelines on Protection and Care*, advises UNHCR staff on the prevention of domestic abuse of separated children:

Abuse and neglect of children may go undetected. Where problems are not obvious, there is a tendency to assume that no problem exists. Because children are less able than adults to understand and make known their needs and violations of their rights, everyone must take responsibility for the welfare of children. It is essential that UNHCR, host government officials, other UN agencies, NGOs and the refugee community know the needs and rights of children and investigate, assess, design programs for and monitor the situation of children. (UNHCR 1994:154)

Abuse can be either a cause or an effect of a child's separation from his or her family. Deqa came to Cairo when she was 16 years old with her biological mother and stepfather. She had only lived with them for a few months before the family's departure from their country of origin, and had considered her father and grandmother (who had both died) to be her real family. In Cairo she suffered severe repeated physical abuse from her stepfather. She was eventually thrown out of the house a few days before her stepfather and mother left Egypt.

Abuse can also be a result of a child's separation. Deqa has been threatened by men from her community. One man followed her home after seeing her on a bus and then threw her from the top of some stairs. Deqa said that this occurred because she had no male relations in Cairo.

In the Somali community if you don't have a father or brother to protect you, men will try to attack you or do everything they want to you. *Deqa, aged 17 when she became separated in Cairo, now 18.*

Separated girls also find themselves being cared for by unrelated men. Fardoza was 15 years old when she was forced to have sex with her 'caregiver':

At the time I first visited UNHCR I was working for an American family. They decided to leave Cairo and they introduced me to a Somali-Canadian man called [name] who lived in the same building. He was old and lived with his two sons, but there was no wife. [Name] said lots of nice things to me, he said he cared for me, and wanted to look after me. So I went to live in his apartment with him. One night he came into my room and started trying to force me to sleep with him. He was shaking me and I got very upset. He told me: 'Look you are alone here, and you have lost your mother and father, and no one is going to look after you.' I was alone and didn't have anyone, or anywhere else to go, so I had to let him do what he wanted. *Fardoza, aged 14 on arrival, now 16.*

Fardoza says that her interview was rescheduled five times at UNHCR and it was during this time that the abuse occurred. She became pregnant as a result. She was finally interviewed a year after she had initially applied to the office and was awarded refugee status. However, although her situation was fully explained



during her RSD interview, she was not assisted in finding a caregiver or a permanent place to stay. She was told she would have to wait seven months for a durable solutions interview (i.e., for a decision to be taken about her long-term status (see ‘Durable Solutions’)). She visited Caritas on two occasions after getting her UNHCR result. On the first occasion she waited two hours but was only able to speak to an interpreter; she was not seen by a doctor or social worker. Deqa, who accompanied Fardoza to the office, told the interpreter that Fardoza was an unaccompanied child and that she was pregnant. Fardoza was then given a second appointment for two months later, after she was due to give birth. Eight days later, she was accompanied to Caritas by her legal advisor. This time she was interviewed by a male social worker with a male interpreter:

They asked if I wanted a female interviewer, but that they were very busy, and I would have [to] wait for a long time. I said it’s OK. But it was very difficult to talk to a man. He wanted to ask me about everything. He asked how I got pregnant and I told him. It made me sad. He asked me where I lived and who I lived with, who is responsible for me. I said no one. They asked if I have any problems with the woman I live with, and I said she is better than the other people I lived with before. I told them that she is going to go to Syria soon. I told them I know some girls who I can live with, but they need me to pay them. [Name of Legal Advisor] asked them to give me the money to pay the JRM [for pre-natal care].

The social worker arranged for Fardoza to have a monthly living allowance of LE120. But no further arrangements were made about her living situation or medical care.

Separated male children in Cairo are also at risk of abuse. Some of the male respondents had experienced physical or psychological abuse by flatmates.

Sometimes the others stop talking to me or blame me for borrowing their clothes. A few times they are physical, for example if I borrowed some of their clothes I would be beaten. Sometimes I resist, and sometimes I decide to fight back. Many times I was hurt badly. Sometimes when they beat me and because I have a chest disease I began to spit blood. *Daniel, aged 15 on arrival, now 17.*

I felt a lot of fear when I was staying there. They shouted at me and threatened me a lot. I usually got about three hours sleep because I had to work a lot in the house. When I finished I would try to sleep at around 5:00, but they would wake me up and tell me to go to pray in the mosque. I would get the leftovers to eat, or a small portion of what they had. I often felt very hungry. Sometimes I did not eat anything all day. When they abused me they would abuse my clan. They weren’t used to the way I spoke. [Name1] sometimes spoke kindly to me. But [Name2] said me whatever she liked. She would say ‘Are you speaking that fucking language?’ *Hassan, aged 16/17 on arrival, now 17/18.*

## Economic Exploitation

Article 32 of the CRC and Article 10(3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) accord children the right to be protected from economic exploitation. The CRC does not itself set out a minimum age of employment. The intent of the CRC was not to outlaw all forms of child labor, but only work that is hazardous, interferes with the child’s education, or is harmful to the child’s health or physical, mental, spiritual or moral development. States should provide for a minimum age and regulate hours and conditions of employment.

The 1973 ILO Minimum Age Convention goes further than the CRC, stipulating 15 years as the minimum age of employment (Article 2(3)). The ILO Convention allows that the minimum age can be reduced to 14 if the State Party is a developing country (Article 2(4)). The ILO has also set standards for the hours and conditions of employment, and for care during work.<sup>19</sup> Article 15 of the ACRWC incorporates ILO standards on child labor.

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<sup>19</sup> See for example the 1946 Night Work of Young Persons Convention (ILO Convention NO. 72); the 1948 Night Work of Young Persons Convention (ILO Convention No. 90); the 1946 Medical Examination of Young Persons Convention (ILO Convention No. 77); the 1965 Medical Examination of Young Persons (ILO Convention No. 124); and Recommendation No. 79.

Egyptian Child Law stipulates that children under 14 should not work, although children over 12 can receive vocational training. The 1996 Child Law and its Executive Statutes provide comprehensive measures for the protection of working children. However, they lack implementation mechanisms and penalties for violations of the law.<sup>20</sup> Available data about child labor suggests that the conditions of child workers in Egypt are far below the standards set by the Child Law. A 1997 survey carried out by the Egypt Population Council estimated that 1.7 million Egyptian children aged six to 14 were working (Population Council: 1998).

UNHCR's Evaluation and Policy Analysis Unit (EPAU) found that for separated children "work may not always be abusive or exploitative and in fact can contribute positively to their learning and development" (EPAU 2002:44). Separated children who work are less likely to be dependent on others and may be less likely to have to endure abusive living situations:

If you have money and you are working, then no one will treat you badly, but if you don't have money and are weak, people will treat you badly. Now I have money and I work and I go everywhere and have a lot of friends, but before it was very bad. *Deqa, aged 17 when she became separated in Cairo, now 18.*

However, separated refugee children are especially vulnerable to economic exploitation (UNHCR/ISCA 1996:37). In Egypt, while refugees are not officially denied the right to work, in practice they are almost never granted work permits. Refugee child laborers therefore lack the protection of the law. NGOs who work on child labor issues also concentrate their efforts on Egyptian child labor.

Respondents who had worked, reported over-long working hours, difficulty in obtaining wages, physical or verbal abuse in the work-place, and in two cases, conditions that could be described as 'slavery'.

I used to work as a delivery boy at a mechanic shop in Medinat Nasr. I used to fetch and carry all day around Cairo, on a bicycle for twelve hours every day from noon to midnight. The owner of the shop always used to yell at me to work faster and to do my job better. Once I hit a man from a coffee shop by accident with the bicycle and [he] beat me. *Basha, aged 16 on arrival, now 17.*

I worked cleaning in a restaurant in Heliopolis. I worked from 9am to 12:30am or 1am every day except Sundays. *Gamal, aged 16 on arrival, now 18.*

They would give you money at the end of the day or month... and you have to be lucky to get it. *Amadou, 17 when he came to Cairo, now 20.*

Separated children are also at risk of economic exploitation by the adults who are responsible for their care. Two of the respondents had been forced to work by adult 'caregivers.' A twelve year old girl, Akot, said, "I have to go and work in other people's houses to get money and when I go home she takes all my money and says it's for the rent and food." Nadir was brought to Egypt by his uncle when he was eight or nine years old. The uncle disappeared some years ago and Nadir remained with his uncle's family: his Egyptian wife (whom he calls 'Madame') and her eight children.

The Madame shouts at me and hits me and does not treat me as one of the family. I have to go out and work and the money is taken from me by her. I have to wash clothes all day, and when I come home my body hurts. *Nadir, aged 8/9 when he came to Cairo, now 15.*

In 2003, the family moved to a much smaller flat, and Nadir was told he would have to live in the laundry where he had been working. Nadir refused and ran away to live with some of his Egyptian cousins. When one of the researchers for this report spoke to Nadir's aunt, she told them that she needed Nadir to come home because the laundry owner had apparently offered to buy him from her for LE 1000.

<sup>20</sup> Articles 64 – 69 of the 1996 Child Law and Articles 136 – 151 concern child labor. Both give detailed information for the protection of working children starting from the age at which they should start working (12 for training and 14 for working), medical care for working children, provision of food and breaks during working hours, the number of working hours, etc. Neither specifies any penalties for persons who violate the provisions of the law.

UNHCR's Associate Resettlement Officer said that children in such situations should be able to contact UNHCR for assistance. However, both UNHCR and Caritas are difficult to access because of security. Refugees crowd around locked iron gates, negotiating access through security staff or interpreters. Arguments frequently break out and there have even been incidents of violence. It is almost impossible for children to gain entry without a previously scheduled refugee status determination or durable solutions interview.

Children who are in school are more likely to be able to report abuse, but access to formal education for refugee children is extremely limited, and separated children are even less likely to be in school (see 'Education'). In addition, school staff might not coordinate with UNHCR about cases of abuse. A staff member at one of the church schools said that abuse would be referred to the child's community: "We would call the family members; we wouldn't deal with the parents but we would let the community/tribal leaders handle it."

