

# Translation of

the Combating Illegal  
Migration and Smuggling of  
Migrants Law No. 82 of 2016

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ترجمة قانون مكافحة الهجرة غير  
الشرعية وتهريب المهاجرين  
رقم ٨٢ لسنة ٢٠١٦

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1 June 2026

  
ANDERSEN

## Law No. 82 of 2016 on Combating Illegal Migration and Smuggling of Migrants

In the name of the people: President of the republic

The House of Representatives has enacted the following law, which we hereby promulgate:

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### Preamble

The People's Assembly has decided, the Shura Council has approved the following law, and we have promulgated it:

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### Promulgation Articles

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#### Article (1) Promulgation:

The provisions of the attached Law concerning Combating Illegal Migration and Smuggling of Migrants shall enter into force, and any provision contrary to its provisions shall be repealed.

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#### Article (2) Promulgation:

The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons, stipulated in Article (28) of the attached Law, shall undertake the duties assigned thereto in accordance with its provisions.

This Committee shall replace the Coordinating Committee for Combating Trafficking in Persons established pursuant to Law No. 64 of 2010 concerning Combating Human Trafficking. It shall assume all its functions and shall acquire all its rights, assets, and documents, and shall bear all its obligations. Any provision contrary thereto shall be repealed.

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### Article (3) Promulgation:

The Prime Minister shall issue the Executive Regulations of the attached Law within three months from the date of publication of this Law.

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### Article (4) Promulgation:

This Law shall be published in the Official Gazette and shall enter into force on the day following the date of its publication.

This Law shall be stamped with the State Seal and enforced as one of its laws.

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## Chapter One: Definitions and General Provisions

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### Article (1):

For the purposes of applying the provisions of this Law, the following words and expressions shall have the meanings assigned thereto:

**Transnational Crime:** Any crime committed in more than one State, or committed in one State while its preparation, planning, direction, supervision, or financing took place in another State or through another State, or committed in one State by an organized criminal group carrying out criminal activities in more than one State, or committed in one State while producing effects in another State.

**Organized Criminal Group:** A structured group composed of at least three persons, existing for a period of time and acting in concert with the aim of committing one or more specific crimes, including crimes of smuggling of migrants either alone or together with other crimes, in order to obtain, directly or indirectly, a financial or moral benefit or for any other purpose. It shall not be necessary for its members to have formally defined roles or for the continuity of membership therein.

**Smuggling of Migrants:** The procurement of the illegal movement of one or more persons from one State to another in order to obtain, directly or indirectly, a financial or moral benefit, or for any other purpose.



**Smuggled Migrant:** Any person who is the object of the criminal conduct criminalized pursuant to Articles (5, 6, 7, and 8) of this Law.

**Forged Travel or Identity Document:** Any travel or identity document that has been wholly forged or whose data has been altered, or any document issued or obtained through forgery, corruption, coercion, fraud, deception, or by any other unlawful means.

**Unaccompanied Children:** Any person under eighteen full Gregorian calendar years of age who is not accompanied by any of his or her relatives.

**Commercial Carrier:** Any natural or legal person whose profession consists of transporting passengers or goods by land, sea, or air for commercial profit.

**Vessel:** Any type of watercraft or craft capable of being used as a means of transporting persons over water, including floating craft and seaplanes, excluding warships, naval auxiliary vessels, or other vessels owned or operated by the government and used for non-commercial purposes.

**Committee:** The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons established pursuant to Article (28) of this Law.

**Benefit:** Any interest, gain, advantage, or return accruing to the perpetrator of the crime of smuggling migrants, whether such interest, gain, advantage, or benefit is material or moral.

**Territorial Sea:** The maritime belt is adjacent to the coastal boundaries of the State and beyond its land territory and internal waters, extending to a distance not exceeding twelve nautical miles from the baseline in accordance with the provisions of international law of the sea.

**Contiguous Zone:** An area of the high seas adjacent to the territorial sea, extending twelve nautical miles from the outer limit of the territorial sea in accordance with the provisions of international law of the sea.

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## Article (2):

No criminal or civil liability shall arise against the smuggled migrant for the crimes of smuggling migrants provided for in this Law.

The consent of the smuggled migrant, or the consent of the person responsible for him or her or having custody thereof, shall not be taken into consideration in the crimes of smuggling migrants provided for in this Law.



**Article (3):**

The National Council for Childhood and Motherhood shall be deemed the legal representative of the families of unaccompanied children whose families or legal representatives cannot be identified.

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**Chapter Two: Crimes and Penalties**

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**Article (4):**

Without prejudice to any more severe penalty provided for in any other law, the crimes stipulated in the following Articles shall be punishable by the penalties prescribed therefor.

