



On Egyptian Children in Prisons

November 20th, 2021 - World Children's Day

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Belady: an Island for Humanity -- A Human Rights Organization Supporting Egyptian Children since 2017

Belady aims to dismantle institutionalized violence by documenting the Egyptian regime's violations against children and educating national and international society and decision makers about them. We also advocate amendment of legislation that codifies violations while pressuring authorities to implement overlooked laws and treaties that would ensure respect for rights and freedoms. Belady provides legal and psychological support for Egyptian children who have been detained for political cases.

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Executive Summary

On World Children's Day (November 20), Belady publishes an analytical research on the data of 1274 children who were arrested and/or imprisoned over nine years (2011-2013). It is an occasion to reflect on the situation of the Egyptian child in general, as well as the arrested and imprisoned Egyptian child, whether during arrest, trial, or imprisonment. The research includes a reminder of the goals of World Children's Day and the direction of the international effort to provide a healthy environment for children around the world. The research also addresses the Egyptian legal framework for children's rights, in addition to the fragile situation of the imprisoned child on political grounds and the violations of their humanity. We presented a set of recommendations for improving the conditions of these children, their protection, and reintegration into Egyptian society.

Introduction

In 1945, World Children's Day was proclaimed as a global occasion to be celebrated every 20th of November to promote international interdependence, raise awareness among the world's children, improve their well-being, and increase collective action for their rights. This day provides each of us with an inspiring jumping-off point to defend, promote and celebrate children's rights, and in turn motivates actions to build a better world for children.

For reference, international law defines a child in Article 1 of the 1989 Convention on the Rights of the Child as follows: "A child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier"¹.

As for the Egyptian legislative framework, Article 2 of Law No. 12 of 1996 regarding the promulgation of the Child Law, amended by Law No. 126 of 2008, stipulates that a child means anyone under the age of eighteen years².

Belady takes advantage of this day to shed light on the fragile situation of the Egyptian child, especially amidst the closed environment created by the current Egyptian regime to limit freedoms and punish anyone who tries to express their opinion, including children. In addition, Belady takes a closer look at the implementation of the Child Law and international treaties that the Egyptian state committed to implementing, and the laxity of child protection agencies regarding the violations against children in prisons and foster homes.

Research Methodology

This research is based on an analysis of the methods adopted by the Egyptian regime to arrest children through the Offences Act and the authorized penalties, especially in political crimes. Belady analyzed data on 1,274 children (including girls) who were arrested and/or imprisoned under political cases between the dates, March 2013 and July 2021 (the date of arrest).

¹ [Convention on the Rights of the Child, General Assembly -- Forty-fourth Session](#)

² [Law No. 12 of 1996 regarding the promulgation of the Child Law, amended by Law No. 126 of 2008, Article 2](#)

This data was collected over five years, during which Belady used several tools, including direct semi-structured interviews, or through Belady's legal unit, in addition to observing secondary indirect sources, such as following up on press and news websites, social media, social networking sites, follow-ups of civil society organizations, and observational data.

In analyzing the types of violence inflicted on these children, Belady adopted the following classification:

- **Physical Violence:** The types of assault on the body of the detained or imprisoned child including beating, kicking, slapping, or electrocution and putting out cigarettes on body parts. This is in addition to other methods of ill-treatment and torture such as deprivation of clothes and detention in inhuman conditions such as cells that are full of insects and smoking and lack of lighting and ventilation.
- **Sexual Violence:** Assault of intimate places on the detainee or prisoner's body, verbal harassment, threats of rape, removal of clothes, and forced virginity tests.
- **Social Violence:** Isolation of the detained or imprisoned child from the small prison or outside community and depriving them of visitation.
- **Psychological Violence:** Assault of the detained or imprisoned child using actions or words that psychologically offend them, such as cursing, insulting, forced listening to the torture of another person, and threatening to torture family members.
- **Political and Institutional Violence:** The child who is detained or imprisoned is subjected to violence by the authorities and state institutions. It includes many practices that make access to rights difficult and in some cases impossible, such as enforced disappearance, military trials of children, and forced video confessions to charges they did not commit. This is in addition to preventing them from continuing their studies or taking exams.

