

The Cabinet

THE NATIONAL COUNCIL FOR CHILDHOOD AND MOTHERHOOD



LAW NO. 12 OF 1996

PROMULGATING THE CHILD LAW

AMENDED BY

LAW NO. 126 OF 2008

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PROMULGATING THE CHILD LAW *

In the name of the people;

The President of the Republic;

The People's Assembly decided to promulgate the following Law;

Article 1

The provisions of the attached Child Law shall be enforced and all provisions in contradiction to its provisions shall be annulled.

Article 2

The Prime Minister shall issue the necessary By-laws for implementing the provisions of this law.

Article 3

This law shall be published in the Official Journal and shall come into force effective the day following the date of its publication. This law shall be stamped with the seal of the State and enforced as one of its Laws.

Issued by the Presidency on 6 Dhul Qiida 1416 H (25 Mars 1996 AD)

Hosny Mubarak

* The Official Journal issue no. 13-supplement of 28 March 1996; amended by Law no. 126 of 2008, Official Journal issue no. 24-bis of 15 June 2008, and issue no. 28 of 10 July 2008

CHILD LAW
PART ONE
General Provisions

Article 1⁽¹⁾

The State shall ensure the protection of childhood and motherhood, the welfare of children, and provide suitable conditions for their appropriate upbringing in all respects, within the framework of freedom and human dignity.

Furthermore, the State shall, as a minimum, guarantee the rights of the child, as stated in the Convention of the Rights of the Child and all other relevant international covenants enforced in Egypt.

Article 2⁽²⁾

For the purpose of this Law, the term “child” within the context of care and welfare, shall mean all individuals who have not reached the age of eighteen (18) complete calendar years.

The age of the child shall be verified by means of a birth certificate, an identification card, or any other official document.

In the absence of an official document, an authorized entity shall determine the age, by virtue of a decree issued by the Minister of Justice in agreement with the Minister of Health.

Article 3⁽³⁾

The present law shall particularly ensure the following principles and rights:

- a) 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.
- b) The right to be protected from all forms of discrimination among children, on the basis of birth place, parents, sex, religion, race, disability, or on any other status, and ensure equal opportunities among children to benefit from all rights.
- c) The right of the child who is able to form his own opinions, to access information which empowers him to form and express such opinions, and to be heard in all matters related to him, including judicial and administrative procedures, in accordance with the procedures specified by the Law.

The best interests of the child and his protection shall be a primary consideration in all decisions and procedures whatever the department or authority issuing or undertaking them.

¹ The last paragraph was added by virtue of Law no.126 of 2008

² Replaced by Law no. 126 of 2008

³ Replaced by Law no. 126 of 2008

Article 4⁽⁴⁾

The child shall have the right to kinship with his legitimate parents and to be cared by them.

The child shall have the right to establish his legitimate paternal and maternal lineage, using all lawful scientific means in order to establish such lineage.

Parents shall provide the child with necessary care and protection. The State shall provide the child deprived of family care with alternative care. Adoption is prohibited.

Article 5

Each child shall have the right from birth to a name with which to be characterized. The name shall be registered immediately after birth in the births' registers according to the provisions of this law.

The name shall not connote any degradation or humiliation to the dignity of the child. Nor shall it be incompatible with religious beliefs.

Article 6

Each child shall have the right to a nationality in accordance with the provisions of the Law on Egyptian Nationality.

Article 7

Every child shall enjoy all legitimate rights, particularly his right to breastfeeding, nursing, food, clothing, habitat, seeing his parents, and protecting his resources, according to the provisions set forth under the Personal Status Laws.

Article 7-bis⁽⁵⁾

Every child shall have the right to access health and social care services and to be treated for any illnesses. The State shall take all necessary measures to ensure that all children enjoy the highest level of healthcare.

The State shall ensure providing the parents, the child, and all community sectors with the essential information related to the child's health and nutrition, the advantages of breastfeeding, the principles of health protection, environmental safety, and accidents prevention, and shall assist them in benefiting from such information.

Furthermore, the State shall ensure the right of the child, in all settings, to a suitable, healthy, and clean environment and shall take all effective measures to eliminate harmful practices to his health.

Article 7-bis (a)⁽⁶⁾

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.

⁴ Replaced by Law no. 126 of 2008

⁵ Added by Law no. 126 of 2008

⁶ Added by Law no. 126 of 2008

The Sub-Committee for Child Protection may undertake legal procedures in the event of violations of the preceding paragraph.

Article 7-bis (b)⁽⁷⁾

The State shall ensure the protection of the life of the child, his safe and secure upbringing away from armed conflicts, and ensure that he shall not engage in any acts of war. Furthermore, the State shall, in cases of emergency, disasters, wars, and armed conflicts, ensure the respect of all his rights, and shall take all necessary measures to prosecute and penalize any person who commits against the child any acts of war crimes, genocide, or crimes against humanity.

⁷ Added by Law no. 126 of 2008

PART TWO

Child Health Care

Chapter 1

Practicing the Obstetric Profession

Article 8

It is not permissible for non-physicians to practice the profession of obstetrics, in any capacity whether public or private, only those whose names are recorded in the registers of midwives, assistant midwives, or doulas of the Ministry of Health can do so.

Article 9

The person who has been licensed to practice midwifery shall notify the Ministry of Health, by registered mail, of any change of her home address, within thirty (30) days from such a change, or else the Ministry of Health may remove her name from the register provided for this purpose, after fifteen (15) days from the date of notifying her by registered mail, at the latest address known to the ministry.

The person whose name was removed in the foregoing manner may have the right to reinstate her name again if she notifies the Ministry of Health of her address, against a reinstatement fee determined by the By-laws which shall not exceed ten (10) Egyptian pounds.

Article 10

The person who has been licensed to exercise midwifery shall - while practicing her profession - abide by the obligations determined by a decree of the Minister of Health or face disciplinary inquiry.

A Disciplinary Council for those licensed to exercise midwifery, who are not working in the administrative sector of the State, shall be established in every Governorate by a decree from the Governor, chaired by the director of health affairs and with the membership of a physician from the maternity and childhood care division and a member from the legal affairs section in the directorate.

The Disciplinary Council shall have the authority to remove the licensee's name from the register, or deprive her from exercising the profession for a period not exceeding one (1) year, for conduct violating the rules of integrity, honor, or efficiency in her profession, or any other violation related to the exercise of her profession.

Article 11

The person who has been licensed to exercise midwifery shall have the right to complain against the decision issued by the foregoing Disciplinary Council, penalizing her by removing her name or depriving her from exercising the profession, within fifteen (15) days from the date of notifying her by registered mail.

A council shall be established by virtue of a decree of the Minister of Health and shall take a decision with respect to the complaint. It will be chaired by one of the directors of the central

departments at the Ministry of Health, or by a person acting on his behalf, and two general directors at the Ministry of Health, one of them being the general director for legal affairs.

Article 12

The Governor, based on a report from the competent health department shall have the authority to remove the name of the person who has been licensed to exercise the profession, from the foregoing register, if it is proven that her health conditions no longer allows her to continue exercising her profession.

Article 13

Without prejudice to any stronger penalty prescribed by the Law, shall be imprisoned for a period not exceeding six (6) months and a fine of not less than two hundred (200) Egyptian pounds and not exceeding five hundred (500) Egyptian pounds, or by one of the two penalties, whoever practices the midwifery profession in violation to the provisions of this Law. In case of recurrence, the perpetrator shall be liable to both penalties jointly.

Chapter 2

Birth Registration

Article 14

Reporting the birth of a child must take place within fifteen (15) days from the date of birth, on the form provided for such purpose, to the health office located in the area where the birth has taken place, if such office exists there, or to the health department in the districts with no health offices, or to the *Umda* (chief magistrate or the mayor of the village) in other sectors, as indicated in the By-laws.

The *Umda* shall forward the birth report to the health office or to the health department within seven (7) days from the date of reporting the birth.

The health office or the health department shall forward the birth report to the concerned civil registry office within three (3) days from the date it has been informed, for recording it in the births registry.

Article 15⁽⁸⁾

The persons responsible for reporting the birth shall be the following:

- 1 - The father of the child, if present.
- 2 - The mother of the child, provided that the marital relationship is confirmed as stipulated in the By-laws .

⁸ Last clause is added in Law no. 126 of 2008

- 3 - The directors of hospitals and corrective facilities as well as health quarantine houses and other places where births occur.
- 4 - The *Umda* or the sheikh.

Reporting the birth may also be accepted from adult relatives and in-laws up to the second degree, as stipulated in the By-laws.

Those responsible – according to the foregoing order – with reporting the birth shall held accountable in case of failing to report the birth. Reporting the birth of a child shall not be accepted from anyone other than the foregoing persons.

Physicians and those licensed to exercise the obstetrical profession shall give a certificate for birth cases they performed thereby confirming the event, the date of birth, the name of the newborn's mother and his sex. Health unit physicians and health inspectors shall issue certificates including the same foregoing data and contents. This birth certificate shall be issued after performing the medical examination relevant thereto, if asked to do so in other cases of births.

Without prejudice to the provisions of Articles 4, 21, and 22 of the present Law, the mother shall be have the right to report the birth of her newborn, register him at the birth registry, and apply for a birth certificate in which her name as mother is recorded,. This birth certificate is to be used only as a proof of the birth and for no other purposes.

Article 16

The following information and data must be included when reporting the birth:

- Date of birth;
- Gender (male/female), name and surname of the newborn;
- Name, surname, nationality, religion, home address and profession of the parents;
- Civil registry location of parents, if known to the person reporting the birth; and
- Any other additional information required by a decree of the Minister of Interior in agreement with the Minister of Health.

Article 17⁽⁹⁾

The Secretary of the Civil Registry shall issue the birth certificate on the form provided for such purpose, after recording the birth. The Birth Certificate shall include the data and particulars as stipulated in Article 16 of this Law, and the first birth certificate shall be delivered, free of all charges including insurance, to the head of the newborn's family, after confirming his identity. The By-laws shall determine the individuals, other than the head of the family, to whom the birth certificate may be delivered. Issuing an official copy of the birth certificate, for the first time only, shall be in accordance with Article 2 of the Law on Family Insurance Fund, issued by virtue of Law No. 11 of 2004.

⁹ Replaced by Law no. 126 of 2008

Article 18

If the newborn dies before his birth is reported, his birth shall first be reported then his death. But if he is a stillborn child after the sixth month of pregnancy, the reporting shall be restricted to its death.

