EGYPT

In early 2014, a newer constitution was enacted. The 2014 Constitution established equality for all citizens\(^1\) and that the State shall ensure the achievement of equality between women and men in all civil, political, economic, social, and cultural rights.\(^2\) Discrimination based on religion, belief, sex, origin, race, colour, language, disability, social class, political or geographic affiliation is also banned.\(^3\) In addition, the 2014 Constitution established the foundation of the National Council for Women.\(^4\)

1. Discriminatory family code

There is no unified Family Code in Egypt. Rather, the Personal Status Law (based on Sharia law) governs Muslim women’s rights within marriage and the family, and other faiths apply their own community’s religious standards to family matters.\(^5\) The new Constitution, passed by referendum in December 2012, provides for separate personal status laws for Jews and Christians, but not for other religious minorities.\(^6\) Following a change in the Child Law in 2008, the minimum legal age for marriage is now 18 for women and men.\(^7, 8\)

Marriage for Egyptian citizens is governed by the various personal status laws, and civil marriages are only allowed in instances where an Egyptian citizen is marrying a foreigner.\(^9, 10\) However, under the Child Law, the minimum age for marriages to be legally recognised is 18, regardless of the religion of the spouses.\(^11\)

Unregistered ‘urfi’ marriages are said to be on the rise, whereby a couple sign an informal contract and then live together, often without their families’ knowledge.\(^12\) Women have no legal rights within such marriages.\(^13\) Proposals made by Islamist parliamentarians in 2012 to lower the legal minimum age of marriage to 13 were abandoned, following public outcry.\(^14\)

In its Concluding Observations, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee noted concern at prevalence of so-called ‘tourist marriages’, whereby young Egyptian girls, often from poor families, are married

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\(^1\) Constitution of The Arab Republic of Egypt 2014, Article 9
\(^3\) Constitution of The Arab Republic of Egypt 2014, Article 53
\(^4\) Constitution of The Arab Republic of Egypt 2014, Article 214
\(^5\) Tadros, Mariz (2010), p.96
\(^6\) Amnesty International (2013), p.88
\(^7\) Tadros, Mariz (2010), pp.91, 98
\(^8\) CEDAW (2010), p.2
\(^9\) Tadros, Mariz (2010), p.91.
\(^10\) Agence France Presse (2011)
\(^11\) Tadros, Mariz (2010), pp.91, 98
\(^12\) Tadros, Mariz (2010), p.96
\(^13\) Tadros, Mariz (2010), p.96
\(^14\) Human Rights Watch (2013), p.533
temporarily to non-Egyptian wealthy men from neighbouring countries. The Committee also expressed concern at the wider prevalence of child marriage in rural areas.\(^15\),\(^16\)

Findings from a 2014 seminar organized at the American University of Cairo suggest that, despite a legal ban, early marriage remains pervasive in Egypt. According to a study of 4500 women that was presented, in Cairo Governorate, nearly 17% of women aged 10 to 29 were married before age 18. The proportion increased to nearly 18% among women living in low-income areas.\(^17\)

Women in Egypt face discrimination with regards to parental authority: Islamic law views fathers as the natural guardians of children; mothers are the physical custodians, but have no legal rights.\(^18\),\(^19\) Following amendments to the Muslim personal status laws in 2005, in the event of divorce women now retain physical custody of children until they are 15; this can be extended until the child reaches the age of 21 (or marries, in the case of girls), if the court deems this to be in the best interests of the child.\(^20\),\(^21\) It is not clear if this also applies to other faiths. In the event of the father’s death, custody passes to the paternal grandfather or the mother, depending on the financial circumstances of the mother.\(^22\)

In its Concluding Observations, the CEDAW Committee noted that Coptic women married to Muslim men were in a very precarious position in regard to divorce and custody rights.\(^23\) The same is true of women married in ‘urfī’ marriages.\(^24\)

