

Children's right to identity in Egypt

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1 Creation of identity

Birth registration:

- In accordance with Article 14 of the [Egyptian Child Law](#) (No. 12 of 1996), birth of a child must be reported within 15 days from the date of birth to the health office located in the area where the birth has taken place, or to the health department in the districts with no health offices, or to the *Umda* (chief magistrate or mayor of the village) in other sectors. The *Umda* shall forward the birth report to the health office or to the health department; the health office or the health department shall forward the birth report to the civil registry office for recording in the birth registry.¹
- In accordance with Article 15 of the same Law,² 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; (3) the directors of hospitals and corrective facilities as well as health quarantine houses and other places where births occur; or (4) the *Umda* or the *sheikh*. Reporting the birth may also be accepted from adult relatives and in-laws up to the second degree.³
- In accordance with Article 21, the recording of the name of both parents or either parent is subject to a written request from both or either one, who wishes to be so recorded. In accordance with Article 22, 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.⁴ Without prejudice to the latter, however, the mother has the right to report the birth of her newborn, register him or her 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 (Art. 15).⁵ Indeed, it appears that the Child Law in Egypt provides for a child who is born out of wedlock to be registered using the mother's name only while the father's name will be a random name chosen by the competent employee.⁶ In accordance with the final paragraph of Article 15 of the Child Law, the mother has the right to register her child even when born out of wedlock, but with her name only. The mother may file a case in family court to prove parentage.
- In accordance with Article 16 of the Law, the following information and data must be included when reporting the birth: date of birth; gender, name and surname of the newborn; name, surname, nationality, religion, home address and profession of the parents; the civil registry location of the 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.⁷
- In accordance with Article 17, 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 16.⁸

- The Child Law is silent on whether or not a child can obtain a retroactive or replacement birth certificate. The law does not mention retroactive (late) birth registrations at all. In practice, the birth registration rate for children under five in Egypt is very high and approximately 99% were registered between 2010 and 2016. However, children in street situations that are estranged from their parents and lacking identification documentation will be unable to obtain any retroactive or replacement birth certificate.⁹
- The Civil Status Law No. 143 of 1994 and its executive bylaw set out the legal procedure for those who have not been registered and there is a fine for anyone responsible for it. However, it is not implemented in practice.
- The right to birth registration also includes children born out of wedlock. However, children born out of wedlock continue to face difficulties in obtaining birth certificates due to social stigma.¹⁰ Indeed, to be able to obtain a birth certificate, the following documents must be provided: a valid and legally certified marriage or divorce document; a birth notification by the hospital or any medical facility; a death certificate in case the father is deceased.¹¹
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Abandonment:

- Children born out of wedlock are vulnerable to abandonment in part due to the stigmatisation and social disgrace unmarried mothers face and even the possibility of death as the result of honour killings.¹²

Assisted reproductive technologies and surrogacy:

- In 2001, the Egyptian Parliament introduced a law criminalizing surrogacy and making it punishable with a five-year jail sentence.

Potential consideration:

- *How is the State planning to effectively ensure universal birth registration for all children and reach children most at risk of not being registered, irrespective of their circumstances of birth, including children abandoned, children of single mothers, children of migrant families and other children affected by social stigma?*

2 Modification of identity

Alternative care and *kafala*:

- Egypt provides for relatives to take care of children should their parents be unable to do so.¹³ Should a child be placed in alternative care because they are abandoned, the birth family do not lose their parental rights and obligations and may seek the return of the child at any time. As it is believed that the birth family is the best option for caring for a child, there is no severing of the biological relationship when a child is removed or separated from their family. However, this viewpoint is not accompanied by any apparent actions to support reintegration of children with their biological family, and



there is no apparent assessment should this be sought (merely a court approval subsequent to any DNA test).¹⁴