Fardoza, Hassan and Daniel were all living in abusive situations while waiting for their interviews at UNHCR. But none of the children had considered approaching UNHCR or Caritas staff to report problems. They were not in school, and had had no opportunity to report their situation to an adult until they were interviewed for this research.

Separated children may also be the victims of economic exploitation during flight. Articles 34, 35 and 36 of the CRC call on State Parties to protect children against sexual exploitation, abduction, sale, trafficking and other forms of exploitation that are contrary to the child's welfare.

Kamal and Mohamed's story suggests that their family's house in Somalia may have been sold to pay an agent who smuggled<sup>21</sup> them to Cairo.

Mohamed: After my mother and father died, a sheikh who was a friend of my father said we needed to get out of Somalia. He asked [name], a Habr Gidr man, to take us. The sheikh sold my mother's house and the shop and gave the money to [name]; I don't remember how much money it was, but it was a lot. Some of it was used to get the passports and papers. When we got to Cairo, [name] took us to a Somali house he knew in Hay Saba. We were there for three weeks. [Name] was staying there too. We didn't see him a lot; he was asleep when we were awake. He used to sleep at 5:00 then go to the café.

Kamal: He didn't act like someone who was responsible for us.

Mohamed: After about three weeks, [name] disappeared. We never saw him again. He kept our money. *Mohamed, 12/13 (est.) when he came to Cairo, now 13/14; and Kamal 10/11 (est.) when he arrived, now 11/12.*

There are some documented cases of children who have been trafficked into Cairo, although there has been no substantial research on the issue in Egypt. One of our respondents, Amina, was around eight years old when there was an attack on her town in Sierra Leone. She was separated from her mother during flight, and abducted by a Lebanese man. She was then brought to Cairo where she was given or sold to an Egyptian family. She was kept prisoner by the family and made to work without wages until she was 17-18 years old (estimated). She then finally managed to escape.

UNHCR staff said that they were also concerned that children were being trafficked *out* of Cairo with families who were resettled to a third country (usually the United States, Canada or Australia). According to the Associate Resettlement Officer, in some cases UNHCR has discovered after a family has been resettled that one of the children was not a relative. In other cases, the Office has suspected that this is the case but is unable to prove anything. There are also concerns about southern Sudanese child asylum

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<sup>21</sup> "Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident." (Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Crime: Article 3a)

seekers in Cairo who say that they were abducted in Sudan. “In Sudan, it’s quite a lucrative business.<sup>22</sup> Maybe children are being told they have to save up and pay back the money at this end.”<sup>23</sup>

## Arrest and Detention

The 1951 Convention requires that refugees “should not be penalized solely by reason of unlawful entry or because, being in need of refuge and protection, they remain illegally in a country” (UNHCR Geneva Expert Roundtable 2001). The CRC permits detention of children only as ‘a measure of last resort.’ In addition:

- Arbitrary or discriminatory detention of children is prohibited (Article 37b).
- Detained children should be treated with humanity and respect (Article 37c).
- No child should be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37a).
- Children should not be detained with adults (CRC Article 37b and ICCPR Article 10.2).
- Children should have access to prompt legal assistance, and action taken to resolve their case should be expedited (CRC Article 37d and ICCPR Article 14.3.c).

Further provisions within the CRC are particularly relevant to detention conditions in Egypt. Article 19 of the CRC requires State Parties to protect children from all forms of abuse; Article 39 requires the rehabilitation of children who have suffered previous trauma; and Article 40 requires that children accused of breaking the law be treated with dignity and that the child’s age and needs be taken into account.

The UNHCR’s Guidelines on Refugee Children state that: “The conditions must be humane, which means that the needs of refugee children must be met (CRC Art. 37). These needs [...] include protection from physical abuse [...] and] access to education” (UNHCR 1994:87).

A report produced by the Human Rights Center for the Assistance of Prisoners on the detention of refugees in Egypt (HRCAP 2003) found that the conditions of detention of refugee children in Egypt violate every one of the above provisions and guidelines. Refugees (including refugee children) in Cairo are at risk of “prolonged arbitrary detention, in harsh, violent, humiliating, overcrowded and life-threatening conditions, which have adverse effects on their physical and mental integrity.” Refugee children are detained in the same cells as adults and common criminals.

We were unable to locate a source of statistics on the numbers of separated or non-separated refugee children who have been detained by the authorities in Egypt. But separated refugee children may be more at risk of being detained than other refugee children. Human Rights Watch has reported that children who do not have stable living conditions are routinely detained for being ‘vulnerable to delinquency’ or ‘vulnerable to danger’ under the 1996 Child Law. In 2001 there were more than 11,000 arrests of Egyptian children for such ‘crimes’ as begging, homelessness, truancy from school, and mental illness. “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” (HRW 2003:1). HRW also found that “in the vast majority of cases...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” (HRW *ibid*:10). Separated children often do not have stable living conditions and even respondents with permanent addresses reported being sent on errands late at night, and not being allowed into the house during the day (see ‘Living Conditions’).

<sup>22</sup> This refers to controversy over the redemption of alleged slaves by Western aid groups in southern Sudan. *The Washington Post* and the *Irish Times* have reported evidence that some of the redemptions are staged by SPLA soldiers in order to milk funds from aid agencies offering emancipation payments. For more information, see <http://www.hrw.org/backgroundunder/africa/sudanupdate.htm>.

<sup>23</sup> Interview with UNHCR Associate Resettlement Officer, 16 September 2002.

In addition, separated children who have been detained are less likely than other children to have the means or resources to negotiate their release. Since the Egyptian authorities rarely report detained refugees to UNHCR, the Office is generally informed only by third parties (usually relatives or friends of the detainee). Separated children may not have a caregiver who would notice their disappearance, contact UNHCR or arrange legal representation. Detainees are also dependent upon contacts outside the detention center to provide them with food, safe drinking water, and other necessities (including money to pay 'taxes' to fellow prisoners) during their detention. Because of separated children's lack of parental protection, they may be especially vulnerable to mistreatment by law enforcement officials and fellow prisoners.

Fifteen-year-old Nadir, a recognized refugee, reported having been detained overnight during a week-long systematic round-up of refugees. (Four other respondents reported incidents of detention, but these had occurred after the respondents had turned 18.) Nadir's experience is consistent with the conditions described by HRW and HRCAP.

I was in 'Ataba after school. I had just realized I had left my blue card at home and that I should go back and get it. Just then a street sweeper spoke to me rudely and demanded to see my passport. I said, 'Who are you?' He showed me a state security ID card. I told him the passport was at home, and I was just going there right now to get it. He told me I would have to come with him to the state security office, but I would just have to sign a form, and then I could go. When we got to the office, I was made to wait for hours. I asked twice to make a phone call just to tell my people where I was, but they said it was forbidden. I saw a Somali man and asked him to phone a friend of mine to tell him where I was. I waited until nightfall. Then they took me to the 'Ataba prison.

A big policeman came and asked me lots of questions. He said, 'What are you doing here, where are you from, where is your residence [permit]?' I decided to cry. I said 'I have it at my house, you can come there and I will show you'. After a bit another policeman took me to the cell. I told the policeman that I was scared that I was never going to come out alive. He advised me to keep quiet and not talk to anyone.

There were about 25 Egyptian men in the cell. I was the only boy. They were there for drug dealing or fighting. Some of them threatened me with a razor and took all my money. I wanted to sleep but when I tried to sit on the floor they beat me. I stood up until 6:00 in the morning when I was finally able to sit down. There was no food or drinking water.

In the morning [the caregiver] came with my blue card, but they wouldn't release me. They took me in handcuffs to the UN where they looked up my file number. After that I was taken to the Mugama'a [the Egyptian Ministry of Interior] and they saw that my residence had come down [i.e., his application for residence had been accepted by the Ministry of Foreign Affairs]. A Western girl I had met before saw me and followed me into the Mugama'a and gave me some food and money. I was very happy because I was so hungry. Then they took me back to the police station and at about 3:00 in the afternoon they released me. *Nadir, aged 8/9 when he first came to Cairo, now 15.*

Nadir's prompt release may have been due to the fact the authorities were already co-operating with UNHCR over the release of other refugees who had been detained at the same time. In addition, Nadir was living in the UNHCR/SOS Transit Home and his caregiver was very easily able to contact the UNHCR officer in charge of detention. More typically, refugees (like Egyptian children) are detained for between one and two weeks while UNHCR negotiates their release (HRCAP 2003).

Fear of arrest and detention was cited as a major source of worry for the respondents:

The police arrest Somalis who don't have residence, so I am scared that they will arrest me. Two of my friends were arrested, one of them was released and the other one deported. I want to have residence, so that the police wouldn't take me away. *Mariam, aged 12/13 when she came to Cairo, now 14/15.*

I am always afraid of being picked up by the police. I am afraid of being arrested as I have heard from other people living here that the police treat people very badly. *Yassir, aged 15 on arrival, now 17.*

Even people with the blue card here are stopped by security. *Amadou, 17 on arrival, now 20.*

I do not feel safe, because people are coming around the house and asking questions. Egyptian police come around and ask us for passport and visa, and one of our Liberian friends got arrested and they tried to deport him. *Issam, aged 15 on arrival, now 19.*

I don't feel safe because I always think something will happen with the police. *Gamal, age 16 on arrival, now 18.*

## HEALTH

The right to health follows from the right to survival and development and has special relevance for children. The CRC accords children the following health rights:

- Children have the right to the ‘highest attainable standard of health’ (Article 24a).
- States should ensure that *all* children have access to necessary medical assistance and health care especially primary health care (Article 24b).
- Children who are victims of armed conflict, torture, neglect or maltreatment should receive appropriate treatment for their recovery and rehabilitation (Article 39).

The right to health care does not depend on immigration status (Article 2); asylum-seeking children have the same rights as children with refugee status (Article 22).

In Cairo, refugee adults and children pay for state medical clinics and hospitals (Harrell-Bond et al. 2002:4) with one exception: recently a pilot health project in the Arba Wi Nuss district of Cairo, opened by the National Council for Childhood and Motherhood has given equal access to refugees and local Egyptians in the area. UNHCR funds its implementing partner Caritas to provide subsidized healthcare for recognized refugees. Separated children with refugee status are entitled to free healthcare through Caritas, but asylum-seeking children do not receive UNHCR assistance to cover their health costs.

