

NGOs Oral Statement - Egypt

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Country: Egypt

Thank you Madam Chair

I am honoured to present this oral statement with my colleague Afaf Marei, on behalf of several organizations: the CEDAW Coalition which includes 36 NGOs.¹ Partners in this oral statement include the Centre for Egyptian Women Legal Assistance (CEWLA), and the Egyptian Initiative for Personal Rights (EIPR).

Partners agreed that the statement will address four important issues to activate the implementation of the Convention in Egypt, these are: 1.Violence Against Women 2.Political Participation 3.Personal Status Laws, and 4. Reproductive Health.

First Issue: Violence Against Women

Violence against women in all its forms has been on the increase both in the private and public spheres in Egypt. According to the Demographic Health Survey of 2005, half of married women (or those who were previously married) of the age group 15-49 years of age were exposed to numerous forms of violence. Sexual harassment cases have also reached alarming levels, for example in 2006, a total of 152,000 cases have been reported.² Two related cases have raised resentment in public opinion in Egypt recently, one being the sexual harassment and assault of female journalists and activists in May 2005 while partaking in a public demonstration under the eyes and complacency of security forces and the leaders of the ruling party. The second case was the mass sexual harassment of groups of young girls in downtown Cairo and Giza in 2007 and 2008.

As for rape, the National Centre for Social and Criminal Research Report states that 55 rape crimes are committed daily which is around 20,000 rape cases per year. These are the numbers of cases that were actually surveyed, notwithstanding the numbers of those not covered. Institutional³ violence has also been on the rise, examples of this include the detention of women in police stations to pressure their male relatives that are under arrest to turn themselves in to the police. No deterring procedures have been taken to prevent the repetition of such practices.

This is in addition to the rise of other forms of violence such as female genital mutilation, incest, and honour crimes which has been dealt with in detail in the shadow reports.

¹ The Coalition's Shadow Report has been presented to 150 NGOs.

² Not including the cases that were not reported.

³ The word 'institutional' in this report, refers to state institutions such as the police forces, the judiciary, and so forth.

To date, Egypt has no law that protects women from domestic violence or criminalizes sexual harassment. In fact, there are numerous societal and institutional challenges that prohibit women from reporting the various types of violence inflicted upon them. On the other hand, some legal provisions such as article 60 in the Penal Code give men the right to discipline (strike) their wives.

In addition, social support services currently suffer from inadequacy, insufficiency and lack of coordination. There are only eight shelters nationwide which are exclusive for victims domestic violence, and are not well-publicized amongst women. Other stakeholders dealing with women victims of violence, such as social workers and policemen, are also not informed about the existence of such shelters and so do not refer cases to them.

Second Issue: Political Participation

Despite the undertaking of certain procedures by the government to facilitate access of women to decision making positions, women's representation in the different elected councils remains very limited not yet reaching levels where they can effectively affect legislation, policy making or programming. This obstructs the effective representation of women's real interests and their quest for equality in many fields.

We would like to point here to the statistics that illustrate this point in the CEDAW Coalition's shadow report on article 7. This shows the lack of an effective overall gender mainstreaming strategy which deals with the different socio-political and legal challenges including the cultural environment that does not support women's political participation.

Gender-based violence practices that usually accompany the election process still pose a serious threat to all efforts exerted to ensure women's political participation. NGOs also face many legal and administrative limitations which curb their efforts in this field.

Despite the legislation of a new law that determines a quota of 64 seats for women in parliament,⁴ serious impediments still remain for women's political participation. More electoral zones were added and can sometimes reach ten times more than the average size of zones. This requires double the effort and resources of women wishing to nominate themselves in these new zones, which is something that only women of influence and wealth can afford to do.

Also the law has limited this quota procedure to two parliamentary terms, which is not in compliance with CEDAW's General Recommendation 25 which recommended the removal of the temporary procedures undertaken only when the desired outcome is realized.

Third Issue: Personal Status Law

Egypt has not lifted its reservation on article 16 based on ill-founded reasons. Numerous studies undertaken in the Muslim and Arab world have shown that CEDAW and Islamic Sharia are not in total contradiction in the family realm as the government unequivocally asserts. This is augmented

⁴ This does not include other elected councils and bodies.

by the fact that several Arab countries have not entered reservations on the totality of this specific article, as Egypt has done.

