

Egyptian Personal Status Law is a Crime against Divorce Children

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Abbreviation

DSH= Deliberate Self-Harm

SUD = Substance Use Disorder

Abstract

The current study aimed to assess the negative effects of the current Egyptian personal status law on the child of divorce who live according to the legislation of with one parent and deprive them of the other party whether in co-care or hosting, making them vulnerable to anxiety, depression, early pregnancy and dangerous sexual relations, school failure, bullying, Deliberate self-harm (DSH), delinquency, crime and violence, substance use disorder (SUD) and suicide attempts. Data was collected from various sources such as the official website of the Egyptian government and General Secretariat for Mental Health and other sources. The study recommended the introduction of legislative amendments that allow the principle of shared custody for both parents and allow the hosting and cohabitation of the non-custodial party of divorce children under the main pillar in the new legislation is the supreme interest of the divorce of the Egyptian child.

1. Introduction

There are a large number of factors that occur on the future of children after divorce, including the amount of parental conflict before and after separation, the relationship of parents after divorce, and the degree of understanding between divorce children and their parents. Factors related to the child's personal characteristics, gender, age, changing lifestyle after divorce, parents' relationship before and after divorce, parenting practices with

these children, and socio-economic conditions after marital disintegration may be the ability of children to adapt to their new lives. And it is the shared custody arrangement that is best suited to maintain parental involvement after separation in the public interest. And this shared care, making the close association with the ex-husband into a healthy relationship more supportive and shared (Dozier et al. 1993)¹. The fewer problems of connection and disconnection, the less conflict there is about raising children. In Egypt the number of children living with single parent has continued to rise in Egypt according to Personal status law (number 25 (1920 and 1929 amended by number 100 (1985) and number 1 (2000) and number 10 (2004)). Including that the custody of the male children is the right of the mother until the child reaches the age of 15 years, and then the child is given the choice to choose between completing his life with the mother and or moving to living with the father. On other hand the custody of girl to the mother until she marriage. The most dangerous and most important matter is strange when the mother dies and the marriage is still in place, the custody is extracted directly without any roles or precautions from the father to the mother's grandmother Regardless of the social, economic and educational level. By way the Egyptian Personal Status Law this orphan children to be an orphan, mother and father together. In cases of divorce, the father is ranked number sixteen in the custody of a child. In the current Egyptian personal status law is allowing the father only without any other persons from the father family to see his son for only three hours per week only in public area Surrounded by iron fences as social club or public garden which called the system of vision even when the father dies; this seeing system is transferred to the grandfather.

2. Discussion

The three main points that have a negative impact on the path of divorce children in the current Egyptian personal status law are the following:

- i. The age of custody: Under Article 20 of Law No. 25 (1920), it was replaced by Law No. 4 (2005) in its first article stipulating that custody of children shall be for the mother until the age of fifteen years for the son and the girl until she gets married.
- ii. The custody arrangement: Article 20 of Law No. 25 (1920), which was replaced by Law No. 100 (1985) in its fifth article, states that custody shall be first to the mother and then to the kinship of the child by women until we reach the father and be in the order number sixteen in his child custody.
- iii. System of vision: Article number 20 of the law number 25 (1920) amended by the law number 100 (1985) in its second article states that it And the current Egyptian personal status law allowing the father only without any other persons from the father family to see his son for only three hours per week only in public area Surrounded by iron fences as social club or public garden even when the father dies, this seeing system is transferred to the grandfather (E Gov Gate)¹.

In shared custody, parents spend more time and emotional interaction with their children than parents in any other kind of custody after divorce, even when the socioeconomic status and marital life prior to divorce is taken into

account in the parent child relationship (Kline et al., 1989; Arditti, 1992)². A positive relationship found between the payment of child support and shared custody, First, Brown et al. (1997) included data on child support compliance for two years after divorce. In Wisconsin data, different custody arrangements had different rates of compliance and good results for divorce children in the second year:

- The father's incubation cases are the lowest (36%).
- The mother's incubation cases (57%).
- Fragmented incubations (60 per cent).
- Equal shared custody (68 percent)

The unequal shared custody was the highest compliance and good results on the path of divorce children, reaching 77 percent. These three points have negative impacts on the child of divorce. Divorce child custody with only a single parent is closely related to academic failure and behavior aberrations, substance abuse, teenage pregnancy, low income and poverty, and social dependency in the United States (Fagan, 2017). Children who live with only one parent have a general health condition worse in terms of physical health, mental health, friendship with colleagues, cultural activities, sports, and relationships between families, compared to children from healthy families. Conversely, children in a shared custody system after divorce who live approximately the same amount of time with their mother and divorced father enjoy the well-being of children as children of stable families and better outcomes than children who live with a single parent only [1].

Children with a single custody parent are three times more likely to be unhappy, and are more likely to engage in anti-social behavior and substance use disorders [2]. Children of single parent custody are more likely to suffer twice from psychiatric disorders [3]. Children of the single parent are also more vulnerable to dangerous behaviors such as smoking, drinking alcohol, addiction, crimes, delinquency, various forms of violence, risky sexual activity, suicide attempts, etc. And when these children are left alone at home for long periods of time when the only custody parent goes out to work, they may be visibly affected compared to peers, which may lead to undesirable behaviors [4].