Data was assessed using triangulation of sources during data collection as well as several evaluation check-in points during data entry, codification and analysis using SPSS³. The characteristics of children were analyzed by descriptive statistics (univariate analysis). Qualitative and quantitative variables and the relationship between (bivariate analysis) was performed using appropriate tests as required by social statistical sciences (Khi2- test, Fisher Exact Test, t-student test, ANOVA test) with a statistical significance of $P < 0.05$ ⁴.

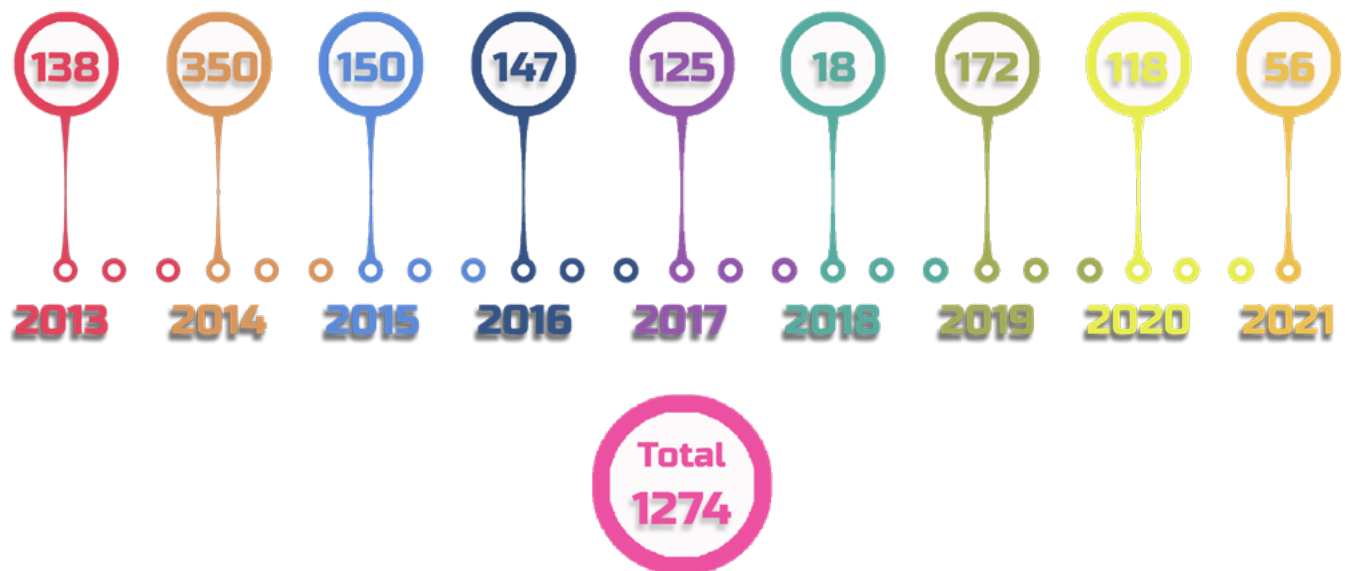
³ Statistical Package for Social Sciences software, Version 25 (SPSS, Inc, USA)

⁴ If the P-value is smaller than the significance level (0.05), we conclude that the correlation is statically significant and that there is a linear relationship between two variables.

Results

First, the Imprisoned and Detained Child on Political Background, a Closer Look

A total of 1274 children were arrested and/or imprisoned from March 2013 to July 2021. Years of arrest were distributed, as the following graph shows.