Five of the church schools for refugee children (the Sacred Heart Church in Sakakini and its satellite schools in Arba Wi Nuss and Maadi, the Church of the Virgin Mary Kindergarten in Arba Wi Nuss, and the All Saints Church in Zamalek) have health clinics attached to them. With the exception of the All Saints Church health center, these clinics are available only for pupils and staff of the schools. Refugee children who are not attending school are therefore doubly penalized - and separated children may be more likely to be excluded from schools than other refugee children (see ‘Education’). The All Saints clinic does not restrict its services to pupils, is better equipped than the other clinics, and is staffed and open daily. But because of the high demand it only assists asylum-seekers who have registered at the clinic within six months of their arrival in Cairo.

The respondents who did not have refugee status were not aware of the clinics which assist asylum-seekers. Their access to health care had been determined by their financial status or the financial status and generosity of caregivers (if they had one). Deqa, for example, became seriously sick and fell into a coma while she was waiting for her UNHCR interview. Her caregiver paid for her to go to a private hospital. Hassan, on the other hand, had an attack of malaria but received no help.

I had a malarial attack for three days but no one looked after me. They [the other people living in the house] only gave me water and tea and a little food. I was lying on the floor in the hall. I asked for some medicine but they said they couldn’t get me any. I had one blanket but it wasn’t enough. Sometimes they walked in and walked straight past me without saying anything. *Hassan, aged 16/17 on arrival, now 17/18.*

The research respondents with refugee status described serious difficulties in obtaining health care at Caritas. Reception staff include security officials and interpreters who may not be adequately trained to identify children and prioritize their cases. Respondents reported having to visit the clinic in person to make appointments (it was not possible to telephone in advance or have someone else make the appointment), waiting for hours outside the office for appointments to begin, and having appointments repeatedly rescheduled.

Caritas gave me appointment after appointment, but they didn’t do anything. I went there eight times, and you can’t count how many times I called, or how many times [name of legal advisor] called. *Deqa, aged 17 when she became separated in Cairo, now 18.*

Fardoza's case has been described above (see 'Abuse and Exploitation'). Fardoza was three months pregnant when she was first interviewed for this research. She was accompanied to an ante-natal clinic at the All Saints Church in Zamalek by one of the researchers. Staff at the clinic said that they could not waive the LE150 fee charged to ante-natal patients. After she was recognized by UNHCR, Fardoza (7 months pregnant at the time) visited Caritas. Her experience there has been described above in 'Abuse and Exploitation.' Although she was 7 months pregnant, she only received medical attention after her Legal Advisor accompanied her on a second occasion and insisted that she be seen by a doctor. She was referred back to the All Saints clinic for ante-natal care but still was not offered financial assistance to pay for it.

According to the 1997 UNHCR Guidelines: "unaccompanied children have all experienced separation from family members and they have also in varying degrees experienced loss, trauma, disruption and violence" (11). While there are few empirical studies investigating the mental health of separated refugee and asylum seeking children, it is consistently argued that they are at greater risk for psychiatric and mental health problems than accompanied refugee children (Trang and Lau 2002:11). "In addition to separation and unaccompaniment, increased psychological risk also occurs as a result of the process of sought asylum" (ibid.) A number of the respondents talked about psychological problems associated with the burden of being alone, including missing and worrying about the whereabouts of their families, and intense worries about their RSD interview and its result (see 'Refugee Status Determination'). Malik said "I stopped going to school because I couldn't concentrate and I couldn't learn anything. I was always thinking about my family, where they are, whether I was going to see them again, whether they are alive or dead. I haven't seen or heard anything from them for four years."

The Nadim Center for Victims of Torture gives psychiatric assistance to both Egyptians and refugees. Staff at the center said that children who had been victims of trauma would be accepted for treatment. However, the center's capacity is small and demand is very high. None of the children interviewed for this report knew about or had been referred there for help. In any case, there is debate over whether separated children's psychosocial needs are best met by traditional psychotherapy. The 1996 Machel report found that the increasing trend toward implementing such programs in humanitarian situations may be inappropriate given cultural and other factors. UNHCR's 1994 Guidelines emphasizes instead the importance of access to services that provide a sense of normality in children's lives (14): a nurturing living environment, expedited asylum procedures, healthcare, education, and freedom from the risk of further trauma. The Guidelines also emphasize the connection between the right to participate and to be informed, and psychological health (15).

## EDUCATION

I left Burundi when I was in primary school. I have been here a couple of years and I have lost my schooling. What is my future, where am I heading? *Abubacre, 16 when he came to Cairo, now 19.*

Education is crucial for the mental, spiritual and social development of children and is recognized as a fundamental human right by a number of international instruments including the CRC, the Universal Declaration of Human Rights, and the ICESCR.

The CRC requires State Parties to make primary education compulsory and available free of charge to all children in its territory (Article 28a). Secondary education should be available and accessible, and steps should be taken to introduce subsidized secondary education and financial assistance in case of need (Article 28b). The 1951 Convention also requires State Parties to provide primary education to refugee children (Article 22(1)). Egypt has placed a reservation on this provision but is still bound by Article 28 of the CRC as well as by Article 2, which prohibits the denial of Convention rights to children on grounds of race, nationality and legal status.

Education has important benefits for separated refugee children. Schools provide a normalizing environment that separated children may not have at home. Schools also offer a measure of protection against domestic abuse:

Education is vital to refugee children, not just because it provides children with options in adult life. Education meets the psychosocial needs of refugee children, and can also serve to protect children, especially those who are without the protection of their parents. Education has a direct protection function in monitoring the development and progress of children who may have been traumatized by their experiences, or who are within the care program of a particular agency. Monitoring is equally important for children at risk of [...] exploitation or for unaccompanied minors placed in foster care. If these children are in school or taking part in organized, structured activities where their attendance or absence is noted, they are much less likely to be vulnerable to abuse of all kinds (UNHCR/International Save the Children Alliance 1996).

As was discussed in the previous section, in Cairo, access to education at one of the refugee schools may result in improved access to health care.

### Educational Opportunities for Refugee Children in Egypt

A 1992 Egyptian Ministry of Education Decree<sup>24</sup> entitles “beneficiaries of scholarships by [...] the UNHCR office in Cairo,” children of “political refugees” and Sudanese, Jordanian and Libyan children to attend Egyptian government schools, but makes no reference to refugee children of other nationalities. The decree requires that children produce a copy of their birth certificate, a school certificate from the country of origin, documents proving nationality, a valid residence permit and a consent letter from their embassy in Egypt. The decree was supplemented in 2000 by a Decision of the Minister of Education<sup>25</sup> which entitles Sudanese children with the necessary documents to attend state primary and secondary schools. Refugee children from other countries are required to obtain a letter from the Refugee Affairs Department in the Ministry of Foreign Affairs.

These decrees may be aimed at meeting the obligations of the CRC, but there are a number of problems in terms of practical implementation:

- Refugees have difficulties obtaining the required documentation.
- The Egyptian education system is already overburdened.
- There are real and perceived fears of social alienation.

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<sup>24</sup> Ministerial Decree No. 24, 22 January 1992.

<sup>25</sup> Decision of Minister of Education, 13 December 2000



With the recent introduction of the UNHCR 'yellow card' (see section on 'Refugee Status Determination'), asylum-seekers as well as recognized refugees may now obtain residence permits. Refugees cannot have dealings with their embassies abroad without risking the accusation that they have "re-availed themselves of the protection of their country of origin" and the cancellation of their refugee status, but according to UNHCR-Cairo, the requirement for a letter of consent from the embassy is waived in practice. However, refugees are unlikely to have brought birth and school certificates during the flight from their country of origin.

Even if the documentation requirements were lifted, there would be further obstacles to the integration of refugee children. The Egyptian education system is already severely over-burdened. A number of schools in Cairo are operating on a 'shift' system (Dingemans 2002) and, in 2000, a national survey of six to 15-year-old Egyptian children found that 14 percent of girls and eight percent of boys were not currently attending school (El-Zanaty and Way 2001:203-208). In practice, therefore, even refugee children with the required documents may be barred from entry to government schools by administrators who decide not to give refugee children places that could otherwise be taken by Egyptian children.

Refugee families may choose not to send children to state schools because of fears of racism from Egyptian teachers and children. A staff member at one of the church schools said, "Racism is a huge problem. I have seen children coming in here who have been spat on, and called racially abusive names. This happens on a day-to-day basis. Can you imagine what would happen to refugee children who were in a small minority in an Egyptian school?"

There are three main alternatives: NGO- or church-run schools, Islamic schools and community-based or home schooling. Approximately 3000 refugee children attend the eight church-run schools in Cairo that offer primary education in either English or Arabic. Nearly all the pupils at these schools are Sudanese, primarily from the (mainly Christian) South. Children of other nationalities are excluded by language and the perception that these schools are only for the Southern Sudanese or Christians. The largest of the church schools is the St. Lwanga Centre for Basic Education at the Sacred Heart Church in Abbasiya (also known as 'Sakakini'). The school had 1,700 students enrolled for the 2002-2003 academic year – although staff say that actual attendance rates are closer to 1,300. It is the only church-run school which follows the Egyptian curriculum, and theoretically its graduates should be able to take the exam to enter secondary school. However, staff say that financial and bureaucratic obstacles mean that this almost never happens.

Male Muslim refugee children may be able to attend one of the Islamic schools in Cairo. Some of the respondents had travelled to Egypt on a student visa and had subsequently enrolled at Al-Azhar University's Islamic Mission school in Bu'outh. Schooling is free and students also receive a monthly stipend of LE 80 (around US\$13). Some students are provided with accommodation in the school hostel. The school purports to offer primary and secondary education, but the main focus of classes is the study of Qur'an. Classes are taught in classical Arabic and students who are not already fluent are placed below their actual educational standard. Students (children and young adults) have implied that they only attend classes in order to guarantee legal resident status while they are waiting for the results of their application for asylum.

