

Egypt

The Constitution enacted in 2014 stipulates equal opportunity for all citizens without discrimination (Constitution of the Arab Republic of Egypt, 2014: Article 9). It declares a commitment to equality between women and men in their civil, political, economic and social rights and enshrines the protection of women from violence (Constitution of the Arab Republic of Egypt, 2014: Article 11). The National Council for Women (NCW), established by a presidential decree in 2000, occupies a more prominent place in the Constitution, the terms of which specify its right to enjoy autonomy and to be consulted in affairs related to women (Constitution of the Arab Republic of Egypt, 2014: Article 214).

1. Discrimination in the family

a) Overarching legal framework for marriage

In the absence of a unified family code, personal status laws govern the overarching legal framework for marriage and divorce. This is based on an interpretation of the principles of Islamic law (*Shari'a*) (Constitution of the Arab Republic of Egypt, 2014: Article 2). Personal status laws are adopted by the Parliament, although under special circumstances, the President can bypass the Parliament and enact reforms through the issuance of decree-laws (Constitution of the Arab Republic of Egypt, 2014: Article 156).

Christian and Jewish faiths have the right to apply their own laws concerning family matters, including in marriage and divorce (Constitution of the Arab Republic of Egypt, 2014: Article 3). Other faiths and faiths of different non-Muslim denominations (for example in the marriage of a Coptic Christian and a Catholic) must resort to the Islamic personal status laws, which is the 'general' law (Law 462 of 1955: Article 6).

Egypt has ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), although a reservation is currently in force in respect of Article 16, which demands the equality of men and women in all matters relating to marriage and family relations. In its reservations, Egypt cited *Shari'a* as the legal basis governing marital relations in Egypt (CEDAW, 2010: 74). Under *Shari'a*, women are entitled the same rights as men to enter into marriage, and marriages are not to be registered in the absence of the spouses' consent (CEDAW, 2010: 75). One notable exception is the right to marry a non-Muslim spouse, which is granted to Muslim men but not Muslim women (Canada: Immigration and Refugee Board of Canada, 2007).

While consent is required in order for the registrar (*ma'dhun*) to contract the marriage, there are no laws criminalising forced marriage, and no penalty imposed for those seeking to enter or facilitate such arrangements (Tahirih Justice Center - Forced Marriage Initiative, n.d.).

Customary (*urfi*) marriages are widely practised in Egypt, and take effect under informal contracts signed in the presence of two witnesses. While these marriages are not considered illegal, the law does not allow these marriages to be registered and as such does not accord them the same status as

official (formal) marriages (UN ESCWA, 2015: 83). This is also the case for ‘traveller’ or ‘tourist’ (*misyar*) marriages, in which the couple agree to live in separate residences and meet up at their discretion, while the husband is absolved of any financial obligations towards his wife.

b) Child marriage

Following the 2008 reforms of the Child Law, the legal age of marriage was raised from 16 for women to 18 for both men and women, without exception (Child Law, 2008: Article 31-bis). The law does not recognise marriages between underage parties, and those who provide false information that would result in such a marriage or facilitate such marriages are subject to a penalty of imprisonment and/or a fine (Child Law, 2008: Article 31-bis; Amnesty International, 2015:27).

Despite these legal safeguards, research has found early marriages to be common, particularly among girls from rural areas or poorer socio-economic groups (Amnesty International, 2015:27). In some areas, such as Upper Egypt, the proportion of girls being married before 18 is thought to be on the rise (Girls Not Brides, 2015a). In an attempt to address this phenomenon, the National Population Council in 2014 devised a five-year national strategy to end child marriage (National Population Council, 2015), which is thought to be the only country in the region to have dedicated a stand-alone response to tackling the issue (UN ESCWA, 2015: 33). This strategy is embedded within Egypt’s wider population and development strategy, and aims to reduce early marriage by 50% at the end of the five-year plan, through a rights-based approach aiming to raise awareness among women and young girls (National Population Council, 2015; Girls Not Brides, 2015a). The strategy includes different measures, including: economically empowering and educating girls; providing support to girls who have married early to minimise any adverse effects; reviewing and updating existing laws and legislation to ensure they work in favour of women; and raising awareness among families and communities of the harmful consequences of child marriage (National Population Council, 2015; Girls Not Brides, 2015b: 25)

c) Household responsibilities

The rights to be recognised as the head of the household is not explicitly codified in law (World Bank, 2015: 118). Men are *de facto* the head of the household and are responsible for providing maintenance for their children (Law No. 100 of 1985: Article 18b). A woman is also required by law to obey her husband (Law No. 100 of 1985: Article 11b). In cases where she does not do so and deserts the marital home, the law permits a husband to file an obedience (*ta’a*) complaint and may subsequently entitle him to withdraw maintenance payments to his wife (Law No. 100 of 1985: Article 11b; Farah, 2009: 139).

Existing personal status laws favour men with regards legal guardianship over children. Under *Shari’a* law, the father is their natural guardian (*al waley*), while the rights of the mother extend to physical, rather than legal, custody of the child (Uhlmann, 2004). Moreover the law stipulates different responsibilities for men and women with regard to their children. Women are responsible for the care of the family (Constitution of the Arab Republic of Egypt, 2014: Article 11), while personal status law deems the father financially responsible for maintenance of the children (Bernard-Maugiron, 2010: 20).