Article 19

If the birth takes place while traveling abroad, the birth shall be reported to the nearest Egyptian Consulate in the traveler's country of destination, or to the concerned civil registry office within thirty (30) days from the arrival date from abroad.

In case the birth takes place while returning from abroad, the birth shall be reported within the above-mentioned period to the health office or to the health entity located in the area of the place of residence.

Article 20

Any person finding a newborn in cities shall deliver him immediately, in the same condition found, to one of the reception institutions concerned with newborns, or to the nearest police station, the latter shall send him in turn to one of these institutions. In the first case, the institution shall notify the concerned police authority.

If found in villages, the newborn shall be delivered to the Umda or the Sheikh, which is equivalent to delivering him to the police authority, and in this case the Umda or Sheikh shall deliver the newborn immediately to the institution or the police station, whichever is closer.

In all cases, the police authority shall issue a police report including all the data concerning the newborn, and the person who found the newborn, unless the latter refuses. The police shall then notify the physician of the concerned health entity to estimate the age of the child and give him a first, middle, and last name, and record his data in the births register. The health entity shall then forward a copy of the police report and other related papers to the concerned civil registry office within seven (7) days from the date of recording him in the birth register.

The Secretary of the civil registry shall record the newborn in the birth registry. If either parent appears before the police station and submits a paternity or maternity declaration concerning the child, a police report shall be drawn up where the data stipulated in Article 16 of this Law shall be recorded. Furthermore, a copy of this report shall be forwarded to the concerned civil registry within seven (7) days from the date of the report.

Article 21

Child registration referred to in the previous article shall be according to the data submitted by the reporting person, and under his responsibility, except for recording the name of the two parents or either parent, which shall be subject to written request from both or either one who desires to be so recorded.

This registration shall not be valid if it conflicts with the prescribed rules in the Personal Status Law.

Article 22

Notwithstanding the provisions of the preceding article, the Secretary of the civil registry shall not record the name of the father or the mother or both, even if he is so requested, in the following cases:

- 1 - If the parents are forbidden to marry under Islamic Law, their names shall not be recorded.
- 2 - If the mother is married and the newborn child is born to a father other than her husband, her name shall not be recorded.
- 3 - With regard to non-Muslims, if the father is married, and the child is born to a mother other than his legitimate wife, his name shall not be recorded, unless the child was born either before marriage or after annulling the marriage, except for those persons whose religion permits polygamy.

The By-laws shall determine the data and information to be recorded in the birth certificate, in the foregoing cases.

Article 23

Those who violate the provisions of Articles 14, 15, 18, 19, and 20 of this law shall be to penalized with a fine of not less than ten (10) Egyptian pounds and not exceeding one hundred (100) Egyptian pounds.

Article 24

Without prejudice to any other stronger penalty prescribed by the Law, shall be imprisoned for a period not exceeding one (1) year and a fine of not less than one hundred (100) Egyptian pounds and not more than five hundred (500) Egyptian pounds, or by either penalty, any person deliberately gives incorrect data and information legally required when reporting a newborn.

Chapter 3

Vaccination and Immunization of the Child

Article 25

The child shall be inoculated and immunized, free of charge, with vaccines protecting him from contagious diseases, at the health offices and health units, according to the systems and schedules as stated in the By-laws.

The father of the child, or the person, in whose custody the child is found, shall be responsible for presenting the child for vaccination or immunization.

The inoculation or vaccination of the child may be carried out by a private physician licensed to practice the profession, provided that the responsible person for taking the child for

vaccination submits to the health office or the health unit, prior to the expiry of the specified date a certificate stating that the child took his vaccines.

Article 26

Without prejudice to the provisions of the Penal Code, any person violating the provisions of the previous article shall be penalized with a fine of not less than twenty (20) Egyptian pounds and not exceeding two hundred (200) Egyptian pounds.

Chapter 4

Child Healthcare card

Article 27

Every child shall have a healthcare card whose data shall be recorded in a special registry found at the concerned health office. This card shall be delivered to the father or to the person in charge of the child, after recording its number in the birth certificate.

The By-laws shall determine the system and data for this card.

Article 28

The healthcare card shall be presented at each medical examination of the child whether at the health units, the maternity and childhood welfare centers, or other concerned medical units.

The physician in charge shall record the health condition of the child, and the vaccination or immunization of the child and their dates.

Article 29

The healthcare card shall be submitted together with the admission papers of the child to the two pre-university stages of education. The card shall be kept in the school file of the child. The school physician shall document the result of the follow-up on the child's health condition during the two pre-university stages of education.

The school shall ensure the presence of the healthcare card for all children who enrolled prior to the entry into force of the present Law. If the child has no card in his file, the child's father or the person in charge of the child shall establish a card according to the provisions of Article 27 of this Law.

The By-laws shall determine the method for organizing the periodic medical examination of the child's at school during the two pre-university stages of education, provided that this periodic medical examination takes place at least once every year.

Chapter 5

Child Nutrition

Article 30

No colored substances, preservatives, or food additives shall be introduced to the meals and products designated for feeding infants and children, unless they comply with the regulations and provisions as stated in the By-laws.

Meals for children and food containers shall be free of toxic materials and of pathogenic bacteria which are harmful to health, as shall be determined by the Minister of Health.

Distributing these foods and products, or advertising them in any way, shall be prohibited, except after registration and obtaining a license from the Ministry of Health for their distribution and method of advertising in accordance with the regulations and procedures to be determined by a decree of the Minister of Health, in agreement with the Minister of Supply.

Without prejudice to any stronger penalty prescribed in any other law, whoever violates any of the provisions of this article shall be imprisoned for a period of not less than six (6) months and a fine of not less than five hundred (500) Egyptian pounds and not exceeding two thousand (2000) Egyptian pounds, or by one of the two penalties. In all cases, a court ruling shall confiscate food, containers, and all advertising materials body of the crime.

PART THREE

Social Welfare

Chapter 1

Nursery

Article 31⁽¹⁰⁾

A nursery is any suitable place designated for the welfare of children under the age of four (4) years. The nursery is subject to the supervision and control of the ministry responsible for social affairs according to the provisions of this law.

Every child referred to in the above paragraph shall have the right to enjoy nursery services. The State shall take all necessary measures to ensure this right.

Article 31-bis⁽¹¹⁾

A nursery shall be established in every prison for women, according to the specifications for nurseries, where children of female prisoners may be placed until they reach the age of four on condition that the mother stays with her child during the first year of his life.

A decree shall be issued by the Minister of Interior to regulate the communication between the imprisoned mother and her child. The mother shall not take the child to her prison cell and she shall not be deprived from seeing her child or taking care of him as a punitive action for any wrongdoing.

Article 32⁽¹²⁾

Nurseries target the following objectives:

- 1 - Ensuring the social welfare for children and developing their talents and capacities;
- 2 - Preparing children physically, culturally, mentally, and morally, in consistence with the objectives of the society and its religious values.
- 3 - Raising awareness children's families to provide them with sound upbringing.
- 4 - Strengthening and developing social bonds between the nursery and the children's families.
- 5 - Fulfilling the needs of children for entertainment, games, and recreational and artistic activities suitable for their ages.

The nursery shall provide the means and methods enabling it to fulfill the aforementioned objectives, according to the regulations set forth by the By-laws, in this respect.

¹⁰ The second paragraph is added by Law no. 126 of 2008

¹¹ Added by Law no. 126 of 2008

¹² Item 5 is added by Law no. 126 of 2008

Article 33

A license shall be obtained from the competent authority prior to establishing a nursery or changing its location or specifications.

In case the nursery devolves to other than the licensee, the person to whom it has devolved shall notify the concerned Directorate for Social Affairs within ninety (90) days by registered mail with acknowledgement of receipt of such devolution and its reasons. He shall attach to the notification evidence of fulfilling the regulations and requirements set forth in Article 34 of this Law.

Article 34

Licensing a nursery to natural or legal persons shall be in accordance with the provisions set forth in the By-laws. To acquire a nursery license a natural person shall fulfill the following requirements:

- 1 - He shall be of Egyptian nationality and legally competent.
- 2 - Never been sentenced for a felony or being penalized by restriction of freedom in a misdemeanor involving honor or dishonesty, or any of the crimes prescribed in articles 283, 284, 285, 286, 287, 292, and 293 of the Penal Code, unless he has been rehabilitated.
- 3 - He shall be of good conduct and enjoy good social reputation.
- 4 - He shall not undertake any activity or profession contrary to social or educational activities.

Article 35

Any person who desires to establish a nursery shall submit a request to the concerned Directorate for Social Affairs, on the form provided for this purpose.

The Directorate for Social Affairs shall decide upon the request, in the light of the needs and requirements of the area, region, or district where the nursery is intended to be set up, within thirty (30) days from the date of submitting the request, along with notifying the applicant of its decision by registered mail with acknowledgment of receipt. The decision rejecting the request shall state the reasons for refusal.

A person whose request is rejected may appeal to the committee referred to in Article 40 of this Law

Article 36

If the request for a nursery license is approved, the applicant shall prepare all requisites for operating the nursery and notify the Directorate for Social Affairs upon completing these requirements by registered mail with acknowledgement of receipt. The Directorate shall within fifteen (15) days from receiving the notification, ensure that the nursery conforms to all specifications, or else it shall request from the applicant to correct the shortcomings and notify the directorate thereafter. The Directorate then shall, within fifteen (15) days from

receiving this notification, re-assess the fulfillment of all requirements and issue the license accordingly.

Article 37

A nursery licensed to a natural person shall enjoy the status of a legal person. It shall also enjoy this status if it is licensed to a legal person, unless the license is granted to an association whose among its objectives is to establish a nursery. The nursery shall be legally represented by the Licensee before courts and vis-à-vis third parties.

The Licensee shall be authorized to establish a nursery and shall appoint a manager thereto in accordance with the regulations prescribed in the By-laws.

The Licensee shall develop the internal regulations for the nursery within thirty (30) days from the date of the license, and shall submit these internal regulations for approval by the concerned Directorate for Social Affairs. The By-laws shall determine the rules and regulations to be that should be included in the model regulations of a nursery.

Books and ledgers shall be held at the premises of the nursery as necessary to regulate all financial, technical, and administrative aspects in accordance with the forms specified by the ministry responsible for social affairs.

