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**The Shadow Report on the Status of Egyptian women in matters of
personal status and forms of violence against women according to
CEDAW convention**

Presented to CEDAW committee

**By
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Egypt

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Introduction:

The situation of women in Egypt in 2008 did not witness noticeable change compare to the previous years because the Egyptian authorities insist not to provide the appropriate legislative, democratic and political climate for the prosperity of that status.

There are numerous laws that hinder the appropriate atmosphere for real situation of equality among those the Law No. 1 of 2000 related to facilitating the litigation procedures in matters of personal status, including restrictions imposed on woman in using her right of the Khula, as woman must stated the reasons for divorce and will have to wait until she returns the dowry before she gets the divorce sentence. Consequently woman waits more than 3 to 6 months in case she has children. Moreover, women face a lot of practical and procedural problems that result from the unclear executive format of the law.

Despite the enactment of Law No. 154 of 2004 amending the law to lift nationality discrimination against Egyptian women and achieving the equality between the Egyptian father and mother regarding the right to grant Egyptian citizenship to their children, the children of Egyptian women married to Palestinians are still suffering from difficulties in the implementation of the law and access to the Egyptian nationality. Those difficulties can be described as denial of the full equality stated by the law.

The Penal Code No. 58 of 1937 is full of discrimination against women as well. The penalty for adultery differs for man and women in the articles (274) (277) (237) (274) in terms of punishment and alleviated circumstances.

The application of the law 10 of 1961 related to fighting the prostitution is also a discrimination against women. The article 9 (c) stipulated to punish any person who used to practice prostitution and debauchery, without apparent discrimination against women, but the application was to punish the woman who committed the crime and not the man. He is even considered a witness against her.

Those are just examples of the insistence of the State to continue the discrimination against women at the level of Egyptian legislation and emphasized the absence of a specific strategy to lift such discrimination. Especially that the Egyptian government in, March 2007, has amended 34 articles of the constitution in a record period (three months). If the State wished to carry out reforms to eliminate discrimination against women, it would have done so on comparing to the recent amendments to the Constitution.

The Egyptian reservations on the Convention concerning the articles 2 and 16 are also in violation of the goals and objectives of the Convention. It worth noticing that this report will focus on two key issues:



1. The status of women in matters of personal status and highlighting the role of the recent legislation in achieving the real equality between men and women.
2. The issue of violence against women and its forms.

Firstly- The status of women in matters of personal status and highlighting the role of the recent legislation in achieving the real equality between men and women:

The Convention (the Convention intended to abolish all forms of discrimination against women). It reflects the desire of the international community to achieve full equality between men and women, aimed at eliminating the bias or discrimination against women, so the objective was clear and acceptable, but going far that "the achievement of equality between Men and women requires a change in the traditional role of men, as well as the role of women in the society and the family " means violation of the nature of men and women. Even they are equal in the humanity, the key texts of Islam - Koran and the Sunna – do not tolerate all this change desired by the Convention in the justifications of the objectives as mentioned in preamble.

**(Grand Imam Sheikh Gad al-Haq Ali Gad al-Haq)
Sheikh of Al-Azhar (July 1995)**

-Definitive texts govern the Coptic Orthodox in their personal issues, including the law of monogamy, and divorce is only possible in the case of adultery. Those issues are resolved by verses in the Bible.

- What is enshrined in the verses of the Bible and the marriage contract governing the personal status of the Orthodox Copts , all these are not subject to the discretion or discussion even from the clergy.

(Note of Pope Shenouda III, Patriarch of the Orthodox Copts)

**On the law of monogamy
6-18-1996**

That is the fact that move in its orbit all the obstacles faced by the Egyptian women in matters of personal status. The official religious establishment in Egypt (Muslim and Christian) and the Egyptian government adopted the extremist views of the position of Islamic law, despite the raise of more flexible voices that adopt jurisprudence solutions to lift the injustice on women in the personal status legislation.

Although Arab and Islamic countries adopted those open and flexible views that seek to reconcile the purposes and principles of Sharia law and developments on the high level of community and family.

So the legislations adopted by the State are partial and not total. They treat the right to equality but did not reach to the fact that the community will get used to and it should be practicable by women and acceptable by men.



Islam calls for equality, justice, love and compassion among all people, and so the personal status laws are to include these principles in its articles to be realized in practice.