- Article 46 of the Child Law describes the system of alternative care, aimed at providing social, psychological, health and professional care to children over the age of three months, whose circumstances prevent them from being brought up within their natural families.¹⁵ The latter includes 'social care institution for children who are deprived of family care' (Article 48 A of the Child Law), *i.e.* any reception centre for children six to 18 years old, 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.¹⁶ In 2018, Egypt's Ministry of Social Solidarity announced that all orphanages would be closed by 2025 due to their terrible living conditions, with a preference for children to grow up as part of a family.¹⁷
- In early 2023, the Egyptian Health and Population Ministry mentioned the establishment of the first national foster care centre, in cooperation with the Ministry of Social Solidarity and [FACE for Children in Need](#). It is intended to provide services to children who have lost care, including medical and social services, with special priority given to children who are found abandoned without parents.¹⁸
- Whilst adoption is forbidden (Art. 4 of the Child Law), *kafala* (guardianship) is possible. It appears that, with the new *kafala* system being implemented, the process will take maximum 4.5 months and as soon as the assessment by the Ministry of Social Solidarity is completed for the family, they can start their journey of searching for their child. It is worth highlighting that the process is not under the responsibility of an authority, as the family 'after receiving a letter of approval, (...) can visit one of the orphanages of [its] choice and start to look out for a child that would fit into [the] family.'¹⁹ In an article by the Consortium of Street Children, a mother who undertook a *kafala* mentioned some of her personal and social challenges: 'nobody counts a *kafala* child as a new baby in the family. (...) In our culture, there is no support for mothers of *kafala* children, not even psychological support, unlike with mothers of newborn babies. (...) we face struggles on a daily basis as single *kafala* mothers'.²⁰

Child marriage:

- According to a 2017 census by the Central Agency for Public Mobilisation and Statistics (CAPMAS), nearly one in every 20 girls (4%) between age 15 to 17 years and one in every 10 (11%) adolescent girls 15-19 years are either currently married or were married before, with large differentials between the rural and urban residence.²¹ Even though the country set the legal marriage age at 18,²² a lack of criminal penalties has allowed families to [bypass](#) the law and conclude child marriages through religious ceremonies and then wait till the bride turns 18 to have the marriage legally registered.²³ However, underage girls are frequently married in *urfi*, an unofficial customary form of marriage. In fact, a 2017 World Bank/ICRW study²⁴ estimated that ending child marriage in Egypt would generate an additional USD 2,893 million approximately through gains in earnings and productivity.²⁵
- In Egypt, child marriage is exacerbated by several factors, including:

Poverty: Girls in the poorest households are more likely to be married off early. Girls in rural areas are three times more likely to marry early than those in urban areas. Girls are viewed as an economic burden but also as a source of income for families. Families gain an income through dowry and child marriage is viewed as a way of providing financial security and a better life for the girl;²⁶

Level of education: Girls with no formal educational experience or low levels of education are more likely to marry early than girls who have completed higher education. Low accessibility to schools further prevents girls from attending full-time education as travelling long distances exposes them to physical and sexual violence;²⁷

Harmful cultural practices: In Bedouin communities, such as in Sinai and Matrooh, and the Assiut and Suhag in Upper Egypt, some girls are forced to marry their paternal cousins (consanguineous marriages). If they try to delay these marriages, they are often stigmatised in their communities;²⁸

Female Genital Mutilation and Cutting: Although the practice of Female Genital Mutilation and Cutting has been illegal in Egypt since 2008, it remains widespread; 92% of ever-married women aged 15-49 in Egypt have experienced Female Genital Mutilation and Cutting;²⁹

Trafficking: Young girls are married off to elderly rich men from the Arabian Gulf, 'purchasing' Egyptian girls for temporary or summer marriages. Sometimes these arrangements are facilitated by the girls' family, who profit from the transaction. It is reportedly common in Guiza rural areas, such as Elhawamdeya, Tamouah and Elbadrasheen as well as big cities such as Alexandria, Luxor and Cairo. The Ministerial Regulation No. 9200 of 2015 requires a payment of approximately USD 6,400 to be paid if the bride is 25 years or younger than her intended husband. Human rights activists in Egypt oppose this regulation as it legalises and formalises the sexual exploitation of young girls;³⁰