Article 38

The nursery may accept donations, grants, subsidies and legacies offered thereto by Egyptian individuals or organizations. However, those offered by foreign or international individuals or organizations may not be accepted unless approved by the ministry responsible for social affairs.

Shall be allocated to support nurseries, as set forth by the By-laws, a percentage of the profits of the central social services companies, this percentage shall be added to the resources of the sub-funds in the Governorates to support the associations and institutions thereof.

The By-laws shall indicate the method and regulations whereby these subsidies resulting from the proceeds of this percentage shall be distributed to nurseries in the Governorates.

Article 39

The concerned technical agencies at the ministry responsible for social affairs shall be in charge of the technical inspection as well as the financial and administrative supervision over the nurseries to ensure the implementation of the provisions of this law and related decrees for its enforcement.

The concerned Directorate for Social Affairs shall notify the nursery of the type of violation, and shall issue a warning to the nursery to rectify the situation within a suitable period determined by the Directorate. If the nursery fails to remove the violations and correct the situation, the case shall be submitted to the Committee for Nursery Affairs at the Governorate to take the appropriate measures in this regard in accordance with the provisions of Article 40 of this law.

Article 40

A committee entitled the Committee for Nursery Affairs shall be established in each Governorate chaired by the Governor or his delegated assignee. The By-laws shall determine its composition and its working mechanism. The Committee shall decide upon the following issues:

- 1 - Complaints from concerned parties regarding the Directorate's decisions in rejecting the license to establish the nursery, or rectifying deficiencies therein, or changing its location, or transferring its ownership, or its closure.
- 2 - Temporary closing the nursery, or placing it under the direct management of the Directorate for Social Affairs if it is proven to the Committee that the management of the nursery is no longer satisfactory making it difficult for the nursery to perform its duty or fulfill its obligations adequately, or if the nursery is being exploited for purposes other than intended. Placing the nursery under the Directorate's administration shall restrict the authority of the person in charge and the Directorate shall manage it on his behalf pending the removal of the causes of the violation or the issuance of a final decision concerning the status of the nursery.
- 3 - The Directorate shall propose to discontinue paying the subsidies allocated to the nursery, in case of its violation of the provisions of the Law or the decrees issued for its implementation, and the amounts withheld shall be channeled towards removing the violation.
- 4 - An additional period shall be granted to the nursery pending removal of the causes of violation, in case it fails to do so, the Committee shall then have the authority to place the nursery under the direct administration of the Directorate for Social Affairs, in accordance with the provisions of Item 2.

The Committee shall decide upon the issues before it within a maximum of thirty (30) days, if no decision is taken during this period it shall be considered rejected.

Article 41

The nursery may not be closed down after obtaining its license, except by virtue of a substantiated decision issued by the Committee for Nursery Affairs in the Governorate.

However, the head of the Directorate for Social Affairs in the Governorate may, in case of extreme necessity, close down the nursery temporarily, by virtue of a substantiated decision enforceable upon issuing it, providing the decision shall be submitted to the Committee for Nursery Affairs in the Governorate within thirty (30) days to take whatever decisions it deems necessary, in accordance with the provisions of the previous article.

Failure to observe the foregoing date shall result in considering the decision as null and void.

Article 42

The funds of the nurseries shall be considered public funds, and their staff shall be considered public officials in conformity to the provisions of Part 4, Book II of the Penal Code. Its

records and registers shall also be considered official documents in application to the provisions on forgery, as set forth in the Penal Code.

Article 43⁽¹³⁾

A supreme committee for nurseries shall be established by virtue of a ministerial decree by the minister responsible for social affairs, chaired by the minister and having as members representatives from concerned ministries, and those concerned with childhood and motherhood affairs, to be appointed by a decree issued by the minister subject to the approval of their respective places of work. The said committee shall be concerned with drawing up the general policy for nurseries and with implementation follow up.

Article 44

Shall be penalized by imprisonment and a fine of not less than five hundred (500) Egyptian pounds and not more than five thousand (5,000) Egyptian pounds, or by one of the two penalties, any person who establishes, or manages a nursery, or changes its location, or specifications prior to obtaining a license from the appropriate authority. Imprisonment shall be for a period of not less than one (1) year if the nursery fails to fulfill any of the conditions prescribed in Article 34 , Items 1, 2, and 3 of this Law.

The Public Prosecution may, upon the request of the Directorate for Social Affairs, order the temporary closure of the nursery established without a license, pending a Court's judgment on the case. The owner of the nursery may contest this judgment to the concerned judge, within one (1) week from receiving the notification.

Article 45

Shall be penalized with imprisonment for a period not exceeding one (1) year, and a fine of not less than two hundred (200) Egyptian pounds and not more than two thousand (2,000) Egyptian pounds, or by one of the two penalties, whoever violates the provisions of the second paragraph of Article 33 and Article 37 of this Law.

Chapter 2

Alternative Care

Article 46

The system of alternative care aims at providing social, psychological, health and professional care to children of more than two (2) years of age, whose circumstances prevented them from being brought up within their natural families, and provide them with a sound upbringing making up for lost care and affection.

The By-laws shall determine the rules and regulations governing alternative care system and beneficiaries.

¹³ The phrase "Minister for Social Affairs" was replaced by the phrase "Minister responsible for social affairs" by Law no. 126 of 2008, wherever it is mentioned in this law

Article 47

The child club shall be considered a social and educational institution ensuring social care for children aged from six (6) to fourteen (14) years of age, by filling their leisure time with sound educational methods and schemes. The club shall aim at achieving the following objectives:

- 1 - Ensure social and educational care for children during their leisure time, their holidays, as well as before and after school days.
- 2 - Complement the role of the family and school vis-à-vis the child, and assist working mothers to protect children from physical and mental neglect and from being exposed to delinquency.
- 3 - Ensure the full development of the child whether physical, mental, and spiritual to acquire new experiences and skills in a manner consistent with his evolving capacities
- 4 - Assist children in developing their assimilation capacities in schools.
- 5 - Strengthen the bonds between the club and the families of children.
- 6 - Raise the awareness of the child's family and provide it with suitable information on the education and upbringing of children according to sound educational methods.

The By-laws shall specify the regulations for formulating the statutes of child clubs.

Article 48

A "social care institution for children who are deprived of family care" shall be any reception center for children of not less than six (6) years of age and not more than eighteen (18) years of age, who are deprived of family care for being orphans, or due to the breakdown of the family, or to the family's inability to provide proper care to the child.

The child may remain in the institution if he is enrolled in higher education, until graduation, provided that circumstances that led to his admission in the social care institution are still standing, and the child has successfully passed his educational stages.

The By-laws shall specify the regulations for formulating the statutes of these institutions.

Article 49⁽¹⁴⁾

The following children shall have the right to obtain a monthly pension from the competent Ministry concerned with social insurance, provided that such pension shall not be less than sixty (60) Egyptian pounds and in accordance with the rules and regulations specified in the Law for Social Insurance:

- 1 - Orphan children or children with unknown fathers or parents.
- 2 - Children of female headed household or children of a divorced mother if she remarries, or is deceased.

¹⁴ Replaced by Law no. 126 of 2008

- 3 - Children whose father is legally detained, or imprisoned, or children of an imprisoned female headed household, or children whose father or mother being a female headed household is imprisoned for a period of not less than one (1) month.

Chapter 3

Protection from Traffic Risks

Article 50⁽¹⁵⁾

It is prohibited to grant a child a driving license to any motor vehicle.

Without prejudice to the provisions of Article 101 of this Law, shall be penalized by imprisonment for a period not exceeding three (3) months and a fine of not less than fifty (50) Egyptian pounds and not exceeding one hundred (100) Egyptian pounds or by one of the two penalties, any child who drives a motor vehicle without a license.

Without prejudice to the provisions of the Traffic Law, shall be penalized by the same penalty any person who rents a vehicle to a child, or has enabled him to drive a motor vehicle by any means. The Court may suspend the license of the vehicle for a period not exceeding three (3) months, and suspend the license of the car rental agency for a similar period. In case of recurrence, the said agency shall lose its license or shall be closed if not licensed.

Article 51

Bicycles shall not be ridden on public roads by those under eight (8) calendar years, and the person in charge of the child shall be held responsible for all harmful consequences thereon.

Article 52

Bicycle rental agencies and their employees shall not rent bicycles to children under the age of eight (8) years; otherwise they shall be held accountable for all harmful consequences caused to third parties and to the child himself.

¹⁵ The third paragraph was added by Law no. 126 of 2008

PART FOUR
Child Education
Chapter 1

Article 53⁽¹⁶⁾

Child education shall, for all educational stages target the following objectives:

- 1 - The development of the child's personality, talents, and mental and physical abilities to their fullest potential, taking into consideration that the educational programs conform to the child's dignity, enhance his feelings of self worth, prepare him to participate in society and assume his responsibilities.
- 2 - The development of respect for the general rights and freedoms of human beings.
- 3 - The development of respect for the child's parents, his cultural identity, his language, and his religious and national values.
- 4 - The development of the child's sense of belonging and loyalty to his country, promote brotherhood, tolerance among human beings, and the respect of others.
- 5 - The consolidation of values of equality and non-discrimination among individuals on the basis of religion, sex, ethnicity, race, social origin, disability, or any other forms of discrimination.
- 6 - The development of respect for the natural environment and its preservation.
- 7 - The preparation of the child for responsible life in a united civil society where rights' awareness are concomitant with commitment to duties.

Article 54⁽¹⁷⁾

Free education in public schools is a right for all children.

The educational responsibility of the child shall be rest with the parent having custody, and in case of disagreement as to the best interests of the child, any of the concerned parties shall bring such matter to the attention of the President of the Family Court, in his capacity as a judge for temporary affairs, to decide upon the issue taking into consideration the financial situation of the child's legal guardian, without prejudice to the right of the parent having educational responsibility.

¹⁶ Replaced by Law no. 126 of 2008

¹⁷ The second paragraph was replaced by Law no. 126 of 2008

Chapter 2
Kindergartens

Article 55

Kindergarten is an educational system achieving comprehensive development for children prior to the primary educational stage, and preparing them to enroll in it.

Article 56

Without prejudice to the provisions on the role of nurseries as stated in Part 3, a kindergarten is any self supporting educational institution for children, or class, or classes annexed to an official school, as well as any establishment admitting children above the age of four (4) years in order to achieve the objectives set forth in the following article.