1 - Personal status laws in Egypt:

The personal status law No. 25 of 1920 is adopted in Egypt and amended by Law No. 25 of 1929. After 50 years, Law No. 44 of 1979 was adopted and amended the previous laws; this law has been a quantum leap for women's rights within the context of a marriage.

This law has given to the first wife the right to divorce without proof of damage, if she requested to do so within a year from the date she knew the new marriage. The new wife has the same right if the husband lied about the other marriage so as the husband who wants to marry another would be honest to face the situation and divorce his first wife if she wishes so without the need to prove the damage.

According to this law, the wife is punished if she disobeys her husband by losing her right to alimony unlike the previous law that required the police to force the implementation of the rule of obedience. The law also stated the independence of the divorced wife in the marital home until the end of the custody period, unless the husband provides alternative accommodation for her.

However, the law "did not take into account the circumstances of non-working and elderly women leaving her home in the end of the custody of their young children and the right to alimony. At that time, women have no right and are expelled to the street, so a fair division of assets and property that have been configured during the marriage should be applied in case of dissolution of marriage or death and this is a just right after what the wife has presented in previous years to live with dignity.

In May 1985 the Supreme Constitutional Court nullified the law No. 44 of 1979 for a formal reason without any attempt to the content of the law, because it was issued by presidential decree during the People's Assembly (Parliament) vacation and was not presented later for ratification in accordance with the Constitution.

The invalidation of law No. 44 for the year 1979 resulted a dangerous situation which is using the laws of personal status of the twenties. These laws were issued under social and economic conditions totally different.

The Law No. 100 of 1985 is a decline in women's rights. It obliges the wife that her husband married with another woman without her consent and that wish to obtain a divorce to prove the physical or mental harm caused to her. In addition to denying her the right to retain the marital home during the



children custody; Instead, husbands are required by law to pay their housing; It is regrettable that the practical application of the law shows that the court require husband - in most cases - to pay very limited amounts to cover the housing.

Law No.1 of the year 2000 (khula), which focused on some mechanisms to address the problem of the slow action that encounter many women and families in matters of personal status, did not achieve its purpose as its application faces many of the obstacles due to its unclear executive formula in addition to the fact that women give up their rights in this law.

In August 2000 the Minister of Justice amended the certificate of the marriage by the decree No. 1727 of 2000 published 15/8/2000 in the official journal "The Egyptian Facts", which included a white blank that allows the spouses to add some conditions. But in the practical application, no conditions are written and women often do not know anything about that.

Law No. 10 of 2004 on the Family Court concerning the establishment of a legal system aimed at achieving the best interests of the family by providing a variety of mechanisms to resolve family disputes. Also it aimed at achieving the desired prompt justice. This should be achieved through the introduction of the principle of specialization, whether for judges, their assistants or those who work to enforce the sentences. And also facilitate the justice procedures through a lot of organization, follow-up and proper work.

Law No. 11 of 2004 has established a fund for families run by the Government through the Nasser Social Bank. Its purpose is to facilitate the implementation of the court sentences regarding the wife and children's alimony. Its aim was to facilitate the implementation of court decisions concerning wife and children alimony.

Finally, Law No. 4 of 2005 on the custody age is as follows:

- End the child custody by the age of 15.
- The judge offers options to the child after reaching that age to stay with the custody mother until he or she reaches the majority age.

As for the Christian legislation on the personal status:

The Christian legislations backed to the year 1902. It was the first legislation for the evangelical community, followed by other legislation for all the factions and branches of the Orthodox churches, including the Catholic churches and its branches as well. The Islamic sharia courts and the Christian jurisdiction courts have been in charge of the personal status matters until 1955, when the courts have been canceled.

The Law 462 of the year 1955 decided to refer these cases to national courts. It also decided that the matters that were under the Christian jurisdiction courts should remain subject to the provisions that were applied by these courts before the cancellation. The group of the year 1938 was considered a reference in terms of sentences.



In 1978 began other efforts to establish a unified personal status law for the Christian communities in Egypt when the representatives of Christian churches in Egypt held their first meeting on 6-16-1978.

