



Convention on the Elimination of All Forms of Discrimination against Women

Civil Society Submission for the 87th Session: Consideration Of The Information Received From Egypt On Follow-Up To The Concluding Observations On Its Combined Eighth To Tenth Periodic Reports

Submitted by

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and

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and

Egyptian Initiative for Personal Rights (EIPR)

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Introduction

This joint report is submitted by Center for Egyptian Women's Legal Assistance (CEWLA), New Woman Foundation (NWF) and Egyptian Initiative for Personal Rights (EIPR), for consideration by the CEDAW Committee in its review of the Information received from Egypt regarding the concluding observations on the state's combined eighth to tenth periodic reports, within the framework of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

This report is based on the articles of the CEDAW, the recommendations made by the CEDAW committee on the topics covered by this report, the state's combined eighth to tenth reports submitted in 2021 and Egypt's international commitments to the Sustainable Development Goals (SDGs).

This report emphasises on the importance of lifting all reservations on articles 16 and 29 of the CEDAW and adopting the optional protocol. It also provides recommendations that would contribute to enabling Egyptian women to enjoy their social and legal rights and promote equality and non-discrimination in laws, policies and practices.

With regard to the legislative framework on violence against women:

1. The penal code establishes some criminal protection for women in some areas, however, other areas lack such protection. Some provisions in the penal code discriminate against women and would apply harsher sentences on women for the same crime, or even justify VAW.

- a. Article 60 of the Penal Code states that: "The provisions of the Penal Code shall not apply to any deed committed in good faith, pursuant to a right determined by virtue of the Shari'a." This article is used usually to [justify](#) domestic violence, as it is considered a right of the husband to "discipline" his wife, or parents and brothers to "discipline" children and women. Due to the absence of explicit criminalization of VAW in the law, interpretation relies on the judge's discretion. The state report's explanation is flawed. Despite severe cases causing permanent injuries, judges may still invoke the article to release perpetrators. Instances, such as Case No. 7056 of 2023 in Ain Shams misdemeanours, reveal acquittals based on the 'right to discipline,' even when medical reports confirm injuries. In this case, the perpetrator was acquitted in absentia, yet the prosecution did not appeal the ruling while it holds the exclusive right to appeal.
- b. Article 17 of the Penal Code states: "In felony counts, if the conditions of the crime for which the popular action is brought necessitate the judge's lenity, the penalty may change [..]". This article poses a significant challenge in VAW cases, especially rape, indecent violations, and crimes committed in the name

of “honour” as penalties might be reduced despite the severity of the crime. Article 17, granting judges discretionary powers to reduce sentences, has also been [utilized](#) to lessen penalties for doctors performing FGM

- c. Article 242 criminalizes any harm that causes injuries; however, the Penal Code does not explicitly prohibit domestic violence, and marital rape is not prohibited anywhere in legislation.
- d. Regarding adultery articles (237, 274, and 277): Adultery is criminalised by the penal code; however, in contrast to the general legal principles -and even Shari’a- the penalties are applied with discrimination between men and women. While men are sentenced to 6 months, women can be sentenced to up to 2 years for the same crime. Such discrimination makes this article unconstitutional.

2. Since the President's instructions in [2022](#) for the government to undertake legal reforms to include the protection of women from domestic violence, no related legislations have been passed, nor have any related discussions been announced.

3. Despite the state's commitment to combat violence against women in the National Strategy for Women's Empowerment, proposed laws by organizations and women MPs to address domestic violence and VAW, including a comprehensive [draft law](#) from a feminist working group, have been ignored.

4. Law No. 177 of 2020 amending the Code of Criminal Procedure by adding a new article No. (113 bis) on the protection of witnesses and whistle-blowers, was tainted by inadequacy and lack of integration between the text and the desired protection mechanisms, as it:

- a. limits the concealment of victim's data in sexual harassment crimes to women and children, while the Constitution stipulates general protection for witnesses and whistle-blowers (Article 96).
- b. stipulates the confidentiality of victims' data only, without providing them with any sort of protection.
- c. does not provide any confidentiality for witnesses.
- d. confidentiality remains subject at all times to the discretion of the judge.
- e. unlike most recent legal reforms, the amendment does not stipulate any penalties or consequences for breaching.