Married and unmarried women have the same rights as men to choose where to live (World Bank, 2015: 118), although a wife is expected to follow her husband to the matrimonial home, provided that it complies with *Shari'a* requirements (Uhlmann, 2004). In the absence of up-to-date information, it is unclear the extent to which this is practised in Egypt.

d) Divorce

The right to initiate divorce is not equal for men and women, with different requirements and conditions for each sex. Under existing personal status laws, Muslim Egyptian men have a unilateral right to divorce – repudiation – without resort to legal proceedings (*talaq*) (Decree-Law No. 25 of 1929: Article 2; Lindbekk, 2016: 117-119), whereas women are required to seek and justify their decision in a court of law.

Under Article 5 of the Law No. 100 of 1985, a man seeking to repudiate his wife must register the repudiation with the *ma'dhun* within 30 days of declaring his intention to do so. The role of the *ma'dhun* is both to document the repudiation, and to notify the wife if she is not present at the time this is documented (Decree-Law No. 25 of 1929, Article 5 bis, as added by Law No. 100 of 1985; Lindbekk, 2016: 119). Where the divorce occurs without the consent or fault of the wife, she is entitled to compensation payment (*mut'a*) of at least two years, in addition to maintenance payments during the waiting period (*'idda*), during which she is not permitted to remarry (Law No.5 of 1985: Article 18b; Bernard-Maugiron, 2010: 21).

Women seeking to divorce their husbands, however, must do so in one of two ways: fault-based (*tatliq*) or no fault-based divorce (*khul*). *Tatliq* is granted on the following grounds: (1) where the husband suffers from a serious mental or physical illness, which pre-dated their marriage or was otherwise not made known to the wife; and which renders her unable to live with him due to the harm inflicted on her (Law No. 25 of 1920: Article 9); (2) failure of the husband to provide maintenance payments (Law No. 25 of 1920); (3) in the absence of the husband for more than one year without a valid reason (Law No. 25 of 1920), or as a result of being condemned to prison (Decree-Law No. 25 of 1929: Article 14); and (4) experiencing intentional injury or *darar* from the husband, which spans a range of physical and mental harms (Decree-Law No. 25 of 1929; Bernard-Maugiron, 2010: 20).

Since 2000, women in Egypt can also apply for a no fault-based divorce, or *khul* (Law No.1 of 2000; Lindbekk, 2016: 130). While applying for *khul* exempts women from having to provide evidence of harm (and can be done without the consent of their husband), doing so requires certain financial rights being forfeited, including the right to maintenance or alimony payments (Decree-Law No. 25 of 1929: Articles 17 and 18). Wives are also required to repay the original dowry and forgo the deferred part of the dowry ((Decree-Law No. 25 of 1929: Articles 17 and 18); Bernard-Maugiron, 2010: 22). Women married in *urfi* marriages do not have recourse to *khul* (Bernard-Maugiron, 2010: 23).

Women and men are also free to negotiate the terms of their marriage contract, which can provide the basis for equalising their rights to initiating divorce under *yad al-'isma*, or *'isma*. This would grant wives permission to seek divorce unilaterally by registering the repudiation with the *ma'dhun* (Bernard-Maugiron, 2010: 16). In practice, however, most couples are reluctant in stipulating these

conditions owing to prevailing social practices favouring a man's exclusive right to divorce (Sezgin, 2014: 151).

Other factors obstructing women's legal rights to initiate divorce include: prevailing social norms regarding a woman's responsibility in ensuring the stability of the family; concern among mothers that exercising their right to divorce would tarnish the image of their daughter to prospective suitors; difficulties enforcing *mut'a* payments in successful legal outcomes; and the time and monetary costs involved in divorce and litigation proceedings (Bernard-Maugiron and Dupret, 2008: 14-17).

Women and men also have different rights regarding legal guardianship of their children after divorce. In 2005, amendments to personal status laws saw an extension of the mothers' custody (*hadana*) of her children in divorce from up until the age of 10 (for boys) and 12 (for girls), to up until a minimum age of 15, with possible extension (Law No. 25 of 1920, as amended by Law No 4 of 2005: Article 20) (Büchler, 2017: 11). In cases where the mother cannot take *hadana* over her children, the right to custody falls to the closest female relative (Büchler, 2017: 11). The law also grants the matrimonial home to the mother if she has custody over the children, although this terminates upon children reaching custodial age (Bernard-Maugiron and Dupret, 2008: 17). Low levels of literacy and awareness of legal rights, however, means that women do not always lay claim to their custodial rights or demand alimony or maintenance payments (Bernard-Maugiron and Dupret, 2008: 17).

While *hadana* favours custody with the mother, *wilaya*, or guardianship, is granted to the father of the children throughout this period (Büchler, 2017: 13). This means that the father, or, in his absence, his closest male relative, is responsible for the decision-making and management of the child's upbringing, including financially maintaining and providing for the children (Büchler, 2017: 13).