After nearly eighteen years have passed without holding a meeting, Pope Shenouda called for meetings of the representatives of the communities, to re-read the content of the project and makes the necessary adjustments. This has happened in fact, Meetings were held 20- January 1998, 28-October 1998, 15-November 1998, and then, a committee was formed to finalize the draft law. But the law has not been issued yet.

And finally a list of the Coptic Orthodox was issued in 2008 and released by the Pope without legal or legislative support because he played the role of the legislative authority and exploited the weakness of the state, causing legal confusion among Christians, lawyers or media field workers. This list limited divorce to three which are only in case of adultery - death – or change of religion and consequently this list represents a retreat for the rights that were given in the past to Christian women according to list of 1938.

Comments and observations

Firstly the Law 10 of 2004 on the establishment of the family courts:

This is considered the most important law in the last four years as it came in response to calls from women's right institutions for the need to introduce psychological and social elements as well as women themselves within the judiciary and the allocation of places and headquarters for family issues in addition to offices for the settlement of disputes. Already this happened. But one can say that after four full years that the law (in terms of legal texts and the practical application) was disappointing for all (family, lawyers, Non governmental Organization, psychological, social and legal expert within the offices of family dispute settlement for the following reasons:

1 - In terms of application:

- Most Family Court does not rule a temporary alimony for the wife and children. This violation of the law and increases the suffering of women and children.
- Some judges are not specialist and this prolongs the conflict resolution and provokes contradiction in decisions and judgments.
- The Family Court lacks specific Department of implementation in most districts despite four years of existence, This is violating the Family Court Law
- Non-completion of the headquarters of family court so as to achieve privacy and security for litigants, especially women and children.
- Activating the text obliging prosecutors to investigate the income of the husband in accordance with the Law 1 of 2000 to ease the burden of Egyptian women and not leave them and their children without expenses.
- Non-implementation of the law that requires putting the family's court file before the court in each case linked to the same family.



- Non-scrutiny in the selection of workers (most of them are recently graduated) in addition, their training is not sufficient and not sustained to enable them to perform their work efficiently. Also the lack of special publications on Family Court and the lack of providing sufficient records.
- Absence of specialists for the number of the submitted issues as well as the absence of the stability in the profession because of the hiring system (from the other ministries such as social and religious affairs), which would negatively impact on the performance in the Tribunal and the Office of the settlement.

2 - In terms of legal text

- Non-mandatory presence of the parties of the conflict for discussion in the office of family dispute settlement, and not only the lawyers. There is a problematic related the obedience warning and the need to object it within thirty days from the date the wife was informed according to the law. Some courts do not consider resorting to the Office of the settlement as cutting the period of thirty days or resorting to the Office of the settlement as an objection to the obedience in accordance with the law. Not considering the objection before the Family Court as an objection in time, results the loss of women's right to alimony because the obedience warning is not considered to be objected within thirty days.
- For this reason, the wife is considered a rebel going out of the marital home without the consent of her husband in accordance with the law and therefore she lose her alimony.

- Secondly, with respect to the law No. 11 of 2004 establishing Family Fund -run through the Nasser Social Bank.

The aim of its foundation is to facilitate the implementation of the provisions of the courts with regard to the spouse and child alimony. The Family Fund obliges the family in accordance with the article (71) of Law 1 of 2000 the following:

- Fifty pounds for every instance of divorce or return paid by the husband.
- Fifty pounds for each marriage paid by the husband.
Twenty pounds for every birth paid one-time for obtaining the birth certificate.
- However, the resolution 148 of 2006 was issued by the Nasser Bank to refrain from carrying out marital and children alimony from the settlement office as well as the temporary alimony for non-government workers or the public sector.
- Therefore, the Egyptian women become without insurance or financial cover in the face of the daily life demands to her and her children.



Thirdly - For the Law No. 4 of 2005 on the children custody age of and the visitation issue:

Article 1-20 of Law No. 25 of 1929 amended by Law No. 100 of 1985 and amended again by Law No. 4 of 2005 ends the custody of the young men or woman by the age of fifteen.

The judge offers options to the young man or woman after reaching that age to remain with the custody mother until he or she reaches the age of majority or married.

Both parents have the right to see the young person and the grandparents as well in the absence of parents. If the visitation did not occur the judge will arrange it by an agreement in a place not to harm the young person psychologically.