Political instability: During the Egyptian Revolution of 2011, women and girls faced widespread sexual harassment, rape, and kidnapping. Political collaborations and family alliances were sealed through child marriage. In other cases, girls were married off to influential elders or military leaders on the assumption that this would guarantee the girl and her family protection;³¹

COVID-19: This could have exacerbated gender-based violence, child marriage, sexual exploitation and trafficking.³²

Humanitarian situation:

- At the end of 2018, there was a reported 4,126 unaccompanied and separated refugee children registered with UNHCR in Egypt. There are also reports that some girls are being placed by community members, or smugglers, into Egyptian homes to work as domestic workers.³³
- Most recently, due to the socio-political situation in Sudan, in April-May 2023, more than '150,000 people have crossed into Egypt, South Sudan, Ethiopia and Chad' and there have been efforts to help to trace families and reunify children separated from their families.³⁴ UNICEF has been working closely with governments and partner organisations in neighbouring countries to step up essential life-saving services and support to these vulnerable children, including Child Protection and Gender-Based Violence (GBV) prevention and response, including psychosocial support, child-friendly spaces, case management and referral to specialised services, family tracing and reunification, and supporting the case management of unaccompanied and separated children and prevention of childhood statelessness.³⁵
- Among the hundreds of refugee families waiting at the border, some had no passports. Others would not go further until their husband, brother or son was granted a visa -- which women and children are exempt from.³⁶ However, as recently as June 2023, Egypt toughened visa rules for Sudanese nationals fleeing war, including that all Sudanese must obtain visas before crossing the border, reversing an exemption for women and children.³⁷

Potential considerations:

- *What is being undertaken to ensure that any modification of a child's identity is duly justified in accordance with the law and the child's best interests?*
- *What actions are being implemented to accelerate the implementation of the law prohibiting child marriage and to overcome any remaining obstacles to the latter?*
- *Finally, what is being undertaken to ensure that migrant children's identities are preserved and to ensure that no child remains stateless or becomes at risk of statelessness?*



3 Preservation of Identity

Alternative care:

- It appears that steps have been taken by the Ministry of Social Solidarity over recent years to enable monitoring and quality assurance in residential care homes, and to commence a move towards deinstitutionalisation. Since 2014, no care homes that proposes to house more than 50 children can be approved (pursuant to a Ministerial Decree), and it is reported that the Ministry of Social Solidarity will not approve any further homes as the existing homes have capacity. In 2015, National Standards for Residential Care were endorsed by the Ministry of Social Solidarity, and in late 2018 an announcement was made by the Minister of Social Solidarity that the number of residential care centres are decreasing, in line with a target of closing all such placements by 2025.³⁸ The Higher Committee of Alternative Families is led by a State Council Judge and a Ministry of Social Solidarity legal advisor. The Committee serves as a policy-making entity to standardise alternative family selection criteria, contractual procedures between the Ministry of Social Solidarity and families, as well as different mechanisms for supporting, monitoring and assessing alternative families. It intends to improve the care assessment and selection, the follow-up of placements and data collection.³⁹
- As recently as in January 2023, President Abdel Fattah El-Sisi met with Prime Minister Moustafa Madbouly and Minister of Social Solidarity Nevin El-Kabbaj to tackle on programmes to protect the most vulnerable groups, especially orphans and children lacking parental care. The President gave directives to expedite the completion of the draft Alternative Care Law, which provides all means of protection for the most vulnerable groups. The President stressed that it was important for all concerned parties, including ministries and civil society associations, to focus their efforts on providing all means of care to provide integrated support and protection for orphaned children, develop their capabilities and enhance the institutional and family care provided to them to create a healthy environment for their upbringing.⁴⁰