Non-Muslim communities apply their own personal status laws governing divorce. Under Coptic Orthodox law, for example, the only basis for filing a divorce is on the grounds of adultery (of either spouse) or of a change of religion (Bernard-Maugiron, 2011: 372). In practice, those wishing to seek other grounds for divorce are still able to do so by changing religion in order to defer to *Shari'a* de facto. In a small number of cases, divorced Orthodox Copts have been known to contract *urfi* marriages, although this is not legally permitted to non-Muslims (Bernard-Maugiron, 2011: 372-373).

e) Inheritance

Women and men in Egypt do not have equal inheritance rights. Inheritance law in Egypt is regulated by Law No. 77 of 1943 of personal status laws, and is adapted from *Shari'a* law. While inheritance laws apply to all Egyptians, regardless of religion, non-Muslims are not entitled to inherit from Muslims (Food and Agriculture Organization of the United Nations, 2010).

Assets (land and non-land) are allocated to both male and female relatives in accordance with a share system. Female relatives and spouses are, however, only entitled to half the value given to a male relative in a similar position (Food and Agriculture Organization of the United Nations, 2010). In February 2016, the government approved an amendment to Inheritance Law No. 77 of 1943, imposing financial and penitential sanctions for those depriving heirs of their rightful inheritance or withholding documents that could otherwise lay claim to an inheritance (Hussein, 2017). As of the time of

preparing this report, it is unclear whether this law has been approved by parliament, and up to date legal sources were not available.

Discriminatory social practices, prevalent particularly in rural areas and Upper Egypt, impose additional challenges for women in accessing their inheritance (Adnane, 2016). Women face social pressure to waive or relinquish their share of inheritance to their brothers (Adnane, 2016). With regards property inheritance, it has been observed that men often prevent women from accessing their rightful share, owing to social norms regarding their responsibility to provide the matrimonial home or domicile for their own families (Food and Agriculture Organization of the United Nations, 2010). Even while women may be granted temporary stay in the property, this practice prevents them from selling, purchasing or benefiting from renting out the home (Adnane, 2016).

Widows face additional pressures in laying claims to property, since remarrying or choosing to live independently is perceived to weaken their claims to inheritance (Adnane, 2016). This is particularly the case among women in rural areas, who, owing to pressures insisting the property remain within the husband's family name, tend to marry the brother of their late husband (Adnane, 2016). These are compounded by administrative and financial obstacles with regards property ownership that make it difficult for women to register land in their name (Adnane, 2016).

More

Although slavery, coercion, sex and human trafficking are all forbidden and punishable by law (Constitution of the Arab Republic of Egypt, 2014: Article 89), the CEDAW Committee has expressed concerns that *misyar* marriages may substantiate a form of trafficking, due to their prevalence among poor Egyptian girls from rural areas seeking to marry wealthy foreign men (CEDAW, 2010: 7). In their report they outline recommendations to the government in promoting awareness-raising campaigns to highlight the effects of temporary marriages (CEDAW, 2010: 7).

2. Restricted Physical integrity

a) Violence against women

While the Constitution includes provisions protecting women against violence (Constitution of the Arab Republic of Egypt, 2014: Article 11), Egypt has not ratified any regional conventions addressing violence against women and girls (see African Commission on Human and Peoples' Rights, 2017; Euro Mediterranean Human Rights Network, 2016).

In practice, Article 17 of the Penal Code has been cited as a legal loophole that can be used to lower sentences in cases of rape and honour crimes. This, along with Article 60, grants the judge discretion in pardoning perpetrators believed to have acted in good faith (Euro Mediterranean Human Rights Network, 2016).

A national five-year strategy to combat violence against women was drafted by the National Council for Women (NCW) and launched in June 2015 (NSVAW). The strategy is coordinated by the NCW (a quasi-governmental body) alongside other NGOs, and is overseen by a range of ministry departments, including the Ministry of Interior (Euro Mediterranean Human Rights Network, 2016). There are four

key pillars to the strategy, including: reviewing and improving legislation on combating violence against women; developing coordination mechanisms to strengthen law enforcement; awareness-raising initiatives of existing laws and legal services; and supporting survivors in reporting incidents of violence and in benefiting from protection programmes (NAZRA for Feminist Studies, 2016).

The NSVAW strategy outlines a number of goals and outputs it expects to achieve, such as organising workshops with law enforcement agencies and Ministerial representatives with a view to drafting amendments to existing laws, and establishing hotlines in the Ministry of Interior to process reports of violence against women). It has nevertheless received some criticism for failing to provide specific benchmarks and mechanisms to review and monitor progress against implementation (NAZRA for Feminist Studies, 2016). There is no reference to a budgetary commitment behind the strategy, and it remains unclear whether there is any specific budget allocated to supporting non-governmental organisations implementing activities combating violence against women. As it is coordinated by the NCW, its nature is non-binding (NAZRA for Feminist Studies, 2016).

b) Domestic violence

Domestic violence is not explicitly covered in legislation (World Bank, 2015: 23, 119). Article 60 of the Penal code is often invoked in legal cases to appeal to the right for husbands to discipline their wives.

