

Critical Issues Identified and
Presented by the Egyptian NGOs CEDAW
Coalition
To the CEDAW Committee Pre-session
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Introduction:

The Egyptian NGOs Coalition is presenting in this paper the critical issues to be raised in the pre-session scheduled for 10-14th of November 2008 to discuss the combined sixth and seventh CEDAW report presented by the Egyptian Government to CEDAW Committee. This paper is based on the present draft of the second shadow report prepared by the coalition, the comments of the coalition on the combined 6th & 7th national report prepared and sent to some NGOs by NCW (The National Council for Women), and the concluding remarks of the CEDAW Committee on combined 4th & 5th reports of the Egyptian Government in January 2001.

The Egyptian NGOs CEDAW coalition considers the stated below three critical issues to be faced and intervened radically as they have a very negative impact on the political, economic, social and cultural status of women in Egypt:

- 1. The very low representation of women in all decision-making positions, especially parliaments and other representing Assemblies.**
- 2. Discrimination against women in the personal status code (Family Law).**
- 3. Gender-based violence in the private and public spheres.**

Those three issues are interlinking and influencing each others in a way that deprives women from enjoying their rights.

First critical issue:

The very low representation of women in all decision-making positions, especially parliaments and other representing Assemblies:

a. Women and representing Assemblies:

In spite of the various programs aimed at building capacities of women to enhance their political participation, and the progress shown in the increased numbers of women candidates at different levels of representing assemblies, this has not been reflected on the percentage of representation of women, but on the contrary the percentage has declined from 2.4% in 2000 Peoples Assembly elections to less than 2% in 2005, in the Shoura Council only one woman has won in the elections, other women were nominated and appointed. No progress was observed on political parties' and Trade Unions lists of candidates. Professional Syndicates has no women representation in their boards of directors.

Rural women stayed away from representation in local councils of most villages in spite of the general increase of women representation from 1.6% in 2002 to 4% in 2008.

Women were used by all political parties and groups to support men candidates.

Moslem brothers have announced that Moslem women sisters have played a radical role in "Get out the Votes" for Moslem Brothers candidates.

Most women engaged in the NCW programs for activating women political participation (Cadre School), were not selected for the local councils elections 2008 by any political party especially the NDP (The National Democratic Party) which is the ruling party with the highest seats number.

In this context, the coalition is recommending a holistic approach to this critical issue and an action plan with specific indicators to assess the progress, this should include:

- ◆ Political participation law reform to guarantee tangible citizens' participation and fair women representation.
- ◆ Using the Quota system as a temporary measure to support women representation in different decision making positions.
- ◆ Determining at least 25% women on political parties', Trade Unions, and Professional Syndicates' lists of candidates.
- ◆ Promoting Civil Society role in elections watch.
- ◆ Elections to be supervised by independent bodies.
- ◆ Support women candidates in different elections.

b. Women in decision-making positions:

During the past years the Egyptian government has appointed a number of women judges, but this is still the exception rather than the rule, therefore, the coalition considers the following interventions:

- The need to provide equal opportunities for women to join the judicial service from its inception as men colleagues graduated from the same colleges.
- Maintain and promote positive discrimination measures taken by the State to increase the number of women in the judiciary.
- Access to training and capacity building of the judges appointed in the framework of temporary positive measures policy.

Second critical issue:

Discrimination against women in the personal status code:

Due to many gaps in the personal status code, there is an urgent need to immediate and holistic revision of that law and make a reform that is necessary to solve present problems caused by the present law to women and families.

In this context there are many efforts by NCW, NCCM, and NGOs to propose legal reforms on the personal status code, from which was the Family Court Law. In spite of all the mentioned efforts, the problems women face everyday still need more serious interventions, in this regard the coalition considers the following:

I: A unified and comprehensive personal status code:

1: Guiding Principles to the new law:

- Equality and non discrimination.
- Justice and equity.
- Mutual respect.
- Shared responsibility.
- Child best interest is in highest position.
- Protect rights of all marital relations members.

