

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON EGYPT

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References from the National Report are *in Italics*.

Recommendations - including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified with reservations [Arts. 2, 16 and 29]¹. OP-CEDAW not ratified. Rome Statute not ratified. Palermo Protocol ratified.

¹ Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: The right not to be subjected to discrimination, Torture, Freedom of opinion and expression, Freedom of religion and belief, The right to establish associations and trade unions, The right to a legal remedy and to a fair trial, The right to liberty and security of person, Counter-terrorism measures, The right to food and food security, Right to suitable housing, Right to health, Safe drinking water and sanitation, Right to education, Cultural rights, Rights of migrants.

ISSUE	N Report	Compilation	Summary
Early / forced marriage	Legal age at 18.		
Economic rights/ Right to development	Financial independence, full civil capacity. Projects on women's advancement.	Poverty, increasing unemployment rates, fragmentation of land, shortages in housing and water resources (42)	Consequences of privatization and adjustment policies (8)
Equality and Non discrimination	Constitutional status, Art 40. Equal rights to transmit nationality; register births, legal custody of children.		
Female Genital Mutilation	Penalties	Prohibition by decree. 77.4% performed by trained medical personnel. High rates (17)	Girls continue being victims. Exceptions in law could undermine its prohibition (17)
Laws that discriminate against women	Assessing Criminal Code amends to prevent discrimination. Two rounds of reconciliation sessions when a couple seeking divorce has children.	Legislation perpetuates inequalities in civil and economic rights (9)	Discriminatory personal status laws. Women's primary role as mother and homemaker. Legal polygamy (9)
Maternal mortality /maternal health	Decreasing rates.		Lack of access to health care services, esp. in rural areas (37)
OP-CEDAW		See recommendations (1)	
Participation in public and political	Establishment of parliamentary quotas by		Constitutional amendments enhance

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

life	Constitution. Percentage of seats reserved. Increasing rates.		representation in Parliament (10)
Patriarchal attitudes/stereotypes		Patriarchal socio-cultural attitudes and social environment prevent from equality (8)	
Reproductive health/rights		Unmet needs (42)	
Right to education / illiteracy	Compulsory and free primary and secondary education. Free state university. Programmes to decrease illiteracy, girls' dropout and close gender gap in basic education.	Despite progress; non enrolment, dropout rate, school facilities and quality of education still remain challenges (31). Gender gaps in enrolment and dropouts. Higher rates of illiteracy (42)	
Right to marry			Medical tests required to prove free of diseases. Interfaith marriages are forbidden (21)
Right to work	Equality in payment and government employment. Mechanisms to deal with gender discrimination.		Discrimination, esp. in informal sector (34)
Rural women			Less access to education (43)
Sexual Violence	Proposal of law to avoid impunity on sexual crimes.		
State Institutions/ Plans of Actions	National Council for Women. National Council for Motherhood. Ombudsman's offices. Caseload. Gender issues provisions in general budget.	National Council for Women (5)	
Trafficking of women/ Forced prostitution	Specialized units and procedures. Participation of Civil Society.		
Violence against Women /Gender Violence	Programmes for the elimination of harmful traditional practices.	Violence at home, at work and in public spheres (15)	"Honor crimes" punished by light sentences. Violence in working environment (16)

Early / forced marriage

The legal age for marriage was **set at 18 years for both men and for women ()**

Economic rights/Right to development

Women in Egypt enjoy financial independence and full civil capacity. () Moreover, funds are set aside in the State's annual investment plan for projects focusing on women's advancement and economic liberation.

()The 2005 United Nations Common Country Assessment (CCA) noted that the perpetuation of poverty, increasing unemployment rates, particularly among youth and women, food shortfalls, the fragmentation of cultivable land, () shortages in housing and water resources () are all predisposed and compounded by the nature of Egypt's population growth and its composition (Para 42, Compilation). New Women Foundation (NWF) reported that the government's adoption of the privatization and structural adjustment policies has adversely affected women, especially in the areas of education, health care, employment, water, housing and food prices (Para 8, Summary)

See recommendations, Egyptian CEDAW Coalition - JS6 (8); JS4² (35)

Equality and non-discrimination

The Constitution of 1923 was the first Egyptian Constitution to guarantee rights and freedoms to all citizens, including the right to equality and non-discrimination (). The Constitution furthermore recognizes () the right of women to equality with men. () Article 40 of the Constitution provides: "Citizens are equal before the law and have equal public rights and duties. There shall be no discrimination between them on grounds of sex ()"

() Provisions that discriminated against women were amended so as to grant women married to foreigners the same right as men to transmit their nationality to their children. () educational guardianship has now been extended to include women who have legal custody of young children and both fathers and mothers have the right to register the birth of a child and to ask for a birth certificate.

