



October 2022-International Day of the Girl Child-

International Day of the Girl Child

Girls under the Repression of the Regime

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 for the 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 detained for political reasons.

Summary

On the International Day of the Girl Child (11 October), Belady publishes an analytical study of data on 136 girls who were arrested and/or imprisoned over a period of nine years (2013-2021). It is an occasion to reflect on the situation of the Egyptian girl in general and the Egyptian girl imprisoned in political cases in particular.

This research sheds light on the age groups and the geographic distribution of the arrested girls, in addition to the violations they faced either during arrest, trial, or imprisonment. This study also offers recommendations on how to protect and improve the conditions of these girls, as well as their reintegration into Egyptian society.



Introduction

On December 19th, 2011, the United Nations General Assembly adopted Resolution 66/170 to proclaim 11 October each year as the International Day of the Girl Child, recognizing the rights of girls and the unique challenges they face as a vulnerable group in most parts of the world.¹

Girls have the right to secure life, access to education, and health. Investing in the promotion of girls' rights will lead to a more just and prosperous future. There is no doubt that girls have the power to change the world, which necessitates the active support and empowerment of girls today to become the businesswomen, mothers, workers, mentors, and political leaders of tomorrow.

International law defines the girl child in Article 1 of the Convention on the Rights of the Child of 1989 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."²

As for the Egyptian legislative framework, Article 2 of Law No. 12 of 1996 regarding the promulgation of the Child Law and amended by Law No. 126 of 2008 stipulates that a child means anyone below the age of eighteen years.³

On the International Day of the Girl Child, Belady chose to shed light on the situation of the Egyptian girl by taking a closer look at the Egyptian girls who were arrested or imprisoned in political cases. It is clear that the Egyptian authorities target any political movement incompatible with them and to crush every protesting or dissenting voice. These repressive practices target all segments of society, violating all Egyptian laws, as well as international treaties and charters.

Through this research, Belady reveals methods of stereotypes and exclusion, including practices that target girl children and the extent of marginalization of future generations, which may contribute to building a dark future for the status of Egyptian women. The research is based on an analysis of the methods adopted by the Egyptian regime to arrest girls through the approved penal code, especially in crimes classified as political. In this regard, Belady relied on an analysis of data on 136 girls who were arrested and/or imprisoned in political cases from August 2013 until July 2021.

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 media, follow-ups of civil society organizations, and observational data.



¹ The International Day of the Girl Child, the United Nations

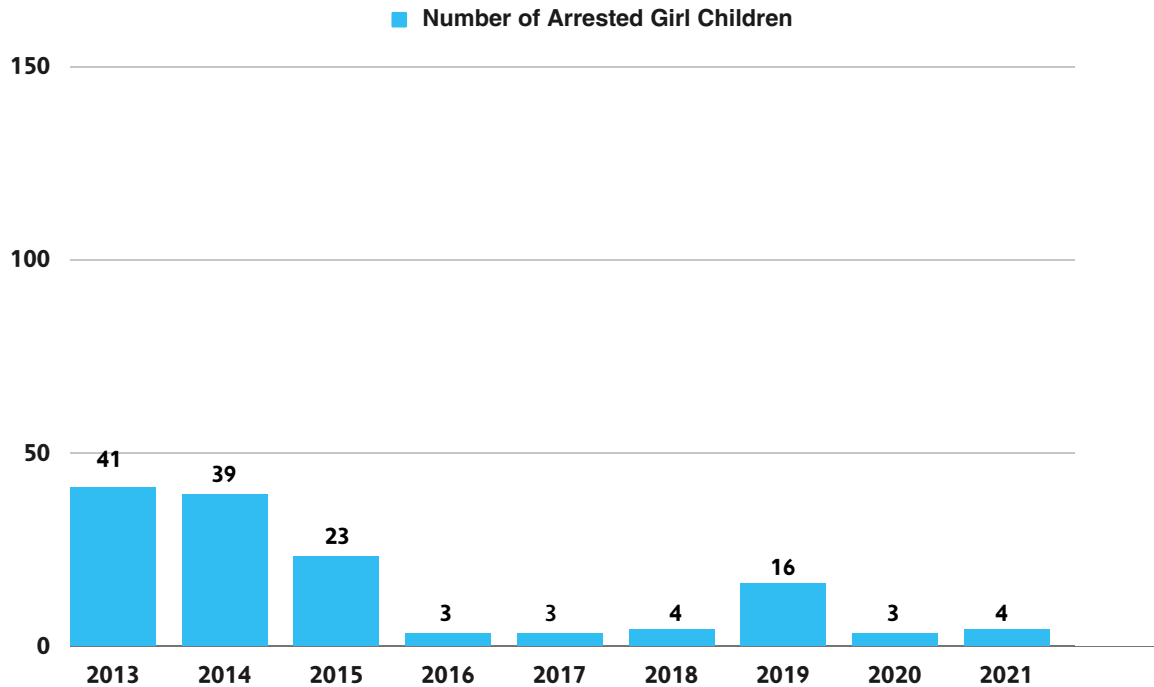
² Convention on the Rights of the Child, General Assembly, Forty-Fourth Session