The visitation should not be carried out forcibly. In the case the person that has custody refuses the implementation of the judge ruling, the judge will transfer the custody to the person that follows.

The text of the visitation should be amended to become the right of parents and grandparents. There should be also a development that will allow the intervention of a third-party in order to ensure the best interests of the child.

Recommendations:

- The need for a new unified family law: based on justice, fairness and equality and contents provisions that governing the relationship of marriage and engagement in all phases.
- It should include also all the provisions relating to relations between family members in one law that fits the circumstances of the era and take into account the interests of the Egyptian women (Muslim and Christian).
- The need to control the polygamy like requiring the judge permit or giving the first wife automatic right to divorce for damage in case of another marriage, while retaining all her financial rights.
- Review the substantive provisions related to the damage of the divorce in general and to the psychological damage in particular in order to facilitate access to divorce when the conditions are met in accordance with the provisions of Islamic Sharia that requires to keep the wife in good condition or let her go in good condition as well and not keep the wife for the sake of harming her.
- Find an imaginative compromise between the couple in order to share the common wealth (which they gathered during the marriage) after the separation. It should be governed by law and the state should ensure its implementation.



- Increase the maximum amount of alimony as the current is 500 EGP, less than \$ 100 US dollar per month. This could be a minimum in light of the increase in the daily burden.
- The Alimony Fund should play the role for which it was created, which is providing security for the wife and children.
- The Egyptian government should work on issuing personal status laws for Christians as it existed already a unified law for them in government drawer since 1979.

At the end, all personal status laws must be reviewed in order to cope with the twenty-first century and the details of the reality in which we live. The fairness, equality, love and compassion found in the Islam which is consistent with the international human rights conventions, including the CEDAW convention, pave the way for achieving equality between women and men in laws away from the hard fundamentalist opinions that assure discrimination against women. But the enlightened Jurisprudential opinions should be used.



Secondly: the issues and forms of violence against women

Violence against women in Egypt

In the recent years, Egyptian women have been increasingly exposed to forms and types of violence, and the last three years can be considered as the worst ever. For example, the Egyptian security services are accused of using sexual harassment or facilitating it for groups of thugs in the face of the protesters who are opposed to the amendment of Article 76 of the Constitution. These thugs have deliberately beaten women, tear their clothes and harassed them sexually at 2 P.M on Wednesday 25 of May 2005 in the presence of major security leaders, and under the protection of huge security forces that surrounded the building of the syndicate and prevented the demonstrators from escape and refused to rescue them. (The case is tried before the African Court, after it used all ways of litigation before national courts in Egypt).

Women still suffer from forms and types of violence against them such as severe beating, sexual abuse of female children in the family, rape in the context of the marital relationship, female genital mutilation, rape, sexual harassment, physical and psychological violence. In addition to the institutional violence against women who are excluded from social, economic and political positions of power and are denied equality before the law, such as Nationality Law No. 154 of 2004 on 14.7.2004 which is an amendment of some provisions of Law No. 26 of 75 on Egyptian nationality. Forms of violence against women are presented as follows:

- Killing women in the name of honor
- Depriving women of Inheritance
- Depriving children of the Egyptian women who are married to Palestine of the Egyptian nationality.
- Sexual harassment
- Female Genital Mutilation
- Rape and incest

1- Killing women in the name of honor

The Problematic areas of the issue of killing women in the name of honor is not only limited to considering the perpetrator of such crimes as a "hero" because he had committed the crime in defense of (Honor) according to the customs and traditions that would enhance the situation of the perpetrator, but also the true problem is in the law that grants Lenient sentences to the perpetrators of such crimes. Moreover, this issue is not governed by a legislative text, but it is left to the judge's estimation which reflects the judge's values, attitudes and opinions that represent the society's view of women that, in most cases, is a low and limited view.



Article No. 17 of the Egyptian penal code represents a true problem regarding this type of crimes as it gives the judges the authority to use the maximum degrees of clemency as the judge can decrease two degrees of the prescribed punishment stating that: "in criminal cases, if required, the mercy of judges, can alter the punishment as follows:

- The death penalty with life or intensive imprisonment.
- Life imprisonment with intensive imprisonment or imprisonment
- Intensive imprisonment with imprisonment or detention which may not be less than six months
- Imprisonment with detention that may not be less than three months.