Two of the communities not served by the church schools have set up their own informal education programs. The Somali community has a home-schooling project for children aged 7-11. And prior to 2002 the Liberian and Sierra Leonean communities had organized informal classes (in English, Computer Studies and Maths) taught by refugee, foreign and Egyptian volunteers at a community center in the Hay Al 'Ashir district. However, in late 2002 the Egyptian authorities searched the premises and detained and interrogated members of the Liberian refugee community because of suspicions about the purpose of the project. The center was forced to close as a result.

## Experiences of Separated Children

The lack of access to education in Cairo was a major source of concern for nearly all the young people interviewed. In discussion about education, they used terms like ‘necessity’ or ‘the thing they need most’ and strongly connected education with having a positive future.

Education is so important because someone without education is no different from an animal. What will he do? He won't have knowledge, he will just work in manual labor. *Samir, aged 17 on arrival, now 19/20.*

I want to be a very educated person... I would like to learn languages like English and Arabic then become a doctor... I want to learn to have a nice future. *Mariam, aged 12/13 when she came to Cairo, now 14/15.*

The moment you educate a person it gives him a foundation for the future. In the time to come he will be able to assist himself, he won't be sitting there begging, begging, needing assistance all the time. *Abubacre, 16 when he came to Cairo, now 19.*

They are children and the thing they need most is education. *Deqa, aged 17 when she became separated in Cairo, now 18.*

The most important thing is that we go to school, we learn some things, that we learn some job. Sometimes we spend two, three or four years here and we don't learn anything. *Faruq, 15/16 when he came to Cairo, now 18.*

I know UNHCR has a financial problem, but there are other ways to assist. Education – I know that depends on finances but it is a necessity. *Musa, aged 16/17 on arrival, now 21.*

Most of the respondents had been secondary school age when they came to Cairo, but many had been unable to complete primary school in their country of origin. Of the 30 respondents who spoke with us about education, seven had had some education in Cairo but in each case it was informal, intermittent and incomplete. Two of the Southern Sudanese respondents had briefly attended one of the church schools, but were forced to quit for financial reasons. Three of the West African refugees had attended the West African Education Project, but two had stopped going to classes after a few weeks (see below). One of these, Issam, and another boy, Musa, had also attended one of the Islamic schools but primarily because it helped them to get a residence permit:

The teachers called us donkeys because we are black. The students made fun of me because I don't speak Arabic. I also had problems because I didn't go every day. I only went enough to keep my residence permit. I didn't even understand what they said. *Issam, aged 15 on arrival, now 19.*

I had been sitting at home and thinking about what to do. My friends told me I needed [financial] support and a visa. They said I could get them if I applied for an Al-Azhar scholarship. I enrolled but I didn't go every day because I didn't really understand what the teachers were saying most of the time. It was better for me to get education from my friends. *Musa, aged 16/17 on arrival, now 21.*

None of the girls had been to any kind of school in Egypt.

The respondents cited their main obstacles to attending school as: lack of awareness of how to access schools; feelings that they were linguistically, religiously, or culturally excluded; lack of finances; work obligations or obligations in the home; and not being able to concentrate or learn because of psychological issues.

The respondents were typically unaware of their educational opportunities in Cairo. None of the children with refugee status had been informed that they were entitled to a grant of LE 400 per year (approximately \$70) to pay for transport and school materials for primary education. Fifteen year old Yunis had not even heard of the church schools. Sara (between 12 and 14 years old) knew about the school at Sakakini, but did not know how to register.

Some of the non-Sudanese respondents said that they were excluded from the church schools because of language or nationality:

When I first came here I tried to go to one of the refugee schools. They gave me an appointment slip to come back a few months later, but when I did the test they said that the school was only for Sudanese. *Amadou, 17 on arrival, now 20.*

I don't go to school because I don't speak Arabic or English and no one here understands Somali. *Mariam, aged 12/13 when she came to Cairo, now 14/15.*

Some young people said they did not go to school for financial reasons (even attendance at the church schools requires money for transport, registration and food during the day). Commitments at home, including cooking, cleaning and babysitting, or work were also given as reasons for not attending school.

Here education needs money. *Mariam, aged 12/13 when she came to Cairo, now 14/15.*

When I came here, I went to English classes at Sakakini (Sacred Heart Church), and studied for two months. It was very near where I was staying, so I could walk there easily. But I did not have the money to continue. *Zaki, aged 15/16 on arrival, now 18.*

After a year of being here, [name of the person who brought him to Cairo] sent me to Al-Azhar High School and I took an entry examination. I got a good grade but then [name] left me. I didn't have enough money for the transport so I couldn't go. I haven't read or written anything for two years. I would love to study but I don't know how. *Yunis, aged 11/12 on arrival, now 15.*

I didn't receive any education in my life. I don't go to school in Cairo because I don't have enough money. *Achien, aged 15/16 on arrival, now 17.*

My circumstances here don't allow me to go to school as I'm always thinking how I'm going to eat tomorrow or pay the rent. *Yassir, aged 15 on arrival, now 17.*

I had some education in Sudan. But I haven't gone to school in Cairo because of work and living expenses. *Joseph, aged 15/16 on arrival, now 17.*

Psychological factors may also prevent children from attending school. Amadou, who waited a year and half to receive his UNHCR result said, "When they opened up the Liberian Center (WAREP), I started go to school there. But I couldn't understand many of the things that went on in the class. I couldn't concentrate. I was always thinking, thinking, thinking." Malik, who also briefly attended classes at the project, said he had stopped going because his state of mind didn't allow him to learn. On the other hand, Issam said that the classes had helped him "take [his] mind off things" and provided his only opportunity to "get out and meet up with other Sierra Leoneans."

## REFUGEE STATUS DETERMINATION

The 1951 Convention and its 1967 Protocol defines a refugee as any person who is outside his or her country of origin, and cannot return due to a “well-founded fear” of being persecuted “for reasons of race, religion, nationality, membership of a particular social group or political opinion” (Article 1). While everyone has the right to apply for asylum, the Convention does not specifically mention children’s rights in this respect. The 1969 OAU Convention extends the refugee definition to include “every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality” (Article 1.2).

### Identification and Initial Action

Identification is the first step to providing separated children with protection and assistance. The 1997 UNHCR Guidelines recommend that identification of separated children take place at ports of entry (1997:6). But in Egypt, initial identification takes place when children approach the UNHCR office in Cairo.

The UNHCR-Cairo office is centrally located in the Mohandiseen district of Cairo, but far from areas where refugees live. Asylum-seekers must visit the office in person to register. New arrivals become aware of the existence and location of the office via community information networks in Egypt or in the country of origin. Child asylum-seekers are less likely to be aware of, or be able to, access the office. Nadir came to Cairo from Liberia when he was only eight or nine years old, and lived with an Egyptian caregiver. He had been in Cairo for six years before he was told about the UNHCR.

Since 2002, there have been substantial improvements in UNHCR’s initial processing of asylum-seekers in general, and of separated children in particular. Respondents who first approached the office between 2000 and 2002 reported having to visit the office multiple times before they were able to register. Some were not identified as children (despite their appearance and passport age) and their claims were not fast-tracked. Others were told they were ineligible to apply for asylum *because* of their age.

The line was so long, we had to go and sleep there the night before. The air was cold, man, it was a terrible night. In the morning, a guy with curly hair was handing out slips. When he got to me, he said I couldn’t get a slip. I asked him why, and he said that I was underage. I was surprised because I thought us kids were supposed to get more protection than the adults. I slept there all night waiting for my slip. I was so angry that day. He said that I should come back when I was over 18. It made no sense. *Issam, aged 15 when he first approached UNHCR in 1999.*

My friend and I had to wait outside the gate while an Egyptian guy took my passport and gave me a slip. The date on the slip was one year later. We didn’t say anything about my age. The system was you just queue for your slip and go; you don’t talk. Neither of us knew that [as a 15 year old] I should be treated differently. *Juma, aged 15 when he first approached UNHCR in 2000.*

Someone took my passport. After a while he called for me and told me he could not register me because I was too young. He told me to go home. *Sara, aged 12/13 (est.) in 2002 when she first approached UNHCR.*

Since April 2003, children who arrive in the office unaccompanied are immediately admitted for a preliminary interview to verify their age and determine whether or not they are separated. Children are then issued with a document known as a ‘yellow card’ that identifies them as an asylum-seeker, and therefore under the legal protection of the UNHCR. A refugee status determination interview is then scheduled for within two weeks.

Some additional steps have been taken to locate separated children who have *not* approached the office: for example, adult asylum-seekers are now asked at their RSD interview whether they are hosting children who are not members of their immediate family. The identification of separated refugee children is not only the responsibility of UNHCR. Ideally, all governmental and non-governmental agencies working with

children or refugees would be aware of the importance of referring separated refugee children to the Office. However, some staff of organizations working with refugee children in Cairo were unaware of the possibility that refugee children could travel to Cairo unaccompanied or separated. A staff member at St. Andrew's Church said: "Unaccompanied children can't come here, because they can't get a passport; they have to be on the passport of someone else. If they get a passport they usually make their age younger rather than older, so that they avoid military service." A staff member at the Sakakini Church added, "If they are 16 or 17 they may come here on their own, but before that they come with their aunt or other family or tribe members." Caritas, one of UNHCR's implementing partners, interviewed one of our respondents (estimated to have been between 12 and 14 years old at the time) about her living situation and even provided her with financial assistance, but did not refer her to the UNHCR.

Asylum-seekers are registered at the office according to the date of birth on their passport. However, separated children may arrive in countries of asylum with falsified documents, including passports with false birth dates (see Russell 1999). UNHCR staff say that children who inform reception staff that their passport age is false are given the benefit of the doubt. But children may not volunteer this information. Some children do not know their date of birth, or have been advised by a member of their community or other authority figure not to reveal it (*ibid.*). Children may continue to follow this advice even when it results in inconsistencies in their testimony, and therefore problems for their refugee claim. Other children do not mention their real birth date simply because they are not asked.