There are no legal provisions regarding restraining orders or other measures protecting survivors of domestic violence from perpetrators (Euro Mediterranean Human Rights Network, 2016). Efforts made by the El-Nadeem Centre for the Rehabilitation of Victims of Violence and Torture (no longer active) in 2012 to draft a law criminalising domestic violence gained no political traction (Saferworld, 2015: 4-5).

According to an Amnesty International report (2015), the Ministry of Insurance and Social Affairs runs eight shelters for women survivors of domestic violence (Amnesty International, 2015: 35), housing approximately 214 shelter beds (USAID, 2009: 6-7). The report notes that these services frequently operate below capacity due to a lack of awareness of their existence, stigmatisation of women living outside the family home, and procedures deterring violence survivors from using their services (Amnesty International, 2015: 35). There are no medical services specifically dealing with forensic examination, trauma support or counselling (Amnesty International, 2015: 35), although under the NSVAW strategy, a public hotline to receive reports of violence against women is foreseen.

c) Rape

Rape and sexual violence are governed by Articles 267 and 268 of the Penal Code, wherein rape is defined as having sexual intercourse with a female without her consent. The penalty for convicted rapists is a minimum of life imprisonment, increasing to capital punishment for aggravated forms of rape, such as gang rape or the rape of a minor (Penal Code: Article 268; Amnesty International, 2015: 45). Marital rape is not explicitly criminalised, although a wife may file a complaint against her husband in such instances (Law No. 150 of 3 September 1950 – Code of Criminal Procedure: Article 3; World Bank 2015: 119). Following fierce opposition from women's rights activists and groups, article 291, permitting the perpetrator to evade sentencing by marrying the plaintiff, was also repealed in 1999 by presidential decree (Sadek, 2016: 8).

While the law contains no suggestion of what might constitute the nature of consent, case law has pointed to certain requirements in order for a conviction to be successful. These include proof of the ‘material’ element attesting to the physical sexual intercourse, as well as a ‘mental’ element, encompassing duress, coercion and deception (Sadek, 2016: 8). Acts of sexual violence falling outside of the criteria stipulated in article 267 for rape are treated as ‘indecent assault’ and punished accordingly.

Examples of government initiatives and political frameworks to address violence and sexual violence have been fragmented and disjointed (Euro Mediterranean Human Rights Network, 2016), with little coordination between the NCW, Ministry of Interior and the Ministry of Justice, among others.

In one initiative, the Department to Follow Up Violent Crimes Against Women was set up in May 2013 to promote awareness-raising campaigns in order to encourage survivors of violence to report their crimes to the Police and the Public Prosecution (Amnesty International, 2015: 21). It is unclear what progress these campaigns have had, although the Department has articulated a priority in increasing the number of female police and security officers to encourage survivors to come forward (Amnesty International, 2015: 21).

The broader NSVAW strategy to combat violence against women coordinated by the NCW outlines a number of measures to address rape and sexual violence, including the development of guidelines and protocols for medical professionals dealing with survivors of violence, together with accompanying training in how to use the guidelines (NAZRA for Feminist Studies, 2016). In addition, a forensic unit related to violence against women has been established, and serves three of Egypt’s largest cities, including its capital, Cairo (NAZRA for Feminist Studies, 2016). The unit provides both medical and psychological support to survivors of violence.

The strategy also foresees providing legal assistance to survivors of violence, including through support offered to girls throughout the investigation process (NAZRA for Feminist Studies, 2016). This is intended to complement wider awareness-raising initiatives such as the ‘Safe Cities for Women & Girls Initiative’, which aims to offer legal counsel and advice to strengthen women’s awareness about their legal rights (NAZRA for Feminist Studies, 2016). While a key tenet of the strategy has focused on the creation of specialised tribunals to deal with survivors of violence, it is unclear what progress has been made towards implementing this (Euro Mediterranean Human Rights Network, 2016). It also remains unclear what budgetary commitments, if any, are stipulated in the strategy.

d) Sexual harassment

As of 2014 the legal framework extends to harassment, which criminalizes the act of “accosting” in a “private or public or frequented place implying sexual or obscene gestures, whether by verbal or non-verbal means or through actions, in any manner including modern means of communication” (Article 306 bis A of the Penal code; Amnesty International, 2015: 46). Sexual harassment is defined under this with the additional proviso that the perpetrator must have the intention of “receiving sexual gratification from the victim” (Article 306 bis B of the Penal code; Amnesty International, 2015: 46). Sexual harassment carries a harsher penalty than harassment – or accosting—although in each case a fine and a prison term are applied.

Sexual harassment is not explicitly treated under NSVAW, and this has been cited as a limitation of the overall national strategy (see (NAZRA for Feminist Studies, 2016). In the absence of official government campaigns specifically targeting this issue, there have been a number of concerted efforts made by civil society organisations to increase awareness regarding violence against women in the public sphere. In response to the media attention around the surge in incidences of sexual harassment during the 2011 popular uprisings, NGOs such as OpAniSH/A, Tahrir Bodyguards and “I saw harassment” have emerged to monitor instances of sexual harassment in public spaces (Amnesty International 2015: 41).