Female Genital Mutilation

With regard to the elimination of violence against women, a new article was added to the Criminal Code prescribing a penalty of imprisonment and a fine for anyone who performs a female genital mutilation procedure.

UNICEF stated that the Government, led by the National Council of Childhood and Motherhood (NCCM), has prioritized the abandonment of Female Genital Mutilation/Cutting. The latest figures show that, among 15-17 year old girls, 74.4 per cent have been cut. In 2007 an important health ministry decree was issued banning everyone from performing FGM/C (77.4 per cent of practices are reportedly performed by trained medical personnel). In 2007, the Azhar Supreme Council for Islamic Research issued a statement explaining that FGM/C has no basis in the core Islamic Sharia or any of its partial provisions (Para 17, Compilation). JS4 reported that girls continue to be subjected to female genital mutilation. AI noted that the Child Law 2008 banned female genital mutilation except when "medically necessary" (a qualification many fear could undermine the prohibition) (Para 17, Summary)

² JS4: ANND (the Arab NGO Network for Development), Beirut, Libanon; AHED (the Association for Health and Environmental Development), Cairo, Egypt; EIPR (the Egyptian Initiative for Personal Rights), Cairo, Egypt; BAHRO (the Budgetary and Human Rights Observatory), Egypt; CESR (the Centre for Economic and Social Rights), New York, USA;* ECESR (the Egyptian Centre for Economic and Social Rights), Egypt; HLRN-HIC (the Housing and Land Rights Network- Habitat International Coalition), Giza, Egypt;* also endorsed by EACPE (the Egyptian Association for Community Participation Enhancement), Cairo, Egypt; CTUWS (Center for Trade Union and Workers Services), Cairo, Egypt; LCHR (Land Centre for Human Rights), Cairo, Egypt; AAFHR (Awlad Alard Foundation for Human Rights), Cairo, Egypt; AFCSHR (Arab Foundation for Civil Society and Human Rights Support), Cairo, Egypt; BLACD (Better Life Association for Comprehensive Development) and CMHR (Civic Monitor for Human Rights), Al Menya, Egypt; PhMovement (People's Health Movement), Cairo, Egypt; HCER (Habi Centre for Environmental Rights), Cairo, Egypt;

Laws that discriminate against women

() the Ministry of Justice is currently reviewing a proposal from the National Council for Women to amend the Criminal Code in order to prevent discrimination against women in cases involving the offence of illicit sexual relations. () Act No. 1 of 2000 established the rule that the courts must refer marriage partners seeking a divorce for two rounds of reconciliation sessions, if they have children.

In 2001, The Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern that article 11 of the Constitution appeared to entrench women's primary role as mother and homemaker. Treaty bodies also referred to some provisions of the Penal Code, which do not treat men and women equally in matters of adultery; that women seeking divorce through unilateral repudiation by virtue of Act No. 1 of 2000 (khul) must forego their rights to financial support and, in particular, to their dowries; the discrimination affecting women as regards the rules governing inheritance; and the continued legal authorization of polygamy (Para 9, Compilation). JS2³ and HRW indicated that despite reforms, particularly of nationality laws, Egypt's family and penal laws still discriminate against women and girls and that discriminatory personal status laws governing marriage, divorce, custody, and inheritance have institutionalized the second-class status of women in the private realm (Para 9, Summary)

See recommendations, The Committee on the Rights of the Child (CRC) (9); JS1⁴ (9); JS6 (9)

Maternal mortality/maternal health

() Maternal mortality rates due to complications during pregnancy and delivery had also fallen, to 55 per 100,000 live births.