It is noticeable that these crimes have been reported on the Egyptian newspapers all the time despite the efforts of women's organizations since the year of 2000 to draw the attention of the society, its elites and decision-makers to the importance of addressing these crimes, which are the most serious forms of violence against women.

Recommendation:

The need for a clear legal amendment that explicitly restricts the powers of the judge to use article 17 in the Egyptian Penal Code which is related to using clemency in honor crimes, as happened in crimes of criminal law related to drug fighting No. 162 of 1960 that was amended by Act 122 of 1989 (article 36), article 88 (c) of the penal code related to the internal protection of the state.

2- Depriving women of inheritance:

Official statistics show that men enjoy better economic conditions than women, at the level of wages and unemployment.

The denial of the women's right to inheritance completely destroys any chance of economic independence and this deprivation is a way to assure women's subordination and inferiority to males in the family.

It is also considered a violation to the equal access to this right. Islamic Law has stated clearly such equality "Women and Men have the same rights and duties", which is the source of legislation governing the inheritance in Egypt. the problem does not stop at this limit, but under the pressure of customs and traditions, most women give up this right because of the "desire" of the social traditions that prevent women to "share" their brothers the inheritance and look at the women who claim such rights as if they committed "a crime" or "humiliated" her reputation and the reputation of her family, forgetting that the woman is demanding the rights that are granted to her by religious texts, and texts of the law. The result of these discriminatory practices and violence based on gender is that women represent 2.7% of the total landowners in the



Lower Egypt, 9.3% of the total landowners in Upper Egypt, and 6.4% of the total landowners in the border provinces.

* We were informed that the National Council for Women is currently preparing a legislative proposal regarding depriving women of taking their rights of inheritance as determined by Islam but such legislation is not issued yet.

Recommendation

Therefore, the response to the phenomenon of female deprivation of their rights to inheritance requires the Egyptian government to:

1. Start awareness campaigns on this issue highlighting both religious and legal sides.
2. Launch a campaign that targets the society and women in particular to explain that the inheritance is originally a legal right and not charity.
3. Issue a legislation to ensure the empowerment of Egyptian women of their rights to inheritance.
4. Consider any person who prevents women to get the right to inheritance as an aggressor by the provisions of law and general rules. So, there is a need to have a legislation to make it easier for women to prove mock actions conducted by the testator during his life for the benefit of some of the heirs and not the others.

Institutional violence:

Equality before the Nationality Law:

Act No. 154 of 2004 is an amendment to the Nationality Law to raise the discrimination against Egyptian women achieving absolute equality between the father and mother to grant Egyptian nationality to their children. However, the children of Egyptian mothers married to Palestinians continue to suffer from difficulties in the implementation of the law and access to the Egyptian nationality.

The basic point is that the President of the Republic of Egypt addressed number of instructions to the Minister of Interior affairs in 2003 to facilitate the naturalization procedures provided to the children of Egyptian women married to foreigners, according to certain guidelines and conditions, including:

The child must not be with special needs. In addition to excluding the children of Egyptian women married to Palestinians on the grounds that this is the decision of the Arab League in order to preserve their identity. When the Law No. 154 of 2004 was issued to amend the Citizenship Act, there is no longer a reason to exclude the children of Egyptian women married to Palestinians in order to achieve the equality before the law, especially that there is no formal decision issued by the League of Arab States, but it was just a recommendation to give the Palestinians in any Arab country the citizenship rights for their particular circumstances under the occupation and expulsion



from their homeland and there is nothing to prevent dual nationality in the Egyptian law.

At the same time, a statement was made by the representative of Palestine in Egypt that they do not have any objection to give Egyptian nationality to children of Egyptian women married to Palestinians.

This makes sense because Egyptian law allows dual nationality, so this can maintain the Palestinian nationality besides the Egyptian one.

However, in practical implementation of the legal amendment, the Ministry of the Interior affairs rejects the request of Palestinian's son that is married to Egyptian woman to get the Egyptian nationality. But this rejection does not have any support in the law or the Constitution, everyone is equal before the law and the legal status of the children of the Egyptian women must be the same. The institutional violence is not only limited to the Egyptian women married to Palestinians, but the current nationality law still has the advantage that the foreign wife married to an Egyptian can have the Egyptian nationality after the period of two years of marriage according to a decision of the Minister of the Interior affairs. But, this right is not granted to the foreign spouse married to an Egyptian wife. Thus, the law is deficient and discriminatory against women under the Egyptian Constitution, according to its Articles 11 and 40 and the CEDAW convention.