A more recent example of an NGO working to curb sexual harassment is the Aman (Security) Initiative, launched by the Musawah Organisation for Training and Counseling in September 2016 to encourage affected women to speak about their experiences and confront the stigma associated with speaking publically about sexual harassment (28 Too Many, 2017:34).

e) Female genital mutilation

Female genital mutilation (FGM) was criminalised in 2008 by virtue of Article 242-bis of the penal code, which stipulates punishment for those causing injury through female circumcision. Following the deaths of 13-year old Soheir al-Batea in 2013 and 17 year-old Mayar Mohamed Mousa who died during FGM procedures in 2016, an amendment to the law was passed in August 2016 under Law No. 126 of 2016 redefining FGM as a felony rather than as a misdemeanour and imposing stricter punishments for those engaged in the practice (Penal Code: Amendment of Article 242 (bis); 28 Too Many, 2017: 28). This includes a maximum punishment of seven years for those committing the crime, as well as a maximum of three years for accomplices. Harsher sentences are imposed for those acts resulting in the death or ‘permanent deformity’ arising as a result of the procedure (Sadek, 2016: 8). The law contains no suggestion of compensation or legal redress for survivors of FGM.

Despite these reforms in the law, Human Rights Watch has expressed criticism of the retention of Article 61 of the Penal Code, which permits acts out a ‘necessity of protecting him/ herself or a third party from grievous danger’ (Human Rights Watch, 2016). It has been argued that this could still allow FGM cases to be dropped, particularly as the practice has been linked to notions of protection (*quama*) and as part of the wider need to protect the family (El-Mouelhy *et al.*, 2013: 107).

Concern has been expressed regarding the increased ‘medicalisation’ of the practice (Ghattas, Abdel-Tawab and Abou Hussein, 2016). In their 2017 country report on FGM in Egypt, 28 Too Many, a UK-based charity working to end FGM, indicates a shift since 2008 in the practice being carried out by medical professionals rather than traditional healers (Ghattas, Abdel-Tawab and Abou Hussein, 2016; 28 Too Many, 2017: 88). The report indicates that the majority of FGM procedures are carried out by health professionals (28 Too Many, 2017: 89).

In response, the National Population Council launched the ‘Doctors Against FGM’ initiative in February 2016 to include a module on the harms of FGM in medical curricula and establish a common position across medical professionals to denounce the practice of FGM (UNDP, 2017).

The National FGM Abandonment Strategy 2016-2020 was launched in June 2015 by the Ministry of State for Population in partnership with UN Egypt and the European Union. It is based on three key

pillars: (1) enforcement and implementation of existing FGM laws to hold practitioners of FGM to account; (2) media and dissemination strategy on FGM abandonment and (3) monitoring and evaluation of FGM abandonment programmes (Ministry of State for Population, 2016: 4).

Ongoing work and campaigns done by local and international NGOs and CSOs (including but not limited to: Plan International Egypt, the Centre for Egyptian Women Legal Assistance (CEWLA), and CARITAS Egypt) aim to shift public attitudes to FGM and raise public awareness regarding the harms and risks involved in the procedure.

f) Abortion

Abortion is illegal in Egypt. According to Articles 260-263 of the Egyptian Penal Code, both a woman seeking abortion, as well as the person who administers the abortion (medical and surgical abortion), face punishment of detention or hard labour.

Under the provisions of Article 60 of the Penal Code, and the physicians' Code of Ethics, however, the law has widely been interpreted as permitting abortions in cases of threat to the mother's health or life (Realizing Sexual and Reproductive Justice (RESURJ), 2016). Such cases require the approval of two specialists to perform the abortion, unless the threat to the mother's life is immediate, in which case a detailed report must be filed (Harvard School of Public Health, 2003). Up to date information regarding the code of ethics was not available at the time of writing.

3. Restricted access to productive and financial resources

a) Secure access to land and assets

Egypt has not ratified ILO Convention 169 (International Labour Organization, 2016). Women by law have equal rights to own and use land (Food and Agriculture Organization of the United Nations, n.d.), and this extends to property and non-land assets (Civil Code 131 of 1948: Article 44; European Bank of Reconstruction and Development, 2015: 47; World Bank, 2015: 119). This applies to both married and unmarried women (Civil Code 131 of 1948: Article 44). Regarding inheritance, a draft amendment was approved early in 2016 imposing sanctions on anyone trying to obstruct women from claiming their rightful entitlement.

According to Personal Status Laws, divorced women retain no ownership rights over the marital home or any other property upon divorce. Husbands and wives retain separate property (Law No. 1 of 2000 on Personal Status Procedures, Article 3; Bernard-Maugiron, 2010: 10). Christian widows in Egypt do not have inheritance rights to their deceased husband's estate (Food and Agriculture Organization of the United Nations, n.d.; USAID, 2010: 10).