The Number of Arrested Children

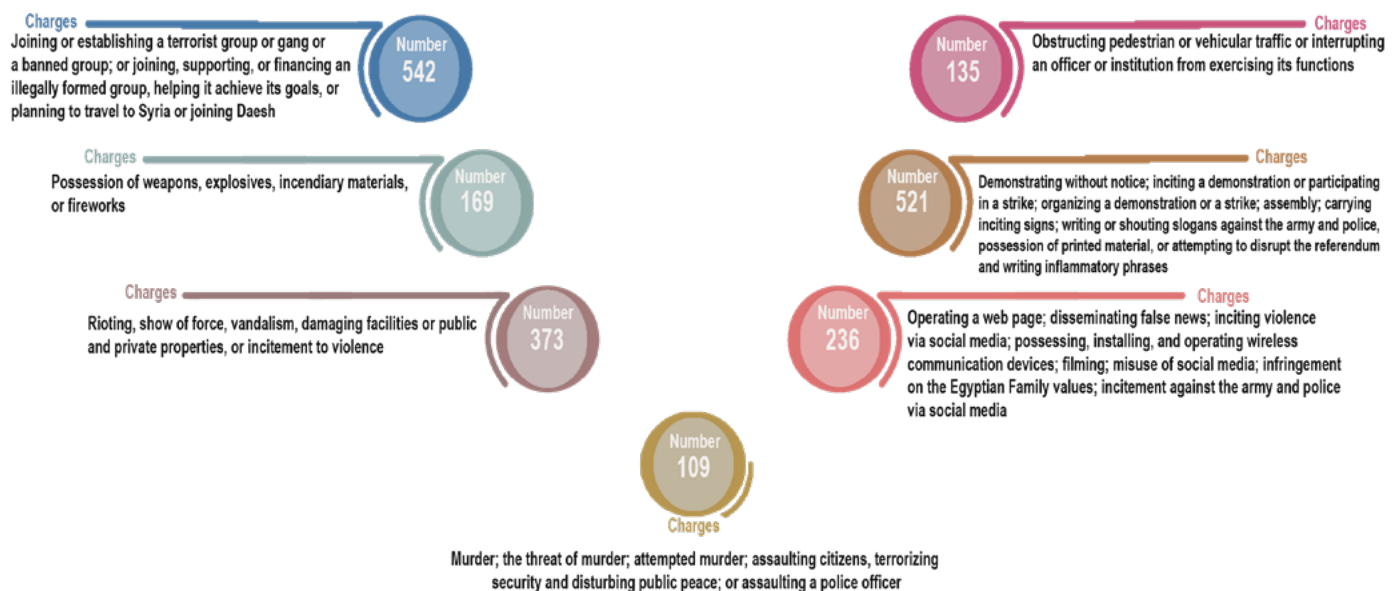
The year 2014 had the highest rate of arrest, as 350 children were imprisoned amidst the events that erupted on the third anniversary of the January 25th revolution. It was followed by the year 2019 coinciding with the September 20 movements that demanded the removal of the President of the Republic and the fall of the regime. Then, it was followed by the year 2015 amidst the launching of massive arrest campaigns and security raids against the Muslim Brotherhood and their families. Male children represented the majority with 89.2% (1136/1274) compared to 10.8% for girls (138/1274).

Second, the Age Groups

The ages of the detained and/or imprisoned children range from one month to 18 years (age at arrest). The age group (from 13 to 18 years) constitutes the majority 948/969 (97.8%), followed by the age group (from 10 to 12 years old) representing 13/969 (1.3%). The arrest reaches all age groups of children as children (4 to 9 years old) 3/969 (0.3%), and infants (from one month to 3 years) 5/969 (0.5%) were also arrested. The arrest of these last two categories often represents a means to force wanted parent(s) to surrender themselves or it falls within what is known as arrest campaigns of entire families.

Third, Mass Charges That Are Not Compatible with the Children's Ages

Through analyzing the children's cases, Belady has illustrated how the regime besieges children through a set of unjust accusations including demonstrating, obstructing roads, joining a banned group, operating a web page and spreading false news, attacking security forces, using force and violence and destroying public and private facilities, in addition to moral charges, such as the case of the Tik Tok girls. The accusations can be categorized as highlighted by the following graph.



Therefore, the Egyptian regime did not hesitate to accumulate accusations arbitrarily, even against children! We find that the average in one case contains three charges. The number of charges in a single case ranges from one to seven. It is surprising that some of the formulated charges were originally Egyptian citizens' rights, for example, the charges of assembly, demonstration, and strike.