JS4 stated that the lack of access to maternal health contributes to maternal mortality, especially in rural areas (Para 37, Summary)

OP-CEDAW

See Recommendations, (Para 1, Compilation)

Participation in public and political life

() In 2007, article 34 of the Constitution was amended to read that the Arab Republic of Egypt is a democratic State founded on the principle of citizenship and to provide for increased participation by women in the Parliament through elections and through the establishment of parliamentary quotas for women. () A minimum of 64 seats have been set aside for women in the People's Assembly. () Overall, the number of women taking up senior positions is on the rise.

³ JS2 CIHRS (The Cairo Institute for Human Rights Studies), Cairo, Egypt; Al Nadeem Centre (Al-Nadim Center for Treatment and Psychological Rehabilitation for Victims of Violence), Cairo, Egypt; Andalusitas (Andalus Institute for Tolerance and Anti-Violence Studies), Cairo, Egypt; APRO (Arab Penal Reform Organization), Egypt; AHRLA (Association for Human Rights Legal Aid), Giza, Egypt; GHRLA (The Group for Human Rights Legal Aid), Egypt; HMLC (Hesham Moubarak Law Center), Egypt; LCHR (Land Center for Human Rights), Cairo, Egypt; NWRC (New Woman Research Center), Cairo, Egypt; ANHRI (The Arabic Network for Human Rights Information), Cairo, Egypt; CTUWS (The Center for Trade Union and Workers' Services), Cairo, Egypt; EACPE (The Egyptian Association for Community Participation Enhancement), Cairo, Egypt; EIPR (Egyptian Initiative for Personal Rights) and HRCAP (The Human Rights Center for the Assistance of Prisoners), Cairo, Egypt; AFTE (Association for Freedom of Thought and Expression) and ECESR (The Egyptian Center For Economic and Social Rights), Egypt.

⁴ JS1 CEWLA (Center for Egyptian Women's Legal Assistance Foundation), Ard El Lewa, Egypt; EFACC (Egyptian Foundation for Advancement of the Childhood Conditions), Egypt; FDPD (Forum of Dialogue and Partnership for Development), Giza, Egypt; CADH (Mwaten Association for Development and Human Rights), Egypt; (Association for Education Support and Development), Egypt; AOL (Arab Office for Law), Cairo, Egypt

There are currently **three women Government ministers**, and 18.2 per cent of all deputy ministers are women. As far as gender equality in the exercise of political rights is concerned, the situation has continuously evolved since 1956: a total of 14.4 million women were registered on the electoral rolls in 2007, accounting for 39.8 per cent of all registered voters. During the parliamentary term spanning the period from 2005 to 2010 women will have held nine seats in the People's Assembly, five of them by Government appointment, representing **1.8 per cent of the total number of members of Parliament**. In the forthcoming parliamentary term, the number of women members is expected to increase to at least 64, as a result of the recent legislative amendment.

The National Council for Human Rights (NCHR) noted, inter alia, that the 2007 Constitutional amendments emphasized the principle of citizenship as the basis for the relationship between the citizens and the State; and allowed for **enhanced representation of women in Parliament** (Para 10, Summary)

See recommendations, The United Nations Development Assistance Framework - UNDAF (46); HCHR (10)

Patriarchal attitudes/stereotypes

In 2009, UNICEF noted that the **religious and patriarchal cultures**, as well as the social environment in Egypt, are sometimes used to justify discrimination against women and legal protections for women are not enforced by government officials, preventing women from **experiencing equal treatment and equal opportunities under the law**. CCA in 2005 noted that **socio-cultural attitudes are deeply rooted** () (Para 8, Compilation)

See Recommendations, HR Committee (8); CEDAW (8); CCA (8)

Reproductive health/rights

CCA noted that () the persistence of **unmet needs in reproductive health/family planning services**, are all predisposed and compounded by the nature of Egypt's population growth and its composition (Para 42, Compilation)

Right to education / illiteracy

*() There are **nine years of compulsory basic education**, which encompasses primary and intermediate education. Education is **free at all stages**, including **university education** delivered at State institutions. () Egypt is pursuing initiatives and projects to deal with (illiteracy), through the National Authority for the Eradication of Illiteracy and for Adult Education. () Several programmes have been set up, including one involving a single classroom project designed to help **young girls who drop out of education to complete their studies** and a **"girl-friendly schools"** project which aims **to close the gender gap in basic education**. According to a report by the United Nations Educational, Social and Cultural Organization (UNESCO), these initiatives have reduced the illiteracy rate by 28.6 per cent. () Most beneficiaries came from **rural areas**.*