5. The importance of expediting the adoption of a law to protect witnesses and whistle-blowers is also related to protecting victims and witnesses from facing accusations and charges that are not related to the subject of the original report, which is what we documented in several cases over the past years. 3 of these cases were in 2020:

- a. Some witnesses in a high-profile [mass rape](#) that occurred in the Fairmont hotel spent weeks and months in pretrial detention, for accusations brought against

them by the public prosecution related to drug abuse and “transgression against the values of the Egyptian family” based on their testimonies as witnesses. The prosecution then announced that there were no grounds for legal claims. The prosecution also did not protect witnesses and whistleblowers in any way from the smear campaigns that targeted them in newspapers and social media. It is noteworthy that the prosecution dropped the rape charges case in 2021, citing lack of evidence.

- b. Charges of “violating the values of the Egyptian family” were filed by the prosecution against a victim who reported a [rape incident](#), causing her to spend more than 100 days in detention. The prosecution later also announced that there were [no grounds](#) for legal claims. The prosecution also brought the same charges against one of the case’s witnesses, a minor, who was acquitted by the Children’s Court a few months later.
- c. A victim of sexual violence in “[Mit Ghamr](#)” was subjected to threats from the perpetrators and their lawyers, accusing her of “violating values of the Egyptian family,” to discourage her from reporting.
- d. Charges of “human trafficking” are [misused](#) to criminalise women and girls' speech online, in the absence of the basis of the crime.
- e. Also, victims of human trafficking are not guaranteed their legally stipulated protection. In some cases, including [the case](#) of a minor human trafficking victim, general prosecution charges the victims with morality charges of “violating family values' and “Law No 10 of 1961 for combatting prostitution”, despite the conviction of their trafficker.

6. Article 53 of the Constitution stipulates the establishment of an anti-discrimination commission. Nevertheless, the commission has not been established and no measures have been taken to date, despite the numerous demands from civil society, and the submission of many draft laws by NGOs which have not been discussed.

7. The scarcity and substandard quality of services for survivors of VAWG are significant barriers to preventing the escalation of violence. Currently, the Ministry of Social Solidarity reports the existence of [only 8 women's shelters](#) in Egypt, with no available information on their capacity or occupancy rates.

With regard to FGM:

8. punishing parents by jail sentences does not help in combating FGM, and discourages girls and family members from reporting. Civil society organisations have [repeatedly advocated](#) for not criminalising parents in cases of FGM, especially in case they cooperate with the investigation or seek medical help for the victim, to ensure higher reporting and conviction rates for practitioners who perform FGM, especially medical staff.



With regard to Child Marriage:

9. The draft law that the Egyptian Cabinet had approved in June [2022](#) to criminalise child marriage has not been promulgated till the date of submitting this report. Although the president has directed the government in [2021](#) to take the necessary measures to prevent child marriage through an independent law.

10. This draft law prohibits the registration of marriages if any of the parties are under 18, however, feminist organisations demand that the punishment be for “marrying off” children before the age of 18, not just for documenting the contract. Sanctioning the documentation does not guarantee the necessary protection for girls nor does it prevent the crime from occurring or spreading, especially in the villages of the countryside and Upper Egypt.

11. Law No. 126 of 2008 raised the age of marriage to 18 applies disciplinary punishment on the registrars; however, it does not penalise the adult perpetrator for marrying a minor. Besides, the applicable penalties imposed on marriage registrars are limited to small fines, while the maximum penalty is suspension from work.

12. Poverty pushes some parents to sell their daughters in the form of forced marriage that lasts for a short period in what is known as “seasonal marriage”. This form differs from “child marriage” because seasonal marriage (for minors or adults) is a form of forced sex work that is not reported to authority due to society’s complicity with the family.

13. The Anti-Trafficking in Persons Law No. 64 of 2010 is insufficient, as general prosecutors would normally use different charges and indictments for such cases but not “trafficking”. Most of the time, the charges and indictment will fall under “Family law” or “Penal code” which offers lesser sentencing and no protection for victims

With regard to the implementation of the National Strategy for the Empowerment of Egyptian Women 2030 and Monitoring/ Evaluation mechanisms:

14. Seven years have passed since the endorsement of the National Strategy for the Empowerment of Egyptian Women 2030, yet its action plans remain undisclosed to date.

15. Since 2017, the Egyptian National Observatory for Women (ENOW) issued only one follow-up [report](#) in April 2023. Notably, there are no reports evaluating key strategies concluding in 2020, like the National Strategy to Combat Violence Against Women (2015-2020) and the National Strategy to Combat Female Genital Mutilation (2016-2020). These evaluations are vital aspects of the Observatory's from a civil society perspective.