Fourth, the Arrest Conditions

The arrests in this research come from a sample of 20 Egyptian governorates. Cairo witnessed most of these cases, with a rate of 102/536 (19%). This majority can be explained by the concentration of protests and movements in Cairo, which is the capital and the center of the largest universities in the country. Most of the arrests were carried out arbitrarily during demonstrations or while children were near demonstrations at a rate of 323/765 (42.2%), followed by arrests in houses with a percentage of 201/765 (26.3%), then in the streets with a percentage of 174/765 (22.7%), through ambushes or security raids at a rate of 51/765 (6.7%) or in the vicinity of school or institute with a percentage of 765/16 (2.1%).

Fifth, Unfair Trials against Children

A student published their opinion on social media, a student wrote a slogan, a child stood in the vicinity of a demonstration... The circumstances and backgrounds of the arrests varied, but the sentences were similar: imprisonment, aggravated imprisonment, and imprisonment with a fine. These rulings topped the first instance sentences with 391/591 (66.2%). The First Instance Courts also ruled the death penalty in three cases, and life imprisonment for six children. Despite the illegality of trying children before criminal courts with adults, only 24/591 (4.1%) of the cases were referred to the Child Court, in addition to the appearance of 37 children before a Military Court.

Sixth, Mass Violations That Included all Kinds of Violence and Abuse against Children

Belady has observed many cases of torture, ill-treatment and all kinds of violations against children as follows:

Political and Institutional Violence: In addition to the arbitrariness of legal procedures, the authorities have adopted many methods to persecute children. It is no secret that the Egyptian state has crossed all red lines with regard to enforced disappearances in the last decade.

Furthermore, Enforced disappearance is "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons acting with the authorization or support of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law"⁵.

Belady has observed that 252/1274 (19.8%) of the children in this research were subjected to enforced disappearance at an average of 25 days [1-714 days] without counting the day of appearance. The maximum duration of disappearance was approximately two years.

We also observed many other violations, such as referring 37/1274 (2.9%) of children to the military court and the continuous renewal of pretrial detention for 59/1274 (4.6%) children. Three children were also forced to make a video confession to charges they did not commit. 14/1274 (1.1%) of students suffered from deprivation of continuing studies and taking exams, in a grave violation of one of the most important rights of the Egyptian child.

Physical Violence: The violations include a variety of physical violence and methods of torture, including beating, slapping, kicking, electrocution, putting out cigarettes on different body parts, leg and handcuffing, and hanging in different positions. Belady has observed that 138/1274 (10.8%) of the children in this study were subjected to this type of physical violence. 21/1274 (1.6%) of the children were also detained in an inhumane cell filled with insects without light or ventilation.

Furthermore, 28/1274 (2.2%) of children were subjected to deliberate health negligence by preventing the entry of medicines for chronic diseases such as heart conditions, dyspnea, asthma, and diabetes.

⁵ [International Convention for the Protection of All Persons from Enforced Disappearance, Article 2, the United Nations](#)

They were also prevented from being taken to the doctor. This combination led to the deterioration of the patients' health due to the lack of therapeutic intervention, prevention or intransigence, which wasted precious time before finally accepting them to be examined by the doctor and transferred to a hospital. Perhaps the child Ahmed Ibrahim (16 years old), known as "Afroto", is one of the most prominent cases of children who have been subjected to deliberate health negligence. He was exposed to poisoning that almost killed him before he was rescued. He contracted a skin disease as a result of the poor conditions of detention and the lack of exposure to the sun for a long time. He also suffered from a heart valve prolapse and did not receive any treatment, as the prison administration only examined him and refused to provide any care, which threatened his life.

Psychological Violence: The security forces resort to inhuman and degrading treatment against children in many cases. 24 children (1.9%) were subjected to psychological torture through cursing, insulting, humiliating, directing degrading words, threats of assault and rape, and forcing them to listen to the torture of another person. During the period of enforced disappearance in the Peace Forces Camp, the student Rawda Jamal Abdel Azim (18 years) was subjected to threats of rape, harassment, insulting her dignity during searches, torturing people in front of her, taking off of her clothes, and forcing her to sing, in addition to forcing her to undergo a virginity test. This ill-treatment left her with emotional fatigue and trauma.

Sexual Violence: Belady has also observed sexual violations against three children (0.2%), including harassment, forced virginity tests, and intransigence in providing protection for a child who was sexually abused by prisoners. We consider the 16-year-old child prisoner Anas Khamis, who attempted suicide by cutting his arteries to escape the repeated sexual assault by a criminal prisoner, despite the knowledge of the department, which did not act.