Article 57

Kindergartens aim at assisting children prior to school age, in achieving comprehensive mental, physical, spiritual, social, moral and religious development for each child

Article 58

Kindergartens shall be governed by the plans and programs of the Ministry of Education, and shall fall under its administrative and technical supervision. The By-laws shall determine kindergartens specifications, establishment procedures, work organization, admission regulations, and tuition.

Chapter 3
Stages of Education

Article 59

The two pre-university stages of education shall be as follows:

- 1 - Compulsory Basic Education Stage. It includes two levels: the primary level and the preparatory level. Another level may also be added as specified in the By-laws.
- 2 - Secondary Education Stage (general and technical).

Article 60

Basic education shall develop the capabilities and aptitudes of students, satisfy their needs, and provide them with the necessary values, information, and behavioral, practical and professional skills appropriate to their different environments, hence enabling those who complete the compulsory basic education stage to proceed forward to a higher education stage to become, after suitable professional training, productive citizens in their communities.

Article 61

The secondary general education stage shall prepare students for practical life and for higher and university education, as well as for public life participation, along with promoting religious, behavioral, and national values and principles.

Article 62

The secondary technical education shall primarily form technicians' cadres in the fields of industry, agriculture, management, and services. It also aims at building their technical capacities.

Article 63

The provisions of the Law on Education shall apply where no provision is prescribed in this Part.

PART FIVE

Care for the Working Child and Working Mother

Chapter 1

Care of Working Child

Article 64⁽¹⁸⁾

Without prejudice to the provision of Article 18, paragraph 2, of the Law No.139 of 1981 on Education, children shall not be employed for work before reaching the age of fifteen (15) calendar years. Nor shall they be provided with training before they reach the age of thirteen (13) years.

Children of twelve (12) to fourteen (14) years of age may, by a decree from the concerned Governor and subject to the approval of the Minister of Education, be licensed for seasonal employment which has no harmful consequence to their health or growth, nor interferes with their school attendance.

Article 65⁽¹⁹⁾

The employment of children in any type of work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children shall be prohibited, in particular regarding the employment of a child in any type of work set forth in the ILO Convention No. 182 of 1999 on the Worst Forms of Child Labour.

Taking into account the provisions set forth in the first paragraph, the By-laws shall determine the system for child employment, the cases in which employment is permitted, and the types of work, crafts, and trades in which children may work, according to their different ages.

Article 65-bis⁽²⁰⁾

A medical examination shall be performed on the child prior to his employment, to ensure that he is fit to perform the assigned work. Such examinations shall be conducted periodically, at least once a year, as set forth by the By-laws .

In all cases, the work shall not cause any physical or mental pain or harm to the child. or prevent the child's from attending school and enjoy recreational and developmental activities appropriate to his capabilities and talents. The employer shall be insure the child and protect him from work hazards while at work.

The child shall have seven (7) days of annual leave in addition to that of an adult's annual leave, and it shall not be postponed or withheld from him whatever the reason.

¹⁸ The phrase 'fourteen years' was replaced by the phrase 'fifteen years,' and the phrase 'twelve years' was replaced by the phrase 'thirteen years' in Law no. 126/2008

¹⁹ Replaced by Law no. 126 of 2008

²⁰ Added by Law no. 126/2008

Article 66⁽²¹⁾

A child shall not work for more than six (6) hours a day, the working hours shall include one or more period for meals and rest totaling not less than one hour. This/these period/s shall be determined so that the child shall not work for more than four (4) continuous hours.

Children shall not work overtime, or work during the weekends or official holidays.

In all cases, children shall not work between 7 p.m. and 7 a.m.

Article 67

Any employer who employs a child under the age of sixteen (16) years shall issue him a work ID card stating that he is working for him., The picture of the child shall be affixed on this ID card, and the Bureau for Manpower shall approve it and stamp it with its seal.

Article 68⁽²²⁾

An employer who employs one child or more shall take into consideration the following:

- 1 - To post in a visible spot, at the workplace, a copy of the provisions prescribed in this chapter.
- 2 - To maintain an updated record of the basic data of the children working for him including, inter alia, the child's name his date of birth, the nature of his work, the number of his working hours and rest periods, and the content of the certificate proving his ability to work. Such record shall, when requested, be presented to the competent authorities.
- 3 - To notify the appropriate administrative body of the names of currently employed children, and the names of persons in charge of supervising their work.
- 4 - To provide working children with sleeping quarters separate from that of adult workers, in cases where working conditions require their overnight stay.
- 5 - To keep at the employer's headquarters all official documents regarding the age of all working children and their health status, to be presented when requested. It behoves the employer to ensure the real age of the children working for him.
- 6 - To provide the workplace with all necessary health and professional safety devices, and train the children how to use them.

Article 69

The employer shall hand over to the child personally, or to one of his parents, his wage or bonus and other dues payable thereto. Handing over this payment shall clear the employer's obligations.

²¹ The phrase " 8pm " was replaced by the phrase " 7pm" in Law no. 126 of 2008

²² Replaced by Law no. 126/2008

Chapter 2
Care of Working Mother

Article 70⁽²³⁾

A female working for the State, the public sector, the business sector, and private sector, whether with a permanent or temporary contract, shall be entitled to a maternity leave with full salary for three (3) months after delivery. In all cases, a female worker shall not be entitled to this leave more than three times during her entire service period.

The daily working hours for a pregnant woman shall be reduced by at least one (1) hour, as of the sixth month of pregnancy. It is prohibited to employ her for any overtime work during pregnancy and until the end of the first six (6) months following the child's birth.

Article 71

A female employee breastfeeding her child shall have, during the two (2) years following delivery, in addition to the prescribed rest period, the right to another two rest periods of not less than a half hour each. The female employee shall have the right to combine the two periods and they shall be considered part of her working hours without any deduction from her wages.

Article 72

A female employee working for the State, the public sector, and business sector shall have the right to an unpaid leave for a period of two (2) years to care for her child. She shall be entitled to this leave three (3) times during her entire service period.

In exception to the provisions of the Social Insurance Law, the entity where the female employee is working shall cover its share in the social insurance and that of the female employee as stated by this law, or the female employee if she so wishes, may be granted wage compensation equivalent to twenty-five per cent (25%) of the wage she was entitled to receive at the start date of the leave period.

In the private sector, a female working in an establishment employing fifty (50) or more workers shall have the right to an unpaid leave for a period not exceeding two (2) years, in order to care for her child. The female employee is not entitled to this leave more than three (3) times during her entire period of service.

Article 73

An employer who employs one hundred (100) or more female workers in one same location shall establish a nursery, or entrust to a nursery the task of caring for the children of his female employees, according to the terms and regulations set forth by the By-laws.

Establishments that are located in one same area and employing each less than one hundred (100) female workers shall collectively implement the obligations set forth in the previous paragraph, according to the terms and regulations set forth by the By-laws.

²³ Replaced in Law no. 126 of 2008

Article 74

Whoever violates the provisions of Part 5 of this Law shall be penalized with a fine of not less than one hundred (100) Egyptian pounds and not exceeding five hundred (500) Egyptian pounds.

The fine shall be duplicated according to the number of workers concerned with the violation. In case of recurrence, the penalty shall be doubled, and shall not be stayed.

PART SIX

Care and Rehabilitation of the Disabled Child

Article 75⁽²⁴⁾

The State shall ensure the protection of the child from disability and from all work liable to harm his health or his physical, mental, spiritual, or social development. The State shall take all necessary measures for the early detection of disabilities, the rehabilitation of the disabled, and employment of the disabled when they reach the age of work.

The State shall take all appropriate measures for media participation in the awareness and guidance programs on the prevention of disability, focusing on the rights of disabled children to increase their awareness of as well as that of their caregivers to facilitate their integration and participation in the society.

Article 76

A disabled child shall have the right to enjoy special social, physical, and mental care promoting self-reliance, and facilitating the child's integration and participation in the community.

Article 76-bis⁽²⁵⁾

A disabled child shall have the right to education, training, and vocational rehabilitation at the same schools, institutes, and training centers available to non-disabled children, except in exceptional cases resulting from the nature and degree of disability.

In such exceptional cases, the State shall be ensure education and training in classes, schools, institutions, or special training centers, as the case may be. Such institutions shall meet the following requirements:

- 1 - To be linked to the regular education system as well as to the training and vocational rehabilitation system for non-disabled children.
- 2 - To meet the needs of the disabled child and be located in near his home.
- 3 - To provide all disabled children with comprehensive education or training program, whatever their age or degree of disability.

Article 77

A disabled child shall have the right to rehabilitation. Rehabilitation shall mean providing social, mental, medical, educational and professional services necessary to the disabled child and his family to assist them in overcoming the consequences of his disability.

The State shall provide rehabilitation services and prosthetic equipment, free of charge, within the allocations earmarked for this purpose in the general budget of the State, and subject to the provision of Article 85 of this Law.

²⁴ Replaced by Law no. 126 of 2008

²⁵ Added by Law no. 126 of 2008

Article 78

The ministry responsible for social affairs shall establish institutes and establishments as necessary to provide rehabilitation services to the disabled children. The Ministry may authorize establishing these institutes and establishments according to the terms and regulations set forth by the By-laws.

The Ministry of Education shall establish schools or classes for the disabled children commensurate with their capacities and aptitudes. The By-laws shall determine the admission regulations, the curriculum, and examinations system.

Article 79

The entities referred to in paragraphs 1 and 2 of the previous article shall deliver a certificate free of charge to each disabled child who has been rehabilitated. The rehabilitation certificate shall indicate the profession in which he has been trained and other data as indicated in the By-laws.

Article 80

The rehabilitation authorities shall notify the Manpower Bureau located within the jurisdiction of the disabled child's home that he has been rehabilitated. The Manpower Bureaus shall record in a special register, the names of children who have been rehabilitated. The disabled child or the person acting on his behalf shall receive the registration certificate of the child free of charge.

The Manpower Bureaus shall assist disabled children who are registered with them in taking up work suitable to their ages, abilities, and residential location. They shall notify the Directorate for Social Affairs within their jurisdiction with a monthly report on the disabled children who have been employed.

Article 81

The Minister of Manpower, in agreement with the Minister responsible for social affairs, shall issue a decree determining specific activities in the governmental administrative system, the general authorities, the public sector units, and public business sector to be allocated to disabled children holding rehabilitation certificates, in accordance with the rules legally regulating the foregoing.