I had to change my [passport] age to leave Somalia... At the UNHCR gate no one treated me as a child... No one asked me about my age. The interviewer treated me like an adult. *Mariam aged 12/13 when she came to Cairo, now 14/15.*

There are also recent cases where procedures for initial identification were not correctly followed by reception staff:

They took us inside the front gate. An interpreter called [name] went away with our passports. When he returned he asked us who was responsible for us: aunt, uncle, father or mother. We told him 'We don't have anyone.' He said 'We can't help you, you have to go. Bring someone who is responsible for you, so we can give you an appointment.' We said 'But we don't know anyone!' Then he said, 'Then we can't help you.' *Mohamed, 12/13 (est.) when he came to Cairo, now 13/14, and Kamal, 10/11 (est.) when he arrived, now 11/12.*

Nadir, aged 15, asked one of the authors of this report to accompany him on his first visit to UNHCR in May 2003. When he arrived at the office he was told by the reception staff that he could not register that day. The researcher intervened to explain that he was a separated child, was in an abusive living environment, and would have difficulties leaving the house on another day. Nadir was still not allowed to register until after the researcher had asked to speak to, and had received permission from, a supervisor.

Children are not assigned a guardian or legal advisor when they first approach the office although the need for both is emphasized in the 1997 and 1994 Guidelines. Children may be given contact details for a legal aid office (see 'Participation' below) but, according to legal aid staff, do not pursue this on their own initiative. The UNHCR RSD Focal Point for Minors said that most separated children attend their RSD interview without legal representation.

Guidelines state that "Tracing for parents and other relatives is essential and should begin as early as possible. In addition to the importance of family reunion, it can be very important for the child to know that someone is looking for his or her parents" (UNHCR 1994:128). However, staff at UNHCR-Cairo reported that tracing through the International Committee for the Red Cross in Cairo rarely yields results. "The ongoing situation in parts of Somalia prevents effective family tracing from being done there, [although] increased UNHCR field presence in southern Sudan should facilitate family tracing there in the near future."<sup>26</sup> UNHCR is also looking into the possibility of collaborating with UNICEF-Sudan.

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<sup>26</sup> Email from the UNHCR Deputy Regional Representative to the Director of FMRS, August 2004.

## Participation

### *Informing Children*

I don't want to make accusations to UNHCR but what they are doing seems very confusing. *Musa, aged 16/17 on arrival, now 21.*

The child's right to participate in all decisions affecting them is a central theme of the Convention on the Rights of the Child and the UNHCR Guidelines. This right involves not only "the right to express [his or her] views...the views of the child being accorded due weight in accordance with the age and maturity of the child" (Article 12) but also the "freedom to seek, receive and impart information" (Article 13).

UNHCR's 1994 Guidelines emphasize the connection between children's right to participate and to information, and psychosocial well being (14-15). Respondents reported intense feelings of worry about their RSD interviews and results. Nadir said "When I went for my interview my heart was beating so loud I thought I was going to die." Deqa said that "All our waiting is for the UNHCR and worrying about what they will do for us." Psychological risks increase if children are not informed about the purpose and nature of the RSD process, the potential delays, and the possible outcomes.

Children who are not adequately informed about the RSD process are more receptive to misinformation (UNHCR 1994). Basha was 17 when he first approached UNHCR. His passport age had been changed to 18 so that he could leave Sudan unaccompanied. But he said that informing UNHCR of his correct age would harm his case. Issam, a former child soldier, said "[the interviewer] asked me more than once if I have ever killed. I told her that I had not because I was afraid she might call the police and they would arrest me."

I didn't understand what the interview was for. I thought they were just going to get information about my passport and so on. I didn't know the interview was to decide whether or not to give me protection. *Faruq, 15/16 when he came to Cairo, now 18.*

I want to ask if it is possible for them to hire staff who know the situation of the country you come from. The things you say are very confusing for the interviewer. You say something that doesn't usually happen, especially to an Egyptian. How can they know about the culture, about children with guns? *Musa, aged 16/17 on arrival, now 21.*

We experience racism on the street and we are worried that the Arab interviewers are racist too. *Abubacre, 16 when he came to Cairo, now 19.*

However, interviewers may give less information to children than adults because they assume the child will not understand it. One of the researchers sat in on 15 year old Nadir's preliminary interview in May 2003, and recorded the following exchange:

Interviewer: I can explain what this office does. The refugee definition is complicated, so I won't explain what it is. We can only help people who we consider to be refugees. We will now register you and arrange and schedule you to find out if you are a refugee. Do you understand?

Nadir: Yes.

### *Hearing Children's Views*

They should ask me what I think is the best for me. *Abubacre, 16 when he came to Cairo, now 19.*

UNHCR's 2003 Agenda for Protection asks for: "States, UNHCR and partners to set in place measures to ensure that, as appropriate, refugee children and adolescents participate equitably in decision-making in all areas of refugee life, as well as the implementation of such decisions" (UNHCR 2003:87). But UNHCR/EPAU's 2002 report on UNHCR's work with refugee children around the globe found that the Office makes "very limited efforts" towards creating partnerships with refugee

children and adolescents (EPAU 2002:74). At UNHCR-Cairo, measures to promote children's participation at policy levels have not yet been put in place.

In refugee law, unlike in family law, the child's wishes are not a necessary part of the decision-making process. UNHCR staff say they use the RSD interview, as well as the preliminary, and durable solutions interviews, as opportunities to hear the child's views on their living situation and access to health care and education.

Legal representation increases children's access to information and the likelihood that their views are heard and taken into account. UNHCR Guidelines state that a legal advisor or guardian "should be appointed immediately" (UNHCR 1994:101). The UNHCR RSD Focal Point for Minors, who carries out the RSD interviews for children, suggested that legal representation is useful both for the child and for the UNHCR official responsible for making a decision on the child's case.

It is easier to interview children who have a legal advisor. Children do not know what they need to say on their own. Their relatives sometimes advise them to say things which can negatively affect their claim. If they come with an advisor, they can organize their thoughts; they know which parts of their story are relevant to their claim. They also have more support; you can see that they feel more comfortable and secure.

There are three organizations which provide legal aid to asylum seekers in Cairo. Musa'adeen ('Helpers') is run by paralegals from the refugee community who write testimonies for asylum-seekers. The Refugee Center for Human Rights is staffed by Egyptian lawyers and paralegals. The Egyptian Organization for Human Rights Refugee Legal Aid Project (RLAP)<sup>27</sup> is staffed by Egyptian and international lawyers and paralegals. The first two organizations refer all child asylum-seekers to RLAP.

RLAP legal advisors take testimonies from clients, write legal briefs and accompany clients to their RSD interviews. RLAP representatives receive training in children's rights issues, in interviewing and providing legal aid for children, and on working with children who have had traumatic experiences. Training is not the same as expertise, however. While interviews between client and advisor may be perceived by children to be less difficult than the RSD interview, they may still re-open psychological wounds. RLAP sometimes addresses this problem by interviewing caregivers or others close to the child to eliminate the need for questioning the child in detail about traumatic experiences.

Legal advisors counsel the child about all aspects of the asylum-seeking process and its possible outcomes. RLAP advisors have continued contact with the child after his or her result. They follow up when the child has problems accessing assistance at one of the service providers (see 'Abuse and Exploitation'). One RLAP legal advisor described himself as having acted as a "substitute social worker" for his client. This highlights the need for individual supervision of separated children throughout the RSD process and afterwards. Ideally, this role would be played by a social worker rather than by children's advocates.

RLAP is largely staffed by volunteer interns and there is a high turnover of advisors. In some instances children have been re-assigned advisors before their cases have been concluded. Some children had experienced unacceptable delays in being assigned a representative. Hassan, aged 16/17 when he came to Cairo, had not been assigned a lawyer by the time of his UNHCR interview. He was told to go the UNHCR office alone to ask for his interview to be postponed. One week before the new interview date he still had not been assigned an advisor:

I used to go to the Legal Aid office to bring people who wanted to register. Each time I would ask [the receptionist] whether I had been assigned a lawyer yet, and she said not yet, just wait, a lawyer will call you. Sometimes I would call and she would say the same thing. A week before my interview I came to the office and asked why no lawyer had called me. She said there is no problem, go home and a lawyer will call you tomorrow or after tomorrow. I became furious and started shouting at her until another lawyer came and talked to me and calmed me down. *Hassan, aged 16/17 on arrival, now 17/18.*

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<sup>27</sup> Now known as Africa & Middle East Refugee Assistance (AMERA).

Hassan was re-assigned advisors three more times before his UNHCR interview.

There have been a number of recent improvements. RLAP now requires volunteer lawyers and paralegals to commit to a six-month contract, thereby reducing staff turnover. The office has recently hired a volunteer paralegal with experience in advocating for the rights of asylum-seeking separated children to monitor all children's cases at the office. Since 2004, RLAP has also employed two social workers. Ideally, RLAP would also have a permanent staff member supervising children's cases.

Although legal representation increases individual children's participation in decisions taken on their behalf, RLAP, like UNHCR, does not currently promote the participation of refugee children (or adults) in policy decisions. In 2003 staff discussed the possibility of setting up an advisory body made up of members of the refugee community, but this has not yet been put into effect.

As noted above, child asylum-seekers are given the contact details of the RLAP during their preliminary interview at UNHCR. However, RLAP staff said that few, if any, children contact RLAP alone. Ideally UNHCR would facilitate contact between the child and RLAP.

## **The 'Best Interests of the Child' in the RSD Process**

### ***'Best Interests' and the RSD Interview***

My cause of being denied was 'Burden of Proof not Satisfied,' but how can I remember all that happened to me? I am not a politician; I can't explain why I was persecuted. I just tried to explain what I was able to explain. *Musa, aged 16/17 on arrival, now 21.*

Article 3 of the CRC requires that "[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." Refugee status determination for separated children falls within the scope of Article 3.

UNHCR Guidelines suggest that all interviews with children should be carried out by experts in child development: "It is desirable that all interviews with unaccompanied children (including the interview for the determination of refugee status) should be carried out by professionally qualified and specially trained persons with appropriate knowledge of the psychological, emotional and physical development and behavior of children" (1997: 8). However, UNHCR-Cairo does not have funding to employ child-care specialists either as interviewers or decision-makers.