Humanitarian situation:

- UNICEF and the National Council for Childhood and Motherhood (NCCM) work in partnership at the national level to strengthen the national child protection system to ensure inclusive child protection – prevention and response mechanisms - for all children on Egyptian territory, including refugee and migrant children. UNICEF has worked to support NCCM in the development and roll out of the National Standard Operating Procedures (SOPs) for Child Protection Case Management, including a special Annex on migrant, refugee children and children victims of trafficking. In early 2018, NCCM established a national task force on children on the move. Ongoing advocacy efforts between NCCM, the Ministry of Social Solidarity, the Public Prosecution office, and the Ministry of Interior (Moi) aim to provide alternatives to detention and identify alternative care options for children arrested in attempts of illegal migration. UNICEF and NCCM collaborate to advocate for the release of migrant and refugee children in detention.⁴¹

Potential considerations:

- Do placed children's files include all information about their family relations and other features of their original – and modified – identity?
- Do the actions undertaken in relation to children on the move include the prevention of the falsification of children's identities, e.g. through trafficking, exploitation, smuggling, etc.?
- What does the country undertake to ensure that all migrant children have access to an identity and do not remain stateless?

4 Restoration of Identity

Child marriage:

- In 2017, under the new president Al-Sisi,⁴² the country's National Council for Women subsequently launched the *No to Underage Marriage* campaign in cooperation with the Ministry of Religious Endowments and Christian clerics.⁴³ The National Strategic Framework to Ending Violence Against Children in Egypt, released in February 2018, recognised child marriage as a harmful practice and foresaw awareness raising responsibilities for various ministries and stakeholders.⁴⁴ The issue was also integrated in the National Strategic Framework and Plan for Motherhood and Childhood 2018-2030.⁴⁵
- In September 2017, the Head of Egypt's National Council for Women's Rights also called on Parliament to set a draft new law that raises the legal age of marriage from 18 to 21, and another law that explicitly criminalises child marriage for girls.⁴⁶ In 2019, the deputy Grand Imam of al-Azhar, a prominent official title in Egypt considered by some Muslims to be the highest authority of Islamic jurisprudence, issued a *fatwa* (a formal ruling or interpretation on a point of Islamic law) against child marriage, saying marriage should be based on the consent of both parties and 'particularly the young woman'.⁴⁷ In October 2021, the Association of the Egyptian Female Lawyers launched the #1000 associations campaign, which calls on President Abd El Fattah El Sisi and Egyptian parliamentarians to criminalise early marriage and to raise awareness on the risks of early marriage.⁴⁸ The National Council for Childhood and Motherhood (NCCM) has also been committed to ending child marriage. It provides reporting mechanisms through the Child Helpline 16000 and the Family Counselling line 16021 providing support for children and families. Other leading governmental bodies, such as the National Council for Women (NCW), have been actively combating the persistent issue in Egypt.⁴⁹
- In April 2022, the Egyptian government approved a draft law banning child marriage. The draft law punishes the officiant of a child marriage, the parents of the minors and any adult over the age of 18 who marries a minor with imprisonment for a period of no less than a year, and a fine between EGP 50,000 and EGP 200,000 pounds.⁵⁰
- The recent announcement of two children — a 10-year-old girl and a 12-year-old boy — getting engaged has renewed the debate about child marriage in Egypt. The National Council for Childhood and Motherhood (NCCM) condemned the incident and vowed to end the engagement of the two children. 'The necessary measures were taken to ensure the protection of the two children from these harmful practices', the council's Secretary-General Nevine Othman said in the statement.⁵¹
- Egypt is currently undertaking a legal reform of its Personal Status Law, in which framework it is fundamental to ensure the equality of women and men in all aspects relating to the child, including birth registration, custody and care and marriage.

Potential consideration:

- What is the progress made in the country to restore the identities of children married in childhood and towards further preventing this practice?



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