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**Article (5):**

Any person who establishes, organizes, manages, assumes leadership of, is a member of, or joins an organized criminal group for the purposes of smuggling migrants shall be punished by imprisonment.

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**Article (6):**

Any person who commits the crime of smuggling migrants, attempts to commit it, or acts as an intermediary therein shall be punished by rigorous imprisonment and a fine of not less than EGP 200,000 and not exceeding EGP 500,000, or a fine equal to the value of the benefit obtained thereby, whichever is greater.

The penalty shall be rigorous imprisonment for a term of not less than five years, and a fine of not less than EGP 500,000 and not exceeding EGP 1,000,000, or a fine equal to the value of the benefit obtained thereby, whichever is greater, in any of the following cases:

- If the offender established, organized, managed, assumed leadership of, was a member of, or joined an organized criminal group for the purposes of smuggling migrants.
- If the crime is of a transnational nature.



- If there are multiple offenders, or if the crime is committed by a person carrying a weapon.
- If the offender is a public official or a person entrusted with public service and commits the crime by exploiting his office or public service.
- If the crime is likely to endanger the lives of the migrants being smuggled, expose their health to danger, or constitute inhuman or degrading treatment.
- If the offender obtains a subsequent benefit from the smuggled migrant or his or her relatives.
- If the smuggled migrant is a woman, child, legally incapacitated person, or person with a disability.
- If a forged travel or identity document is used in committing the crime, or if a travel or identity document belonging to a person other than its lawful holder is used.
- If a vessel is used in committing the crime in violation of its designated purpose or prescribed routes.
- If the offender reoffends by committing the crime stipulated in the first paragraph of this Article.

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#### Article (7):

The penalty shall be life imprisonment and a fine of not less than EGP 1,000,000 and not exceeding EGP 5,000,000, or a fine equal to the value of the benefit obtained by the offender, whichever is greater, if any of the crimes stipulated in the first paragraph of Article (6) of this Law is committed in any of the following cases:

- If the crime is committed by an organized criminal group.
- If the crime is committed in furtherance of a terrorist purpose in accordance with the laws applicable in this regard.
- If the crime results in the death of the smuggled migrant, his or her permanent disability, or an incurable disease.



- If the offender uses drugs, medicines, or weapons, or uses force, violence, or the threat thereof in committing the crime.
  - If the number of smuggled migrants exceeds three persons, or does not exceed three where at least one of them is a woman, child, legally incapacitated person, or person with a disability.
  - If the offender seizes or destroys the travel or identity document of the smuggled migrant.
  - If the offender uses force or weapons to resist the authorities.
  - If the offender uses children in committing the crime.
  - If the offender reoffends by committing the crime under any of the aggravating circumstances stipulated in the second paragraph of Article (6) of this Law.
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#### **Article (8):**

Any person who prepares or manages a place for sheltering, gathering, or transporting smuggled migrants, or who facilitates or provides any services to them, with proven knowledge thereof, shall be punished by imprisonment and a fine of not less than EGP 200,000 and not exceeding EGP 500,000.

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#### **Article (9):**

In respect of the crimes stipulated in Articles (6, 7, and 8) of this Law, the court shall order the offender to bear the expenses of accommodation and subsistence of the smuggled migrant and any accompanying person until the necessary judicial and administrative procedures are completed, as well as the expenses of returning such person to his or her State or place of residence.

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**Article (10):**

Any person who uses force or threats, or offers a gift or advantage of any kind, or promises any thereof, in order to induce another person to give false testimony, conceal any matter, or provide false statements or information at any stage of evidence-gathering, investigation, or trial relating to the commission of any of the crimes stipulated in this Law, shall be punished by imprisonment.

The same penalty shall apply to any person who discloses or reveals the identity of the smuggled migrant or witness in a manner that exposes him or her to danger or causes him or her harm, facilitates the offenders' contact with him or her, or provides him or her with false information concerning his or her legal rights with the intent of harming him or her or impairing his or her physical, psychological, or mental safety.

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**Article (11):**

Any person who provides false statements or information at any stage of evidence-gathering, investigation, or trial relating to the commission of any of the crimes stipulated in this Law shall be punished by detention.

The penalty shall be detention for a term of not less than one year if the offender is among those assigned by the judicial authority or evidence-gathering authorities to perform expert or translation work.

Any person who incites the commission of this crime shall be punished by the same penalty, even if such incitement produces no effect.

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**Article (12):**

Any person who conceals any of the offenders, or any objects or funds derived from any of the crimes stipulated in this Law, deals therein, or conceals or destroys any traces or instruments of the crime, with proven knowledge thereof, shall be punished by imprisonment.

The court may exempt the offender from punishment if the person concealed is the offender's spouse, ascendant, or descendant.