Guidelines also emphasize the need to "[p]rovide all staff working with children with briefing or training in issues related to refugee children [...] A common core of knowledge, skills and attitudes towards children and their needs should be provided to all categories of UNHCR staff who deal with children" (1994:154). In 2004, UNHCR staff received training from materials based on the 'Action for the Rights of Children,' a joint publication by UNHCR, UNICEF and the International Save the Children Alliance (see Bibliography). UNHCR staff expressed interest in receiving further training on interviewing children who have experienced trauma, although so far they have been unable to locate anyone with the required expertise. An increased understanding of such issues is essential for interviewers and decision-makers. For example, legal aid staff reported that UNCHR had cited aggressive behavior in an asylum-seeking child as indicating a lack of vulnerability. Yet such behavior is a common symptom of Post Traumatic Stress Disorder (PTSD) (Trang and Lau 2002:3).

During the RSD interview the applicant is asked to show whether they fit the 1951 or OAU Convention refugee definitions by describing experiences of persecution in their country of origin, or by showing that they have fled a situation of conflict. Separated children are also asked to give information about the causes of separation from their families. This will often be deeply upsetting for the child and is likely to



have consequences for their psychological well-being. Some children reported having flashbacks or nightmares after their interview.

She asked me about when my mother and uncle died. She asked me about it three times. Then she asked me the date of my mother's death. She asked me that many times and then I started to cry. *Mohamed, interviewed in 2003, aged 13/14.*

RSD interviews are designed to assess the 'credibility' of the asylum seeker. But credibility assessments have a number of flaws. There are legitimate reasons why adult asylum seekers may fail to give coherent testimony during RSD interviews (see Kagan 2002: 28). There are further concerns for children. For example, they may not have clear memories or comprehension of why they fled or were sent abroad, and they may feel intimidated by being questioned by an adult authority figure. However sensitive the RSD interviewer is, children can find such credibility assessments intimidating and even adversarial:

The interview was very hard. She asked me a lot of details about everything that happened to me in Somalia. She kept asking about my family, which hurt me. She asked me about when my father was killed when I was with him, and about what had happened to my other family. It was very painful, I was very sad. She kept asking me the same questions again and again. I was so confused when it was finished. That night at first I couldn't sleep and then when I slept I woke up and I was shouting because I was dreaming about the interview. *Hassan, interviewed in 2003, aged 17/18.*<sup>28</sup>

There are alternative, more child-friendly, methods of taking testimonies. RSD procedures in Canada allow the use of videotaped testimony in asylum hearings. In the UK, children generally submit their testimony through written submissions prepared by lawyers (Bhabha and Young 1999:123). The UK model has been criticized because it denies children the right to have their views heard by the officials deciding their case (Russell 1999). But if, in Cairo, all children were able to submit written testimonies, then detailed questions about traumatic incidents could be avoided during the RSD interview. Interviewers could determine credibility on the basis of the child's verbal testimony about other parts of their claim, and on country of origin information.

Another option is for all asylum-seeking children (or perhaps all children under a certain age) to receive *prima facie* recognition (i.e., refugee status awarded on the basis of country of origin information and without an individual RSD interview).<sup>29</sup> UNHCR is unlikely to adopt this solution in the near future because of the concern that it would encourage false claims.

### ***'Best Interests' and Decision-Making***

The 'best interests' requirement has implications not merely for procedural issues like the expedited scheduling of children's RSD interviews, but also for the decision-making process itself and its possible outcomes.

UNHCR has issued the following guideline on the use of best interest considerations in making RSD decisions:

When a child is unable to articulate a claim, or when it is not possible to determine the refugee status of a minor, a decision should be made as to what durable solution would be in the minor's best interests. UNHCR encourages countries to consider the best interests of the child when determining the refugee status of a minor, and to determine refugee status using the broadest possible interpretation (UNHCR 1998, 1998b, and ExCom 48).

One interpretation of this guideline would have 'best interest' considerations understood as interpretive tools that direct decision-makers to use the child's best interests to resolve ambiguities or vagueness in

<sup>28</sup> There have been massive improvements in the RSD interview environment at UNHCR-Cairo since staff changes in 2003. An RLAP transcript of the RSD interview of a 15 year old boy in 2002 reported multiple breaches of the UNHCR Guidelines by the RSD interviewer. This interviewer was, at the time, responsible for carrying out all interviews with children. In 2002, in reference to her decision to accord a 12 to 14 year old (est.) disabled child refugee status after only the preliminary interview (i.e. before the RSD interview), she told one of the researchers, "sometimes I am nice, sometimes I am not. It depends on the day, on the stars." (EOHR RLAP has forwarded a full report on the treatment of the child to UNHCR's Senior Protection Officer.)

<sup>29</sup> It has been argued by Kagan (2002: 44) that *prima facie* recognition may also be appropriate for adult refugees in Cairo.

the definitions, or to resolve questions of credibility or gaps in country of origin information. If this is the correct interpretation, then directives on children are not substantially different from those of adults since ambiguities for *all* cases are required to be resolved so that applicants are given the ‘benefit of the doubt’ (UNHCR 1979:32-33).

Alternatively, the guideline may be intended to imply that ‘best interest’ considerations trump considerations of whether or not the child fits the refugee definition. “In the majority of cases where unaccompanied minors seek asylum it will be in their best interests to be granted refugee status, both in terms of their immediate protection needs and their future legal status and standard of living” (Bhabha and Young 1999:123). This is especially true in Egypt where there are no provisions to repatriate children denied refugee status, and where such children frequently remain without legal status and at risk of detention or deportation in abusive conditions.

Article 3 of the CRC does not entail that best interests considerations determine the outcome of the RSD process. Best interests are *a* – but not *the* – primary consideration in decision-making. They may be weighed against other considerations, including the restriction of the scope of the refugee definition, the prevention of abuse of asylum procedures, and the deterrence of smuggling and trafficking networks (ibid.:123). Considerations of family unity do trump the refugee definition, and accord the immediate family members of a refugee their own refugee status. However, other provisions within the CRC relating to the right to survival and development and to freedom from harm may entail that separated children in Egypt who do not fit the refugee definition, but who cannot be repatriated, should be awarded the right to remain in the host country by immigration authorities.

UNHCR’s 1994 Guidelines state that “[i]f the refugee claim is denied, the child might be permitted to stay with an immigration status granted for another humanitarian reason, or receive a rejection or deportation order” (98). In addition, children should not be returned unless “(a) a parent has been located in the country of origin who can take of the child, and the parent is informed about the details of return; or (b) a relative, other adult care-taker, government agency, or child care agency has agreed, and is able, to provide immediate protection and care upon arrival” (134). The Guidelines do not give a clear directive on what decision to take if these conditions are not met, or if there are other reasons why the child cannot be returned. But they strongly imply that if family reunion in the country of origin is not possible, an alternative immigration status should be granted on humanitarian grounds.<sup>30</sup>

UNHCR-Cairo’s current policy is that in some cases separated children who fall outside the 1951 or OAU Convention definitions are granted refugee status for humanitarian reasons. Not all separated children identified by the office are ‘recognized,’ however. According to the Associate Resettlement Officer, at one point it had been decided that all genuinely separated children identified by the Office would be granted refugee status. Children considered to fall outside of the refugee definition would be given ‘temporary protection’ but no financial assistance. However, this decision was overturned because of concerns that it would encourage an influx of children with false claims.

Several UNHCR staff members have said they are aware that children denied refugee status need further assistance, and there are plans to give counseling sessions and to refer children to NGOs who can help them. It remains to be seen whether there are NGOs who can take responsibility for such children. Their immigration status remains the key issue since such children are at risk of detention and deportation under harmful conditions (see ‘Detention’). UNHCR has approached UNICEF-Cairo to co-operate in finding solutions for children who have been denied asylum, but UNICEF has so far said that it cannot work outside its current 5-year agreement with the National Council of Childhood and Motherhood. Ultimately the responsibility for such children lies with the Egyptian government, which must put mechanisms in place to prevent separated children from being detained and deported under conditions that violate their rights. In the meantime, UNHCR might reconsider its decision not to award ‘temporary protection’ to separated children who would otherwise be denied refugee status while families or suitable caregivers are

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<sup>30</sup> In the UK, for example, children are granted ‘Exceptional Leave to Remain.’

traced in the country of origin. Monitoring of children's living conditions would help UNHCR ensure that such children are genuinely separated.

### **Issuing of Results**

The 1997 UNHCR Guidelines advise that "decisions should be implemented without undue delay" (3). Previous to 2003, many of the separated children interviewed waited up to a year for their results. This affects the well-being of the child in multiple ways. Trang and Lau's 2002 overview of research on the psychological well being of refugee children found that waiting for the outcome of asylum processes was a major indicator of mental health problems (11). Delays also mean that children are not referred for assessments of their living situation and for financial and medical assistance. Juma, for example, waited from April 2002 to June or July 2003 for his result. By the time he had received refugee status, he was over 18 and thus ineligible for Caritas assistance. Amadou waited two years and nine months, from November 2000 to August 2003, for his claim to be processed. One and a half years had passed between his interview and the decision to award him refugee status. During this time he repeatedly told researchers and teachers at WAREP that he felt like he was "going mad."

Sara, who is disabled, was between 12 and 14 years old when she was interviewed in September 2002. One month later, she was informed that she had been recognized. She went to the Office on three different dates to collect her 'blue card' (the official identification card for recognized refugees). On the first two occasions she was told that the appointment had been rescheduled. At the third appointment she was told that the interviewer had failed to have her case reviewed properly, had subsequently lost her file, and that her refugee status had been withdrawn. Sara then waited an additional six months before she was finally awarded refugee status.

During 2003, new procedures were implemented and UNHCR staff say there has been a great deal of improvement in the issuing of results. Children should now be informed of their RSD result within two months. However, RLAP staff said that in practice there are sometimes still long delays. In September 2003 RLAP staff said that a 16 year old female and her two younger brothers, interviewed in December 2002, had not received their results. Omar, who was interviewed in February 2002 did not obtain his result until September 2003. UNHCR have said that delays such as these may be the result of the need for country of origin information or the need to determine whether children are genuinely separated.