16. The annual achievements report referred to in the State’s report and submitted to the President, the Parliament, and the Cabinet, is not published on the Observatory’s page, nor shared with media or civil society.



17. The yearly parliamentary hearing session, which the report has also referred to, does not include follow-up, evaluation, or discussions regarding the Strategy. Instead, it is limited to approving the [budget](#) allocated to the National Council for Women.

18. The annual Women Presidential Conference, mentioned in the state follow-up report, remains primarily a 'celebration.' Despite the President issuing instructions during these conferences for legislative reforms to combat violence against women and girls, including urgent laws in 2021 to address child marriage and recommendations in 2022 for legal reforms on domestic violence and protection for witnesses and whistle-blowers of sexual harassment and corruption, these directives have not been implemented on the ground.

19. The periodic reports cited in the state report, from the National Council for Women or ministries, are not shared with the media or civil society. An exception is a 2021 consolidated [report](#) listing ministry activities related to the strategy, lacking substantial monitoring. In 2020, the National Council for Women published a [fact sheet](#) on efforts to empower Egyptian women during President Sisi's six-year rule. In the report, there is a mention of 65M EGP paid as alimonies to 389000 women, which by simple calculations means that each woman gets an average of 167 EGP (10.6 USD) as support.

20. The state's report mentions various follow-up measures, such as the Prime Minister-led evaluation mechanism monitored by the Minister of Planning and Economic Development, and periodic meetings between the National Council for Women and the cabinet. However, these discussions, results, and reports are not publicly disclosed or shared with the media and civil society.

21. The participating organizations want to highlight key issues in the strategy's midterm [follow-up report](#) published on the Observatory in April. The report assesses the strategy's achievements in percentages over 7 years, covering political, economic, and social empowerment, as well as the protection of Egyptian women:

- a. Crucially, the follow-up report does not assess progress towards the preset goals of the 2030 Strategy; instead, it compares current data to the baseline data from before 2017. The state interprets slight increases in some indicators and stability in others as evidence of the strategy's success.
- b. Declines in percentages, such as 'giving birth before the age of 20' and the percentage of women exposed to both physical and sexual violence after marriage, are considered 'stable'.
- c. 3 indicators for which no recent data is available were included among the indicators that witnessed stability. Among them the "harassment rate in the previous year" indicator, the last official survey of which was in 2015, and "women's participation in local councils", even though no municipal councils' elections have been held since 2010.



With regard to Nationality Law:

22. Although equality and obtaining and granting nationality are rights recognized by the constitution, there is still obvious discrimination against women in nationality laws that detract from the right of women to pass their nationality to their husbands.

23. Despite lifting the reservation on Article 9 para 2 of the CEDAW, some gaps affected the right of women to enjoy their nationality and grant it, including Interior Minister decision No. 12025 of 2004, which immediately followed the amendment, to determine the procedures for granting nationality to children of Egyptian mothers born to a non-Egyptian father. The most notable drawbacks of this decision are:

- a. Includes the children of Egyptian mothers after the implementation of the new law. Unlike fathers, the mother is also required to submit citizenship applications to the Passports Authority or Civil Registry Offices, which is considered discrimination against mothers, as they must take administrative measures before registering the child and obtaining a birth certificate proving his nationality.
- b. Diminished the right of Egyptian mothers to transfer nationality to their children who were born before the new law came into force, as they must first declare their desire to obtain nationality, then wait for the approval of the Minister of Interior or the expiry of a period of one year from the date of declaring the desire without receiving a reasoned decision of rejection.
- c. The “administrative judiciary” rules that the aforementioned decision violates the text of the law and the constitution, as it contains a restriction that hinders the exercise of this right, in addition to its violation of the international agreements that the state has signed, including CEDAW and the Convention on the Rights of the Child, however, this decision still prevents thousands of women from enjoying their constitutional right without discrimination or derogation.

24. Children of the third generation are not entitled to obtain Egyptian citizenship. The organizations participating in this report documented testimonies on the inability of the children of Egyptian mothers born before the 2004 law, who already acquired citizenship legally, to grant it to their grandchildren. In this regard, the Ministry of Interior relies on the text of Paragraph 2 of Article 3 of Law No. 154 of 2004 amending some provisions of Law No. 26 of 1975, which recognizes the right of an Egyptian mother born before the amendments to grant her nationality to her sons and daughters only, while she has no right to transfer it to her grandchildren. The organizations assert that this fundamentally detracts from the right of the mother/father who obtained citizenship from their mother, and treats mother's citizenship as if it were deficient.