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**Article (13):**

Any person who incites, by any means, the commission of any of the crimes stipulated in the preceding Articles of this Law, except Article (11), shall be punished by imprisonment, even if such incitement produces no effect.

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**Article (14):**

The person responsible for the actual management of a legal person shall be punished, if any of the crimes stipulated in this Law is committed by one of the employees of the legal person in its name and for its benefit, by the same penalties prescribed for the committed crime, if it is proven that he had knowledge thereof and that the crime occurred due to his breach of his employment duties.

The legal person shall be jointly liable for payment of any financial penalties and compensation adjudged if the crime was committed by one of its employees in its name and for its benefit. In the conviction judgment, the court shall order publication of the judgment at the expense of the legal person in two widely circulated daily newspapers. The court may also order suspension of the legal person's activity for a period not exceeding one year.

The court may order dissolution or liquidation of the legal person if the crime is committed again by one of its employees in its name and for its benefit.

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**Article (15):**

Any person who becomes aware of the commission of any of the crimes stipulated in this Law, or an attempt to commit any thereof, and fails to report the same to the competent authorities, shall be punished by detention for a term of not less than one year and a fine of not less than EGP 50,000 and not exceeding EGP 200,000, or by either of these two penalties.

If the offender is a public official and the crime occurred due to his breach of his employment duties, the penalty shall be detention for a term of not less than three years and not exceeding five years.

The court may exempt the offender from punishment if the crime was committed by the offender's spouse, ascendant, descendant, brother, or sister.

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#### Article (16):

The commercial carrier shall be obliged to verify that the traveler possesses the travel documents required to reach his or her destination.

A commercial carrier that breaches this obligation shall be punished by a fine of not less than EGP 50,000 and not exceeding EGP 100,000. The fine shall be multiplied by the number of travelers.

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#### Article (17):

Without prejudice to the rights of bona fide third parties, confiscation shall be ordered in all cases of the funds, baggage, means of transport, or tools derived from any of the crimes stipulated in this Law or used in committing them.

The tools and means of transport ordered to be confiscated shall be allocated to the seizing authority whenever the competent Minister determines that they are necessary for carrying out its activities.

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#### Article (18):

The provisions of Articles (208 bis "A", 208 bis "B", and 208 bis "C") of the Criminal Procedure Law shall apply to the crimes stipulated in this Law.

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#### Article (19):

If any of the offenders promptly reports to any of the competent authorities any of the crimes stipulated in this Law and the perpetrators thereof before the authorities become aware of them, the court shall exempt him from punishment if his report leads to the arrest of the remaining offenders and the seizure of the funds derived from such crime.

The court may exempt him from the principal penalty if the report is made after the authorities have become aware of the crime and leads to the discovery and arrest of the remaining offenders and the seizure of the funds derived therefrom.



The provisions of either of the two preceding paragraphs shall not apply if the crime results in the death of the smuggled migrant, his or her contraction of an incurable disease, or his or her permanent disability.

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#### **Article (20):**

Subject to Article (4) of the Penal Code, the provisions of this Law shall apply to any non-Egyptian who commits, outside the Arab Republic of Egypt, any of the crimes stipulated in this Law, provided that the act is criminalized in the State where it occurred under its domestic law or under an international convention to which that State has acceded, in any of the following cases:

- If the crime is committed on board any means of air, land, or water transport registered in the Arab Republic of Egypt or flying its flag.
  - If the smuggled migrants, or any of them, are Egyptian.
  - If the crime was prepared, planned, directed, supervised, or financed in the Arab Republic of Egypt.
  - If the crime was committed by an organized criminal group carrying out criminal activities in more than one State, including the Arab Republic of Egypt.
  - If the crime is likely to cause harm to any citizen or resident of the Arab Republic of Egypt, to its security, or to any of its interests at home or abroad.
  - If the perpetrator is found in the Arab Republic of Egypt after committing the crime and is not extradited.
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**Article (21):**

Jurisdiction to conduct evidence-gathering, investigation, and trial procedures in the cases stipulated in Article (20) of this Law shall extend to the competent Egyptian authorities.

In the event that the crime of smuggling migrants is committed by vessels, the concerned Egyptian authorities shall take the appropriate measures, whether in the territorial sea, the contiguous zone, or elsewhere, in accordance with the provisions of international law of the sea.

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**Chapter Three: International Judicial Cooperation**

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**Article (22):**

The Egyptian judicial and security authorities concerned with combating migrant-smuggling activities and crimes shall cooperate, each within the limits of its jurisdiction and in coordination among themselves, with their foreign counterparts through the exchange of information, assistance, and other forms of judicial or informational cooperation, all in accordance with the provisions of bilateral or multilateral international conventions in force in the Arab Republic of Egypt, bilateral agreements or arrangements, or the principle of reciprocity.