Recommendation:

1. Applying the principle of equality before the law and accept the citizenship papers of the children of Egyptian women married to foreigners and granting the citizenship to them without discrimination. This is because the purpose of amending the law is realizing the principle of equality between the sexes which is incomplete in its current form and is a form of institutional violence against Egyptian women in Egypt.
2. Amending Act No. 154 in 2004 to allow the foreign female spouse to obtain Egyptian citizenship, provided two years of marriage to an Egyptian, by a decision of the Minister of the Interior, as well as granting the same right for the foreign male spouse married to an Egyptian woman.

Sexual harassment of women:

Sexual harassment is any act aiming at sexual arousal without the consent of the other party whether a man or a woman. It includes touching or intended physical contact, telephone calls or messages with a sexual content through mobile phones or internet, written or oral. Sexual harassment can also occur within a power relation where a man or a woman is harassed in return for a work promotion for example.

The phenomenon of sexual harassment in Egypt is spreading in an unprecedented way and crime rates are increasing statistically upward to an



extend that these crimes start taking place collectively. The amount of material and analysis on this issue on popular search engines (Google or YouTube) would pile up just by searching sexual harassment / Egypt including statistics, but also video clips.

The statistics by one of the women's organizations in Egypt indicate that:

- 62% of men interviewed by the center admitted that they had sexually harassed a woman once or more.
- 69% of harassment cases occur on the street.
- 42% of harassment cases occur in public transport
- 20% occur on the beach
- 6% occur in workplaces.

In a weekly referendum conducted by the website (Arab Net) in August 2008, opinions of readers were divided regarding the reasons why women are sexually harassed in public places. A total of 25072 votes, including 48.7% put the responsibility on girls who are indecently dressed. 48.2% of the votes attributed the reason to lack of deterrent laws for the perpetrators of an act of sexual harassment.

Certainly there is laxity in the state's role in protecting women or protecting women is not present on the agenda of the Egyptian government. This is because crimes of collective sexual harassment have become a recurrent phenomenon in Egypt in any mass gatherings in the most important streets of Cairo and even near police stations yet no measures are taken to protect women. This increased the suffering of working women and female students whether an unmarried or married because violence against women, particularly sexual harassment is one of the most severe forms of insult and humiliation of women and violation of her privacy. It is also an assault on personal freedom and an attack on her psychological and physical.

The evidence suggests that most women who have experienced sexual harassment suffer from mental illnesses such as anxiety, apathy, fear and nightmares. Sexual harassment of women in the workplace may cause depression, especially if the economic circumstances do not allow women to do without that job.

What contributes to the spread of forms of violence against women, sexual harassment in particular is that Egyptian law did not criminalize such crimes nor has it developed appropriate sanctions. Legal provisions whether in the law of punitive sanctions or criminal legislation are completely silent on criminalizing such acts or making them punishable.

Recommendation:

1. There is an urgent need to enact legislation to punish sex offenders, men and women.



2. Launch awareness campaigns by the state that mainstream a culture of reporting on crime like that to limit and eliminate them.
3. Add a new article to the Penal Code No. 58 of 1937 which toughens the prison sentences against each of the sexual harassment perpetrators against women and men.
4. The second and third paragraphs of Article 268 and Article 269 and Article 290 of the Penal Code are to be excluded from the application of the provisions of Article 17 of the Penal Code.
5. Raising the awareness of society to address the phenomenon of sexual harassment and be more proactive in dealing with the perpetrators on the streets.
6. Work to restore trust between citizens and police.
7. Integrate trained women into the police stations to receive women who are subjected to harassment.

Female genital mutilation:

The process of female genital mutilation is a tradition well known to most Egyptians. It is believed that 95% of girls under 15 years and over have been subjected to genital mutilation. This is shown in the demographic health survey in 2005.

Over the last 15 years women's organizations have made numerous efforts to address this issue but with little result due to the absence of the will of the Egyptian government to put an end to the suffering of women in Egypt.