According to a shadow report submitted to the CEDAW Committee by the Center for Egyptian Women’s Legal Assistance (CEWLA foundation), the requirement that husbands only provide former wives with accommodation in the family home for the year following divorce means that many divorced women and their children end up destitute, as after the first year, many husbands refuse to provide enough money for their former wives to live adequately.\(^25\)

Women do not have equal inheritance rights in Egypt. The Inheritance Law (1943) is based on Sharia law, and has a complicated allocation system in regard to the division of property following death. Women may inherit only half the share of men when both have the same relationship to the deceased. The Inheritance Law applies to all Egyptians, regardless of faith.\(^26\)

Customary practices dictate that in rural areas, women are not able to inherit land; instead, this is divided up between male descendants.\(^27\) In other cases, women may be prevented from accessing and using property that they have legally inherited, or only given permission to

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\(^{15}\) CEDAW (2010), p.7 
\(^{16}\) Egyptian Initiative for Personal Rights / Center for Reproductive Rights (2009), p.21 
\(^{17}\) Daily News (2014) 
\(^{19}\) CEDAW (2008), pp.75-76 
\(^{20}\) Tadros, Mariz (2010), p.97 
\(^{21}\) CEDAW (2008), pp.75-76 
\(^{22}\) CEDAW (2008), p.76 
\(^{23}\) CEDAW (2010), p.11 
\(^{24}\) Tadros, Mariz (2010), p.96 
\(^{25}\) Center for Egyptian Women’s Legal Assistance (CEWLA foundation) (2008), pp.3-4 
\(^{26}\) Tadros, Mariz (2010), p.103 
\(^{27}\) Tadros, Mariz (2010), p.103
inhabit the property (and are unable to sell it or rent it out). According to the CEWLA foundation, women may face pressure from male relatives to renounce their inheritance in order to protect family ‘honour’.

Widows are often prevented from re-marrying by the husband’s family, or pressured into marrying their husband’s brother, in order to ensure that property and children remain in the husband’s family name. Coptic women married to Muslim men are unable to inherit from their husbands.

**Female genital mutilation (FGM)** is very widely practised in Egypt where 91% of women aged 15-49 have been cut.

### More

The Personal Status Laws give Muslim men the right to initiate divorce without their wife’s consent, but in such cases, the ex-wife is entitled to compensation of at least two years’ maintenance. If a Muslim woman wishes to divorce, they have to go through the courts. The *khula’* law grants Muslim women the right to divorce without the husband’s consent under certain conditions (e.g. domestic violence, or illness). If none of these conditions are met, women can obtain a no-fault divorce, but then they forfeit many of their financial entitlements. Coptic Christianity does not recognise divorce, except in certain limited circumstances (e.g. adultery, or if one spouse converts to another religion), not including domestic violence.

Under Islamic law, husbands have a legal responsibility to provide financially for their wives; women have no such obligation towards their husbands. This would imply that only men can be the head of the household. However, the 2014 Constitution recognises female-headed households and the State’s duty to protect them.

### 2. Restricted physical integrity

The 2014 Constitution establishes that the State shall protect women against all forms of violence and ensure enabling women to strike a balance between family duties and work requirements.

The Egyptian penal code does not specifically criminalise domestic violence, although cases can be brought under laws relating to general assault. However, Article 60 of the penal...
code excuses acts that have been committed in “good faith” pursuant to a right established under Sharia, and this article has been employed to excuse domestic violence.44

The official Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) report for 2008 states that there is a national programme in place to combat violence against women in general, but provides no specific details, beyond the fact that some law enforcement personnel have received training in how to deal with cases of violence against women.45

In its Concluding Observations, the CEDAW Committee expressed concern at the lack of coordinated support services for victims of domestic violence. There are some government-run shelters, but husbands and family members have access to these premises, and they function more as rehabilitation centres than refuges; in addition, there is an age limit of 50 years, denying older women access to support.46,47 No data on conviction rates was found.

