



Global Initiative to
**End All Corporal Punishment
of Children**

EGYPT – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, penal institutions, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

Yes – article 7A of the Child Law confirms the “right to discipline” of parents and carers, and legal provisions against violence and abuse are not interpreted as prohibiting corporal punishment. This article should be repealed and explicit prohibition enacted of all corporal punishment of children by parents and others with parental authority.

Other legislative measures necessary

Schools – Explicit prohibition of corporal punishment should be enacted in relation to all education settings, public and private.

Penal institutions – Explicit prohibition should be enacted of corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law.

Alternative care settings – Explicit prohibition needs to be enacted in legislation that is applicable to all alternative care settings, including public and private day care, residential care, foster care, etc, in addition to repeal of article 7A of the Child Law.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. Act No. 126 (2008) amended the Children's Act (1996) to strengthen legal protection for children's rights, including protection from harm. Article 1 of the amending Act states that the State shall guarantee as a minimum requirement the same rights provided for in the Convention on the Rights of the Child and other relevant international instruments applicable in Egypt. However, efforts to introduce full prohibition of corporal punishment of children into the law were unsuccessful, and article 7A of the Children's Act as amended confirms parents/carers' "right to discipline". Provisions against violence and abuse in the Children's Act, the Criminal Code (1937) and the Constitution (1971) are not interpreted as prohibiting all corporal punishment of children.

Schools

A ministerial directive (17 November 1998) states that corporal punishment should not be used in schools but there appears to be no explicit prohibition of corporal punishment in law. The National Council for Childhood and Motherhood has called for the ministerial directive to be confirmed in law, but to our knowledge this has not yet been achieved.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted sentence for children between the ages of 7 and 15 years under the Children's Act (article 101). Children between 15 and 18 years receive reduced penal sentences, and these do not include corporal punishment.

Corporal punishment is unlawful as a **disciplinary measure** in prisons. The provision for flogging prisoners in Law No. 396 (1956) was repealed by Law No. 152 (2002). Under article 42 of the Children's Act any person arrested or detained "shall be treated in the manner concomitant with the preservation of his dignity" and "no physical or moral harm is to be inflicted upon him". Article 40 of the Code of Criminal Procedure states that any person detained "shall be treated in a manner that preserves his human dignity, he should not be harmed physically or mentally". However, we have been unable to ascertain the legality of corporal punishment in social welfare institutions, in which children below 16 years convicted of crime may be detained. The Human Rights Association for the Assistance of Prisoners has documented flogging of juveniles in social care institutions.¹

Alternative care

Corporal punishment is lawful in alternative care settings under article 7A of the Children's Act (see above).

Prevalence research

A large scale comparative study which conducted surveys in Egypt, India, Chile, the Philippines, Brazil and the US to track international variations in corporal punishment found that rates of harsh physical discipline revealed by the surveys were "dramatically higher" in all communities "than

¹ *Detention and Detainees in Egypt 2003: Sixth Annual Report on the Condition of Prisons and Detention Centres*

published rates of official physical abuse in any country,” and that rates of physical punishment can vary widely among communities within the same country.²

According to statistics from UNICEF, 92% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006: 68% experienced physical punishment and psychological aggression, 22% experienced psychological aggression only and 2% experienced physical punishment only; 40% were hit on the face, head or ears, hit repeatedly or hit hard. Of girls and women aged 15-49, 50% think that a husband is justified in hitting or beating his wife under certain circumstances.³

As part of the World Studies of Abuse in the Family Environment (WorldSAFE) cross-national project, researchers looked at incidence rates for corporal punishment as self-reported by mothers covering the period of the previous 6 months. In Egypt, the most frequently reported forms of “severe physical punishment” were hitting the child with an object not on the buttocks (26%) and beating (25%); the most common forms of “moderate physical punishment” were shaking (59%), pinching (45%) and slapping the face or head (41%).⁴

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(20 June 2011, CRC/C/EGY/CO/3-4 Advance Unedited Version, Concluding observations on third/fourth report, paras. 59 and 61)

“The Committee is alarmed at the high levels of corporal punishment of children in schools and in the home, and at reports of an unacceptably high number of children aged 2-14 who experience physical or mental violence (92% in 2006). While noting as positive the right of the child to be protected against all forms of violence in article 3 (a) of Child Law (2008) and that, as indicated by the delegation, the Penal Code criminalizes domestic violence and provides double punishment if a parent causes bodily harm, the Committee is gravely concerned that all forms of violence against children is still not prohibited in domestic legislation. It remains seriously concerned that corporal punishment remains lawful in the home and that, despite a ministerial decision of 1999 prohibiting the use of violence and beating in all schools, corporal punishment remains common practice in educational institutions. It further notes with particular concern information in the State party report (CRC/C/EGY/3-4, para. 147) that domestic law allows fathers to use ‘reasonable corporal punishment’ without being held responsible. The Committee is further deeply concerned at reports of the use of corporal punishment, including flogging, and of verbal abuse to ‘discipline’ children, in child care institutions.

“The Committee, drawing the State party’s attention to its general comment no. 13 on the right of the child to freedom from all forms of violence, reiterates its previous recommendation (CRC/C/15/Add.145, para. 38) and urges the State party:

- a) to ensure that domestic legislation explicitly prohibits all forms of physical and mental violence against children in all settings;
- b) to undertake a national awareness-raising campaign on the prohibition and unacceptability of all forms of violence against children as well as to make available complaints mechanisms widely accessible to children;

² Runyan, D. et al (2010), “International Variations in Harsh Child Discipline”, *Pediatrics*, Special Article published online, 2 August 2010, cited in “Spanking And Other Forms Of Corporal Punishment Of Children Are Still Common In The US And Worldwide, Despite Bans In 24 Countries”, *Medical News Today*, 10 August 2010, available at www.medicalnewstoday.com/articles/197332.php

³ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

⁴ Reported in Krug, E. G. et al. (eds) (2002), *World report on violence and health*, Geneva: World Health Organization

c) to create a child protection system which is publicly supported and which has social workers at the municipal level who are specifically trained to receive reports on violence, abuse and neglect against children and to deal with and follow-up such cases by providing the child with the necessary support, treatment and protection. This should include providing the family with supportive measures to prevent ill-treatment from reoccurring as well as by referring complaints to Specialized Child Prosecution Offices for prompt and impartial investigations.”

Committee on the Rights of the Child

(21 February 2001, CRC/C/15/Add.145, Concluding observations on second report, paras. 37 and 38)

“In light of articles 19 and 39 of the Convention, the Committee is concerned at the incidence of ill-treatment of children in schools despite its prohibition, and within the family. It is further concerned that domestic violence is a problem in Egypt and that this has harmful consequences on children.

“The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, the schools, and in care institutions. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children, and the promotion of positive, non-violent forms of discipline as an alternative to corporal punishment....”

Committee Against Torture

(23 December 2002, CAT/C/SR/29/4, Concluding observations on fourth report, para. 3 (a))

“The Committee welcomes the following:

a) the enactment of legislation banning flogging as a disciplinary penalty for prisoners....”

African Committee of Experts on the Rights and Welfare of the Child

(November 2009, Concluding observations on initial report, recommendation 10)

“Corporal punishment. The Committee notes that there is some resistance to put[ting] an end [to] this practice and recommend[s] the State party to take the necessary measures to abolish the practice”

Universal Periodic Review

Egypt was examined under the Universal Periodic Review process in 2010. No recommendations were made concerning corporal punishment of children.

Report prepared by the Global Initiative to End All Corporal Punishment of Children

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