



Egypt

Gender Justice & The Law

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Egypt

Gender Justice

Assessment of laws affecting gender equality and protection against gender-based violence

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ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee	UN Committee on the Elimination of Discrimination against Women
ESCWA	Economic and Social Commission for West Asia
FGM/C	female genital mutilation / cutting
GBV	Gender-based violence
ILO	International Labour Organization
IOM	International Organization for Migration
NGO	Non-government organization
OECD	Organisation for Economic Co-operation and Development
SDGs	Sustainable Development Goals
UNDP	United Nations Development Programme
UNESCWA	United Nations Economic and Social Commission for West Asia
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees (UN Refugee Agency)
UNICEF	United Nations Children's Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
WHO	World Health Organization
Arabic terms	
fatwa	Ruling or pronouncement on a point of Islamic law
'idda	The period a woman must observe after the death of her spouse or after a divorce during which she may not remarry
khalwa	Social mingling of men and women who are unrelated
khul'a	Divorce process initiated by the wife requiring return of her mahr
mahr	Mandatory payment by the groom or his father to the bride which then becomes her property
talaq	Repudiation; divorce process whereby the husband repudiates his wife
'urf	Custom
wali	Guardian
wilaya	Guardianship
zina	Unlawful sex, including adultery and sex between two persons neither of whom are married

INTRODUCTION

Scope

UNDP, in partnership with UN Women, UNFPA, and ESCWA, has conducted a study on Gender Justice and the Law to provide a comprehensive assessment of laws and policies affecting gender equality and protection against gender-based violence in the Arab states region.

The study is composed of an introductory piece that describes the background, rationale, analytical framework and methodology, and a total of 18 country profiles. Each country profile maps the country's key legislative and policy developments regarding gender justice.

This country profile presents the findings of the study relating to Egypt. It provides an analysis of whether the country's laws and policies promote or impede equality between women and men before the law, and whether they provide protection against gender-based violence.

This country profile includes analysis of the following areas of the law:

- Constitutional guarantees of gender equality and constitutional protections against gender-based violence
- Status of penal codes and whether the country has domestic violence laws that address gender-based violence
- Status of personal status codes and how they impact gender equality
- Status of nationality laws and whether they ensure that women and men enjoy equal rights in relation to citizenship
- Status of labour laws and whether they provide protection from discrimination and gender-based violence in the workplace

Methodology and acknowledgements

The study was conducted in two phases:

1. A literature review was conducted between January 2016 and June 2017 of the various laws, regulations, policies, and law enforcement practices related to gender justice in each of the 18 countries, which then formed the basis of draft country profiles.
2. Realizing the limitations of desk-based literature reviews, country validation processes for each of the draft country profiles were led by UN Country Teams and national consultants. Country validation processes took place between September 2017 and August 2018 to ensure the accuracy of each country profile. These sought the views of government partners and other key national stakeholders.

Drafts of the Egypt country profile were revised by Ms. Nehad Abul Komsan, Chairwoman of the Egyptian Centre for Women's Rights. The generous assistance of the Legislative Committee of the National Council for Women, Dr. Heba Waffa of the UNDP Country Office, and Mrs. Blerta Aliko of the UN Women Country Office in finalizing this country profile is gratefully acknowledged.

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EGYPT



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

The colour-coded representation below provides a comparison of the laws identified in the country profile with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women and country recommendations under the country's respective Universal Periodic Reviews.

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Egypt ratified CEDAW in 1981 and maintains reservations to Article 2 (policy measures), Article 16 (equality in marriage and family life), and Article 29(2) (administration of the convention and arbitration of disputes). Egypt withdrew its reservation to Article 9(2) in 2004.

Constitution

The 2014 Constitution includes more than 20 articles addressing the rights of women so as to ensure equal opportunities and prevent discrimination, protection against all forms of violence, and to ensure women's empowerment and commitment to care at various stages of their lives.

NATIONALITY LAW

NATIONALITY

The Nationality Law of 1975 was amended in 2004 to grant Egyptian women married to foreign men the right to pass their nationality to their children. The Nationality Law still restricts Egyptian women from conferring their nationality to their foreign-born spouses.

CRIMINAL LAWS

Domestic violence

There is no law on domestic violence. Some domestic violence offences may be punishable under the Penal Code and Law No. 6 of 1998, but only if the battery exceeds the accepted limits of discipline decided by the judge and if the injuries are apparent when filing the complaint at the police station.