While women have equal legal rights to register land in their name, in practice this tends to be registered in the father's or husband's name (Quansah, 2012: 144). Existing social and traditional norms often mean that women appoint male guardians to manage their land rights, such as their father or brother, particularly in rural areas and in Upper Egypt (Quansah, 2012:44) This is understood to be in part driven by a desire to keep land and property ownership within the family, and in part due to feelings of shame in demanding their rightful inheritance share (FAO, n.d). Many women are

moreover prevented from using their property as collateral for loans (Nasr, 2010: 19). Regarding participation in rural committees and cooperatives, the FAO notes that women tend to be marginalised in rural decision-making structures, particularly in water associations where all members are men (FAO, n.d.). An IFAD (2015) report acknowledges that rural women in particular would benefit from greater participation in local associations and decision-making structures (IFAD, 2015: 59).

Among a number of empowerment programmes targeting women's rights and skills in the economy (see further United Nations Economic Commission for Africa, n.d.), the National Council of Women in 2005 launched the Women's Legal Rights Project co-funded by the European Union (The National Council of Women, n.d.). While the project does not explicitly address the issue of land and property rights, the project aims to raise women's awareness of personal status laws, with the goal of improving women's legal literacy (The National Council of Women, n.d.).

At the local level, the Land Centre for Human Rights in Egypt is an example of a civil society organisation working to support farmers and rural communities, including rural women, and improve their knowledge and understanding of their legal rights (see further LCHR - Land Center for Human Rights, n.d.).

b) Secure access to formal financial resources

There are no legal restrictions to women opening a bank account or accessing formal credit in Egypt, and women do not require authorisation by a husband or guardian to do so. There is no suggestion that the law discriminates against particular groups of women (World Bank, 2015: 118-119).

In terms of women's access to finance, a World Bank study notes that women face a higher rejection rate from commercial banks in credit applications and therefore tend to rely on credit from family and friends (Nasr, 2010: 19). Barriers to women's ability accessing finance include financial illiteracy and a lack of collateral (Egg, 2015: 4). The World Bank report cites examples of local initiatives designed to address women's access to credit, including the Sherouk program supported by the National Council of Women (NCW) and the Ministry of Local Development (Nasr, 2010: 19). The NCW has also launched the Women's Business Development Centre to enhance the economic empowerment of women entrepreneurs (Nasr, 2010: 19).

More recently, the Egyptian Social Fund for Development in partnership with the European Bank for Reconstruction and Development, created the 'Women in Business (WIB)' programme in 2013 whose aim is to support women entrepreneurs access to finance and non-financial business development services through mentoring, entrepreneurship training and networking opportunities with local stakeholders (Social Fund for Development Egypt (SFD), n.d.).

With regards to government policy, the Ministry of Finance launched a gender-sensitive small- and medium-sized enterprise (SME) policy paper in 2007, with details of an action plan to target women entrepreneurs and access to finance. Among other measures, the plan proposed to implement innovative approaches to credit lending that support female entrepreneurs, as well as put forward the suggestion to carry out an assessment of current lending schemes against the needs of female entrepreneurs (Ministry of Finance, 2007: 61). The Central Bank of Egypt has also highlighted the need to enhance women's access to finance as a strategic priority (Egg, 2015: 4). However, the lack of an

overall strategy or coordinated government response in this area has attracted some criticism (Egg, 2015: 3).

c) Workplace rights

Egypt is a party to ILO Conventions 100 (Equal Remuneration) and 111 (Discrimination in Employment and Occupation) (International Labour Organization, 2016). According to Law No. 12 of 2003, which regulates the conditions of employees of the public sector, public business sector, and private sector, discrimination in employment on the basis of gender is banned (Labour Law No. 12 of 2003: Article 88; CEDAW, 2008: 45). Moreover, Article 11 of the Constitution states that “The State shall guarantee the proper coordination between the duties of the woman towards the family and her work in society, considering her equal with man in the fields of political, social, cultural, and economic life, without violation of the rules of Islamic jurisprudence” (Constitution of the Arab Republic of Egypt, 2014: Article 11).

Employment of women is primarily regulated by Articles 88-97 of the Labour Law (Labour Law No.12 of 2003: Articles 88-97). Exceptions to this are domestic workers and women workers in Agriculture (OECD/CAWTAR, 2014: 176). Article 88 of the Labour Law stipulates that all provisions apply to women ‘once their work conditions are analogous’ (Labour Law No.12 of 2003: Article 88). The CEDAW report (2008) states that employment laws in Egypt “do not discriminate between males and females with respect to employment opportunities and selection criteria for new hires”, and, furthermore, that workers are not hired on the basis of their sex (CEDAW, 2008: 46). There are no specific provisions targeting discrimination in recruitment processes or hiring practices however, (World Bank 2015: 119), nor in regulating the terms and conditions of employment or progression opportunities (CEDAW, 2008: 47).

Although wage discrimination for equal work is prohibited under Article 35 of the Labour Law (Labour Law No.12 of 2003: Article 35; OECD/CAWTAR, 2014: 175), the ILO has suggested that this should be extended to address situations where men and women perform different work of equal value (International Labour Organization, 2013). Furthermore, there is no suggestion that the law requires companies to report on how they pay women and men, nor that there are penalties for companies that discriminate against women in recruitment.