The current personal status law has been in place since 1920, it is based on a discriminatory philosophy that is divorced from the current reality. It is premised on the principle/assumption that the man provides financial maintenance and guardianship of the wife, while she is obliged to obey him. There are also numerous gaps in the law that jeopardize women's legal rights in that respect, for example:

- The man's unilateral right of divorce without mentioning any reasons nor resorting to court, while women have to present legally-sanctioned reasons and have to resort to court to be able to access divorce
- The law determined only six reasons upon which women are allowed to ask for divorce. Women are legally obliged to prove the harm inflicted upon them based on any of these six reasons, despite the great difficulty in doing so (psychological harm is not taken into consideration)
- Khul divorce is not an adequate alternative to judicial divorce for women because it deprives them of most of their financial rights as a result (unlike judicial divorce where such rights are protected)
- Men can still practice polygamy despite the contradiction between this legal sanction with the original Islamic and Quranic handling of polygamy that aims at limiting it. This is also a violation of state obligations under articles 3 and 5 which Egypt has not put any reservations on.
- Women face very long and difficult judicial procedures to access their legal maintenance from their husbands, as well as the great difficulty they face in actual implementation of court rulings in their favour in this regard
- Christian women face particular difficulties related to the Church's non-recognition of divorce court rulings, and its prevention of a second marriage in this case. Christian women are also deprived in practice from custody over their children from their divorced Muslim husbands,⁵ as well as their rightful inheritance share from their deceased Muslim husbands.
- All women have the right to petition for their determined shares of inheritance, however it is seriously difficult for most women, especially those in Upper Egypt and rural areas, to actually access their inheritance due to long and difficult judicial procedures, in addition to antagonistic societal traditions and practices. This becomes especially apparent after reviewing the low numbers and statistics of rural women's ownership of land.

⁵ Unlike Muslim women divorced from Muslim men who are not deprived of the same right and actually enjoy priority status in custody rights as women.

The Fourth Issue: Reproductive Health

Despite the efforts made to enhance the system of documentation and data collection related to maternal mortality, there is still great deficiencies and gaps. It is also noted that there is an absence of any statistics or data on maternal morbidity.

There are still penal punishments that women resorting to (illegal) abortion face. This makes them resort to unsafe abortion procedures that may be life threatening. The Egyptian law does not include any clear legal sanctions or cases where this procedure could be allowed. This intimidates health practitioners from operating this procedure in fear of legal repercussions. The Medical Procedural Memorandum – clause 29 – allows doctors to operate abortion to safeguard the health of the woman, only after obtaining the written consent of two other specialized doctors. The law does not explicitly nor clearly allow abortion in cases of pregnancies resulting from rape or incest.

Additionally, health care providers are not sufficiently trained to identify victims of sexual violence and to respond to their needs. This is beside the lack of health care services for them in health units, and the lack of the required psychological or socially-adequate services.

Based on the above, we recommend the following:

- 1- Lifting the reservations on the conventions' articles 2, 16 and 29 (clause no. 1) and ratifying the optional protocol.
- 2- Extending, updating and availing databases of gender-disaggregated data inclusive of all categories of women, especially rural, elderly, Bedouin, disabled and emigrant women; with special consideration to be given to developing poverty indicators amongst women.
- 3- Developing indicators to measure the effect of policies, programs and procedures aiming at eliminating all forms of discrimination against women.
- 4- Training judges, lawyers and law implementers on invoking CEDAW while adjudicating ruling cases in court.
- 5- Amending the political participation law in a manner reflecting the aims of democracy, true plurality, and ensuring the adoption of the proportional list system which is more convenient for women to stand as candidates.
- 6- Allocating a quota for seats for women in all representational elections to increase the political participation of women and ensuring their access to decision-making positions.
- 7- Changing popular cultural stereotypes related to gender roles of men and women to favor values of equality, participation and mutual respect; through education, media and the necessary legal changes ensuring and safeguarding real equality.
- 8- Legislating a law deterring violence exercised during elections, and setting harsh penalties in case gender-based violence is practiced.
- 9- Abolishing the administrative decree preventing Egyptian women married to Palestinians from extending their nationality to their children, in violation of the current law.
- 10- Lifting the discrimination against women in the nationality law and granting equal rights for men and women to extend their nationality to the non-Egyptian spouse.
- 11- Setting strategies for comprehensive development to eradicate illiteracy amongst women and girls. Adopt the mechanism of training and poverty eradication as an entry point to improve the economic standard of living of poor women.
- 12- Activating the role of the media and education in adopting the rights-based approach that is based on justice and equality between men and women and changing the negative popular stereotypes on women.