UNICEF highlighted that Egypt has made **substantial progress** and is on track to meet the MDG Goal 2 on primary education by 2015 if extra efforts are made and specific attention is paid to **selected governorates and specific social groups**. **Non-enrolment** is still problematic, and **school dropout rate** still remains a challenge. The 2005 CCA indicated that corporal punishment, while prohibited in schools, was commonly quoted by **working children and street children as a reason for dropping out of school**. Studies show that **upgrading school facilities** remains an issue, with

many school buildings being unfit for use. In 2001, CRC remained concerned at the poor quality of education in general (Para 31, Compilation). The 2005 CCA noted that () the higher rates of illiteracy, especially among women, gender gaps in educational enrolment and dropouts () are all predisposed and compounded by the nature of Egypt's population growth and its composition (Para 42, Compilation)

See recommendations, Committee on Economic, Social and Cultural Rights - CESCR (31); JS4 (43)

Right to marry

According to Human Rights Watch (HRW), Article 31(bis) of the Child Law amends the Civil Code to require in order to register a marriage, mandatory testing showing that couples who wish to marry are "free of diseases that affect life or health of each of them, or on their offspring". Institute on Religion and Public Policy (IRPP) stated that interfaith marriage is not allowed, and the consequences for such marriages are severe (Para 21, Summary)

Right to work

() Egyptian men and women are guaranteed the equal right to work, to government employment and to pay. () The Government takes steps to deal with any discrimination against women in the workplace, including in recruitment and pay, using mechanisms such as labour offices, the 32 equal opportunities units established in 26 governorates and the 3 units operating in the State administration. Those who engage in discrimination are made to answer to the courts.

New Woman Foundation (NWF) reported that women suffer from discrimination in employment, especially those working in the informal sector who are left outside the scope of legal protection (Para 34, Summary)

Rural women

JS4 added that rural women are much less likely to have access to education (Para 43, Summary)

Sexual Violence

The Ministry of Justice is currently examining a proposal from the National Council for Women on a law which would limit the power of the courts to impose lighter sentences for rape and sexual assault, together with another proposal from the Council on applying the penalty for a serious offence in cases of sexual harassment at work.

State Institutions/Plans of Actions

The National Council for Women was established in 2000 to support women's advancement and to strengthen the role of women in society. According to its statutes, the Council has the right to recommend policies on women's development and on the formulation of the national plan for the advancement of women. It can also recommend and comment on draft laws and decisions which affect women. In addition, the Council carries out national awareness-raising and training activities focusing on the promotion and observance of women's rights. The Council deals successfully with issues affecting women such as marriage and divorce, care of young children and maintenance payments. () As a result of its efforts, various pieces of legislation have been enacted that have improved the status of women in society and restored some of their rights. Perhaps the best example is Act 149 of 2009, amending the People's Assembly Act, which established a minimum quota of 64 seats for women in the People's Assembly.

The National Council for Childhood and Motherhood was established in 1988 to recommend public policies on children and mothers () The Council has proved to be highly effective in its work, dealing successfully with complex issues, notably the () the problem of female genital

mutilation. The Councils each have their **own ombudsman's offices**, which oversee human rights and function effectively. To date, these offices have successfully processed a **caseload**, which is growing every year. () The **general budget** of the State makes provision for women under the heading **"gender issues"** in the five-year plans for economic and social development for 2002-2007 and 2007-2012.

CEDAW welcomed the establishment of the **National Council for Women** () (Para 5 Compilation)

Trafficking of women/Forced prostitution

The National Council for Women set up a special **unit on violence against women including trafficking** of women, while the Ministry of the Interior set up **special units** in the Department for the Protection of Public Morals and the Department for Youth Welfare to systematize procedures **for dealing with trafficking cases.** The terms of reference of the Department for the Suppression of Illegal Immigration were expanded to include human trafficking. The National Council for Childhood and Motherhood also set up a **special human trafficking unit to protect victims** who are at risk and to provide them with assistance. Moreover, a rehabilitation centre for victims of trafficking was established in the Salam district of Cairo **Civil society plays a major part in efforts to eliminate human trafficking** ()

Violence against Women/Gender Violence

In the framework of Government policies on different forms of violence against women, Egypt has introduced numerous programmes aimed at the **elimination of harmful traditional practices and social customs.**