Currently, appeal interviews for children are not expedited and appeal results may also be delayed. Six of our respondents, some of whom had reached the age of majority during the RSD process, were appealing negative decisions. In September 2003, Abubacre said, "I submitted an appeal in October [2002]. The result was supposed to come out on the first of April, but no result has come out yet."

### **Durable Solutions**

Some children – such as those who are unaccompanied or ill – require special protection and assistance to help them find and adjust to more permanent situations (UNHCR 1994:137).

UNHCR-Cairo is responsible for facilitating decisions concerning the long-term status of all refugees recognized by its Office. 'Durable solutions' decisions are made by UNHCR after an additional interview. There are three possible durable solutions: resettlement to a third country (typically the US, Canada or Australia), local integration in Egypt, or voluntary repatriation to the country of origin. Separated children denied asylum also have the right to an assessment of the solution that is in their best interests (UNHCR 1997:13-14), but currently this does not happen.

UNHCR-Cairo recommends resettlement for separated children only after family-tracing attempts have been exhausted (usually after a period of two years) or when they reach the age of 18. This is in line with UNHCR Guidelines: "Resettlement of unaccompanied minors should only be considered on an exceptional basis and through case-by-case examination, where other solutions are not appropriate" (1994:

147). The Guidelines state that repatriation for separated children requires the tracing of family members, and cross-border coordination with inter-governmental agencies and local NGOs (see previous section) (1997:21). Similar procedures should be undertaken for children who are considered for resettlement to a third country, or for family reunification.

In 2003, an increase in the numbers of refugees recognized by the Office caused delays of up to six months for durable solutions interviews. UNHCR has stated that “the durable solution identified for the child should be pursued as quickly as possible to avoid a child living in limbo longer than absolutely necessary” (UNHCR 1996), and UNHCR-Cairo staff said children’s durable solutions interviews are ‘fast-tracked’. However, Hassan was accorded refugee status in July 2003 and his durable solutions interview was not scheduled until April 2004. Fardoza, who was also accepted in July 2003, was scheduled for a durable solutions interview in February 2004, seven months later. At the time, she was pregnant with no permanent home or caregiver. Mohamed and Kamal were aged 13/14 and 11/12 when they were interviewed about their durable solution. Their caregiver had informed UNHCR that he could not afford to look after them, and the interviewer told them that they would be moved into the SOS transit home. Three months later this had not happened.

There is also a concern that separated children have inappropriate adult criteria applied in determining their durable solutions. The RLAP Senior Legal Officer commented on the case of a girl who had become separated after her arrival in Cairo. She had told UNHCR that she had transited in a third country for one night while travelling to Cairo with her family. UNHCR, however, suspected that she had stayed in that country for a longer period of time, and thus met the definition of an ‘irregular mover’ (i.e., someone who has arrived from a country where they have either already obtained, or could have applied for, refugee status) (see UNHCR Cairo: 2000). According to UNHCR’s definition, however, children who have become separated after arrival in the country of asylum cannot be referred to as ‘irregular movers’ since their movements cannot be “the result of an informed decision by [the] refugee” (ibid.: 3) but is rather the result of a decision by their parents or guardians.

Staff at UNHCR-Cairo are faced with an extremely hard choice when it comes to making durable solutions decisions for separated children. On the one hand, the guidelines make it clear that resettlement should be a last resort since, for example, it may decrease the possibility of eventual family reunification.<sup>31</sup> But on the other hand, children who stay in Cairo may currently be denied their rights to education, a safe living environment, freedom from the risk of arbitrary detention, and so on. This dilemma was articulated in a conversation between Abubacre and Musa. They had both been denied refugee status and were waiting to hear if they would be given appeal interviews. Neither of them had obtained access to school or to primary health care while they were in Cairo:

Abubacre: It’s better to be resettled than to remain here jobless, spending days and nights without eating, feeling hopeless. At least there you can work, even if someone who is educated is doing work of a low standard. You can survive until you go back to your own country.

Musa: My goal coming here was to get UNHCR protection; I wasn’t thinking about resettlement. But when I got here it was different than I expected. I thought you would get protection immediately and I could continue my studies. I thought I could get a job easily. But all these things made me think about resettlement. But if there was full protection here and hope for the future...

Abubacre: I can’t see anywhere that is better than home. I just can’t go there now because of the violence. I don’t know where my family is so there is no one to support me or who can defend me. I know there may be struggle in a resettlement country, but what am I to do?

Musa: If you get resettlement UNHCR is in charge of finding you somewhere to live, finding you a job, helping you with your process. Here you are left on your own.

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<sup>31</sup> In addition, there are a number of concerns relating to the standard of foster care of separated refugee children who are resettled to western countries. See, for example, “Refugee Foster Care in the Mississippi: When Cultures and People Clash,” at [www.aliciapatterson.org](http://www.aliciapatterson.org).

## CONCLUSIONS & RECOMMENDATIONS

Sometimes children arrive with a well-founded fear of persecution, but face more problems once they are here. They experience physical and sexual abuse, but they have nowhere to go. The troubles they face have turned them into adults. They don't have the sense of being a child anymore; they don't act like children. *UNHCR-Cairo RSD Focal Point for Minors*

Separated refugee children are accorded a comprehensive set of rights by the 1989 Convention on the Rights of the Child and the 1951 Convention Relating to the Status of Refugees. The CRC emphasizes the principle of survival and development, the principle of the best interests of the child, the right to freedom from discrimination, and the right to participation. These principles inform specific rights such as the right to family unity or alternative care, protection from abuse and exploitation, access to primary education and health care, access to asylum procedures, and protection from arbitrary or discriminatory detention.

In Egypt, non-citizen children have been excluded from state social services either by law (in the case of alternative care arrangements) or in practice (in the case of education). Egyptian NGOs for children do not target refugees and lack awareness about the existence and needs of refugee children. UNICEF does not work with refugee children, and has resisted suggestions by UNHCR that the two organizations collaborate.

Thus the primary responsibility for the protection and care of separated refugee children in Egypt falls on UNHCR-Cairo, its implementing partners (Caritas, SOS Kinderdorff International and Catholic Relief Services), church-based NGO schools and health clinics, legal aid organizations and the refugee communities themselves.

At UNHCR-Cairo, protection of refugee children emphasizes legal protection such as access to asylum and but children's other rights are not prioritized. UNHCR/EPAU's evaluation of UNHCR's work with refugee children worldwide had similar findings about UNHCR field offices:

The shortcomings in meeting the protection needs of refugee children arise from too narrow a conception of protection. Narrow concepts of protection, such as a focus on the legal status of the head-of-household and access to asylum, miss the breadth of risks faced by refugee children (2002:81).

UNHCR staff recognize the importance of implementing the full range of protection activities for children, but say that such activities are restricted by the need to deter abuses of the RSD process. This conflict of priorities has resulted in a failure to address children's rights both in RSD and in children's living environments, resulting in the decision not to award separated children temporary refugee status, and the lack of an adequate system to assign caregivers to children and to monitor their living conditions. The Associate Resettlement Officer told researchers: "The inherent problem in our role is that we are humanitarian workers, but we are making [RSD] decisions....It's a confused message: we're here to help children, but we have to put discouraging obstacles in place."<sup>32</sup> These issues are likely to remain as long as UNHCR-Cairo continues to occupy a roles as both advocate for refugee rights and RSD decision-maker.

### The Right to Family Unity

The principle of family unity is of fundamental importance for children. According to UNHCR/EPAU (*ibid.*), "just as non-refoulement is the most fundamental principle of the refugee protection regime, the principles of the best interest of the child, and family unity are pre-eminent for the protection of refugee children." However, in Cairo, ICRC tracing has not generally been successful in locating children's families. In future, coordination with UNICEF and UNHCR's offices in Sudan may be more effective.

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<sup>32</sup> Interview with UNHCR Associate Resettlement Officer, 16 September 2002.

## *Recommendations*

- Increased cooperation is needed between the Egyptian government, UNHCR-Cairo, other inter-governmental agencies – especially UNICEF – and organizations in the countries of origin in order to facilitate tracing of families and the safe repatriation of separated children denied asylum.

## **The Right to Alternative Care Arrangements and the Right to Protection from Abuse and Exploitation**

Adoption is not permitted under Egyptian law, and Egyptian legislation currently prohibits non-nationals from fostering children of their own nationality. As a result, the fostering of refugee children is not regulated by the state or supervised by state social workers. UNHCR has agreements with two international NGOs to co-ordinate fostering arrangements for separated refugee children. These arrangements are generally made only after the child has received refugee status, leaving asylum-seeking children and children denied asylum at risk.

SOS- Kinderdorf International and UNHCR have established a temporary care facility for a small number of male separated children. The majority of children live with members of their own communities. Caritas is responsible for supervising the living conditions of these children. But little evidence was found that separated children are assigned caregivers or that living situations are monitored. Most of the respondents had found caregivers or accommodation through their own efforts – some by literally knocking on doors of people from their community. In a number of cases, these strategies were successful and children were fostered by adults who treated them as part of their family. But reliance on the generosity of individuals who have inadequate resources themselves is not an effective solution on its own. UNHCR/EPAU's evaluation of UNHCR's work with refugee children found that "social systems are the primary providers of protection to children but they are also a potential source of violations" (ibid.: 82). Most of the research respondents had at some point lived in insecure, temporary situations where they were at risk of abuse. Some children had experienced physical, psychological or sexual abuse. Others were victims of economic abuse, either because of exploitative working conditions or because they were used as a source of income by 'caregivers.' There are also indications that children may be economically exploited during travel to Cairo by smugglers or traffickers.

Currently, bureaucratic and security measures prevent children from easily accessing the relevant officials at UNHCR or Caritas to report abuse. Staff at schools are also unaware of the mechanisms available for removing children from situations of abuse.