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**Article (23):**

Without prejudice to the rights of bona fide third parties, the competent Egyptian and foreign judicial authorities may request that the necessary legal measures be taken to trace, seize, freeze, or attach the funds constituting the subject matter of migrant-smuggling crimes or the proceeds

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**Article (24):**

The competent Egyptian judicial authorities may order the enforcement of final criminal judgments issued by competent foreign judicial authorities concerning the seizure, freezing, confiscation, or recovery of funds derived from migrant-smuggling crimes and the proceeds thereof, in accordance with the provisions of bilateral or multilateral international agreements in force in the Arab Republic of Egypt, bilateral agreements or arrangements, or pursuant to the principle of reciprocity.

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**Chapter Four: Protection and Assistance Measures**

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**Article (25):**

The State shall provide appropriate measures to protect the rights of smuggled migrants, including their right to life, humane treatment, healthcare, physical, moral, and psychological safety, preservation of their personal dignity, and informing them of their rights to legal assistance, while ensuring special attention to women and children.

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**Article (26):**

The competent Egyptian authorities shall guarantee the smuggled migrant the right to request communication with the diplomatic or consular representative of his or her State and to inform such representative of his or her status, in order to receive any possible assistance in this regard.

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**Article (27):**

The Ministry of Foreign Affairs, in coordination with the relevant authorities in other States, shall facilitate the safe return of foreign smuggled migrants to their countries after verifying that they hold the nationality thereof, reside therein, or to any other State that accepts such return, provided that they have not committed crimes punishable under the provisions of Egyptian law.

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## Chapter Five: The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons

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### Article (28):

A committee named the “National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons” shall be established within the Cabinet and shall be affiliated with the Prime Minister.

The Committee shall be responsible for coordination, at both the national and international levels, among the policies, plans, and programs established for combating and preventing illegal migration, providing care and services to smuggled migrants, and protecting witnesses within the framework of international obligations arising from bilateral or multilateral international agreements in force in the Arab Republic of Egypt.

The Committee shall include among its members representatives of the relevant ministries, authorities, agencies, councils, and research centers, in addition to two experts nominated by the Chairperson of the Committee.

By a decision of the Prime Minister, other entities may be added to the membership of the Committee upon their request.

The Committee may seek the assistance of specialists, experts, or employees of ministries, authorities, research centers, and civil society organizations, and may request from such entities any information, documents, or studies necessary to assist it in carrying out its functions.

The Executive Regulations of this Law shall determine the Committee’s working system, personnel, and other competencies.

The formation of the Committee, determination of its headquarters, and the participating entities therein shall be issued by a decision of the Prime Minister.

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### Article (29):

The Chairperson of the Committee shall be appointed by a decision of the Prime Minister for a term of three years renewable.

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### Article (30):

The Committee shall have a Technical Secretariat headed by one of its members or another person selected by the Chairperson of the Committee. The following units shall report thereto:

- Documentation and Information Unit;
- Financial and Administrative Affairs Unit;
- Training and Training Grants Unit.

The Committee may establish additional units within the Technical Secretariat whenever necessary.

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### Article (31):

The Committee shall form from among its members the following subcommittees:

- Legal Committee;
- Documentation and Information Committee;
- Awareness and Media Committee;
- International Cooperation Committee.

The Committee may also establish other committees from among its members and assign to them certain competencies or matters of importance to the Committee's work.

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## Chapter Six: Fund for Combating Illegal Migration and Protecting Migrants and Witnesses

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### Article (32):

A fund named the “Fund for Combating Illegal Migration and Protecting Migrants and Witnesses” shall be established. The Fund shall have public legal personality, an independent budget, and shall be affiliated with the Prime Minister. Its financial year shall commence with the beginning of the State’s financial year and end with its conclusion. The Fund shall hereinafter be referred to in this Law as the “Fund”.

The Fund shall provide financial assistance to victims who suffer damages resulting from any of the crimes stipulated in this Law.

The Fund shall have a Board of Directors chaired by the Chairperson of the Committee. A decision by the Prime Minister shall regulate the Fund, determine the composition of its Board of Directors, and specify its other competencies.

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### Article (33):

The resources of the Fund shall consist of:

- Allocations designated thereto by the State within the general budget;
  - Loans contracted by the Fund;
  - Donations, grants, and gifts accepted by the Fund from national and foreign entities, in a manner consistent with its purposes.
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### Article (34):

The Fund shall maintain a special account at the Central Bank of Egypt into which its financial resources shall be deposited, and expenditures for its purposes shall be made therefrom.

The Fund’s assets shall be subject to the supervision of the Central Auditing Organization.