Article 82

An employer employing fifty (50) or more employees, whether employed in the same place or in separate places in one city or village, shall employ disabled children nominated by the Manpower Bureaus, within a minimum of two percent out of the five percent set forth in Law No. 39 of 1975 on Rehabilitating the Disabled.

The employer may fulfill this percentage by hiring disabled children from outside the nominations made by the Manpower Bureaus, from among those who have previously been registered in these offices.

The employer shall notify the concerned Manpower Bureau of the names of those he has employed by registered mail with acknowledgment of receipt within ten (10) days from the date of their employment.

Article 83

The employer, referred to in the previous article, shall keep a special register to record the names of disabled children with rehabilitation certificates employed by him. The data indicated in the rehabilitation certificate shall be recorded as well in the register. This register shall be submitted to the Manpower Bureau inspectors within the jurisdiction of the business of the employer, whenever required by the inspectors. This Bureau shall also be notified with the total number of workers, the number of positions occupied by the aforementioned disabled children, and the wage received by each of them, within the time limit and according to the form determined by the By-laws.

Article 84

Whoever violates the provisions of the two previous articles shall be penalized with a fine of not less than one hundred (100) Egyptian pounds and not more than one thousand (1,000) Egyptian pounds.

A court ruling may also compel the employer to pay to the rehabilitated disabled child whom the employer refrained from employing, a monthly amount equivalent to the effective or estimated wage for the work he was nominated to perform, operative from the date of proving this violation, and for a period not exceeding one (1) year. This obligation shall lapse if the disabled child joins a suitable job.

Article 85

A fund for the care and rehabilitation of disabled children shall be established and shall enjoy the status of a legal person. A decree from the President of the Republic shall be issued establishing the Fund and determining its mandate. The fines imposed for the crimes stated in this Part shall constitute part of the Fund's resources.

Article 86⁽²⁶⁾

Shall be exempted from all types of taxes, duties, and fees all prosthetic equipment and their spare parts, the equipment needed for their production, and the means of transportation for the use of the disabled child and for his rehabilitation.

It is prohibited to use this equipment and means of transportation by non- disabled persons, and any person who commits such an offence shall be imprisoned for a period not less than one (1) year and a fine of not less than two thousands (2,000) Egyptian Pounds and not exceeding ten thousands (10,000) Egyptian Pounds, in addition to confiscating the equipment in question.

²⁶ Replaced by Law no. 126 of 2008

PART SEVEN

Child Culture

Article 87

The State shall ensure the satisfaction of the cultural needs of the child in all fields including literature, art, and knowledge, and link them with the values of the society within the framework of human heritage and scientific development.

Article 88

Libraries for the child shall be established in each village, in the districts and in public areas. Child Culture Clubs shall also be established successively including a library, a movie room, and a theater. The By-laws shall determine the regulations for establishing these libraries or clubs and management organization.

Article 89

It shall be prohibited to publish, show, or circulate any printed material or audio or visual productions on children's that addresses basic instincts or beautifies behavior contrary to the society values , or leads them to delinquency.

Without prejudice to any stronger penalty in any other law, any person violating the provisions of the previous paragraph shall be penalized with a fine of not less than one hundred (100) Egyptian pounds and not more than five hundred (500) Egyptian pounds, along with the confiscation of the printed material or audio or visual productions that are the subject matter of the violation.

Article 90

The terms and regulations set forth by the By-laws shall determine the movies that are prohibited for display before children in cinemas and similar public places. The directors of movie theaters and similar public places - as shall be determined by a decree of the Minister of Culture - those exploiting these places, show organizers, and people responsible for admitting the public are forbidden to allow children to enter these places, or allow them to view the movie or show if it is forbidden to children, as shall be decided by the appropriate authorities. It shall also be prohibited to bring along children when entering to view these shows.

Article 91

The directors of movie theaters and similar public places shall announce at the movie theater and in all their advertising that the show is prohibited to children. Such announcements shall be very explicit, clear and in Arabic language.

Article 92

Without prejudice to any stronger penalty stated in any other law, any person violating the provisions of Article 90 of this Law shall be penalized with a fine of not less than fifty (50) Egyptian pounds, and not exceeding one hundred (100) Egyptian pounds, for every child.

Also, any person violating the provisions of Article 91 of this Law shall be penalized with a fine of not less than fifty (50) Egyptian pounds and not more than five hundred (500) Egyptian pounds.

Article 93

Employees - as determined by a decree of the Minister of Justice in agreement with the Minister of Culture - shall have the status of law enforcement officers in confirming all acts taking place in violation to the provisions of this Part and their implementation decrees

PART EIGHT

Dealing with children having infringed the penal law

Article 94⁽²⁷⁾

Criminal responsibility shall not apply to the child who has not reached the age of twelve (12) years at the time of committing the crime.

Yet, if the child is at or above seven (7) years and below twelve (12) calendar years, and has committed a felony or a misdemeanor, only the Child Court being the competent court, may rule in accordance with any of the measures set forth in Article 101 Items 1, 2, 7, and 8 of this Law.

Appeals against rulings placing a child under institutional care are permissible in accordance with Items 7 and 8 before the Appellate Court concerned with child cases, and in accordance with Article 132 of this Law.

Article 95⁽²⁸⁾

Subject to the provisions of Article 111 of this Law, the provisions found in this chapter, shall apply to a child who has not reached the age of eighteen (18) calendar years at the time of committing the crime, or if the child is in an at risk situation.

Article 96⁽²⁹⁾

The child shall be considered at risk if he is exposed to a situation threatening the sound upbringing that should be made available to him, or in any of the following cases:

- 1 - If the child's safety, morals, health, or life is at risk.
- 2 - If the conditions surrounding the child's upbringing in the family, or at school, or in care institutions, or others, places him at risk, or if the child is exposed to neglect, abuse, violence, exploitation, or vagrancy.
- 3 - If the child is unduly deprived of his rights, even partially, in terms of custody or in visiting either parent or whoever is rightfully entitled to visitation rights.
- 4 - If those responsible for covering the child's expenses abandon him, or if the child loses his parents, or one of them, or if the child's parents or his guardian abandon all responsibility towards him.
- 5 - If the child is deprived of basic education or if his educational future is at risk.
- 6 - If the child is exposed in the family, school, care institutions, or other to violence, or to acts contrary to public morals, or pornographic material, or to commercial exploitation of children, or to harassment or sexual exploitation, or to the illegal use of alcohol or narcotic substances affecting the mental state.

²⁷ Replaced by Law no. 126 of 2008

²⁸ Replaced by Law no. 126 of 2008

²⁹ Replaced by Law no. 126/2008

- 7 - If the child is found begging. Acts of begging include offering for sale trivial goods and services, or performing acrobatic shows and other activities not considered an appropriate source of living.
- 8 - If the child collects cigarette butts, or any other kinds of trash or waste.
- 9 - If the child has no permanent residence, or generally sleeps in the streets or in other unfit places for residence or accommodation.
- 10 - If the child mingles with deviants or suspected deviants, or with those known for their bad reputation.
- 11 - If the child behaves badly or revolts against his father's authority or guardian or custodian or caregiver, or is against his mother's authority in the case of the death, absence, or legal incapacity of his guardian. In this case, no measures shall be taken concerning the child, even if it is investigation procedures, unless there is a complaint from his father, guardian, custodian, mother or caregiver according to the circumstances.
- 12 - If the child has no legitimate means of supporting himself or does not have trustworthy provider.
- 13 - If the child is physically, mentally or psychologically sick or mentally disabled, in a manner affecting his ability to perceive or chose, and where such illness or weakness would endanger his safety or that of others.
- 14 - If the child is under seven (7) years of age and committed a felony or a misdemeanor.

With the exception of the cases mentioned in Items 3 and 4, any person putting a child at risk shall be imprisoned for a period not less than six (6) months, and a fine of not less than two thousand (2,000) Egyptian pounds, and not exceeding five thousand (5,000) Egyptian pounds, or by one of the two penalties.

Article 97⁽³⁰⁾

A General Committee for Childhood Protection shall be established in each Governorate, chaired by the Governor, and having as members the directors of the security, social affairs, education, and health directorates, as well as representatives from the civil society concerned with childhood affairs, as well as any other party as deemed necessary by the Governor. A decree shall be issued by the Governor in this regard.

This committee shall formulate the general policy for childhood protection in the Governorate, and shall follow up the implementation of this policy.

Within the jurisdiction of each department or police district, a sub-committee for childhood protection shall be established. The sub-committee shall be established by virtue of a decree from the General Committee and shall include security, social, psychological, medical, and educational representatives. The number of members shall be at least five (5) and exceeding

³⁰ Replaced by Law no. 126 of 2008

seven (7), including the chairman of the committee. The sub-committee may include among its members one or more representatives from the organizations of the civil society concerned with childhood affairs.

The sub-committees for childhood protection shall monitor all cases of children at risk and take the necessary preventive and therapeutic interventions for all these cases and shall follow up measures taken.

Taking into account Article 144 of this Law, the National Council for Childhood and Motherhood (NCCM) shall establish a General Department for Child Helpline, mandated to receive children and adults' complaints, and handle them efficiently to protect children from all forms of violence, risks, or neglect. The department shall include among its members representatives for the Ministries of Justice, Interior, Social Solidarity and Local Development selected by the concerned ministers, in addition to representatives from civil society organizations selected by NCCM Secretary General, as well as any other party as deemed necessary by the Secretary General

The General Department for Child Helpline shall be empowered to investigate any complaint received, follow up the investigation results, and forward reports concerning the findings to the relevant authorities.

Article 98⁽³¹⁾

If a child is found in a situation of being at risk, as stated in Article 96 of this Law, Items 1 and 2 and from 5 to 14, his case shall be referred to the sub-committee for childhood protection to take the necessary actions as set forth in Article 99-bis of this Law. The sub-committee shall, if it deems it necessary, request that the child prosecution, warn in writing, the child's guardian to remove the causes placing the child at risk. Objection to this warning may be made in front the Child Court, provided it is done within ten (10) days from receiving the warning notice. Examining this objection shall abide to the procedures set forth when objecting to criminal orders, and the ruling is final.

If the child is found in one of the situations of being at risk referred to in the previous paragraph after the ruling becomes final, the matter shall be referred to the sub-committee for child protection. The sub-committee, in addition to its powers as stated in the previous paragraph, shall have the right to take the child to the child prosecution so as to take one of the measures as set forth in Article 101 of this Law. If the child has not reached seven (7) years of age, the measures to be applied shall be either delivery to parents, guardians, or custodians, or placement in one of the specialized hospitals.