Women face restrictions regarding the night hours they can work, and they are prohibited from entering certain professions deemed arduous or harmful to their ‘health or morals’ specified by a Ministerial decree (Decree No.183 of 2003 organizing the employment of women in night work shift; Law No. 12 of 2003; Decree No. 155 of 2003; ILO 2016). Regarding maternity leave, women are legally entitled to 90 days per child at full pay (Labour Law No. 12 of 2003: Article 91; World Bank 2015: 119). There are no legal provisions regarding paternity leave or any other parental leave (Maurice, 2017).

While dismissal of pregnant women is prohibited, there are no legal provisions ensuring an equivalent position for mothers after maternity leave (Labour Law No. 12 of 2003: Article 92; World Bank 2015: 119). Similarly, the law does not prohibit prospective employers asking about family status, including a woman’s pregnancy or intention to have children (World Bank 2015: 119). Women do not require permission from a legal guardian in order to seek employment or register a business (Labour Law No.

12 of 2003; World Bank 2015: 118). There is no evidence to suggest that the law may apply to certain groups of women differently from others.

The World Bank (2014) report on Egypt highlights a number of practical barriers women face in the workplace. For example, in cases where a married woman chooses to enter into a profession against the permission of her husband, she risks losing maintenance payments from him (World Bank, 2014: 114). The report also cites commuting distance as a barrier to working in the private sector, as well as tension between marital and work commitments (World Bank, 2014: 115,117). In Upper Egypt, female entrepreneurs often require their husband or father's permission to take up employment, which has been cited as a barrier to registering their own business (Egypt Network for Integrated Development, 2014: 11),

The Women's Ombudsman Office established within the NCW is an example of a government initiative that monitors and handles complaints from women arising from discrimination or access to their constitutional and legal rights. Within this remit they offer a channel for women to submit complaints related to discrimination in the workplace (CEDAW 2008: 46).

4. Restricted Civil liberties

a) Citizenship rights

According to Article 6, 8 and 40 of the Constitution, women and men have equal rights to acquire, retain or change their nationality (Constitution of the Arab Republic of Egypt, 2014: Articles 6,8 and 40; CEDAW, 2008: 34). The Passports Law No. 57 of 1959 grants passports to all those with Egyptian nationality, without discriminating between men and women (Law No. 57 of 1959: Article 7).

However, women and men do not share equal rights conferring nationality to their spouse. Under Article 7 of the Nationality Law (No. 26 of 975, as amended by Law No. 154 of 2004), a foreign woman married to an Egyptian man can lay claim to Egyptian nationality whereas a foreign man married to an Egyptian woman cannot (No. 26 of 975, as amended by Law No. 154 of 2004: Article 7; Tilburg University, 2013: 7). Both men and women can nevertheless transfer nationality to children born to a foreign spouse (Law No 26 of 1975 concerning nationality amended by law 154 of 2004: Article 2).

Women who marry a foreign spouse and relinquish their nationality are not entitled to regain it on termination of their marriage, while children born to fathers who change their nationality may cease to be citizens until they reach the age of majority of 21 (for both men and women, as stipulated in the Civil Code) (Civil Code: Article 44; Equality Now, 2016: 16).

Following the 2004 reforms (and later, 2011 reforms concerning children of Palestinian fathers), there have not been any government initiatives promoting awareness of the retroactive effect of the laws (Tilburg University, 2013: 7). This knowledge gap is particularly pertinent in rural communities (Tilburg University, 2013: 7).

Despite the constitutional basis for equality, married women do not have the same rights as married men to apply for national identity cards, as per the demands of the application form (Executive Regulations of the Civil Affairs Law No. 1121 of 1995: Article.33; World Bank, 2013). This is also the

case for passports, due to restrictive passport forms (World Bank, 2013). Prior to 2000, married women required written consent from their husband in order to be granted passports, although this was later revoked by the Constitutional Court (Judgement No. 243 of 21J in 2000).

In order to apply for a national ID card, the following documents are required: national identity application form, birth certificate, a residential electricity bill (or some other document attesting to proof of residence), marriage certificate (if applicable) and certificate proving academic qualification (Canada: Immigration and Refugee Board of Canada, 2016). There are no *de jure* restrictions regarding a woman's ability to travel outside the country (both married and unmarried) (World Bank, 2013).

Under the Child Law, the father is automatically responsible for reporting the birth of their children whereas the mother must first prove her marital relationship to do so (Child Law, 2008: Article 15). Births must be registered within 15 days of their occurrence (Child Law, 2008: Article 14; United Nations, 2009). In cases where the child is born abroad, those responsible must register the birth within 30 days of arrival into Egypt (Child Law, 2008). In cases where the child is not reported within the timeframe then a penalty is stipulated (id: Article 23).

In practice, women face particular barriers registering the birth of their children, including shame and stigmatisation from registrars in registering children alone, as well as poor treatment by officials (UHI Centre for Rural Childhood, n.d: 15). A Plan International (2012) report cites that this may also be due to the lack of knowledge on the part of officials, who remain unaware of changes in the law that grant women a right to register the birth of their children (Plan International, 2012: 10).

b) Voting

Men and women have equal voting rights in Egypt, guaranteed under Article 1 of Law 73 for 1956 on Exercising of Political Rights. The right to vote is granted to all Egyptian citizens above the age of 18, with certain exceptions placed for convicted criminals, those declared bankrupt, and persons undergoing treatment for mental illness (Law 73 for 1956 on Exercising of Political Rights: Article 2).