Social Violence: These children are targeted in political cases by depriving them of their right to integrate into the mini-society inside the prison, increasing their isolation and violence against them. Belady has observed the prevention from receiving family visits in 99/1274 (7.8%) of the cases.

Seventh, Systematic Abuse and Violations against Children Who Were Charged with Public Activism

Despite being a constitutional right, demonstration is one of the most serious charges in Egypt. Belady's bivariate statistical analysis showed that children who were accused of demonstration were the most likely to be subjected to enforced disappearance with a P-value of 0.01. Thus, 25% of those charged with demonstration were subjected to enforced disappearance, compared to 17% of children who were not charged with this accusation.

Bivariate statistical analysis also showed that children who were charged with demonstration were the most likely to be subjected to physical torture with a P-value of 0.003. As 52% of those accused of demonstration were subjected to torture, compared to 48% of children who were not charged with this accusation.

These systematic violations against children, in cases related to activism in the public sphere as demonstrating and gathering, can be explained by the aim of the regime to eliminate any signs of desire from the next generation to demonstrate or carry out political and civil activities, and thus increase the tightening of the grip on public space and ensure dictatorship-based governance for the longest possible period.

Eighth, Gender-Based Violence

Bivariate statistical analysis showed that girls are more likely to be physically tortured with a P-value of 0.02. As 23/138 (16%) of girls in this study were subjected to torture and physical violence compared to 115/1136 (10%) of boys.

Discussion

First, 1274 Political Prisoners among Children !

This research dealt with arrests and trials of children since 2013. A phenomenon that unfortunately continues to this day. The more the regime sticks to its brutality against the opposition and political and civil activity to extend its power over the Egyptian people, the more the law will be broken by arrests, imprisonments, and torture of children with the complicity of the justice agencies. The prosecution, the judiciary, and health departments turn a blind eye to brutal practices against children that have become a norm.

The Security Services have not only arrested children for participating in demonstrations, expressing their opinions through social media, or putting pressure on their families because of their political affiliation, but they also arrested children who were accidentally passing by a demonstration. The most prominent example of this is the story of Amro (17 years old at the time of his arrest). Amro was arrested on his way to a private lesson in his town in the Nile Delta. Plainclothes officers stopped, blindfolded, and took him to the Police Station. Amro spent one night there, then was detained for nearly three months in a facility belonging to the National Security without the knowledge of his family. After that, Amro was transferred to the juvenile facility. Another example is the child Khaled Abdel Rahman (16 years old at the time of his arrest), who was going to school with his friends on January 5th, 2014, and was close to a march of the supporters of the former President Mohamed Morsi. Khaled was arrested and spent three months in pretrial detention in Kom El-Dikka foster house in Alexandria ⁶. Belady also recorded in the research "Egyptian Families under Tyrannical Pressure" that the Egyptian authorities detained even infants to pressure their families to surrender. This research observed the detention of ten infants by the authorities ⁷.

⁶ ["Pretrial Detention" Children .. Withered Roses in Egyptian Prisons, Al Shorouk](#)

⁷ ["Egyptian Families under Tyrannical Pressure", Belady an Island for Humanity](#)

Second, A Regime that Violates the Most Basic Rights of Children

Considering the criminal punishment imposed on children in general, we find that there are inherent, disciplinary, educational measures corresponding with the process of reform and integration that move away from the idea of pain and punishment (imprisonment). This is what was approved by the Egyptian legislation, as the Child Law No. 12 of 1996, amended by Law No. 126 of 2008, states that "Criminal responsibility shall not apply to the child who has not reached the age of twelve years at the time of committing the crime. Yet, if the child is at or above seven and below twelve years, and has committed a felony or a misdemeanor, they are prosecuted by any of these measures:

- 1 - Censure by a Judge in Court
- 2 - Handover to parents
- 3 - Placement in a specialized hospital (if s/he suffers from a disease affecting his/her behavior)
- 4- Placement in a Social Care Institution (formerly the Reformatory)

As for a child over twelve but less than fifteen years old, if s/he commits the crime, s/he shall be sentenced to one of the following measures:

- 1 - Censure by a Judge in Court
- 2 - Handover to parents
- 3 - Training and rehabilitation
- 4 - Committing to certain obligations (like attending some religious places to hear lessons)
- 5 - Judicial probation (The child is placed in his/her natural environment under guidance and supervision of a specialized person in Social Care)
- 6 - Community service activities that are not harmful to the child's health or mental state. The bylaws shall determine the nature of this work
- 7 - Placement in one of the specialized hospitals
- 8 - Placement in a Social Care Institution

But if the child committed a crime and s/he was more than fifteen and less than eighteen years old at that time, the judge may not sentence him to severe penalties (such as death penalty, life and aggravated imprisonment) whatever his/her crime⁸.

It is worth noting that this legal philosophy is compatible with international law, especially the Convention on the Rights of the Child ratified by Egypt in 1990, which prohibits torture and increases penalties for crimes committed by children. Egyptian law also guarantees the rights of the child to care, protection, and provision of a safe environment to exercise his or her freedoms. The Egyptian Constitution states in its Article 80: "A child is considered to be anyone who has not reached 18 years of age ... No child may be held criminally responsible or detained except in accordance with the law and the time frame specified therein. Legal aid shall be provided to children, and they shall be detained in appropriate locations separate from adult detention centers.

⁸ [Child Law No. 12 of 1996, amended by Law No. 126 of 2008](#)

The state shall work to achieve children's best interest in all measures taken with regards to them"⁹.

Based on what Belady has observed and presented in the results of this research, we can conclude that, despite its importance, this legal arsenal guaranteeing the rights of the child does not apply any of its provisions, especially with children who are detained and/or imprisoned on political grounds. The trial judgments against children ranged from imprisonment, aggravated imprisonment, and imprisonment with a fine in 66.2% of the sentences, in addition to three cases of death penalty and six cases of life imprisonment.

Third, Several Methods of Abuse and Violence against Children

Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity"¹⁰.

The most prominent example of torturing children inside detention centers is the story of Saad, which was reported by 'Sasa Post'. The 14-year-old Saad was arrested in 2015 for participation in the Egyptian opposition demonstrations. His cellmate said "During the interrogation of Saad, the police tortured him with electricity and stripped him of his clothes except for his shorts. Then, the informants started to sexually harass him. The next day, the policemen tortured him by inserting a hard object in his anus"¹¹. Our bivariate statistical analysis also showed that girls are more vulnerable to abuse than boys and that many methods of abuse are based on gender-based violence. It should be noted that this does not diminish the severity of the abuse of male children. Belady has previously enumerated many methods of torturing women and girls in its detailed research, published on International Women's Day¹². The most notable example is the case of the girl Nadine, who was arrested five times, the first of which was in 2013 when she was 13 years old. The girl did not know the reason for her arrest, and the police beat and handcuffed her. In 2014, she was arrested again when she and her friends were outside the school near a demonstration. They were dragged by their hair and taken to the police station, where they were beaten, tied up, forced to stand in the corridor all night, deprived of food and water, and allowed to enter the bathroom only once. Around 7 AM, a policeman blindfolded Nadine and took her to a room where she was electrocuted¹³.

⁹ [The Egyptian Constitution, Article 80](#)

¹⁰ [The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article](#)

¹¹ [Muffled screams.. What do you know about child rape in Egyptian prisons?, Sasa Post](#)

¹² [The Egyptian Woman Prisoner between the Hammer of Iniquitous Laws and the Anvil of Systematic Violations, Belday an Island for Humanity](#)

¹³ ["No One Cared He Was a Child" Egyptian Security Forces Abuses' of Children in Detention, Human Rights Watch and Belady](#)