2: Foundations of the new law:

- Creating a unified and comprehensive law (substantive and procedural) to facilitate the sentencing by Judges.
- The realization of citizenship according to the Egyptian constitution (in accordance with Article 40 of the Egyptian Constitution), and internationally agreed human rights and in particular the CEDAW.
- Activate the concept of the human rights to social security and non-discrimination, and eliminate women suffering to win their rights.
- Procedural rules in the proposed law have to ensure critical activation and reduce the gaps between legislation and reality.
- Balance between rights and duties within the family.
- The adoption of a uniform law for the three Christian denominations.

II: Simplify litigation, including streamlining procedures for women to obtain their rights without sufferings.

III: The pace of execution of the provisions of the Family Court

IV: Development of procedural law to ensure financial rights of women

Third Critical Issue:

Gender-based violence within the family and in the public spheres:

A progress have witnessed during recent past years in addressing the issue of violence against women both at the level of raising community awareness of the size and the spread of the phenomenon, or at the level of programs and services and finally protection laws, in particular (circumcision)

This progress was manifested by:

- The establishment of Ombudsman office, with branches in some governorates to receive women complaints. Most of the received complaints are about gender -based violence.
- Establishment of many of shelters (State –and non-governmental organizations)
- Extensive efforts to address the issue of female genital mutilation (State and non-governmental organizations) and the criminalization of FGM (the new Children's Code)
- Raising the age of marriage (new Children's Code)
- Efforts of the NGOs Coalitions to work on a draft law to criminalize domestic violence.

However, in spite of the mentioned progress, women of different ages are increasingly exposed to all kinds of violence. The sexual harassment is becoming phenomenal in Egypt, and the incidents of collective sexual harassment are recurrent, the most famous was the women reporters who were supporting Judges Movement, when harassed and their cloths were torn, and the downtown feast incident of collective harassment where women ran to hide inside shops and stores.

Case study:

Hoda was a girl in her twenties, lived in El-Gharbia governorate, she was looking for a job, when abused by a young man who took her to a place claiming she could fill an application for a job there, when arrived discovered the fake story. He started harassing her, she refused, he continued and started trying to rape her, she fought and told him she had a heart disease, but he continued and raped her. Hoda died because her heart was too weak to bear the efforts of fighting the rapist. The rapist was sentenced 3 years in jail!!!!!! Women NGOs had led a campaign to reconsider the verdict.

The penal code, article 17, gives the judge the right to minimize verdicts with no limitations.

The increase in domestic violence which was observed through the increase of women and girls attendees to shelters and rehabilitation centers, also the complaints to the Ombudsman office

In this regard the coalition considers the following interventions:

- Criminalization of sexual harassment, either in work place or educational institutions or the street
- Criminalization of domestic violence, which is still considered a private matter that is not recognized in the law.

- Criminalization of institutional violence against women, and to be considered as a crime with no statute of limitations.
- Enforce and strengthen penalties for violence against women during the different stages of electoral processes.
- Expansion in providing various services for women victims of violence by the State, and non-governmental organizations through the provision of the necessary budgets. The services should include (shelters, psychological rehabilitation services, treatment services (including the testing of sexually transmitted diseases, and emergency contraception, pregnancy tests), and training of the personnel who deliver services in those outlets.
- Allow legal abortion in cases of rape and incest.

General considerations:

- Lifting reservations and adopting the optional protocol: since 2001 NCW has not raised this issue for discussion and decision making either to Shoura Council or Peoples Assembly.
- In spite of the Nationality law reform, and the promises to withdraw reservation on article 9, the coalition has not been officially informed by practical steps in this regard.
- Promises by NCW regarding criminal law reform, have not been translated yet to actions.
- HIV/AIDS: no tangible progress was made in data base, public awareness, or training of medical service providers (Case study: pregnant woman known as infected with HIV/Aids, was in labor in one of the public hospitals, where she was confined, no doctor wanted to assist her to deliver her baby, until one of nurses did out of pity)
- Education: high illiteracy rate among women and lack of coverage of some remote areas and villages, the problem of return to illiteracy. There are many problems that impede the participation NGOs in women's literacy; also the absence of the link between women's literacy programs and the empowerment of women is the main reason behind return to illiteracy.
- Labor: so many inequalities in employment, no legal protection of women workers in the private, agricultural and the informal sectors who are excluded from the Labor Standard Law of 2003.
- Labor Code 12 for the year 2003 exposes women who give birth before 10 months of being fired of their jobs. Also women who are appointed with temporary contracts are exposed to be fired due to childbirth.
- Vast majority of deaths because of bird flue were poor women who raise chicken in their homes as an income generating project. State interventions were limited to Farm owners. Poor women were addressed by raising awareness campaigns without considering alternatives to support women and their families.