Abortion for rape survivors

Abortion is prohibited by Articles 260–264 of the Penal Code. A 1998 fatwa on abortion declared that women who have been raped should have access to an abortion in the first months of pregnancy.

Female Genital Mutilation / Cutting (FGM/C)

FGM/C has been criminalized since 2008. The Penal Code considers circumcision an aggravating factor in the crime of causing deliberate physical injury. In 2016, the Penal Code was amended to increase the penalties for FGM/C to a period of imprisonment of between five and seven years.

Marital rape

Marital rape is not criminalized. Marital rape is not considered a crime under the constitutional principle that there is no crime and no punishment except as authorized by a legal text.

Sexual harassment

Law No. 50 of 2014 amended the Penal Code (Articles 306 bis(a) and 306 bis(b)) to introduce penalties for sexual harassment, including imprisonment and

Human trafficking

Law No. 64 of 2010 on Combating Trafficking in Humans provides comprehensive measures to address human trafficking.

Rape (other than of a spouse)

Article 267 of the Penal Code Law No. 58 of 1937 criminalizes rape (sexual intercourse with a female without her consent). Articles 268 and 269 criminalize indecent assaults.

Honour crimes: Mitigation of penalty

Penal Code Article 237 provides that a man who surprises his wife committing adultery and who kills her and the person committing adultery with her benefits from a reduced penalty not to exceed three years prison. Articles 17 and 60 of the Penal Code also enable a judge to provide leniency for honour crimes.

Sex work and anti-prostitution laws

Prostitution is criminalized by the Law on Combating Prostitution, No. 10 of 1961.

Exoneration by marriage

Article 291 of the Penal Code was removed in 1999. Article 291 stipulated that there was no penalty for male rapists who married a female victim.

Adultery

Adultery is an offence under Articles 237, 273, 274–277 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The Child Law No. 126 of 2008 established the minimum age of marriage as 18.

Male guardianship over women

For Muslim marriages, judges are required to have regard to the Hanafi fiqh, under which the consent of the guardian is not a strict requirement if the woman is a rational adult, although the guardian may object to the marriage on limited grounds.

Marriage and divorce

Women do not enjoy equal rights in marriage and divorce. The Personal Status Law for Muslims provides that men have a right to divorce by repudiation without resorting to the court. Women have access to limited types of divorce that can only be obtained from a court.

Polygamy

Polygamy is permitted by the Personal Status Law for Muslims.

Guardianship of children

Fathers are guardians of children even if the mother has custody, with the exception of decisions about education, which are the responsibility of the parent with custody.

Custody of children

After divorce, women retain custody of children until the age of 15. This can be extended until they are 21 or until the child completes education or marries.

Inheritance

According to the Inheritance Law No. 77 of 1943, all citizens – including Christian denominations – are subject to Islamic inheritance law, under which women have a right to inheritance but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

The Labour Code Law No.12 of 2003 prohibits discrimination on the basis of sex in payment of wages.

Dismissal for pregnancy

The Labour Code prohibits employers from dismissing a woman because of her pregnancy.

Paid maternity leave

Women are entitled to 90 days of paid maternity leave in the private sector and 120 days of paid maternity leave in the public sector. The private sector entitlement is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Ministerial decrees restrict women from working in certain occupations, including construction and mining, some types of night work, and roles deemed morally inappropriate.

Domestic workers

The Labour Code excludes domestic workers.

OVERVIEW

Legal framework

International law

Egypt ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981 and maintains reservations to the following articles:

- ☒ Article 2 (policy measures), subject to the general reservation that Egypt is willing to comply with this Article provided that such compliance does not run counter to Islamic Sharia law,
- ☒ Article 16 (equality in marriage and family life), and
- ☒ Article 29(2) (administration of the convention and arbitration of disputes).

Egypt withdrew its reservation to Article 9(2) in 2004 after amending the Nationality Law to remove discrimination against women in passing nationality to their children.¹

Egypt signed the African Charter on Human and Peoples' Rights in 1980.² However, Egypt has not signed the protocol to the Charter relating to the rights of women (Maputo Protocol).