Article 98-bis⁽³²⁾

Any person who finds that a child is at risk should provide urgent help that is adequate to shield or remove this child from danger.

³¹ Replaced by Law no. 126 of 2008

³² Added by Law no. 126 of 2008

Article 99⁽³³⁾

The sub-committees for childhood protection shall receive complaints about cases of children at risk, and in such cases, they can - after investigating the seriousness of the complaint - summon the child, or his parents, or his guardian or the person in charge of the child to listen to what they have to say about all the facts pertaining to the complaint.

The sub-committee shall examine the complaint and endeavor to remove all its causes. If it fails to do so, it shall submit a report concerning the incident and the exact measures undertaken to the General Committee for Childhood Protection to take necessary legal measures.

Article 99-bis⁽³⁴⁾

The sub-committees for childhood protection shall carry out any of the following measures and procedures as necessary:

- 1- Keep the child with his family and commit the parents to take the necessary measures to remove the dangerous environment within a specific deadline. The sub-committee shall carry out periodic supervision visits.
- 2- Keep the child with his family and regulate the social intervention methods of the bodies responsible for providing social, educational, and health services necessary for the child and for assisting his family.
- 3- Keep the child with his family while taking necessary precautions to prevent any contact between the child and the persons that could pose a threat to his health, physical, or moral well being.
- 4- Recommend to the relevant court to place the child temporarily, until the danger is removed, in a family or association, or social or educational institution or, when necessary, at a health or therapeutic institution, in accordance with the legal procedures.
- 5- Recommend to the relevant court to take urgent and necessary measures to place the child in a reception center or rehabilitation center or health care institution or with a reliable family or association or an appropriate social or educational institution for a period of time until the risk is removed; this is in cases where children are at risk or are neglected by the parents or guardians.
- 6- The sub-committee, if necessary, could raise the matter to the Family Court to compel the person in charge of the child to pay a temporary alimony. The Court's decision in this matter shall be implemented, and cannot be stayed if objected to..

In cases of imminent danger, the General Department for the Child Helpline at NCCM or the Committee for Childhood Protection, whoever is closer, shall take all necessary measures and

³³ Replaced by Law no. 126 of 2008

³⁴ Added by Law no. 126 of 2008

urgent procedures to remove the child from the place where he is at risk and place him in a safe place, with the assistance of concerned officials, if necessary.

Any positive or negative action that threatens the life of a child or his physical or moral safety to the extent that it cannot be cured with time shall be considered an imminent danger.

Article 99-bis (a)⁽³⁵⁾

The committees for childhood protection shall periodically monitor the procedures and results of implementing the measures undertaken concerning the child. The Committees for Childhood Protection shall recommend to the authorities, when necessary, to review those measures and replace or suspend them so as to keep as much as possible the child in his family environment and avoid depriving him from the family environment except as a measure of last resort and for the shortest appropriate period of time; in such a case, the child shall be taken back to his family environment as soon as possible.

Article 100

If the act constituting a crime occurs as a result of a mental or psychological disease or a mental weakness whereby the child loses his ability to perceive or choose, or if at the time of the crime he was suffering from a sickness causing a serious deterioration in his perception and freedom of choice, a sentence shall be pronounced placing him in one of the specialized hospitals or institutions.

Such a measure shall be implemented according to the regulations set forth in the Law concerning those affected by one of these cases during investigation or after pronouncing the verdict.

Article 101⁽³⁶⁾

The verdict for a child who has not reached fifteen (15) years of age, in case he commits a crime shall include one of the following interventions,:

- 1 - Reproach/censure
- 2 - Delivery to parents, guardians, or custodians
- 3 - Training and rehabilitation
- 4 - Committing to certain obligations
- 5 - Judicial probation
- 6 - Community service activities not harmful to the child's health or mental state. The By-laws shall determine the nature of this work and restrictions thereof.
- 7 - Placement in one of the specialized hospitals
- 8 - Placement in one of the social care institutions

³⁵ Added by Law no. 126 of 2008

³⁶ Replaced by Law no. 126 of 2008

With the exception of confiscation, closing stores, and returning the place to its original state, the child shall not be subjected to any other penalty or intervention stated in any other law.

Article 102

Reproach is a reprimand and censure addressed to the child by the Court for an act committed by him, and a warning against the recurrence of such behavior.

Article 103

The child shall be delivered to one of his parents, or his guardian, or his custodian. If none of them is qualified for his upbringing, the child shall then be delivered to a reliable person who shall assume the responsibility of his upbringing and proper behavior or to a trustworthy family where the family provider shall be committed to fulfill these requirements.

If the child possesses his own financial means of support, or has someone who is legally obligated to financially support him, and the person to whom the child is delivered by virtue of a court judgment requests alimony for the child, the judge shall in his ruling to deliver the child, determine the amount to be obtained from the child's funds, or the amount to be paid by the person responsible to pay the alimony after notifying him of the court session determined and the dates on which the alimony shall be paid. The alimony shall be collected by the administrative sequestration. The ruling delivering the child to an individual other than the one responsible for the alimony shall be for a period not exceeding three (3) years.

Article 104⁽³⁷⁾

Child training and rehabilitation shall be done through the Court entrusting the child to one of the centers specialized thereof, or to one of the factories, or stores, or farms who will accept to train the child according to his circumstances. The Court shall determine in its ruling the duration for such training, providing that the period during which the child is to remain with said entities shall not exceed three (3) years as to not interfere with the child's regular attendance in basic education.

Article 105

Committing to certain obligations shall mean forbidding the child to visit certain types of places, or compelling the child to appear at specified times before certain persons or authorities, or attending punctually certain meetings for guidance, or any other such restrictions as shall be determined by a decree of the Minister responsible for social affairs. The verdict shall state that this measure shall be for a period of not less than six (6) months and not exceeding three (3) years.

Article 106

Judicial probation shall mean placing the child in his natural environment under guidance and supervision and while observing the duties determined by the Court. The period of judicial probation shall not exceed three (3) years. If the child fails in the probation, the matter shall

³⁷ Replaced by Law no. 126 of 2008

be submitted to the Court to take any other measures as it deems proper as set forth in Article 101 of this Law.

Article 107⁽³⁸⁾

Placement of a child shall mean entrusting him to one of the social care institutions for juveniles affiliated to, or recognized by, the Ministry concerned with social affairs. If the child is disabled, he shall be placed in a suitable institute for his rehabilitation. The duration of such placement shall not be determined by the Court in its ruling. The Court shall follow up the child's case by means of a report submitted at least once every two months, by the institution where the child is placed so as to enable the Court to decide whether to immediately stop the measure, or replace it if necessary, provided that the placement in the institution is for the shortest appropriate period of time. In all cases, the Court ruling to place the child shall be a measure of last resort.

In all cases, placement duration should not exceed ten (10) years for criminal act cases and five years for misdemeanor cases.

Article 108

A child sentenced to placement in one of the specialized hospitals shall be placed in one where he will receive the care necessary for his condition.

The Court shall ensure that the child is kept under treatment by way of monitoring at periodic intervals not exceeding one (1) year between each, during which it shall receive the doctor's reports.

The Court shall order the release of the child if his condition permits it. If the child reaches the age of twenty-one (21) years and his condition still necessitates treatment, he shall be transferred to a specialized hospital for adult treatment.

Article 109⁽³⁹⁾

If a child who has not reached the age of fifteen (15) years commits two crimes or more, the Court shall pass a verdict to enforce a suitable measure. This measure shall be implemented even if after this ruling, it is discovered that the child committed another crime either prior to, or subsequent to that verdict.

Article 110

Such measure shall inevitably expire once the convicted child has reached the age of twenty-one (21) years. However, the Court may in criminal cases, upon the request of the Public Prosecution and after consulting with the social observer, pass a ruling placing the convicted child under judicial probation for a period not exceeding two (2) years. If the condition of the convicted child, for whom a ruling was passed placing him in a specialized hospital, necessitates continuing his treatment, he shall be transferred to one of the hospitals suitable for his case, according to the provision of Article 108 of the present Law.

³⁸ Replaced by Law no. 126 of 2008

³⁹ The phrase "did not attain" was replaced by "did not reach" in Law no. 126 of 2008

Article 111⁽⁴⁰⁾

No accused person shall be sentenced to death, life imprisonment, or forced labor if, at the time of committing the crime, he did not reach the age of eighteen (18) years.

Without prejudice to the provision of Article 17 of the Penal Code, if the child who has reached the age of fifteen (15) years commits a crime punishable by a death sentence, or life imprisonment, or forced labor, he shall be sentenced to imprisonment. Furthermore, if the crime committed is punishable by imprisonment, he shall be placed in custody for a period not less than three (3) months.

The Court, instead of placing the child in custody, may sentence him with the measure stated in Article 101, Item 8 of this Law.

However, if the child who has reached fifteen (15) years of age commits a misdemeanor punishable by placing him in custody, the Court may, instead of sentencing the child to the penalty decreed for it, sentence the child to one of the measures set forth in Article 101, Items 5, 6, and 8 of this Law.

Article 112⁽⁴¹⁾

Children may not be detained, placed in custody, or imprisoned with adults in one place . In detention, it should be observed that children are to be classified according to their age, sex, and nature of their crime.

Shall be sentenced to jail for a period not less than three (3) months, and not exceeding two (2) years, and a fine not less than one thousand (1,000) Egyptian pounds, and not more than five thousand (5,000) Egyptian pounds, or by one of the two penalties, any public official or in charge of a public service who detains, places in custody, or imprisons a child with one or more adults in one place

Article 113⁽⁴²⁾

Shall be penalized with a fine not exceeding three hundred (300) Egyptian pounds any person who - after receiving a warning notice according to the first paragraph of Article 98 of this Law - neglects to watch over the child and, as a result, the child was placed at risk according to one of the cases referred to in the aforementioned article.

Article 114⁽⁴³⁾

Shall be penalized with a fine not less than two hundred (200) Egyptian pounds and not exceeding one thousand (1,000) Egyptian pounds any person to whom the child was delivered and, as a result of neglecting his duties, the child committed a crime or was at risk according to one of the cases set forth in this Law.

⁴⁰ Replaced by Law no. 126 of 2008

⁴¹ Replaced by Law no. 126 of 2008

⁴² Replaced by Law no. 126 of 2008

⁴³ Replaced by Law no. 126 of 2008

If this situation is the result of a gross neglect of his duties, the penalty shall be in this case imprisonment for a period not less than three (3) months and not exceeding one (1) year and a fine not less than one thousand (1,000) Egyptian pounds and not exceeding five thousand (5,000) Egyptian pounds, or by one of the two penalties.