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# Translation of

the Executive Regulation  
of the Combating Illegal  
Migration and Smuggling of  
Migrants Law No. 82 of 2016

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ترجمة اللائحة التنفيذية لقانون  
مكافحة الهجرة غير الشرعية وتهريب  
المهاجرين رقم ٨٢ لسنة ٢٠١٦

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1 June 2026

  
ANDERSEN

Issuing the Executive Regulations of the Law on Combating Illegal Migration and Smuggling of Migrants Promulgated by Law No. 82 of 2016

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Preamble

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Having reviewed the Constitution;

The Penal Code;

The Civil Code;

The Criminal Procedure Law;

Law No. 394 of 1954 concerning Weapons and Ammunition;

Law No. 89 of 1960 concerning the Entry, Residence, and Departure of Foreigners into, within, and from the Territory of the Arab Republic of Egypt;

The Emigration and Welfare of Egyptians Abroad Law promulgated by Law No. 111 of 1983;

Law No. 232 of 1989 concerning the Safety of Ships;

The Child Law promulgated by Law No. 12 of 1996;

Law No. 64 of 2010 concerning Combating Human Trafficking;

Law No. 8 of 2015 concerning the Regulation of Lists of Terrorist Entities and Terrorists;

The Anti-Terrorism Law promulgated by Law No. 94 of 2015;

The Civil Service Law promulgated by Law No. 81 of 2016;

The Law on Combating Illegal Migration and Smuggling of Migrants promulgated by Law No. 82 of 2016;

Presidential Decree No. 145 of 1983 approving the Convention on the Law of the Sea;

Presidential Decree No. 54 of 1988 concerning the National Council for Childhood and Motherhood;



Presidential Decree No. 294 of 2003 approving the United Nations Convention against Transnational Organized Crime;

Presidential Decree No. 295 of 2003 approving the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

Presidential Decree No. 297 of 2004 approving the accession of the Government of the Arab Republic of Egypt to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime;

Presidential Decree No. 277 of 2014 approving the accession of the Arab Republic of Egypt to the Arab Convention against Transnational Organized Crime;

Prime Ministerial Decree No. 192 of 2017 forming the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons;

And based on the opinion of the Council of State;

Has decreed:

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### Promulgation Articles

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#### Article (1) Promulgation:

The provisions of the attached Executive Regulations concerning the aforementioned Law on Combating Illegal Migration and Smuggling of Migrants shall enter into force.

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#### Article (2) Promulgation:

This Decree shall be published in the Official Gazette and shall enter into force on the day following the date of its publication.

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**Article (1):**

For the purposes of applying the provisions of these Executive Regulations and the decisions issued in implementation of the aforementioned Law on Combating Illegal Migration and Smuggling of Migrants, the following words and expressions shall have the meanings assigned thereto:

**The Law:** The Law on Combating Illegal Migration and Smuggling of Migrants promulgated by Law No. 82 of 2016.

**Transnational Crime:** Any crime committed in more than one State, or committed in one State while its preparation, planning, direction, supervision, or financing took place in another State or through another State, or committed in one State by an organized criminal group carrying out criminal activities in more than one State, or committed in one State while producing effects in another State.

**Organized Criminal Group:** A structured group composed of at least three persons, existing continuously or for a period of time, for the purpose of committing one or more specific crimes, including crimes of smuggling migrants either alone or together with other crimes, in order to obtain, directly or indirectly, a material or moral benefit, or for any other purpose. It shall not be necessary for its members to have formally defined roles or for continuity of membership therein.

**Smuggling of Migrants:** The procurement of the illegal movement of one or more persons from one State to another in order to obtain, directly or indirectly, a material or moral benefit, or for any other purpose.

**Smuggled Migrant:** Any person who is the object of conduct criminalized pursuant to Articles (5, 6, 7, and 8) of the Law.

**Forged Travel or Identity Document:** A travel or identity document in which the truth has been wholly altered or any of its data distorted, or which has been fabricated, stamped with counterfeit seals, or had any of its data erased or amended without following the legally prescribed procedures, or any document issued, obtained, or containing false facts through forgery, corruption, coercion, fraud, deception, or by any other unlawful means.

**Unaccompanied Children:** Any person under eighteen full Gregorian calendar years of age who is not accompanied by any of his or her relatives.



**Commercial Carrier:** Any natural or legal person whose profession consists of transporting passengers or goods by land, sea, or air for commercial profit.

**Vessel:** Any type of watercraft or craft capable of being used as a means of transporting persons over water, including floating craft and seaplanes, excluding warships, naval auxiliary vessels, or other vessels owned or operated by the government and used for non-commercial purposes.

**The Committee:** The National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons established pursuant to Article (28) of the Law.

**The Council:** The National Council for Childhood and Motherhood.

**Benefit:** Any interest, gain, advantage, or return accruing to the perpetrator of the crime of smuggling migrants, whether such interest, gain, or advantage is material or moral.