The law No. 126 of 2008 was issued, amending some provisions of the Children's act. This new law included Article 242 which now criminalizes female genital mutilation with a penalty of imprisonment for not less than three months and not more than two years or a fine of not less than one thousand pounds and not more than five thousand pounds. This applies to anyone who has inflicted this wound through conducting female genital mutilation.

Recommendation:

1. Toughening the punishment for the perpetrators of FGM whether it is conducted by the parents of the girl or by doctors and others.
2. Find new ways to combat female genital mutilation, such as community-based drama, or the use of positive examples, and others.

Incest:

The crime of having sexual intercourse with a woman without her consent is rape as one of the most serious crimes inflicted on society, especially if the perpetrator is one of the family members of the (*mehrem*), or the persons entrusted with taking care of her or have authority over her.

It is in the forefront of all heinous crimes against the body because of its dangerous effects of terrorizing and intimidating women and girls and



demolishing the basis of the family and the disintegration of social and family relations. It also signals the absence of compassion, including the elimination of the ties of kinship and its sanctity. It is a despicable attack on the honor and integrity of the family, an attack against all norms and laws and religions. It also spreads fear and panic and anxiety as even the closest persons who should provide security and protection cannot be trusted anymore.

A field study conducted by the Center for Egyptian women's legal assistance in the governorate of Sohag the subjection of 39.3% of the study sample to acts of sexual harassment from a male relative or relatives, and perhaps this represents a serious indicator of the reality of this phenomenon, because this figure demonstrates the existence of such behaviors that go beyond many of the sacred values and traditions that govern and regulate the behavior of individuals in the Egyptian community. Crimes of incest in the context of the results of the study were not limited to one form, but different forms of incest:

1. There is sexual harassment by touch and -rate of 47.2%,
2. There is spoken sexual harassment -rate of 25%,
3. There is visual sexual harassment, with nearly 22.2%
4. Completed rape rate reached 5.6%.

Perhaps these figures underline the gravity of what is happening now in the Egyptian society from the collapse of moral and perhaps demonstrates the seriousness of the crisis, namely the multiplicity of perpetrators of these crimes.

Results of the above mentioned study show that "the brother of the husband" is the most frequent perpetrator with a rate of 36.1%, followed by sister's husband (13.8%), followed by brother, cousin, husband's uncle (8.3%) followed by uncle, maternal uncle, father in law (5.6%) and, finally, the Father, the Son, and a cousin of the mother by 2.8%.

The offender in the crime does not conform to any rules or regulations that exist in society, or in other words, the means of social control in the Egyptian society are no longer able to rein the desires of individuals, in light of a social composition that calls for consumption, which has become very goals of individuals. Women in this composition are merely perceived as another good offered for consumption without regard to any rules or morals.

The question now is:

Where is the role of the state in issuing or toughening legislations to address of all this violence against women in the street, work and even their homes?

Recommendation:

Apply the constitutional principle which calls for developing sanctions corresponding to the severity of the crimes committed: Article 267 which penalizes the crime of incest had been issued in the Penal Code No. 58 of



1937; so before the 71 year during which many economic, social and moral changes occurred.

What is needed is:

- Harshening the punishment in the first paragraph of Article 267 regarding rape of a female from hard labor for life or temporary hard labor to hard labor for life only
- Toughening the punishment in Art. 267 from hard labor for life to capital punishment if the rapist was one of the family members of the victim or those responsible for taking care of her or observing her.
- Art 17 of the penal code which gives the judge discretionary power to mitigate the punishment should not be applied to this crime especially that it is a double crime including incest and betraying trust according to art.388 of the penal code.

In the end, the personal status laws and the laws on violence against women are incompatible with the current time and place as they are based on discrimination and doctrinal views of Islamic jurisprudence which do not suit the principle of Islam, which calls for justice and equality. Therefore these laws must be reviewed and apply enlightened jurisprudence which guarantee the effective participation of women and men in society.

The Egyptian family law was issued in 1920 and is applied until now. Despite all the amendments introduced so far the spirit of the law is still that of the last century and does not conform to the circumstances of this time.

The state should assist civil society, especially NGOs working with target groups to work on changing the personal status laws and enact laws to protect women from violence. They need to work together to change the stereotyped image of women, whether in the media or in all other state institutions in order for the society to advance with the advancement of both women and men.





