



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

EGYPT

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 7th session, 2010

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Egypt, despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home, social welfare institutions and all alternative care settings.

1 Legality of corporal punishment in Egypt

1.1 Corporal punishment is lawful in the **home**. Article 7A of the Child Law (1996, as amended 2008) confirms the “right to discipline” of parents/carers. Provisions against violence and abuse in the Child Law, the Criminal Code (1937), the Civil Code (1991), the Islamic Penal Code (1996), the Islamic Penalties Act (1982) and the Law on Protection of Children and Adolescents (2003) are not interpreted as prohibiting all corporal punishment of children.

1.2 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%).¹

1.3 Corporal punishment is prohibited in **schools** under article 21 of Law No. 210 on primary education (1952) and article 48 of Law No. 211 on secondary education (1953). But it continues to be used, and according to statistics from UNICEF, an estimated 50% of children in Upper Egypt and 70% of children in urban areas were subjected to corporal punishment in schools.² In the National Survey of Youth and Social Changes in 1999, 54% of youths at schools said teachers usually beat them. This was more common for boys than girls (61% and 46% respectively), for younger than older students (61% and 39%) and for students in rural areas than in urban areas (57% and 50%).³

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in prisons. However, we have been unable to ascertain the legality of corporal punishment in social welfare institutions, in which children below 16 years of age convicted of a criminal offence may be detained. The Human Rights Association for the Assistance of Prisoners has documented flogging of juveniles in social care institutions.⁴

1.5 There is no explicit prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 Following examination of the state party’s second report in 2001, the **Committee on the Rights of the Child** recommended prohibition of corporal punishment in the family, schools and care institutions (CRC/C/15/Add.145, paras. 37 and 38).

¹ Reported in Krug, E. G. et al., eds (2002), *World report on violence and health*, Geneva: World Health Organization

² Cited in *Daily New Egypt*, 5 November 2008

³ Cited in Human Rights Center for the Assistance of Prisoners, *The Truth: Official Response to the Government of Egypt’s Report to the UN Human Rights Committee*

⁴ *Detention and Detainees in Egypt 2003: Sixth Annual Report on the Condition of Prisons and Detention Centres*