## *Recommendations*

- There should be an efficient system of monitoring asylum-seeking children's living conditions that takes effect as soon as they are identified by UNHCR. Separated children should participate in the design of the program. Staff monitoring children should be trained in the Convention on the Rights of the Child. Monitoring would have the additional benefit of enabling UNHCR to ensure that children seeking asylum are genuinely separated.
- As UNHCR/EPAU states, "the frontline of protection, especially of refugee children, is the social structure" (ibid.: 81). UNHCR could make use of the resources within the refugee community, not only in terms of locating people who are willing to act as caregivers, but also by working with pre-existing community-based programs to monitor the care of all separated children (see UNHCR et al. 1998). Communities should receive training and ongoing support and co-operation from UNHCR and its implementing partners.
- The Egyptian government could revise the Ministerial Decree relating to fostering, to allow for refugee children to be legally fostered by members of their own communities. The benefits would be not only that children's care arrangements were monitored by the state: children's access to education and health care would also be brought under state supervision.

## **The Right to Protection from Arbitrary and Discriminatory Detention**

Separated refugee children are at risk of detention under conditions that violate the CRC. Because of insecure living conditions they may be more likely than other refugee children to be detained, and are less likely to have the resources to negotiate their release.

### *Recommendations*

- The Egyptian government should establish mechanisms to prevent the detention of children in abusive conditions.
- Law enforcement officials require training on the rights of refugees, and, in particular, of refugee children.

## **The Principle of the ‘Best Interests’ of the Child in Refugee Status Determination Procedures**

In 2003, UNHCR-Cairo implemented new mechanisms to prioritize the legal protection of separated refugee children in Egypt. The best interests of the child is now a primary consideration in RSD procedures and in RSD results. Interviews and results are, in theory, expedited. The RSD interview environment and interviewing techniques are more child-friendly. However, children are not automatically assigned legal advisors or guardians. The requirement that children give detailed information about traumatic events in order to assess their credibility, does not fully conform to principle of the best interests of the child.

UNHCR-Cairo’s current policy is that separated children who are not strictly refugees under the 1951 or OAU conventions may be granted refugee status for humanitarian reasons. Not all separated children who seek asylum are recognized, however. A plan to give all asylum seeking separated children ‘temporary protection’ was abandoned because of concerns about a possible influx of children with false claims. Currently, separated children denied refugee status remain in the country illegally and are at risk of detention and deportation under conditions which threaten their survival and development.

### *Recommendations*

- Staff of all organizations working with refugees in Cairo (including schools, and community based organizations and community leaders) should be involved in identifying separated children and referring them to UNHCR.
- There should be formal cooperation between UNHCR and legal aid clinics to assign legal advisors to all separated asylum-seeking children.
- Training of UNHCR reception and registration staff could ensure that even children with false passport ages are correctly identified. RSD interviewers may need additional training on child development and the psychological effects of trauma on development. All staff dealing with children should be aware of the provisions of the CRC.
- UNHCR could examine possible alternatives to RSD interviews that require children to give detailed accounts of traumatic incidents. For example, children could submit written testimonies through legal representatives.
- The decision not to accord all asylum-seeking children ‘temporary protection’ status until a durable solution has been determined could be re-assessed.
- UNHCR-Geneva could provide funding for the position of a child protection officer who would supervise all actions taken on behalf of children by the Office.
- UNHCR-Geneva could clarify the implications of the CRC for the RSD of separated children. The role of the provisions relating to the best interests of the child, and the right to participate in decision-making, in particular, need clarification.

## **The Right to Participate and the Right to be Informed**

Children's right to participate is one of the cornerstones of the Convention on the Rights of the Child. Involvement in decision-making empowers children and promotes their mental and social development. Participation improves the psychological well being of separated children. Children's input is essential not just in decisions about their own lives but for successfully designing and evaluating the programs which affect them. However, currently, neither UNHCR-Cairo, Caritas, RLAP nor any of the NGOs working with children currently promotes consultation at the policy level with refugee children, separated or otherwise.

The right to information is crucial for children's participation. Separated children's access to information is limited by the fact that they may not have an adult acting in their interests. In Cairo, they are not automatically assigned legal advisors or guardians. They lack information about the asylum procedures and outcomes, access to health and education.

### *Recommendations*

- Separated asylum-seeking children should be informed about every stage of the asylum process: the nature and purpose of assessments, expected waiting times, possible outcomes and their implications. To this end, all asylum-seeking children should be assigned a legal advisor.
- All NGOs and IGOs working with refugee and asylum-seeking children refugees are responsible for providing children for information about their options for access to health and education.
- UNHCR/EPAU has recommended that: "Convening focus groups with refugee adolescents on at least an annual basis would provide an efficient tool to the Office in planning and monitoring the degree to which protection activities are having an impact and meeting needs" (2002: 74). This recommendation applies not just to UNHCR but to all organizations working with refugee children in Cairo.

## **The Right to Non-Discrimination**

Egyptian state social services has limited resources. A substantial minority of Egyptian children are unable to access health care, education and other rights accorded them by the CRC. This may be one reason for the Egyptian government and NGO community's apparent apathy towards, and discrimination against, refugee children. Yet the numbers of refugee children who are denied these services are relatively small in comparison to the numbers of excluded Egyptian children. The real problem may be a lack of will on the part of government officials, rather than a lack of resources.

### *Recommendations*

- Integration is not necessarily a one-way process. In Uganda for example, UNHCR funding for local public schools has resulted in access to public education for refugee children (Harrell-Bond 2003: 4). NGOs working with refugees in Cairo could also consider including local Egyptians in their services.
- UNICEF has responsibilities for both national and foreign children in Egypt and should be encouraged to work to promote the rights of refugee children as well as those of nationals.
- The Egyptian government should be encouraged to implement provisions in the CRC that would include all children in state social services.

## **The Right to Health**

Refugee children are, in general, excluded from state-funded health care. UNHCR funds health care for separated children with refugee status, but in practice, bureaucratic and other obstacles may mean that children have difficulties accessing it. Asylum-seeking children and children denied refugee status do not



have access to free health care. Psychosocial support is particularly relevant for separated refugee children. The repercussions of their experiences in the country of origin, separation from family members and the asylum process put separated children at high risk of mental health problems.

#### *Recommendations*

- Access to health services for separated children could be improved by the provision of additional training for reception staff at clinics so that children's cases are prioritized.
- The provision of health care to asylum-seeking children is strongly recommended. This would require additional funding by UNHCR-Geneva.
- The Egyptian government should ensure that refugee children have access to state-funded primary health care.
- Improving access to services which normalize children's lives: placement with a caregiver, expedited asylum procedures, education, freedom from the risk of future abuse and exploitation, participation in decisions and so on will reduce children's psychological risks.

### **The Right to Education**

For separated refugee children, school is more than just a place to obtain education. School can provide a normalizing environment which separated children may not experience in the home. School is also a place where separated children can be monitored and can report problems, thus providing a measure of protection against abuse. However, opportunities for *all* refugee children in Cairo are limited. They are excluded from the Egyptian public school system and UNHCR- or NGO-funded education is overburdened. Separated children are even less likely to be in school. They may be under pressure to work in or outside the home, and lack financial resources to pay school registration and transport costs. Children were often unaware of their educational opportunities, and when they knew about the existence of schools, they had no idea how to go about registering on their own. As a staff member at the St. Andrew's Church school said: "I wouldn't see unaccompanied children, they would need an advocate, someone to supervise them, otherwise they will get lost in a non-system." However, the limited space at schools was not an issue since administrators were willing to give separated children priority.

#### *Recommendations*

- UNHCR or Caritas staff should assist separated refugee children individually to find places at Egyptian state schools or NGO schools.
- UNHCR funding should be directed toward the education of Somali children and other non-Arabic, non-English speaking and non-Christian refugee groups who may be unable to attend the church schools.
- The Egyptian government should take steps to ensure that refugee children are able to obtain the required documents to attend state schools.

Since the UNHCR is the only governmental/intergovernmental organization working with refugee children, the focus of this research has been its policies and practices, rather than those of the Egyptian government. It should be taken into account that in these circumstances UNHCR-Cairo has an impossibly large burden of responsibility – one that would normally be borne by multiple sectors, including, of course, the government. UNHCR is required to implement comprehensive child protection mechanisms, but it is not a child protection agency and may not have the expertise or funding to tackle the full range of protection activities necessary. As the 2004 *Inter-Agency Guiding Principles of Unaccompanied and Separated Children* states: "The range and complexity of situations in which children become separated, and the diverse needs of the children themselves, means that no single organization can hope to solve the problem alone" (UNHCR, et al. 2004). Currently lack of involvement by governmental and intergovernmental child-care agencies, and international and local NGOs means that key areas of expertise and funding are missing.

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## **RELEVANT INTERNATIONAL, REGIONAL, AND DOMESTIC LAW**

### **Instruments relating specifically to Refugees or Children**

- 1951 Convention relating to the Status of Refugees and its 1967 Protocol relating to the Status of Refugees
- Convention on the Rights of the Child (1989)

### **Other relevant International Human Rights/Humanitarian Instruments**

- Universal Declaration of Human Rights (1948)
- Geneva Conventions I-IV (1949)
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and the Institutions and Practices Similar to Slavery (1956)
- Convention on the Reduction of Statelessness (1961)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Labor Organization Minimum Age Convention (1973)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children
- Convention Against Torture (1984)
- The Declaration and Platform for Action of the Fourth World Conference on Women (Beijing 1995)
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination Against Women
- ILO Convention Concerning the Minimum Action for the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (2000)
- Convention Against Transnational Organized Crime (2000) including the optional protocol: Protocol Against Smuggling of Migrants by Land, Air and Sea.

### **Regional Instruments**

- Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)
- African Charter on Human and People's Rights (1981)
- African Charter on the Rights and Welfare of the Child (1990)
- Cairo Declaration on Human Rights in Islam (1990)
- The Charter on the Rights of the Arab Child (does not cover African children residing in Arab territories)
- Declaration on the Protection of Refugees and Displaced Persons in the Arab World (1992)
- Arab Charter on Human Rights (1994)

### **Egyptian Law**

- Agreement between the Egyptian Government and the United Nations High Commissioner for Refugees (1954)
- Constitution of the Arab Republic of Egypt (entered into force 1971, amended 1980)
- The Egyptian Child Law (1996)