**Territorial Sea:** A maritime belt adjacent to the coastal boundaries of the State and beyond its land territory and internal waters, extending to a distance not exceeding twelve nautical miles from the baseline. It is subject to the sovereignty of the State, which extends to include the airspace above it, the seabed, and subsoil thereof, in accordance with the provisions of international law of the sea.

**Contiguous Zone:** An area of the high seas adjacent to the territorial sea, extending to a distance of twenty-four nautical miles from the baseline, over which the State exercises the necessary control to prevent and punish violations of its customs, financial, health, immigration, and other regulations committed within its territory, internal waters, or territorial sea, in accordance with the provisions of international law of the sea.

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## Article (2):

Combating illegal migration and smuggling of migrants shall, in accordance with the Law and these Executive Regulations, be carried out through achieving the following objectives and purposes:

- Raising public awareness and informational capacity related to the issue of illegal migration.
- Mobilizing the resources necessary to support efforts to combat illegal migration.
- Supporting development as a basis for combating illegal migration.



- Proposing and providing positive alternatives for employment opportunities and supporting lawful migration channels.
  - Protecting groups most vulnerable to the risks of illegal migration.
  - Utilizing and strengthening international and regional cooperation in the field of combating illegal migration.
  - Establishing and activating the legislative framework supporting activities aimed at combating illegal migration.
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#### **Article (3):**

Without prejudice to the criminal and civil liability arising from violation of the provisions of the aforementioned Law No. 89 of 1960 or any other law, no criminal or civil liability shall arise against the smuggled migrant for the crimes of smuggling migrants stipulated in the Law.

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#### **Article (4):**

The consent of the smuggled migrant, or the consent of the person responsible for him or her or having custody thereof, shall not be taken into consideration in the crimes of smuggling migrants stipulated in the Law.

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#### **Article (5):**

The Council, in coordination with the Committee, shall establish the necessary measures, controls, and procedures for dealing with unaccompanied children among smuggled migrants, and shall work to identify their families or legal representatives until the procedures for their safe return are completed, taking into account the following:

- Recording reports and notifications received concerning unaccompanied children among smuggled migrants in a register prepared for that purpose, and preparing a separate file for each child to which all procedures taken in respect thereof shall be attached.



- Working to identify their families or legal representatives by all possible means through the qualified specialists of the Council.
  - Inquiries concerning families and legal representatives shall be conducted through the competent Public Prosecution, which shall assign the relevant security authorities for this purpose.
  - Unaccompanied children among smuggled migrants whose families cannot be identified shall be placed in national care homes pursuant to a decision issued by the competent Public Prosecution.
  - The Council shall immediately issue a decision for the safe return of the child, notify the Ministries of Foreign Affairs and Interior thereof, and follow up on the procedures taken.
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#### **Article (6):**

The expenses stipulated in Article (9) of the Law shall mean the expenses of food, clothing, accommodation, necessary medical treatment, and the expenses of returning the smuggled migrant to his or her State or place of residence.

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#### **Article (7):**

The competent Minister for the purposes of Article (17) of the Law shall be the Minister to whom the seizing authority is administratively affiliated, or the highest superior of such authority if it is not affiliated with any ministry, provided that his or her rank is equivalent to that of a Minister.

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#### **Article (8):**

The Department of International and Cultural Cooperation at the Ministry of Justice, the Office of International Cooperation, Enforcement of Judgments and Prisoners' Welfare at the Office of the Public Prosecutor, and the International and Arab Criminal Police Department (Interpol Cairo) at the Ministry of Interior shall, each within its respective competencies, coordinate and cooperate with the corresponding foreign authorities in order to combat and pursue migrant-smuggling activities and crimes.



#### Article (9):

For the purpose of combating the crimes stipulated in the Law, the authorities referred to in the preceding Article shall exchange information, conduct inquiries concerning the perpetrators of the crime, pursue them, provide mutual assistance, and take measures relating to mutual legal assistance, letters rogatory, extradition of offenders and objects, asset recovery, transfer of sentenced persons, and other forms of judicial and police cooperation in the field of combating such crimes. Such cooperation shall be carried out through the conclusion of bilateral or multilateral agreements with other States, or pursuant to the principle of reciprocity, in accordance with the procedures applicable before the competent authorities.

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#### Article (10):

Without prejudice to the rights of bona fide third parties, the courts and public prosecution offices competent to hear migrant-smuggling crimes in the Arab Republic of Egypt shall, through the Department of International and Cultural Cooperation at the Ministry of Justice and the Office of International Cooperation, Enforcement of Judgments and Prisoners' Welfare at the Office of the Public Prosecutor, take the necessary legal measures, in cooperation with foreign judicial authorities, to trace, seize, freeze, or attach the funds constituting the subject matter of migrant-smuggling crimes or the proceeds thereof.