25. There also remains evident discrimination against Egyptian women in their right to transfer their nationality to their husbands. The Egyptian Nationality Law allows Egyptian men to grant citizenship to their wives, while Egyptian women do not have this same right to grant it to their husbands.

26. One of the organizations contributing to the report documented cases where children born to Egyptian mothers after the 2004 law are also deprived of various services as well as financial support. Despite obtaining their mother's citizenship and having Egyptian birth certificates, they are still deprived of most subsidized services such as bread and food supplies, in addition to state-subsidized infant formula, as priority is given to children born to Egyptian fathers. In light of the country's suffering from the floating of the currency and high inflation rates, mothers are forced to buy formula at very high prices that women cannot afford, especially among the most marginalized groups.

Recommendations:

1. Lift the reservation on Articles 2 and 16 of the CEDAW Convention, as there is no justification for their existence. Articles 11, 22, 53, 80 of the current amended constitution of 2014 stipulate equality between citizens in rights and freedoms, emphasising the consolidation of the values of justice, and the abolition of discrimination and violence against women.
2. "Eliminate discrimination against women by enforcing constitutional articles safeguarding women's rights. Review all policies, laws, regulations, and decisions to align with ratified international conventions and charters, including CEDAW, The Beijing Platform for Action, and The Sustainable Development Goals."
3. Review and amend the Penal Code to modify or delete all provisions that discriminate against women. This includes any new provisions proposed under upcoming draft bills that would amend the Penal Code.
4. Repeal Penal Code Article 60 to ensure that it cannot be used by perpetrators, law enforcement, or the judiciary to justify or excuse violence against women.
5. Amend the penal code to ensure that Article 17 is not used in cases of Killing of women or violence against women.
6. Amend, adopt, and effectively implement legislation to criminalise all forms of violence against women and girls, including domestic violence, marital rape and sexual violence, in compliance with international human rights laws and harmonised across existing legislation.
7. Expedite the issuance of a comprehensive law to combat all forms of violence against women and girls.



8. Repeal the sanctions on parents in FGM cases to ensure higher rates of reporting and ensure the safety of girls in case of emergencies.
9. Implement awareness campaigns in rural and remote areas to confront FGM. The media should also be directed to a more positive role in this.
10. Increase local reporting and response mechanisms for child marriage at the governorate and district levels, including follow-up and accountability mechanisms for marriage registrars to take all necessary measures to reduce and stop child and forced marriage.
11. Effectively implement the National Strategy to Combat Violence Against Women, particularly urgent actions needed under the pillars of intervention, such as creating a more accessible system of safety and support for survivors, and legal procedures, such as improving reporting mechanisms and reducing judicial red tape. In addition, these actions should be developed in consultation and partnership with independent civil society organisations working on combating violence against women.
12. Expedite the establishment of the Anti-Discrimination Commission as soon as possible in accordance with the Constitution, after consultation with civil society and NGOs, provided that it is an independent body subject to Parliament's oversight and exercised through prosecutions and courts specialized in discrimination cases.
13. Ensure comprehensive legislation and policies to protect victims, witnesses and whistleblowers, especially in cases of sexual and gender-based violence, and ensure the implementation of these protection measures, including penalties for their violations by state officials and awareness-raising of the existence of these protections.
14. Amending the Nationality Law and ensuring that women and men enjoy the same rights regarding granting citizenship to children, grandchildren, and spouses, and changing all decisions and practices that discriminate against women in relevant procedures.
15. Pursuant to Article 93 of the Constitution, which affirms the state's commitment to international conventions, covenants and charters to have the force of law after their publication in accordance with the established conditions, we recommend the necessity of reviewing all the aforementioned laws to comply with the Egyptian Constitution and international conventions.
16. Ensure the collection, and publishing of surveys and data relating to GBV in Egypt, including data from state ministries on reporting, prosecution and convictions in GBV cases.
17. For the state to fulfil its responsibility in the provision of services and benefits that enable women and their children, of all ages and genders, to avoid spaces and situations of violence, such as shelters, benefits, and medical services, including mental health services.