Prior to the 2011 uprisings, an Amnesty (2011) report cited common barriers to women exercising their rights to vote, including illiteracy and a lack of knowledge about their political rights, as well as harassment and coercion of women trying to vote. However, there was a high turnout among women voters in the 2014 Constitutional Referendum and Presidential elections, with turnout surpassing that of men's (Aly and Essaila, 2016).

The "Your ID, Your Rights" is a joint initiative by UNDP, SFD, UN Women, the Ministry of Interior and the Ministry of State for Administrative Development that attempts to address these challenges by raising civic and political awareness of women, in the hopes of boosting their political participation and access to public and financial services (Waly, 2012).

c) Political voice

Women have equal rights as men to hold public and political office in the legislature, executive and judiciary branches as enshrined in the Constitution (Constitution of the Arab Republic of Egypt, 2014: Article 11).

A quota system was introduced under Law No 46 of 2014 (Article 5), which requires party lists to include a certain number of women. However this was later revoked under Article 11 of the 2014 Constitution, which declares that the state is committed to “taking the necessary measures to ensure appropriate representation of women in the houses of parliament”. It remains unclear what measures are envisaged or to what extent these have been implemented, and there are no quotas presently specified for women in the Parliament (Khodair and Hassib, 2015: 6).

Local quotas exist however under Article 180 of the Constitution, which stipulates a quarter of seats in local councils are to be allocated to women (Constitution of the Arab Republic of Egypt, 2014: Article 180). Local councils are responsible for developing and implementing their development plan and are in charge of their own budgets. There are no legal sanctions for non-compliance.

The National Council of Women (NCW) has organised a series of training and awareness-raising programmes designed to support women’s effective participation in political life (Khodair and Hassib, 2015: 10). This includes training 12,000 women candidates to support them in participating in local city councils, as well as running awareness-raising campaigns in a number of different governorates to encourage women to exercise their political rights and participate in elections (Romano, 2016). As an advisory body, however, the NCW is limited in its ability to support individual women candidates, as it does not have a budget to financially cover the costs of their election campaigns (Khodair and Hassib, 2015: 12).

In February 2017, Nadia Abdu became the first ever woman in Egypt to hold the position of governor (Farouk, 2017), a position previously denied to women (CEDAW, 2008: 29).

d) Access to justice

No legal restrictions could be located regarding a woman’s ability to sue or be sued. A woman’s testimony carries the same evidentiary weight in court as a man in all courts except for family courts, owing to the religious nature of Personal Status Laws (OECD/CAWTAR, 2014: 252). The law does not discriminate between married and unmarried women. The law on sexual harassment (see Article 306 bis A and 306 bis B of the Penal code) is intended to protect women from violence in public life, including in political life. Although a woman’s testimony carries the same evidentiary weight as a man’s in civil law, in personal status courts this is only worth half as much (Bernard-Maugiron, 2010: 10). Women also face other procedural obstacles in accessing justice, such as not being granted anonymity when reporting cases of sexual and domestic violence (FIDH, Nazra for Feminist Studies, New Women Foundation, Uprising of Women in the Arab World, 2014: 45).

While the freedom of association is a Constitutional right (Constitution of the Arab Republic of Egypt, 2014: Articles 74-75), a draft law passed in 2016 places severe restrictions on human rights and non-government organisations operating in Egypt (Law of 2016 Resolving the Law of Civil Associations, Foundations, and Organizations Performing Civil Activities). The law foresees the creation of a new entity (The National Body for Organizing Foreign NGOs Work - The Coordination Committee) tasked with approving and regulating NGO funding, and forbids organisations from carrying out activities deemed harmful to national security, public morals or public health (Law of 2016 Resolving the Law of Civil Associations, Foundations, and Organizations Performing Civil Activities: Article 70, Article 3

respectively). This has prompted widespread criticism from civil society organisations and other human rights organisations, including from the UN Special Rapporteur on freedom of peaceful assembly and association (United Nations Human Rights Office of the High Commissioner, 2016).

In 2008, the Ministry of Justice (among other ministries, in collaboration with the United Nations Development Program (UNDP) and the Government of Sweden) established a programme designed to strengthen access to justice across 20 governorates in Egypt (UNDP in Egypt, n.d.). Through the creation of legal aid offices, the programme is ongoing and facilitates access to information on personal status and family court laws, while working to raise legal awareness and provide legal assistance in cases such as custody and alimony payments (UNDP in Egypt, n.d.). While not explicitly targeting women, 75% of their cases between 2009 and 2015 were on behalf of women.

In place of an overall body responsible for monitoring gender equality, Egypt has a number of 'equal opportunity units' embedded within individual ministries, which work in close cooperation with the NCW to eliminate gender discrimination (OECD/CAWTAR, 2014: 74). These units also function as ombudsmen; handling and processing complaints regarding gender discrimination (OECD/CAWTAR, 2014: 74).

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