Domestic violence is perceived as a private matter and many incidents remain unreported, according to the official CEDAW report (2008) and to shadow reports. Violence within marriage is considered socially acceptable by many, because of the legal stipulation that a wife should obey her husband. Many women do not recognise domestic violence as something that is unacceptable, but rather something that is part of married life.48,49

These views are shared by many in the judiciary and the police force, meaning that it is very difficult for women seeking help to get it from law enforcement bodies.50

Rape is a criminal offence under Egyptian law.51 Spousal rape is not recognised as a crime in Egypt; indeed, the Court of Cassation has ruled that a woman cannot refuse sex with her husband ‘without a valid reason according to Sharia’.52

Following the repeal of Article 291 of the Penal Code, it is now no longer possible for a rapist to escape prosecution by marrying the victim.53 However, the Egyptian Initiative for Personal Rights / Center for Reproductive Rights notes that there is little awareness of the change in the law and that in some cases, victims are still pressured into concluding a marriage contract at the police station in order to avoid filing a rape charge.54

42 Marei, Afaf, Amal Fayed, and Amaal Abdel-Hadi (2008), p.5
43 CEDAW (2008), p.77
44 Tadros, Mariz (2010), p.99
45 CEDAW (2008), pp.13, 77
46 CEDAW (2010), p.5
47 Tadros, Mariz (2010), p.99
48 CEDAW (2008), p.78
49 Alliance for Arab Women (AAW) (2009) ‘Shadow NGO Report on Egypt’s fourth and fifth Combined Periodic Report to The Committee on the Elimination of Discrimination against women For submission to the CEDAW Session’, Alliance for Arab Women, Cairo, p.16
50 Alliance for Arab Women (AAW) (2009) ‘Shadow NGO Report on Egypt’s fourth and fifth Combined Periodic Report to The Committee on the Elimination of Discrimination against women For submission to the CEDAW Session’, Alliance for Arab Women, Cairo, p.17
51 CEDAW (2008), p.77
52 Egyptian Initiative for Personal Rights / Center for Reproductive Rights (2009) ‘Supplementary Information about Egypt scheduled for review during the 45th Session of the CEDAW Committee’, Egyptian Initiative for Personal Rights / Center for Reproductive Rights, Cairo, p.22
53 CEDAW (2008), p.77
54 Egyptian Initiative for Personal Rights / Center for Reproductive Rights (2009), p.22
No information was found regarding mechanisms or measures to ensure implementation of the law in regard to rape.

According to the United Nations Office on Drugs and Crime, in 2008, 87 cases of rape were registered with the police.\(^{55}\) It is unclear how many of these resulted in a conviction. Ministry of Interior figures cited in the US State Department human rights report are much higher: approximately 20,000 cases each year.\(^{56}\)

Rape and sexual violence remain taboo topics in Egypt, according to the 2009 African Women’s Report.\(^{57}\) This makes it very difficult for women to speak out about rape.\(^{58}\) The Egyptian Initiative for Personal Rights / Center for Reproductive Rights note that victims rarely tell anyone what has happened, and when they do, they are more likely to seek help from friends and family than from the police and / or medical services. This is partly because spousal rape in particular is considered socially acceptable. However, the attitude of police towards victims of sexual violence also acts as a barrier, as police often display a lack of sensitivity in dealing with rape victims (e.g. questioning them in front of other people present in the police station).\(^{59}\)

The attitude of the judiciary also acts as a barrier to women pursuing complaints of rape. While the law itself does not require proof that physical force was used, in practice, courts have required that women provide proof, with forensic evidence, that they physically resisted the attack. In addition, it is admissible to submit evidence relating to the victim’s previous sexual conduct in court, and this is often cited in judges’ decisions to reduce sentences to below the minimum stipulated for rape and sexual assault when a conviction is brought.\(^{60}\)

There is no specific law addressing sexual harassment. Prosecutions can be brought under the misdemeanour charge of ‘public display of affection’, but as women’s rights groups cited in the US Department of State’s human rights report for 2012 note, this is tantamount to holding victims equally responsible for the abuse.\(^{61}\)