In the national research for addiction made by the General Secretariat of Mental Health and Addiction Treatment in 2015 and the relationship of the father's presence in addiction rates, it became clear that when the father leaves the house as in divorce, the occurrence of alcohol or substance uses disorders for this children becomes more than two folds as much when the father is present with Children (36.3 and 16.7, respectively). There are major differences between the father's absence and the other three cases, as shown in Figure 1. (Mentalhealthegypt.com)².

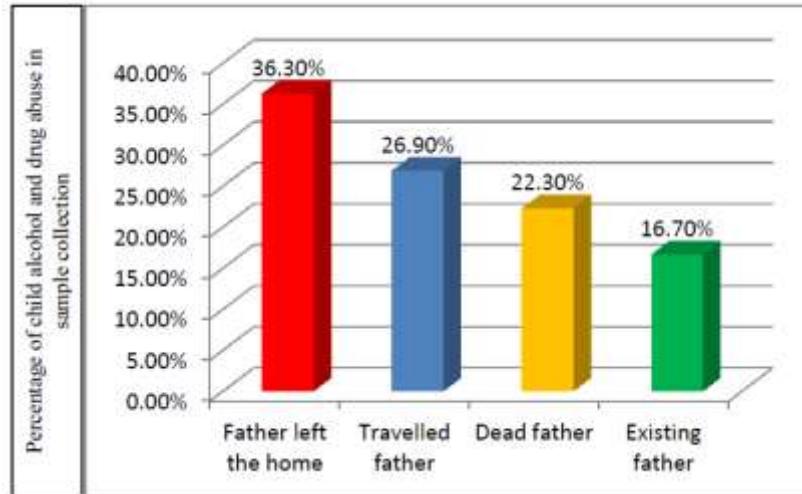


Figure 1: Relation between status of the father and his child alcohol and drug abuse.

Also in the 2011-2012 National Survey of Children’s Health, conducted by the U.S. National Center for Health Statistics, and with parents of 95,677 children aged 17 and under founding that living with both married biological parents, the rate of witnessing or experience violence and abuse was relatively low:

For every 1,000 children in healthy families, 19 had witnessed or exposure to one or more violent or abusive.

By comparison, among children living with a divorced or separated mother,

The rate of witnessing or experience violence or abuses was seven times higher: 144 children per 1,000 as shown in Figure 2. (Zill 2014)

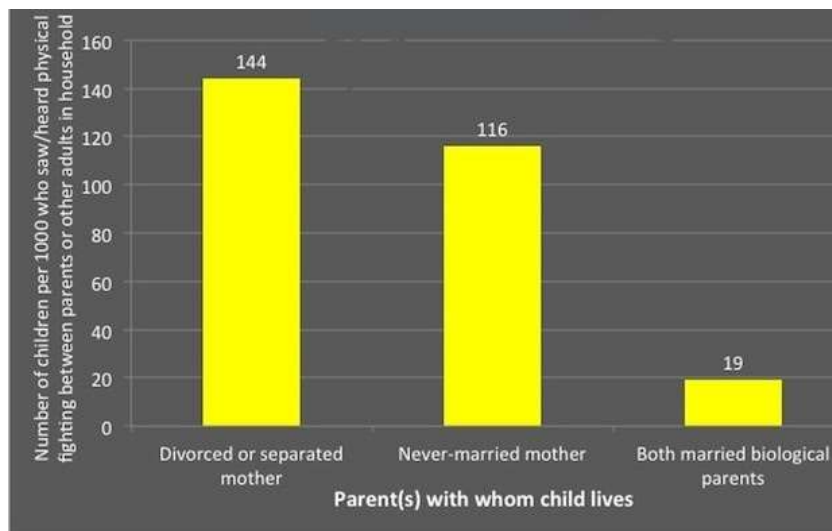


Figure 2: Children’s Rate of Exposure to Domestic Violence by Family Type, 2011-2012.

3. Conclusion and Recommendations

Egypt's personal status law is strict and does not take into account any individual variations between case and others or where the best benefits of Divorce Children are, leading to many negative effects on the development of the divorced child. Therefore, we recommended a rapid change in this law under the main pillar of the new legislation, which is the supreme interest of the divorce of the Egyptian child and under the basic principle of shared custody between mother and father, allowing parents to host and live with their children, which allowing the non-custodial parent to host and living with child on weekends and one week on the half-year holidays and for a month after the end of the school year with sharing of public holidays provided that the safety and security of the child is guaranteed and stabilization of the child's activities on educational, social, sports or hobbies levels and not to be exposed to any kind of abuse or exploitation, this manner to avoid any forms of parental deprivation, also the custody of the child must be limited to the mother first and then the father unless there are legal impediments or caveats for one of them. Also, the age of custody must not be less than seven years and not exceeded the beginning of the adolescent age, which is 12 years, also abolish the child's choice system to choose between a parent to live with one of them, also we must reevaluated the custody parent every five years by a specialized committee of a psychiatrist, psychologist and social specialist provided that there is at least one woman in that official committee to assist the court in making the right decision to ensure safety and meet the needing of child in the financial, educational, social and psychological levels, to ensure strong generations that maintain the cohesion of Egyptian society and Highness, progress and prosperity of Egypt.

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