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#### Article (11):

The Public Prosecution, through the Office of International Cooperation, Enforcement of Judgments and Prisoners' Welfare at the Office of the Public Prosecutor, shall order the enforcement of criminal judgments issued by competent foreign judicial authorities concerning the seizure, freezing, confiscation, or recovery of funds derived from migrant-smuggling crimes and the proceeds thereof, in accordance with the applicable laws and the procedures contained in bilateral or multilateral agreements in force in the Arab Republic of Egypt, or pursuant to the principle of reciprocity applied between the judicial authorities in the Arab Republic of Egypt and their counterparts in foreign States.

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**Article (12):**

The competent governmental authorities shall monitor and combat the means and methods used by organized criminal groups for the purpose of smuggling migrants, particularly with regard to incitement, methods of gathering and transporting migrants, and shall work to uncover the connections between individuals and groups involved in smuggling and take all possible measures to expose such criminal activity.

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**Article (13):**

The governmental authorities competent for criminal investigation, arrest, and prosecution shall, while performing their duties and exercising their competencies in migrant-smuggling crimes, take the necessary procedures to identify the smuggled migrants and their nationalities, classify them according to age and gender, and ensure that they are kept away from, and protected against, the offenders.

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**Article (14):**

The competent governmental authorities shall, in accordance with the applicable laws, verify the identity of individuals crossing Egypt's international borders and confirm the validity and authenticity of the travel documents used.

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**Article (15):**

The relevant ministries and national authorities shall take the appropriate measures to guarantee the following rights of smuggled migrants:

- The right to life and physical, moral, and psychological safety.
- The right to preserve their personal dignity and identity.
- The right to be informed of the relevant administrative, legal, and judicial procedures, and to obtain information related thereto, particularly in relation to legal assistance, provided that this is done in a language they can understand, taking into account the type and gender of the smuggled migrant, with special attention guaranteed to women and children.



- The right to be heard during the stages of criminal proceedings, without prejudice to the rights of defence.
- The right to request communication with the diplomatic or consular representative of their States and to inform such representative of their status in order to receive any possible assistance in this regard.

The Committee may coordinate among the relevant ministries and governmental authorities to

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#### **Article (16):**

The Ministry of Foreign Affairs, in coordination with the relevant authorities in other States, shall facilitate the prompt and safe return of foreign smuggled migrants to their countries, after verifying that they hold the nationality thereof or reside therein, or to any other State that accepts them, unless they have committed crimes punishable under the provisions of Egyptian law.

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#### **Article (17):**

The Committee shall be responsible for coordination, at both the national and international levels, among the policies, plans, and programs established for combating and preventing trafficking in persons, illegal migration, and smuggling of migrants. To this end, the Committee shall, in coordination with the relevant authorities, undertake the following competencies:

- Acting as an advisory reference for national authorities, entities, and bodies.
- Providing care and services to smuggled migrants and victims of trafficking in persons, and protecting witnesses through the entities represented in the Committee, and proposing the necessary procedures to assist them within the framework of international standards and obligations arising from bilateral or multilateral international agreements in force in Egypt and in accordance with the applicable laws.
- Developing a national strategy for combating and preventing illegal migration and smuggling of migrants, and another strategy for trafficking in persons, and preparing the necessary action plans for their implementation by the relevant authorities, following up thereon, and submitting proposals and recommendations in this regard to the Prime Minister.



- Formulating a unified Egyptian vision to be expressed in international and regional forums after the approval of the Prime Minister, reflecting all relevant legal, security, and political dimensions.
- Following up on Egypt's implementation of its international obligations arising from the provisions of international conventions and protocols relating to combating trafficking in persons, illegal migration, and smuggling of migrants.
- Proposing the necessary legislative and executive measures and procedures, and following up on the measures taken for their implementation.
- Coordinating with the relevant executive and judicial authorities represented in the Committee to complete questionnaires received by Egypt concerning the legislative and executive measures and procedures taken by Egypt to implement its international obligations arising from its ratification at the international level.
- Reviewing relevant national legislation to ensure its compatibility with the international agreements ratified by Egypt, and recommending the proposal of the necessary legislative amendments.
- Developing relevant policies and programs, and plans capable of raising awareness and building capacities, in addition to preparing research and media awareness campaigns.
- Encouraging efforts aimed at forming and upgrading the level of national cadres responsible for enforcing and ensuring respect for the provisions of relevant international agreements, and strengthening national capacities by overcoming obstacles that hinder the activation of their provisions.
- Preparing training programs and supporting the capacities of those responsible for the administration of criminal justice and other relevant law-enforcement authorities, as well as judicial police officers competent to combat trafficking in persons, illegal migration, and smuggling of migrants, in light of national local needs, provided that training and development cover all areas of awareness of the risks of this unlawful activity and take human rights into account.
- Coordinating awareness-raising and capacity-building efforts, whether among the general public or among groups most vulnerable to risk, in cooperation with governmental and non-governmental organizations and civil society organizations, in accordance with the applicable laws and regulations in this regard.