As of April 2014, the Egyptian Center for Women’s Rights (ECWR) proposed a draft law with an explanatory memorandum on sexual harassment in order to assist Egypt pass legislation on the issue using the ancillary penalties found in Egypt’s Penal Code (at Article 25), in addition to measures expressed in Article 19-bis. The proposed text would be incorporated into Article 278 on the penalties for acts of public indecency and Article 279 on the penalties for indecent acts in general, whether in public or private, so that all instances of sexual harassment could be covered and punishment could be scaled accordingly. The core text would read as:

“Anyone who has sexually harassed another person, whether male or female, against their will, shall be punished by both imprisonment for a period not exceeding 1 year and fined no more than 2000 Egyptian pounds, or either penalty. Harassment is defined as inappropriate touching, stalking, following or other forms of pursuit, sexual comments or obscene/offensive

\(^{55}\) United Nations Office on Drugs and Crime (2010)  
\(^{56}\) US Department of State (2013)  
\(^{58}\) US Department of State (2013)  
\(^{59}\) Egyptian Initiative for Personal Rights / Center for Reproductive Rights (2009), p.20  
\(^{60}\) Egyptian Initiative for Personal Rights / Center for Reproductive Rights (2009), p.22  
\(^{61}\) US Department of State (2013)
remarks made either explicitly or implicitly, over the telephone, online or by text message, picture message or messages containing images of a sexual nature.”

The official CEDAW report (2008) states that sexual harassment in the workplace is covered under the Labour Code, but provides no further details. In its response to questions from the CEDAW Committee, the government delegation stated that sexual harassment can also be prosecuted under the criminal code, but again provided no further details.

There do not appear to be any mechanisms in place to ensure implementation of the legal framework relevant to sexual harassment.

One NGO, HarassMap, compiles information from individual women reporting cases of sexual assault using a web-based software-mapping platform. In regard to police response and state efforts to challenge sexual harassment and prosecute perpetrators, Tadros reports that the response has been inconsistent, with police often failing to intervene, even in cases where women have been violently assaulted. The Egyptian Initiative for Personal Rights / Centre for Reproductive Rights note that there are no mechanisms in place for women to make complaints of sexual violence in the workplace.

Sexual harassment on the street is considered to be a widespread problem; a survey by the Egyptian Center for Women’s Rights in July 2008 found that 46.1% of Egyptian women said they were subjected to sexual harassment on a daily basis. In particular, there have been widespread reports of sexual harassment and sexual assault during the street protests that took place against President Mubarak and against the Supreme Council of the Armed Forces (SCAF) following the ouster of Mubarak in 2011, and against President Morsi and the Muslim Brotherhood in 2012 and 2013, and following the ouster of President Morsi in mid-2013. According to Amnesty International and Human Rights Watch, the government has done little to investigate cases of sexual harassment, or prosecute perpetrators. In March 2012, a military judge acquitted the only military officer on trial for sexual assault against seven female protesters in a military prison in March 2011 under the guise of “virginity tests.”

The Egyptian Initiative for Personal Rights / Center for Reproductive Rights state that sexual harassment in the workplace is also a significant problem. The report also states that few women speak out about sexual harassment, for fear of being blamed for ‘provoking’ the harassment and of sullying their honour, and because the police themselves have a reputation for sexually harassing women.

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62 Egyptian Center for Women’s Rights (2014)
63 CEDAW (2008), p.50
64 CEDAW (2009), p.4
67 Egyptian Initiative for Personal Rights / Center for Reproductive Rights (2009), p.20
68 Tadros, Mariz (2010), p.100
69 Egyptian Initiative for Personal Rights / Center for Reproductive Rights (2009), p.20
70 Amnesty International (2013), p.88
71 Human Rights Watch (2013), p.533
72 Egyptian Initiative for Personal Rights / Center for Reproductive Rights (2009), p.20
Abortion is only legal in cases where the pregnant woman’s life is in danger.\textsuperscript{73}