Article 115

With the exception of the parents, the grandparents, the husband and the wife, shall be penalized with imprisonment and a fine not exceeding one thousand (1,000) Egyptian pounds, or by one of the two penalties, whoever hides a child who has been sentenced to be delivered to a person or an entity in accordance with the provisions of this Law, or induces the child to run away, or helps him to do so.

Article 116⁽⁴⁴⁾

Without prejudice to the provisions of criminal involvement, any adult who induces a child to commit a misdemeanor, or trains him to do it, or helps him, or facilitates it in any way, but did not attain his goal, shall be sentenced to half the maximum sentence decreed for this crime.

The penalty shall be imprisonment for a period of not less than six (6) months if the offender uses coercive or threatening methods with the child, or if he is related to him, or is one of those responsible for his upbringing or watching over him, or one to whom the child was delivered to by virtue of the Law, or was a servant to any of the aforementioned.

In all cases, if the crime is committed on more than one child, even at different times, the penalty shall be imprisonment for a period not less than one (1) year, and not exceeding seven (7) years.

Shall be penalized with the penalty set forth for cases of instigating a crime, any adult who induces a child to commit a felony, or prepares the child for this, or helps him, or facilitates it in any way, but did not attain his goal,.

Article 116-bis⁽⁴⁵⁾

The minimum penalty decreed for any crime shall be doubled if the crime is committed by an adult against a child, or if it is committed by one of the parents, or by one of the child's guardians, or by people in charge of supervising or upbringing the child, or by those who have authority over the child, or by a servant to any of the above mentioned.

Article 116-bis (a)⁽⁴⁶⁾

"Shall be imprisoned for a period of not less than two (2) years and a fine of not less than ten thousand (10,000) Egyptian pounds, and not exceeding fifty thousand (50,000) Egyptian pounds any one importing, or exporting, or producing, or preparing, or viewing, or printing, or promoting, or possessing, or broadcasting pornographic material using children, or related to the sexual exploitation of children. Tools and other instrumentalities used to commit these

⁴⁴ Replaced by Law no. 126 of 2008

⁴⁵ Added by Law no. 126 of 2008

⁴⁶ Added by Law no. 126 of 2008

crimes and proceeds derived from such offences shall be seized, and the premises used to commit such offences shall be closed for a period not less than six (6) months. All the above shall be undertaken without violating the rights of those with good intentions.

Without prejudice to any stronger penalty prescribed in any other law, each of the following shall be subject to the same penalty:

- a) anyone using a computer or internet or information networks or cartoons to prepare, or save, or process, or display, or print or publish or promote pornographic activities, or induce or exploit children to engage in prostitution or pornographic activities or defame them, or sell them.
- b) anyone using a computer or internet or information networks or cartoons to induce children to delinquency or use them in committing crimes or engage them in illegitimate activities or immoral acts, even if the crime did not occur.

Article 116-bis (b)⁽⁴⁷⁾

Without prejudice to any stronger penalty in any other law, shall be penalized by a fine of not less than ten thousand (10,000) Egyptian pounds, and not exceeding fifty thousand (50,000) Egyptian pounds, anyone who publishes, or broadcasts in the media any information or data, pictures, or drawings related to the identity of a child at a time when his case is being examined by the authorities concerned with children at risk or are in conflict with the law.

Article 116-bis (c)⁽⁴⁸⁾

Provisions for the dismissal of a criminal case, in case of conciliation or reconciliation, as decreed in the Criminal Procedure Code or any other law, shall prevail for crimes committed by a child.

Article 116-bis (d)⁽⁴⁹⁾

Child victims and witnesses of crime, at all stages of arrest, investigation, trial, and implementation, shall have the right to be heard, and to be treated with dignity and sympathy with full respect for their physical, psychological, and moral safety, and shall have the right to protection, to health, social and legal assistance, to rehabilitation, and integration in the society, in accordance with the United Nations Guidelines on Justice for Child Victims and Witnesses of Crime.

Article 117⁽⁵⁰⁾

Officers appointed by the Minister of Justice in agreement with the Minister responsible for social affairs shall, within their areas of competence, have the authority of judicial arrest in case of crimes committed by children, when they are at risk, and in all crimes stipulated by this Law.

⁴⁷ Added by Law no. 126 of 2008

⁴⁸ Added by Law no. 126 of 2008

⁴⁹ Added by Law no. 126 of 2008

⁵⁰ Replaced by Law no. 126 of 2008

Article 118

A decree by the Minister responsible for social affairs shall be issued for the selection of social observers and for determining the conditions required to be available

Article 119⁽⁵¹⁾

A child who has not reached fifteen (15) years of age shall not be placed in temporary custody. The Public Prosecution may place him in one of the observation centers, for a period not exceeding one (1) week, and shall make him available upon each request if the circumstances of the case necessitate keeping him in custody. However, the period for keeping the child in custody shall not exceed one (1) 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 to his guardian, and make him available upon each request. Any person violating this duty shall be penalized with a fine not exceeding one hundred (100) Egyptian pounds.

Article 120⁽⁵²⁾

In the seat of each Governorate, one or more child court shall be established. The Minister of Justice may issue a decree to establish child courts in other places. Their areas of jurisdiction shall be determined in the decree establishing them.

The tasks of public prosecution for these courts shall be assumed by Specialized Child Prosecution to be established by a decree from the Minister of Justice.

Article 121⁽⁵³⁾

The Child Court shall be composed of three (3) judges, and shall be assisted by two specialized experts one of whom at least (1) shall be a woman. The attendance of the two (2) experts during the proceedings is compulsory, and they shall submit their report to the Court after studying the circumstances of the child in all respects before the Court passes its ruling.

The said two (2) experts shall be appointed by a decree of the Minister of Justice in agreement with the Minister responsible for social affairs. The conditions to be fulfilled by those who shall be appointed as experts shall be determined by a decree of the Minister responsible for social affairs.

Appealing the judgment passed by the Child Court shall be done before an of Appellate Court to be established in each Court of First Instance, composed of three (3) judges where at least two (2) of them shall have the rank of Court President. The provision of the two (2) previous paragraphs shall be observed in the composition of this Court.

⁵¹ The phrase "did not attain" was replaced by the phrase "did not reach" in Law no. 126 of 2008

⁵² The phrase "juvenile court" was replaced by the phrase "child court" in Law no. 126 of 2008

⁵³ The phrase "juvenile court" was replaced by the phrase "child court" in Law no. 126 of 2008

Article 122⁽⁵⁴⁾

The Child Court shall exclusively deal with issues concerning the child when accused of a crime or in case of his delinquency. The Court shall also be entitled to pass judgments regarding criminal cases set forth in Articles 113 to 116 and in Article 119 of this Law.

As an exception to the provision of the previous paragraph, the Criminal Court or the Supreme State Security Court, according to each case, shall have jurisdiction over criminal cases where the accused - at the time of committing the crime - is a child above fifteen (15) years of age while the accomplice is not a child and the case necessitated bringing the criminal action against the accomplice jointly with the child. In this case, the Court – prior to passing its judgment – shall examine the circumstances of the child from all aspects and may seek the assistance of experts if it so wishes.

Article 123⁽⁵⁵⁾

The jurisdiction of the Child Court shall be determined by the place where the crime occurred, or where one of the cases of delinquency occurred, or where the child was caught, or where the child, or his guardian or his custodian resides depending on the circumstances.

The Court may, when necessary, convene in one of the social care institutions in which the child is placed.

Article 124⁽⁵⁶⁾

In all circumstances, all cases before the Child Court shall follow the rules and procedures stated in the misdemeanor articles, unless otherwise prescribed by the Law.

Article 125⁽⁵⁷⁾

The child has the right to legal assistance; he shall be represented in criminal and misdemeanor cases whose penalty is placing him in custody by lawyer to defend him in both the investigation and trial phases. If no lawyer has been selected by the child, the public prosecution or the Court shall appoint one, in accordance with the rules and regulation of the Criminal Procedure Code.

Article 126

Nobody is allowed to attend the trial of the child before the Child Court except his relatives, witnesses, lawyers, social observers, and any other person having the permission of the Court to attend with a special permit.

The Court - if it deems it necessary - may order the child to leave the session after questioning him, or send away any of those mentioned in the previous paragraph. In case the child leaves the session, the Court may not order sending away the lawyer or the social observer. Furthermore, the Court may not pass a judgment convicting the child except after

⁵⁴ The phrase “juvenile court” was replaced by the phrase “child court” in Law no. 126 of 2008

⁵⁵ The phrase “juvenile court” was replaced by the phrase “child court” in Law no. 126 of 2008

⁵⁶ The phrase “juvenile court” was replaced by the phrase “child court” in Law no. 126 of 2008

⁵⁷ Replaced by Law no. 126 of 2008

explaining to him the procedures that have taken in his absence. The Court may exempt the child from attending the trial in person, if it is in his best interests, and shall content itself with the attendance of the child's guardian or custodian on his behalf, in which case the judgment shall be considered issued in his presence.

Article 127⁽⁵⁸⁾

The social observers referred to in Article 118 of this Law shall open a file for each child accused of a crime or misdemeanor prior to proceeding with the case, the file should include a comprehensive assessment of his educational, psychological, mental, physical, and social status. The case shall be dealt with in light of what is in this file.

The Court, prior to issuing a judgment, shall discuss the content of the aforementioned assessment report with those that have compiled it and may order additional investigations.

Article 128

If the Court believes that the physical, mental, or psychological condition of the child necessitates examining him before passing a ruling, it shall order placing him under observation in a suitable place for the necessary duration; Court proceedings shall stop until the examination of the child is completed.

Article 129⁽⁵⁹⁾

No civil actions shall be accepted before the Child Court.

Article 130

A Court judgment on the child to enforce some measures is mandatory and shall be implemented even if the case is subject to appeal.

Article 131

All procedures required by the law that the child be notified with, and all judgments passed concerning him, shall be notified to one of his parents, or his guardian, or the one responsible for him. Every one of the aforementioned shall have the right, for the interest of the child, to contest in accordance with the procedures stipulated by the Law.