Egypt signed the African Charter on the Rights and Welfare of the Child of 1990, with a reservation to Article 21(2) on the minimum age of marriage. Withdrawal of this reservation was approved in 2015, after amendments were made to Egypt's Child Law.³

Domestic laws

The main laws of Egypt relevant to gender justice are:

- Penal Code No. 58 of 1937 and its amendments, most recently amended by Law No. 5 of 2018
- Inheritance Law No. 77 of 1943, amended by Law No. 219 of 2017.
- Civil Law No. 131 of 1948 with amendments
- Law on Criminal Procedures No. 150 of 1950 with amendments
- Law on Combatting Prostitution No. 10 of 1961
- Personal Status Code of 1985 and Law No. 1 of 2000 on litigation in matters of personal status
- Egyptian Child Law No. 12 of 1996 and its amendments, most recently amended by law No.126 of 2008
- Labour Code, Law No. 12 of 2003
- Law No. 154 of 2004 amending the Nationality Law No. 26 of 1975
- Law No. 10 of 2004 on the establishment of family courts
- Law No. 11 of 2004 on Family Insurance Fund
- Anti-trafficking Law, No. 64 of 2010
- Constitution of Egypt, 2014
- Law No. 45 of 2014 on the promulgation of the law on political participation
- Law No. 46 of 2014 on the promulgation of the law on the House of Representatives
- Civil Services Law No. 81 of 2016
- Law No. 82 of 2016 on Combating Illegal Migration and Smuggling of Migrants
- Law No. 30 of 2018 on Regulating the National Council for Women.

Constitution

Egypt's Constitution of 2014 addresses women's issues in a more comprehensive way than previously, and for the first time the Preamble uses gender-sensitive wording. The Preamble states that the Constitution ensures equality in rights and duties with no discrimination. The Constitution includes more than 20 Articles that address women directly, including ensuring equal opportunities for women, prevention of discrimination against them, protection against all forms of violence, and ensuring women's empowerment and care for women and girls at various stages of their lives.

¹ Law No. 26 of 1975, amended by Law No. 154 of 2004 on Egyptian Nationality.

² Presidential Decision No. 77 of 1984 issued on 27 February 1984 and published in the Official Gazette No. 17 on 23 April 1992.

³ Presidential Decision No. 75 of 2015.

The Preamble states: “We the citizens, women and men, the Egyptian people, sovereigns in a sovereign homeland, this is the manifestation of our volition, this is the Constitution of our revolution.”⁴

Key Constitutional articles related to women include:

- Article 6 grants the right to Egyptian women to transfer nationality to their children.
- Article 11 addresses rights of women and addresses combating violence against women. The state commits to achieving equality between women and men in all civil, political, economic, social, and cultural rights. The state commits to taking the necessary measures to ensure appropriate representation of women in the houses of Parliament, and grants women the right to hold public posts and high management posts in the state, and to appointment in judicial bodies and entities without discrimination. The state commits to the protection of women against all forms of violence and to enabling women to reconcile duties to her family with the demands of her work. The state ensures care and protection for motherhood and childhood, for women who are in charge of their family, elderly women, and women most in need.
- Article 180 allocates a quarter of the seats of local councils for women.
- Article 214 grants immunity to the National Council for Women and the right to review all legislations related to women before its issuance.
- Social, economic, and political rights for all citizens (men and women) include:
 - Article 17 ensures social security services.
 - Article 19 sets the age of compulsory education at the end of the secondary phase, which is an unprecedented move in confronting early marriage.
 - Article 53 addresses prohibited forms of discrimination (including on the basis of sex) and adds an executive mechanism to confront discrimination by establishing an independent commission for this purpose. The state shall take all necessary measures to eliminate all forms of discrimination, including on the basis of sex.
- Article 93 stipulates that the agreements, covenants, and international conventions of human rights that Egypt has ratified are to be considered to have the force of law.

Policy framework

National Strategy for the Empowerment of Egyptian Women 2030⁵

In March 2017, the President of the Republic declared 2017 the year of the Egyptian Woman for the first time, and his Excellency adopted the National Strategy for the Empowerment of Egyptian Women 2030, which was developed by the National Council for Women (NCW) in line with Egypt’s Vision 2030 and its Sustainable Development Strategy.

The Strategy has four components: Political Empowerment and Leadership; Social Empowerment; Economic Empowerment, and Protection. In the Protection component, the Strategy aims to eliminate the negative phenomena and harmful practices that threaten the life, safety, and dignity of women and prevent women’s effective participation in all fields, including all forms of violence against them, and to protect women from the environmental dangers that may adversely affect them physically, socially, or economically. The NCW also developed an Observatory for Egyptian Women to set indicators in order to follow-up on the implementation of the Strategy for the Egyptian Woman 2030. The observatory relies on the achievements supporting the empowerment of women in all fields.