3. Son bias

Central Intelligence Agency (CIA) reports that Egypt has a male/female sex ratio at birth of 1.05 in 2013.\textsuperscript{74} This keeps stable around 1.05 for the age-range 0-14 and drops to 1.03 for the working age group 15-64. The 2014 projected sex-ratio for the entire population is 1.03.\textsuperscript{75} Analysis of sex ratios across age groups provides initial evidence that missing women is of low concern in Egypt and the situation is improving.\textsuperscript{76}

More

According to the Central Intelligence Agency (CIA), infant mortality rate is higher for boys than for girls, with 24.83 deaths over 1,000 live births and 21.7 deaths over 1,000 live births, respectively.\textsuperscript{77}

Education statistics are overall balanced across sexes. The 2008-2012 gross enrolment ratio in pre-primary school is 26.7\% for males and 25.4\% for females. The gender gap in primary and secondary education is very small, slightly benefiting males in both primary and secondary education.\textsuperscript{78} Males’ literacy rates for the 15-24 age group are higher than females’ ones (92.4\% compared to 86.1).\textsuperscript{79}

4. Restricted resources and assets

The Egyptian Civil Code and Commercial Code give women equal rights to own and access land.\textsuperscript{80} It appears that women’s access to land is governed solely by civil law.\textsuperscript{81} According to the Food and Agricultural Organization (FAO), 5.2\% of land in Egypt is owned by women.\textsuperscript{82}

In rural areas women rarely own the land that they work, and it is not considered socially acceptable for them to inherit land.\textsuperscript{83} Where women do own land or other property, they often delegate the responsibility of managing it to husbands or male relatives.\textsuperscript{84} According to the African Women’s Report 2009, the Egyptian Ministry of Agriculture and Land Reclamation facilitates women’s access to land in rural areas, as well as providing training and information.\textsuperscript{85}

\begin{footnotesize}
\begin{itemize}
\item[73] United Nations Department of Economic and Social Affairs, Population Division (2013)
\item[74] CIA (2013)
\item[75] CIA (2013)
\item[76] Sutcliffe, B. (2006)
\item[77] CIA (2013)
\item[78] UNICEF Statistics (2013)
\item[79] UNICEF Statistics (2013)
\item[80] FAO (n.d.)
\item[81] FAO (n.d.)
\item[82] FAO (n.d.)
\item[84] Tadros, Mariz (2010), p.102
\item[85] UN Economic Commission for Africa (UNECA) (2009), p.162
\end{itemize}
\end{footnotesize}
Women have equal rights to own and access non-land assets. A woman retains ownership of any property that she acquired prior to marrying. Within marriage, women’s right to own and manage property other than land is restricted, as the marital home remains the exclusive property of the husband. If a couple divorce, the woman has no stake in any of the couple’s marital assets, and has no right to retain ownership interest in the marital home or any other property.

Married women’s access to and ownership of property is governed by the religious Personal Status Laws, which are discriminatory.

In practice, as with land, women often delegate responsibility for managing property to husbands or brothers, on the grounds that men have a legal responsibility to assume financial responsibility for their wives and female relatives. However, as Tadros points out, such arrangements are open abuse.

There are no legal restrictions on women’s access to financial services, including credit, in Egypt and women do not need the permission of a male relative or husband to apply for a loan (laws not specified).

It appears to be easier for women to access credit through credit societies than through banks, indicating that it is difficult for women to obtain bank loans. The official Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) report notes that some banks do discriminate against women and are reluctant to allow them to take out loans. In addition, in rural areas, many women do not have identity cards, so they cannot open a bank account or apply for credit.

According to the World Bank, 13% of men and 7% of women had a bank account in 2011. In the same year, 4% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.

The Principal Bank for Development and Agricultural Credit has various schemes in place to enable rural women to access credit. In 2009, a 2% cut in interest rates was introduced on loans to women running micro and small enterprises.