- Preparing a central database, in coordination with national research centers and specialized national councils, to collect and analyze information, data, and expertise concerning trafficking in persons, illegal migration, and smuggling of migrants, in accordance with the applicable regulatory controls.
  - Activating cooperation with the United Nations, its specialized agencies, and other relevant intergovernmental organizations to obtain available forms of support to assist the Egyptian Government in combating crimes of trafficking in persons, illegal migration, and smuggling of migrants, training law-enforcement personnel, and obtaining advisory services, all in accordance with the applicable laws and regulations.
  - Cooperating with counterpart entities at the regional and international levels for the purpose of exchanging experiences and expertise among them, in accordance with the rules set out in the cooperation protocols signed therewith.
  - Strengthening mechanisms of international legal and judicial cooperation in criminal matters at all levels through judicial authorities and other competent national authorities, by encouraging the conclusion of bilateral and regional agreements and activating the provisions of relevant multilateral international agreements, with the aim of maximizing the benefit from the international cooperation mechanisms stipulated in such agreements and simplifying and facilitating the procedures relating to the forms of international cooperation provided therein.
  - Coordinating with the Council to establish the necessary measures, controls, and procedures for dealing with unaccompanied children among smuggled migrants, working to identify their families or legal representatives, and completing the procedures for their safe return.
  - Preparing an annual report on national efforts to combat and address crimes of trafficking in persons, illegal migration, and smuggling of migrants, to be submitted to the Prime Minister.
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**Article (18):**

The Committee shall meet upon invitation by its Chairperson at least once every two months, and whenever necessary. Its meetings shall be valid with the attendance of the majority of its members, provided that the Chairperson is among them.

The Committee shall issue its decisions by a majority vote of those present. In the event of a tie, the side on which the Chairperson votes shall prevail. The Committee may invite to attend its meetings any specialists, experts, or employees of ministries, authorities, research centers, and civil society organizations whose assistance it deems appropriate, without their having a counted vote in its deliberations. It may request from such entities the information, documents, and studies that assist it in carrying out its work.

The Committee shall submit its recommendations to the Prime Minister to take such action as he deems appropriate in relation thereto.

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**Article (19):**

The Committee shall form from among its members the following subcommittees:

- The Legal Committee;
- The Documentation and Information Committee;
- The Awareness and Media Committee;
- The International Cooperation Committee.

These committees shall meet periodically at least once every month, undertake the tasks assigned to them by the Committee, and submit reports on the results of their work to the Chairperson of the Committee.

The Committee may also form other committees from among its members and assign to them certain competencies or matters related to the Committee's work.

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### Article (20):

The Committee shall have a Technical Secretariat headed by a person selected by the Chairperson of the Committee from among its members or from others. The following units shall report to the Technical Secretariat:

**Documentation and Information Unit**, consisting of:

- Documentation Section;
- Information Section.

**Financial and Administrative Affairs Unit**, consisting of:

- Financial Affairs Section;
- Administrative Affairs Section.

**Training and Training Grants Unit.**

The Committee may establish other units or sections within the Technical Secretariat whenever necessary, and the competencies of each unit or section shall be determined by a decision of the Committee.

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### Article (21):

The Technical Secretariat of the Committee shall be composed of a sufficient number of diplomats, legal specialists, technical, administrative, and financial personnel, and other experts or specialists in the Committee's field of work, to be selected by the Chairperson of the Committee, whether by secondment, assignment, or contract, in accordance with the applicable laws and regulations in this regard.

The Technical Secretariat shall undertake the following tasks:

- Preparing the studies and research necessary for the Committee's work, and it may seek the assistance of any experts it deems necessary.
- Preparing the draft agenda of the Committee and preparing the matters to be presented thereto.



- Carrying out the necessary procedures to implement and follow up on the Committee's recommendations.
  - Supervising the financial and administrative matters related to the Committee's work.
  - Any other tasks assigned to it by the Chairperson of the Committee.
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#### Article (22):

The Chairperson of the Committee shall manage its affairs, propose the general policy by which it operates, and speak on its behalf before national and international bodies. The Chairperson may take such decisions as he or she deems necessary to achieve the objectives for which the Committee was established, in accordance with the provisions of the Law and within the limits set out in these Executive Regulations and other relevant legislation.

The Chairperson of the Committee shall be competent to issue the technical, financial, and administrative decisions relating to the Committee's work. The Chairperson may entrust one of its members with certain competencies thereof, and may also assign one of the members of the Technical Secretariat to carry out a specific task.

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