Helpful questions:

- What are the authorities of the ministries equal opportunities units in tackling discrimination against women?
- What are the mechanisms of dealing with women complaints to support their rights?
- What mechanism the government to require and monitor the private sector for equal pay for women and to ensure they would not be subjected to discrimination in employment?
- What measures were taken to enforce the Article 11 of the Constitution? Nurseries in the workplace.
- What measures for the exception of farm workers and domestic workers from legislative protection?
- Is there any database on women in the informal sector?
- What measures were taken to insure progress in solving the problem of girls drop out of schools, putting in consideration that the main reason behind this problem is "Poverty"

- What measures were taken to support elderly women?
- What measures were taken to protect women and girls with disabilities?
- What interventions were taken to minimize the risk of HIV/AIDS: i.e. database, treatment, social rehabilitation, public awareness, training of service providers.....?
- What interventions were taken to support women in microfinance loans who were affected by the Bird Flue?
- How to guarantee in the proposed health insurance system the coverage of poor women, and what interventions will be taken to provide medicines for them, in the context of SAPS.

Observations on National 6th & 7th periodic reports prepared by NCW:

A final draft of the combined 6th & 7th national reports prepared by NCW to be presented to the CEDAW Committee was sent to EACPE and some other organizations for their comments.

Observations on the draft report:

Observation No. 340, 341:

The report states:

"The share of women in leadership posts, and in the presidency of universities were increased"

Comment:

Women did not yet occupy the post of President of the University.

Article II:

The report states:

2-2 - efforts - second paragraph: amending the nationality law with respect to the nationality of children.

Comment:

Women married to Palestinians still unable to pass Egyptian nationality to their children. The new nationality law still contains discrimination with respect to the nationality of the husband, which reflects the consolidation of the concept of citizenship. As women are full citizens, they have the right as men to pass their nationality to children and husband.

Other comments:

6 / 3 - challenges:

An extra challenge: "To allow proof of age without an official birth certificate (a certificate to say the indentation), which contributes to the spread of the phenomenon of girls trafficking under the cover of marriage."

Another extra challenge:

The prevalence of conservative fundamentalist culture is negatively influencing the people's awareness.

6 / 4 - a vision for the future:

Additional recommendation: "spreading awareness of the comprehensive concept of human trafficking, including forms that are carried out under the cover of a legitimate or legal interpretation."

7 / c / 3 – challenges:

An added challenge: "restrictions on NGOs under the law governing."

7 / c / 4 - a vision for the future:

Additional recommendation: "amend the law governing civil societies to facilitate and encourage volunteering."

10 / c / 3 / - challenges:

An added challenge: "not to address important issues about privacy and respect for the body and sex education appropriate to age and local culture."

10 / c / 4 - future efforts:

Additional recommendation: "simplify the concepts and raise awareness of the importance of physical or sexual education in schools, including girls keep harassment and serious diseases such as AIDS

15/1/2 - efforts:

For the first paragraph: proposed abolition of the term (absolute) and to explain in the paragraph that "the amendment of the nationality law to give Egyptian women married to non-Egyptian equal rights with men, except in respect of women married to Palestinians who are still not treated as equal, and also all women are not allowed to pass their nationality to their husbands."
"

15/1/3 - challenges:

An additional challenge:

"Still the Egyptian Penal Code and relevant laws discriminate between men and women in some articles on crimes of adultery and prostitution, and the discretion of the judges have a major impact on issues concerning women."

An additional challenge:

"The impact of prevailed conservative community culture on the law-enforcement, as it is negatively influencing the judges' responses"

