

Corporal punishment of children in Egypt: Briefing for the Universal Periodic Review, 20th session, 2014

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

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Egypt, corporal punishment of children is currently lawful, despite recommendations to prohibit it by the Committee on the Rights of the Child and other treaty monitoring bodies. We note that no recommendation was made on corporal punishment during the first cycle review of Egypt in 2010.

We hope the Working Group will note with concern the legality of corporal punishment of children in Egypt. Since no recommendation on the issue was made at the initial review, we hope states will raise the issue during the review in 2014 and make a specific recommendation that legislation is enacted in Egypt which explicitly prohibits all forms of corporal punishment, without exception, in all settings including the home.

1 The initial review of Egypt by the Human Rights Council (2010)

- 1.1 Egypt was reviewed in the first cycle of the Universal Periodic Review in 2010 (session 7). The issue of corporal punishment was raised in the compilation of UN information¹ and in the summary of stakeholders information.² No recommendations were made specifically on corporal punishment, but the Government accepted recommendations to bring its legislation into line with international human rights law.³
- 1.2 Compliance with international human rights treaties, including the Convention on the Rights of the Child and other human rights treaties, involves enacting legislation to explicitly prohibit all corporal punishment of children in all settings, including the home. But the near universal acceptance of a degree of violent punishment in childrearing and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a

¹ 26 November 2009, A/HRC/WG.6/7/EGY/2, Compilation of UN information, para. 31

² 25 November 2009, A/HRC/WG.6/7/EGY/3, Summary of stakeholders' information, para. 17

³ 26 March 2010, A/HRC/14/17, Report of the working group, paras. 95(4) and 95(5)

violent act in the same way as, for example, sexual and other socially unacceptable forms of violence. And the obligation to prohibit corporal punishment of children is one which is frequently ignored or evaded by Governments. **For all these reasons, we respectfully urge members of the Working Group to make specific recommendations to Egypt that legislation is enacted to explicitly prohibit all corporal punishment of children in all settings, including in the home.**

2 Legality and practice of corporal punishment in Egypt

- 2.1 **Summary:** In Egypt, corporal punishment of children is unlawful as a sentence for crime and possibly in penal institutions, but it is lawful in the home, alternative care settings, day care and schools.
- 2.2 **Home (lawful):** 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 amended 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. Article 3 states that the law shall ensure “the right of the child to life survival, and development in a supportive family environment, to enjoy various preventive measures, and to be protected from all forms of violence, or injury, or physical, mental or sexual abuse, or negligence, or negligent treatment, or any other forms of maltreatment or exploitation”. But article 7bis(a) confirms parents/carers’ “right to discipline”, stating: “With due consideration to the duties and rights of the person who is responsible for the care of the child, and his right to discipline him through legitimate means, it is prohibited to intentionally expose the child to any illegitimate physical abuse or harmful practice.”
- 2.3 According to statistics from UNICEF, 92% of 2-14 year olds in Egypt experienced physical punishment and/or psychological aggression in 2005-2006.⁴ A large scale comparative study (World Studies of Abuse in the Family Environment (WorldSAFE)) found that in Egypt, 81% of children experienced “moderate” physical discipline (including being “spanked” on the buttocks, hit with an object, slapped on the face and having hot pepper put in their mouth); 28% experienced harsh physical discipline (including being burnt, beaten up, kicked and smothered).⁵
- 2.4 **Alternative care settings (lawful):** Corporal punishment is lawful under the “right to discipline” in article 7A of the Children’s Act (see para. 2.2).
- 2.5 **Day care (lawful):** Corporal punishment is lawful under the “right to discipline” in article 7A of the Children’s Act (see para. 2.2).
- 2.6 **Schools (lawful):** 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.

⁴ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

⁵ Runyan, D. et al (2010), “International Variations in Harsh Child Discipline”, *Pediatrics*, published online 2 August 2010, www.pediatrics.org

2.7 **Penal institutions (?unlawful):** 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.⁶

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

3 Recommendations by human rights treaty bodies

3.1 **CRC:** The Committee on the Rights of the Child has twice recommended that corporal punishment of children be prohibited in all settings, including the home, in Egypt – following examination of the state party’s second report in 2001⁷ and the third/fourth report in 2011.⁸

3.2 **ACERWC:** In 2009, the African Committee of Experts on the Rights and Welfare of the Child noted “some resistance” to ending corporal punishment and recommended that it be abolished.⁹

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.

⁶ Human Rights Association for the Assistance of Prisoners, *Detention and Detainees in Egypt 2003: Sixth Annual Report on the Condition of Prisons and Detention Centres*

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

⁸ 15 July 2011, CRC/C/EGY/CO/3-4, Concluding observations on third/fourth report, paras. 57 and 59

⁹ November 2009, Concluding observations on initial report, recommendation 10