UNDAF indicated that despite protective provisions in the Penal Code, violence against women is a serious concern, whether **occurring in the home, at the work place, or in the public sphere**, as highlighted also by UNICEF (Para 15, Compilation). According to HRW, the government has failed to create a legal environment that protects women from violence. JS2 and JS6 reported that the **murder of women in "honor crimes" is viewed sympathetically by the courts and light sentences are handed down.** NWF reported that women are exposed to forms of violence within their **working environment** (Para 16, Summary)

See recommendations, CCA (15); UNICEF (15); Fédération Internationale des Droits de l'Homme - FIDH (16)

Suggested questions and recommendations

CCA

- § To **pursue awareness-raising programmes** (on socio-cultural attitudes) targeted specifically at men. (Para 8, Compilation)
- § To take measures to prevent and eliminate **domestic violence, marital rape, violence against women in detention centres and so called "honour crimes"**. (Para 15, Compilation)

CEDAW

- § To sign and **ratify the OP-CEDAW** (Para 1, Compilation)
- § That the Government inter alia, develops additional policies and programmes aimed at the **economic empowerment of rural women**, ensuring their access to health-care services and to social and cultural opportunities. (Para 8, Compilation)

CESCR

- § To address the economic, social and cultural factors that are the **root causes** of the problem of inequality of access to **education**, high dropout rates for boys and **high illiteracy rates** among adults, in particular women (Para 31, Compilation)

CRC

- § To take effective measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate **discrimination on grounds of sex and birth** in all fields of civil, economic, political, social and cultural life (Para 9, Compilation)

HR Committee

- § To secure greater **participation by women at all levels** of society and the State, including decision-making positions, inter alia, by ensuring that women in rural areas learn to read and write. (Para 8, Compilation)

The 2007-2011 UNDAF

- § To increase women's participation in the **workforce and public life** (Para 46, Compilation)

UNICEF

- § To enact a **law on sexual harassment**, with a strong mechanism for enforcement and monitoring (Para 15, Compilation)

FIDH

- § To protect women from all forms of **physical, psychological and sexual violence** and enacting legislation which explicitly criminalizes domestic violence (Para 16, Summary)

JS4

- § That the Government develop clear policies that empower women as a corner stone in **poverty reduction and development plans** (Para 35, Summary)
- § To focus reform efforts at increasing and maintaining enrolment rates, reducing dropouts, building new schools, giving incentive premiums for teachers to serve in poor areas and expanding maintenance of the existing **education** infrastructure (Para 43, Summary)

JS6

- § The abolition of all forms of legal discrimination against women and the adoption of a public information policy which promotes the **role of women in development**, supports women's rights and seeks to **change the out-of-date culture** towards women (Para 8, Summary)

JS1 and JS6

- § The adoption of a **unified family code** in accordance with the principles of citizenship and equality before the law (Para 9, Summary)

NCHR

- § The promulgation of its proposed **law on equal opportunities** and the eradication of discrimination as well as setting up of **an ombudsman office** to oversee its implementation (Para 10, Summary)

SRI

- § Ask Egypt what measures are being taken to change the "institutionalized second-class status of women in the private realm", that according with JS2 and HRW is perpetuated by legislation and recommend the Government to undertake the necessary steps to provide equal opportunities of social and economic development and autonomy for women than for men.
- § To take urgent measures to address the serious situation of violence against women and girls in terms of legislation and its effective application by courts; prosecution of perpetrators, awareness-raising in society and protection for victims; taking special measures to eliminate all exceptions that still allow the practice of Female Genital Mutilation and impunity on Honor Crimes cases.
- § To increase its efforts to ensure the jure and the facto implementation of the principle of gender equality, and in this sense implement the necessary measures and strategies to eliminate all legal regulations, dispositions and traditional customs that subordinate women's rights to family rights.
- § To implement targeted measures to ensure the access of women and girls to adequate health care services and adopt legal protections and programmes to guarantee women's reproductive rights, including family planning and the highest standards of health care facilities during pregnancy and at birth.
- § Ask authorities which social security measures exist in Egypt to guarantee maternity protection, and recommend promoting legislative measures as maternity leave for workers and special strategies to ensure the continuity of their schooling attendance while rearing.