³ Law No. 12 of 1996 promulgating the Child Law, as amended by Law No. 126 of 2008, Article 2

Results

First, the Girl Imprisoned in the Backdrop of Political Cases, a Closer Look

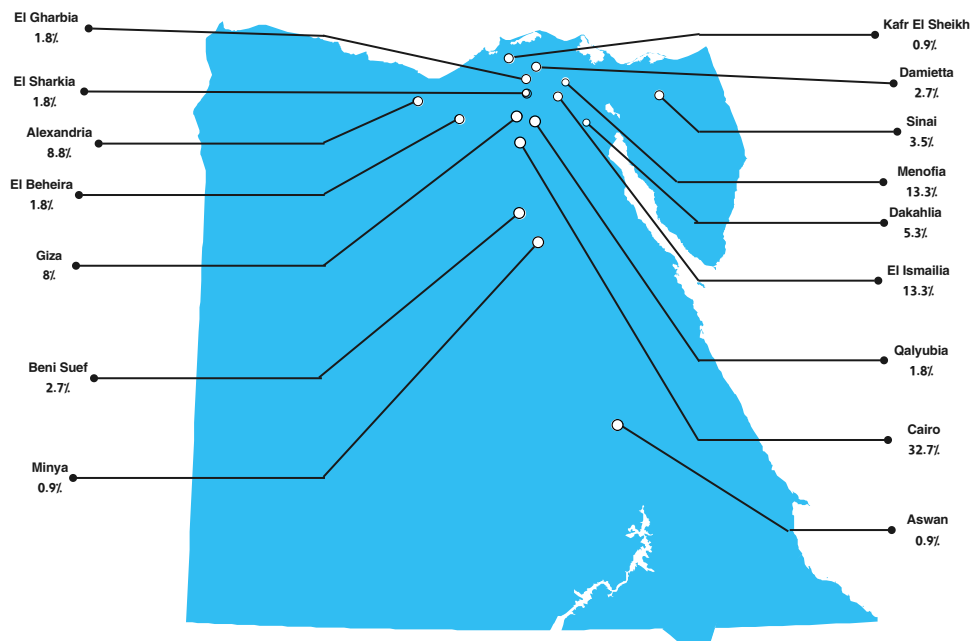
The Egyptian authorities continued to arrest girls from 2013 to 2021. The total number of girls who were arrested and/or imprisoned from August 2013 to July 2021 reached 136 girls. Years of arrest were distributed as shown in the following graph.



The highest rate of arrests was recorded in 2013, as 41 girls were arrested due to the launch of intensive security campaigns and raids against the Muslim Brotherhood and their families. This rate was followed by the year 2014 due to the events that erupted on the third anniversary of the January 25 revolution.

Second, Arrest Governorates

The arrests in this research were distributed to 16 Egyptian governorates. Cairo witnessed most of these cases, with a rate of 37/113 (32.7%). This majority can be explained by the concentration of most of the protests and movements in Cairo. Arrest rates were distributed during the years under study according to the following graph:



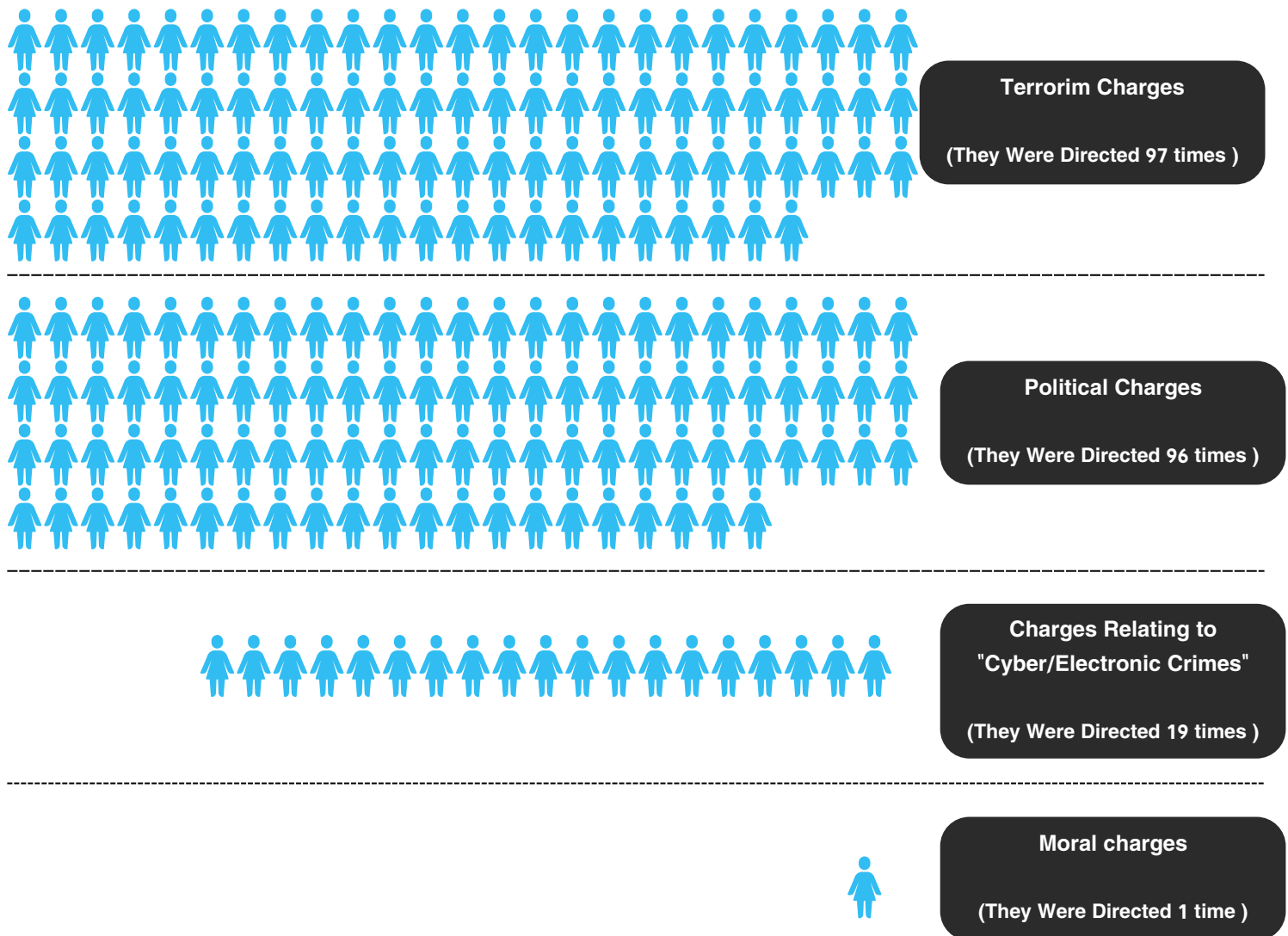
Most of the arrests were arbitrary from demonstrations or near demonstrations, with a rate of **59/108 (54.6%)**, through police checkpoints or security raids with a rate of **21/108 (19.4%)**. The arrests from the streets reached **19/108(17.6%)**, followed by arrests from home with a rate of **7/108 (6.5%)** or when visiting a detainee with a rate of **2/108 (1.9%)**.

Third, Age Groups

The ages of the arrested or imprisoned girls ranged from 7 months to 17 years. The age group (from 15 to 17 years) constituted the majority at a rate of **112/128 (87.5%)**, followed by the age group (from 12 to 14 years) with a rate of **13/128 (10.2%)**. The arrest reached all age groups of children, as girls of the age group (below 12 years) were also arrested at a rate of **3/128 (2.3%)**. The last category often represents a tool to force a parent on the run to turn themselves in or it falls under what is known as "arrest campaigns of entire families".

Fourth, Charges in Mass- That Are Not Compatible with the Girls' Ages

The Egyptian regime besieges girl children through a set of unjust charges that are mainly: joining a terrorist group, demonstrating and obstructing traffic, assaulting security forces, using force and violence, and destroying public and private property, operating a web page and publishing false news, and moral charges such as the Tik Tok girls case. The charges can be categorized as the following graph highlights.



It is surprising that some of the stated charges are originally rights, for example, the charges of assembly, demonstrating, and striking. The authorities seek to eliminate all signs or desires from the next generation to demonstrate or engage in political and civil activities, thus tightening the grip on public space and ensuring a rule based on dictatorship for the longest possible period.

