

ECWR Welcomes Tightening Penalties against Child Abduction

ECWR Calls for a Rapid Enactment of a VAW Unified Law



(Cairo, January 29, 2018) ECWR welcomes the Egyptian parliament's approval on the issuance of Law No. 5 of 2018. The Law amended some provisions of the Penal Code was issued by Law No. 58 of 1937. Under this, the articles are 283, 289 and 290 address harshening penalties on children abduction.

The following is an overview of the articles and their changes:

Article	Before the amendment ¹	Amended Article	The Change
283	Whoever kidnaps or hides a newborn child, or replaces him/her by another, or ascribes him/her falsely to other than his /her mother , shall be punished with detention. If it is not proved the child was born alive, the penalty shall be detention for a period not exceeding one year...."	<i>The amended Article stipulates that "Any offender, who hides a newborn child, replaces him/ her by another, or ascribes him/her falsely to other than his/her potential parents with new identities shall be punished with no less than seven years in prison."</i>	In this amendment, the newborn children abduction penalty was increased from not exceeding a year imprisonment to more severe punishment which is imprisonment for not less than 7 years . Moreover, his/her mother is amended to his/her parents , as the crime is no longer confined to mothers' denying of their children.
289	Whoever, personally or through others, kidnaps un forcibly and un cunningly a child that has not reached sixteen complete years of age , shall be punished with imprisonment for a period of three to ten years . If the kidnapped child is a female, the punishment shall be temporary rigorous imprisonment, if the perpetration of this felony is accompanied with a felony of lying with the kidnapped female.. "	<i>Article 289 points out that whoever kidnaps a child by himself or through another person without child coercion shall be punished with severe imprisonment for not less than 10 years. If kidnapping is accompanied with ransom demands, the offender shall be imprisoned severely for not less than 15 years and not more than 20 years. Yet, offenders will be sentenced to death or life imprisonment if the abduction is accompanied with a felony of lying with the kidnapped female or sexual abuse.</i>	The amendment includes tightening the penalties of children abduction to enforce the maximum penalty which is ten years, <i>in the article before the amendment</i> , to be not less than 10 years, after the amendment . Furthermore, the age of the child has been deleted. This fits with the Article 80 of the Egyptian Constitution that stipulates "A child is considered to be anyone who has not reached 18 years of age.." The amendment added "ransom demands" that wasn't mentioned in the article before the amendment. In this case, the penalty has been tightened to be not less than 15 years and not more than 20 years . Additionally, the penalty increased to "sentenced to death or life imprisonment" in case the abduction is accompanied with a felony of lying with the kidnapped female or sexual abuse.
290	"Whoever, personally or through others, kidnaps cunningly or forcibly, a female shall be punished with permanent hard labor. However, if the perpetration of this felony is accompanied with a felony of	<i>Article (290) refers to whoever kidnaps a child by himself or through another person by child coercion shall be punished with severe imprisonment for not less than 20</i>	The amendment includes adding the " ransom demands " and rigorous imprisonment for a period not less than 15 years and not more than 20 years . The punishment has been tightened if the kidnapped is a child or a female to be imprisoned for life or death sentence,

¹ Egypt Penal Code- <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/57560/111585/F1337119832/EGY57560.pdf>

lying with kidnapped female without her consent, the perpetrator shall be punished with a death sentence."

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*years. Or, if kidnapping is accompanied with **ransom demands**, the offender shall be imprisoned severely for not less than **15 years and not more than 20 years**. If an abducted is a child or a female, the offender shall be imprisoned for life. Yet, offenders will be sentenced to death or life imprisonment if the abduction is accompanied with a felony of lying with the kidnapped female or sexual abuse.*

if the perpetration of this felony is accompanied with a felony of lying with the kidnapped female or sexual abuse.

ECWR's Chairwoman, Nehad Abul Komsan, believes that this amendment helps in protecting women and children from abduction crimes that have become a growing crime. However, this amendment doesn't replace the issuance of a full law that combines all crimes of violence against women into one law to be easier in enforcement.

As reported by the Central Agency for Mobilization and Statistics (CAPMAS) in 2016, women are exposed to various types of violence, The results revealed that the percentage of marital violence is around 46% of the previously married women between the age of 18 and 64 years in Egypt were subject to one of form of violence perpetrated by the husband, whether psychological, physical or sexual violence. The study has also revealed that 43% of women suffered from injuries as a result of martial violence annually. The problem of domestic violence by the husband is not limited to the wife, but affects the children, where 300 thousand children suffer from fear and nightmares, and the children of 113 thousand families are absent from school every year as a result of marital violence.