Article 132⁽⁶⁰⁾

Judgments passed by the Child Court shall be subject to appeal except judgments where the child is reprimanded and delivered to his parents or his guardian; these shall not be appealed except in case of error in implementing the Law , or invalidating the judgment or procedures.

The appeal shall be filed before the Court of First Instance having this competence.

⁵⁸ Replaced by Law no. 126 of 2008

⁵⁹ The phrase "juvenile court" was replaced by the phrase "child court" in Law no. 126 of 2008

⁶⁰ The phrase "juvenile court" was replaced by the phrase "child court" in Law no. 126 of 2008

Article 133⁽⁶¹⁾

If a judgment is passed sentencing the accused, who was considered to be above the age of fifteen (15) years, then it was established through official documents that he has not reached that age, the lawyer shall raise the issue to the Court where the judgment was passed to reconsider its ruling according to the Law. If the sentence is pronounced against the accused, who was considered to be above the age of eighteen (18) years, then through official documents it is established that he has not reached that age, the Attorney General shall raise the matter to the Court where the ruling was passed to reconsider its judgment, and pronounce a ruling abolishing that judgment, along with referring the papers to the Public Prosecution for action.

In the previous two cases, the execution of the judgment shall be stayed, and the convict may be placed under custody according to Article 119 of this law.

If a judgment is pronounced on an accused considered to be a child, then through official documents it is established that he is above eighteen (18) years, the Attorney General shall raise the matter to the Court where the ruling was issued to reconsider the judgment according to the two previous paragraphs.

Article 134⁽⁶²⁾

Only the president of the Child Court, within whose jurisdiction the judgment shall be executed, shall have the authority to rule over all disputes, and to issue decrees or orders related to the implementation of judgments passed. However, in deciding an objection concerning implementation, he shall abide by the rules as stipulated in the Criminal Procedure Law.

The president of the Child Court or his assigned delegate from among the Court's judges or experts shall visit the observation centers, training and rehabilitation centers, social care institutions, specialized hospitals, punitive institutions, and other authorities cooperating with the Child Court located within the area of the court's jurisdiction - at least once every three (3) months - to ensure that the above institutions are complying with their obligations to rehabilitate the child and assist him to reintegrate into society. The Court President may send a report with his comments to the concerned General Committee for Childhood Protection to act accordingly.

Article 135⁽⁶³⁾

With the exception of the reproach measure, the social observer shall supervise the implementation of the measures stipulated in Articles 101 to 104 of this Law, observe the convicted child sentenced with these measures, and provide him as well as to those in charge

⁶¹ The phrase "attained fifteen years" was replaced by the phrase "reached the age of fifteen years," and the phrase "did not attain" was replaced by the phrase "has not reached," and the phrase "attained eighteen years" was replaced by the phrase "reached the age of eighteen years" in Law no. 126 of 2008

⁶² The first clause replaced the phrase "juvenile court" with the phrase "child court" in Law no. 126/2008, and the second clause is replaced in Law no. 126 of 2008

⁶³ The phrase "juvenile court" was replaced by the phrase "child court" in Law no. 126 of 2008

of his upbringing with directives. He shall submit to the Child Court periodic reports on the child for whom he is in charge of and of supervising.

The person responsible for the child shall notify the social observer of the child's death or sickness, or the change of his home address, or his absence without permission, and also all other unforeseen occurrences thereto.

Article 136

If the child contravenes the judgment imposing measures by virtue of Articles 104, 105, and 106 of this Law, the Court may, after listening to his him, order extending the duration of the measure by not more than half the maximum time limit prescribed in the foregoing Articles, or replace it by another measure in accordance with his condition.

Article 137

With the exception of the measure set forth in Article 102 of this Law, the Court after reviewing the reports submitted to it, or upon the request of the Public Prosecution, or the child, or the guardian, or the custodian, or the person to whom the child was delivered, shall have the authority to end the measure, or modify its system, or replace it, subject to the provision of Article 110 of this Law. If this request is refused, it may not be renewed except after the lapse of at least three (3) months from the date of refusal. The sentence issued in this respect shall not be contested.

Article 138

Any measure which was not implemented for one (1) complete year from the date of the judgment shall only be executed by virtue of a decree issued by the Court upon the request of the Public Prosecution after consulting the social observer.

Article 139⁽⁶⁴⁾

The implementation of a measure shall not be enforced by means of physical coercion on the convicted children that are subject to the provisions of this Law, and who have not reached the age of eighteen (18) complete years at the time of implementation.

Article 140

Children shall not to pay any fees or expenses before all courts in connection with cases related to this Part.

Article 141

Penalties restricting freedom to which the children are sentenced shall be implemented in special punitive institutions to be organized by a decree of the Minister responsible for social affairs in agreement with the Minister of Interior.

If the child reaches twenty-one (21) years of age, the penalty or the remaining period of the sentence shall be carried out in one of the public jails. However, carrying out the penalty

⁶⁴ Replaced the phrase "did not attain" with the phrase "have not reached" in Law no. 126 of 2008

may continue in the punitive institutions if there is no danger from this, and the remaining period of the penalty does not exceed six (6) months.

Article 142

For every convicted child an implementation file shall be opened in which the case file shall be included where all papers connected with implementing the judgment are placed, as well as all decrees, orders, and judgments issued in connection with carrying out the penalty. This file shall be submitted to the president of the Court prior to taking any of the procedures prescribed in Article 134 of this law.

Article 143

The provisions of the Penal Code and the Criminal Procedure Law shall apply where no provision is prescribed in this Part.

PART NINE

National Council for Childhood and Motherhood

Article 144

A council to be named “The National Council for Childhood and Motherhood” (NCCM) shall be established. It shall enjoy the status of a legal person and have its seat in the city of Cairo. A decree by the President of the Republic shall be issued determining its composition its organization, and its mandate.

Article 144-bis⁽⁶⁵⁾

A fund shall be established affiliated to the NCCM, to be named the Childhood and Motherhood Care Fund. The Fund shall have the status of a legal person and a special budget. Its financial year will start with the beginning of the state’s financial year, and will end with it. The surplus of the financial year shall be carried over to the next financial year.

Article 144-bis (a)⁽⁶⁶⁾

The Fund shall have a board of directors chaired by the Secretary General of the NCCM. The Prime Minister shall issue a decree determining the composition of the board of directors of the Fund and its operative system. The duration of the Fund’s board of directors shall be three (3) years, renewable.

Article 144-bis (b)⁽⁶⁷⁾

The Board of Directors of the Fund shall be the party in control, particularly with regards to the following:

- 1 - Undertake the necessary actions to develop the fund’s resources
- 2 - Establish shelter homes, schools, and hospitals for children
- 3 - Establish services and productive projects, organize events, charity bazaars, exhibitions, and sports events, in order to achieve the objectives of NCCM, after obtaining the necessary permits from the concerned authorities
- 4 - Provide assistance to the entities concerned with childhood and motherhood
- 5 - Carry out any activity that would promote the rights of the child.

Article 144-bis (c)⁽⁶⁸⁾

The fund’s resources are composed of the following:

- a) The amounts allocated in the national budget for the Fund
- b) Fines and reconciliation dues related to crimes set forth in this law

⁶⁵ Added by Law no. 126 of 2008

⁶⁶ Added by Law no. 126 of 2008

⁶⁷ Added by Law no. 126 of 2008

⁶⁸ Added by Law no. 126 of 2008

- c) Investment proceeds from the Fund's capital and real estate allocated to the Fund or at its disposition
- d) Donations, grants, contributions, and trusts which the Board of Directors of the Fund decides to accept. These donations, grants, contributions, and trusts shall be exempted from all types of taxes.

The Child Law amendments included other articles. However, when discussing the amendments it was agreed to transfer them as additional articles in other laws (Penal Code - Civil Status Law) as stipulated in Law no.126 of 2008, these articles are placed in the following annex.

ANNEX

First: The new articles that have been added in accordance with Law no.126 of 2008 to the Penal Code issued by Law no. 58 of 1937

- **Article 242-bis was added, and reads as follows:**

Taking into consideration the provisions of Article 61 of the Penal Code, and without prejudice to any stronger penalty prescribed by another law, shall be penalized by imprisonment for not less than three (3) months and not exceeding two (2) years, or with a fine of not less than one thousand (1000) Egyptian pounds, and not exceeding five thousand (5000) Egyptian pounds, any one who caused the injury which is punishable by Articles 241, 242 of the Penal Code, through performing female genital mutilation.

- **Article 291 was added, and reads as follows:**

It is prohibited to violate the right of a child to protection from trafficking or from sexual, commercial or economic exploitation, or from being used in research and scientific experiments; the child shall have the right to awareness and be empowered to address those risks.

Without prejudice to any stronger penalty prescribed by another law, shall be penalized with forced labor for a period not less than five (5) years and a fine of not less than fifty thousand(50,000) pounds, and not exceeding two hundred thousand (200,000) pounds, anyone who buys or sells a child, or offers a child for sale, or anyone who delivers or accepts or transfers a child as a slave, or exploits the child sexually or commercially, or exploits the child in forced labor, or other illegal purposes, even if the crime is committed transnationally.

Shall also be subject to the same punishment anyone who engages or induces in the said acts aforementioned in the preceding paragraph, even if the crime was not committed as a result of said acts.

Without prejudice to the provisions of Article 116 bis of the Child Law, the penalty shall be doubled if committed transnationally by an organized criminal group. Taking into account the provisions of Article 116 bis of the Child Law, shall be punished by imprisonment anyone who has transferred from a child one of his organs or part thereof. The child consent or the consent of the person in charge of the child shall not be recognized.

Second: The new article that has been added in accordance with Law no. 126 of 2008 to Law no. 143 of 1994 on Civil Status

- **Article 31-bis was added, and reads as follows:**

The marriage contract shall not be registered for those who did not reach eighteen (18) years of age.

The State ensures carrying out a medical examination for those wishing to get married to ensure that they are free from diseases that may affect their lives or the health of either one of them, or the health of their offspring; and informs them of the results of the examination. A decree from the Minister of Health in agreement with the Minister of Justice shall determine those diseases, the types of examination and procedures, and the parties licensed to conduct the examination.

The marriage contract shall not be registered, unless those wishing to get married submit to the registrar evidence that the said medical examinations referred to in the previous paragraph were carried out.

Without prejudice to any criminal penalty stipulated in any other law, anyone who registers a marriage that violates provisions of this article shall receive disciplinary punishment.

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Annex

Additions to the Penal Code

Additions to the Civil Status Law