- 13- Increasing the budget allocation for health care according to international standards.
- 14- Training doctors to enhance the level of health services; to counteract the effect of discrimination and cultural stereotypes prevalent amongst the medical team working in the field of women and girls health.
- 15- Enacting the newly amended Child law which designates the age of childhood as up to 18 years, in order to reduce early marriages.
- 16- Finalizing the promulgation and enactment of the anti-trafficking law and its executive memorandum.
- 17- Extending legal jurisdiction and protection to include domestic workers (who are mostly female), rural female agricultural workers and female workers at the informal sector and not excluding them.
- 18- Issuing a unified family law for all Egyptians which is appropriate to the changing times and current society's interests including: a General Procedures Chapter – Chapter for Muslims – Chapter for Christians. The law shall consider the enactment of the principles of citizenship, equality and justice in front of the law for both Muslim and Christian women, and shall be free from all demeaning concepts and language that diminishes the value and dignity of women, which is also in line with Islamic Sharia and enlightened Islamic jurisprudence. . It should include provisions to regulate the marital relationship in all its phases, including the engagement phase.
- 19- Putting legal conditions to regulate and limit polygamy, to protect both Muslim and Christian women. This could be done through necessitating the judge's permission for a man to marry more than one wife, or giving the first wife the automatic right to divorce based on harm in that case, whilst keeping all her financial rights
- 20- Re-visiting general rulings concerning the right of women to divorce for harm, including psychological harm, to make it more accessible to women when the conditions for it are present. This is in accordance with Islamic Sharia which warns from no divorcing the wife on purpose to cause her harm.
- 21- Increasing the maximum limit for maintenance, which is currently 500 Egyptian Pounds equal to less than one hundred U.S. Dollars a day, to be more sensitive and realistic to daily needs and expenses. The Maintenance Fund should undertake its role for which it was originally established, which is the protection of women and children from need and poverty.
- 22- Considering any person who prohibits women from accessing their legal inheritance share, a violator based on the law and general legal rulings. The new law should facilitate for women their ability to prove the superficiality of the legal actions taken by the deceased during their life directed towards the privileging of certain other inheritors.
- 23- Lifting the difficulties faced by women to access their legal rights, and ensuring justice by the simplification of litigation procedures and the enactment of the family court verdicts without delay.
- 24- Abolishing the use of article 17 usually exercised in honour crimes which provides the judge the ability to exercise the judicial power of discernment leading to the decrease of the penalty without the need to cite reasons (this demand is in synch with the decision to suspend its use in drug cases)
- 25- Abolishing article 60 of the penal code granting the husband the right to 'discipline' his wife.
- 26- Lifting the discrimination apparent in the articles of the penal code dealing with adultery and murder due to adultery.
- 27- Set a general strategy to protect the rights of elderly and disabled women for a decent life and consider adequate criteria and standards to ensure a suitable elderly and disabled-friendly environment for them in public services.
- 28- Promptly issuing the law protecting women from domestic violence.

- 29- Issuing a law criminalizing sexual harassment in any place and make harsher punishments for harassers.
- 30- Dealing with the loopholes in the law banning FGM, which allows the doctor to operate FGM under the pretext of a 'medical necessity'.
- 31- Take harsh measures and penalties against public servants exercising violence against citizens and criminalize violence against women in the police stations and detaining them as hostages there.
- 32- Training professionals in the legal field, police and health providers on dealing with cases of battered women and putting indicators to measure the impact of these programs.
- 33- Allocating units of women police forces in police stations to deal with women victims of violence.
- 34- Enhancing the quality of services offered in women protection centers and extend its services and mandate to include women victims of all forms of violence, and not only domestic violence.