According to the Microfinance Information Exchange, women made up 84.24% of recipients of micro-credit in 2012.

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86 Tadros, Mariz (2010), p.102
89 Food and Agricultural Organisation (FAO)(n.d.)
90 Tadros, Mariz (2010), pp.102-103
91 CEDAW (2008), p.61
92 Tadros, Mariz (2010), p.99
93 CEDAW (2008), p.61
94 World Bank (n.d.)
95 UN Economic Commission for Africa (UNECA) (2009), p.162
96 International Labour Organization (2012), p.34
5. Restricted civil liberties

Women have the same legal right to free access to public space as men and the right to choose their place of residence; however, there are some legal restrictions on women’s freedom of movement. While women no longer need their husband’s or father’s permission to obtain a passport, a husband or father can still obtain a court order preventing a woman from leaving the country.98, 99

Families often impose de facto restrictions on women’s freedom of movement, particularly younger women’s. In rural areas, women’s day-to-day freedom of movement can be restricted, and widespread sexual harassment in urban areas inhibits freedom of movement and free access to public space, as many families are reluctant to daughters out unaccompanied.100

As members of the wider Coptic community, Copt women face discrimination and in some cases violence, from which they are not adequately protected by security forces.101, 102

In June 2009, a quota was implemented reserving 64 of the 518 seats (12.6%) in the People’s Assembly (the Egyptian Parliament’s lower house) for women.103 Moreover, the 2014 Constitution establishes that the State shall take the necessary measures to ensure the appropriate representation of women in the houses of representatives, as specified by Law. The State is also required to guarantee women’s right of holding public and senior management offices in the State and their appointment in judicial bodies and authorities without discrimination.104

While the Quota Project reports that there is no quota in place to promote women’s political participation at the sub-national level105, the 2014 Constitution establishes that one quarter of the local council seats must be allocated to women.106

No quantitative information regarding the representation of women in local governments was found; however, one commentator on the 2008 local elections noted the low number of women participating as candidates.107

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Discrimination on the basis of gender in employment is banned under the Constitution and Law No. 12 of 2003, which regulates the conditions of employees of the public sector, public business sector, and private sector.108

97 Microfinance Information Exchange (2013)
98 CEDAW (2008), p.74
100 Tadros, Mariz (2010), pp.99-100
101 Amnesty International (2013), p.88
102 Human Rights Watch (2013), p.533
103 UN Economic Commission for Africa (UNECA) (2009), pp.185-186
104 Constitution of The Arab Republic of Egypt 2014, Article 11
105 The Quota Project (2012)
106 Constitution of The Arab Republic of Egypt 2014, Article 180
107 Al-Anani, Khalil (2008)
108 CEDAW (2008), p.45
In Egypt, pregnant women are entitled to three months’ paid maternity leave, and can then take up to two years’ unpaid leave. While on maternity leave, women are entitled to 100% of their salary. Maternity leave is paid for by the state social security scheme and the employer.\textsuperscript{109}

For the most part, the Egyptian media portrays women in gender-stereotyped roles, although women are gaining greater positive visibility in the media.\textsuperscript{110, 111} According to research by the Global Media Monitoring Project in 2010, women made up 54% of presenters and 67% of reporters in broadcast media surveyed. However, women were the subject of broadcasts in only 38% of cases.\textsuperscript{112} In addition, according to the International Women’s Media Foundation, women are underrepresented in managerial positions in media organisations.\textsuperscript{113}

\textsuperscript{109} Labour Law 2003
\textsuperscript{110} Tadros, Mariz (2010), pp.112, 114
\textsuperscript{111} CEDAW (2010), p.5
\textsuperscript{112} World Association for Christian Communication (2010), p.67
\textsuperscript{113} Byerly, Carolyn M. (2011), p.11
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CEDAW (2009) Responses to the list of issues and questions with regard to the consideration of the combined sixth and seventh periodic reports Egypt, CEDAW /C/EGY/Q/7/Add.1, CEDAW, New York.


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