Fifth, Unjust Verdicts against Girls

Belady observed that girls were sentenced to all levels of imprisonment in first instance trials (imprisonment, aggravated imprisonment, imprisonment with hard labor, imprisonment with a fine) with a rate of **60.4%** (32/53) followed by acquittals by **22.6%** (12/53). Placement in care homes reached a rate of **15.1%** (8/53). Belady also recorded a case of life imprisonment for one girl.

Sixth, Violations and Flagrant Abuse of Childhood

Belady observed a set of violations that girls were subjected to, whether during arrest or during the period of detention, which were as follows:

- **Political and Institutional Violence:** In addition to the abuse of legal procedures, the authorities have adopted many methods of persecuting girls. The Egyptian state has crossed all the red lines with regard to enforced disappearance, "rotation", arbitrary detention, prolonged pretrial detention, military trial, investigation in the absence of a lawyer, imprisonment with 'non-political prisoners', deprivation of health care, abuse of power in denying the entry of food and clothes, and prohibition from completing studies or attending exams. Belady observed that **32.4%** (44/136) of the girls were subjected to this type of violence.
- **Physical Violence:** The violations included various forms of physical violence, including beating, dragging, electric shocks, shackling, being forced to stand for long periods of time, denial of access to sanitary facilities, detention in inhumane conditions such as cells filled with insects and smoking, and lack of lighting and ventilation. Belady has observed that **18.4%** (25/136) of the girls, subject of this study, were subjected to this type of physical violence.
- **Social Violence:** **7.4%** (10/136) of the sample of this research were subjected to social violence by being isolated from the world through denial of visits.
- **Psychological Violence:** **5.9%** (8/136) of the sample of this research were subjected to insulting, cursing, humiliation, and degrading words.
- **Sexual Violence:** Belady observed sexual violations against two girls (**1.5%**), including forced virginity and pregnancy tests.

Discussion:

First, Forcibly Disappeared Girls!

Article 20 of the Declaration on the Protection of All Persons from Enforced Disappearance stipulates that:

1. States shall prevent and suppress the abduction of children of parents subjected to enforced disappearance and of children born during their mother's enforced disappearance, and shall devote their efforts to the search for and identification of such children and to the restitution of the children to their families of origin. 3. The abduction of children of parents subjected to enforced disappearance or of children born during their mother's enforced disappearance, and the act of altering or suppressing documents attesting to their true identity, shall constitute an extremely serious offence, which shall be punished as such.

Egyptian authorities consistently prove their lack of respect for Egyptian law and international conventions. Belady recorded **16.2% (22/136)** of enforced disappearance, including the infant "Hind Reda El Hilali", who was detained with her mother, Mona Sami Ibrahim. The mother was charged on April 25th, 2015, in case No. 6568 of 2015 Talkha misdemeanor in the backdrop of the arrest of 25 farmers, including women and children, in clashes that occurred over a piece of agricultural land. The prosecution refused to record that the infant was in detention, which prompted the lawyer in charge of the case to withdraw from the investigation. Furthermore, the student Ghadeer Alaa Mahsoub Ibrahim, aged 16 years old, who was arrested in September 2019 in case 1480 of 2019, was subjected to enforced disappearance for 57 days, during which she suffered the most heinous methods of torture and violations: beating and electrocution at the Zagazig National Security Headquarters.

Second, Charges and Punishment Incompatible with the Girls' Ages

Examining the criminal punishments designated for -children, we find that they are inherently disciplinary and educational measures corresponding with reform and integration- far from pain and punishment (imprisonment). This is what was endorsed by the Egyptian legislation. The Child Law No. 12 of 1996, amended by Law No. 126 of 2008, stipulates that the child who has not reached the age of twelve years at the time of committing the crime shall not be held responsible. If the child is above seven and below twelve years, and has committed a felony or a misdemeanor, they are to be disciplined by any of these measures:

- 1 - Censure by a Judge in Court,
- 2 - Handover to parents,
- 3 - Placement in a specialized hospital (if they suffer from a disease affecting their behavior),
- 4- Placement in a social care Institution (formerly the juvenile detention center),

As for a child over twelve but less than fifteen years old, if they commit the crime, they shall be sentenced by one of the following measures:

- 1 - Censure,
- 2 - Handover to parents,
- 3 - Training and rehabilitation,
- 4 - Committing to certain obligations (such as attending in religious places to hear lessons),
- 5 - Judicial probation (The child is placed in their 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, and
- 8 - Placement in a social care institution.