Fourth, Stratification and Double Standards

"We imprison [people]... we don't get imprisoned" said the 14-year old son of an Appeal Court Chief in a video he recorded hours after he was released for assaulting a traffic policeman. On the other hand, hundreds of children are languishing in detention centers in inhumane conditions that were not even mitigated in the overcrowding during the Covid-19 pandemic only because they passed by a demonstration or because fate had chosen them as children of political opponents. The most prominent example is the story of the child Mahmoud Muhammad, who was known in the media as "The T-shirt Detainee". On January 25th, 2014, the Egyptian Authorities arrested Mahmoud, 16 years old, a high school student, because he was wearing a T-shirt with the words "A Nation Without Torture" and a scarf with the words "January 25". At that time, the security forces took him to the Marj Police Station, and issued the report No. 715/2014, Al Marj Administration. Then, they sent him to the Public Prosecution that started his investigations, ordered his detention pending investigations and charged him with "joining a group founded in violation of the provisions of the law, incitement, participation in demonstrations and possession of explosives". Mahmoud remained in pretrial detention (which exceeded the legal duration) for 752 days without referral to trial or disposition of the case. Mahmoud's case was referred to the court on January 31th, 2016. He was released on March 24th, 2016 after three appeal hearings in absentia and 47 renewal hearings, during which he could not be brought on 29 times for unmentioned security reasons, thus making only 18/50 (36%) the total attended hearings¹⁴.

Fifth, Children in Pretrial Detention

Article 119 of the Egyptian Child Law stipulates that "A child who has not reached fifteen years of age shall not be placed in temporary custody. The Public Prosecution may place them in one of the observation centers, for a period not exceeding one week, and shall make them available upon each request if the circumstances of the case necessitate keeping them in custody. However, the period for keeping the child in custody shall not exceed one week unless the Court decides to extend the period according to the regulations for temporary custody as stipulated in the Criminal Procedure Code. As an alternative to the procedure of the previous paragraph, an order may be issued to deliver the child to one of his parents, or guardian, and make them available upon each request. Any person violating this duty shall be penalized with a fine not exceeding one hundred Egyptian pounds"¹⁵.

From this article, it can therefore be concluded that the pretrial detention of children under the age of 15 is a crime under the Child Law. But like other laws, it is no more than ink on paper. Whereas, in this research, Belady observed that 59 children were held in pretrial detention. The Egyptian Front for Human Rights also observed in its report, "A Law of No Value: The Egyptian Authorities Detain And Endanger Children", the detention of children between the ages of 11 and 14 in cruel and inhuman conditions and their interrogation before the State Security Prosecution¹⁶.

¹⁴ [Children of Egypt... Arrests and Trials Excluding the Children of Influential People, Al-Araby Al-Jadeed](#)

¹⁵ [Child Law No. 12 of 1996, amended by Law No. 126 of 2008, Article 119](#)

¹⁶ [A Law of No Value: Egyptian Authorities Detain and Endanger Children, Egyptian Front for Human Rights](#)

Conclusion

Many international efforts are focused on enhancing international interdependence, raising awareness among the children of the world and improving their well-being by engaging in international agreements, further developing local legislation, creating structures and institutions for education on citizenship and the provision of welfare. Despite this international trend of action, the Egyptian authority continues to restrict freedoms and assault the most basic rights guaranteed under the Egyptian Constitution and its legislation. Through this research, Belady strives to shed light on the suffering of the Egyptian children from detention based on opinion and their exposure to the most heinous violations without accountability.

The Egyptian regime's obsession with killing political life and every critical voice of its policy drives it to commit the most heinous crimes against those who are powerless just to prove its existence and impose its policy in all fields. The consequence is that citizens, politicians, activists, bloggers, journalists, and even children are imprisoned.

Belady Recommendations

- To hold accountable anyone who committed violations against children who were detained in illegal procedures or assaulted in any means.
- To expedite the effective implementation of domestic legislation and international treaties to guarantee the rights and dignity of the child, in addition to ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.
- To release all the politically detained children in prisons and care houses.
- To establish an independent committee to investigate violations against children since 2013 and to hold all those involved accountable.
- To hold a comprehensive dialogue with civil society and state structures for child care to prepare a comprehensive plan for the rehabilitation of children who are politically detained and who have been subjected to torture and ill-treatment.
- To guarantee the provision of textbooks and all study supplies to all children in detention centers and to allow them to take exams and tests.
- To commit to detaining children separately from adults and to improve the infrastructure and living conditions in juvenile rehabilitation centers.
- To expedite the review of cases in which children have been sentenced to death, life, or aggravated imprisonment, and try to reduce sentences, in addition to their normal reintegration into Egyptian society.