However, if the child committed a crime and they were above fifteen and below eighteen years old at that time, judges are prohibited from sentencing them to severe punishment (such as: death penalty, life, and aggravated imprisonment), whatever their crime.

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 punishment 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 their freedoms. The Egyptian Constitution states in 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. The state shall work to achieve children's best interest in all measures taken with regards to them.

These laws are often overlooked, as the violations start from the moment of arrest when girls are framed with charges that are not compatible with their ages. Belady recorded in this research that charges such as murder, threat of murder or attempted murder, assaulting citizens, disturbing public peace, and assaulting police officers 97 times were brought against girls as young as 17 years old.

The most prominent example of this are the children: Suhaila Sayed Nasr Darwish, 15 years old, Shaima Sameh Mohamed Hussein El Banna, 17 years old, and Fatima Gharib Mustafa Abu Zaid, 15 years old, who were imprisoned in case No. 291 of 2014 Abdeen administrative, registered under No. 12096 of 2014 Abdeen Felonies and No. 1561 of 2014 downtown Cairo, known in the media as the "Mazalim Wist El Balad" (Downtown Grievances) case. The three girls were arrested on the commemoration of January 25th, 2014. They were charged with the murder of five people and attempted murder of others, possession of firearms, ammunition, explosives and materials used in assault. The three girls were sentenced to ten years in prison with hard labor and one year of police probation. This indicates the continuation of the authority's policy of intimidation by making children an example to those who consider demonstrating or protesting.

Third, the Torture of Minors, a Systematic Policy by the Authorities

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.

Belady recorded in this research that a rate of 18.4% was subjected to physical violence in its various forms, including beating and dragging. The authority punishes girls with imprisonment and abuse. Physical violence is inflicted on them either through officers or through prisoners' incitement. This is what happened to the 16-year-old girl, Esraa Hassan Sayed Ahmed, who was arrested on January 5th, 2014 in front of a dental clinic in Ismailia, after forces dispersed the Suez Canal University demonstrations. She was taken to E Ismailia Third Police Station. After 4 months spent in pretrial detention, Esraa was sentenced by the First Instance Court to two years in prison with hard labor on April 30th, 2014. This sentence was reduced in mid-July 2014 to six months in prison. During her imprisonment, Esraa was subjected to physical violence, as the Warden of the Police Station brought 'non-political' prisoners to beat her in detention, in addition to being subjected to sexual violence by a forced virginity test.

Fourth, Minor Victims of the State and Society (Sinai Girls as a Model)

Amid the escalation of the security campaigns launched by the authorities against Sinai to combat terrorism, these raids (which also affected children and women) revealed the truth about the fateful conditions of children in the city. Among the minor girls who were charged with terrorism, are married girls or girls who are with children who are still below the minimum age of marriage according to Egyptian and international law.

As usual, the Egyptian state deals with a security solution to address all social problems. Instead of providing care and training for child victims of early marriage, they are imprisoned along with their own children. The most prominent example of this is the girl “Sahar” who was arrested on February 13th, 2021 for joining and financing a terrorist group. “Sahar” was 15 years old when she was arrested with her mother and her 5-month-old son while she was returning from Sinai after she was married 3 times. Instead of providing care and rehabilitation by the state after the violations she was subjected to, she was imprisoned with terrorist charges with her infant.

Conclusion

While most countries around the world strive to enhance the girls’ conditions and improve their well-being in order to achieve justice and equality, provide a sound environment for citizenship education and enable them to be trained to create a higher status for women within societies by engaging in international agreements and developing local legislation, the Egyptian authority continues to restrict freedoms and attack the most basic rights guaranteed in the Egyptian constitution and its legislation, and further sustain the environment hostile to women which deprives them of their political, economic and social rights.

Through this research, Belady sheds light on the deteriorating situation of the Egyptian girl and part of the authority's methods of abridging rights and closing the public sphere by abusing everyone who expresses her opinion and making her an example for others, ignoring all laws and humanitarian principles.

Through this research, Belady tried to shed light on the suffering of the Egyptian girl from detention on the basis of opinion and exposure to the most heinous violations without accountability or tracking the perpetrators of these acts.

Belady Recommendations

- To hold accountable anyone who committed violations against children who were detained by illegal procedures or assaulted by any means.
- To effectively implement 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 hold a comprehensive dialogue with civil society and state structures for child care to prepare a comprehensive plan for the rehabilitation of girl children who are politically detained and who have been subjected to torture and ill-treatment.
- To commit to detaining girl children separately from adults and to improve the infrastructure and living conditions in juvenile rehabilitation centers.