The Strategy targets the status of women’s rights adopted by international covenants, the Constitution, and national laws to achieve women’s political empowerment in parliamentary representation, while preserving the gains achieved in this area; preventing discrimination against women in positions of executive and judicial institutions; achieving economic empowerment for women through equal opportunities in employment in the private sector and in assuming key positions in public bodies and private companies; achieving cultural empowerment of women by preventing all aspects of abuse facing Egyptian women and correcting the image of women in the media; achieving women’s social empowerment through the prevention of discriminatory practices in the public sphere; preventing harmful and unfair practices that women may face in the family; achieving women’s legal empowerment by supporting women to obtain their full legal rights without delay; and protecting women from various harms, including harassment, early and forced marriage, trafficking in persons, and female circumcision.

The Strategy seeks to respond to the needs of all Egyptian women, especially those living in rural Upper Egypt, the poor, heads of households, and the elderly and disabled. These are considered the most prioritized groups when preparing development plans for their full protection, to benefit from the human and material resources, and to achieve the principle of equal opportunities as written in Egypt’s Constitution of 2014.

4 Constitution of Egypt of 2014, <http://www.sis.gov.eg/Newvwr/Dustor-en001.pdf>.

5 National Strategy for the Empowerment of Egyptian Women 2030, <http://ncw.gov.eg/wp-content/uploads/2018/02/2017-04-23-strategy-2030.pdf>.

The National Strategy to Combat Violence against Women 2015–2020

The NCW developed a National Strategy to Combat Violence against Women, which is a five-year plan that relies on 24 protocols signed with each of the ministries (Justice, Interior, Education, Youth, and Religious Endowments), the Orthodox Church, and many specialized national councils and civil society organizations.⁶

The NCW has updated the strategy by integrating the Ministry of Transport and Housing and its role in protecting women. The Public Prosecution Office is also included, as it is responsible for criminal lawsuits and protection. A collective unit is being established to combat violence against women, which will include all the concerned bodies relevant to the draft law on violence against women that the NCW is developing.

The strategy has four themes:

- 1) **Prevention**, which deals with education, awareness-raising, and a review of laws;
- 2) **Protection**, which concerns raising awareness of the law, updating legislation, and encouraging women to report violations;
- 3) **Interventions** related to psychological services, health services, and the provision of a women's shelter;
- 4) **Prosecution and litigation**, including developing a preventive measures mechanism to protect women victims of violence, as well as developing a referral system.

Within the framework of the implementation of the Strategy, the NCW developed a draft law to combat all forms of violence against women.

In June 2018, the NCW submitted a draft of a new Family Law to the Council of Ministers, which provides a contemporary vision of the provisions and the substantive aspects of Law No. 25 of 1920 and Law No. 25 of 1929 and their amendments in addition to the above-mentioned laws. The NCW will also propose amendments to the procedural aspects of the personal status laws.⁷

Other national strategies

Egypt has prepared the National Strategy for Population 2015–2020, which aims to cope with the increasing rates of population growth by improving family planning and reproductive health services, increasing rates of use of reproductive methods, and special attention to family planning and reproductive health programmes in rural areas and various regions.

The National Council for Childhood and Motherhood has developed a National Strategy for Childhood and Motherhood (2017–2030) and an Action Plan (2017–2021). It is also developing a plan to combat violence against children, particularly addressing early marriage and female genital mutilation/cutting (FGM/C), and the Ministry of Interior has established a unit to combat violence against women.

A National Strategy to Combat FGM/C and a National Strategy to Combat Early Marriage have also been launched.

The Public Prosecution Office prepared an action plan and training courses to combat violence against women, which have been circulated to all members of the Public Prosecution. Approximately 1,000 public prosecutors have been trained in a number of workshops conducted in cooperation with the NCW.

The Ministry of Justice has established a Department of Combating Violence against Women to implement legislation relating to the protection of women and to provide training for judges to deal with such violence. A protocol of cooperation was adopted in collaboration with the National Council for Women, under which some 1,000 judges were trained.

The government has also developed a series of National Anti-Trafficking Action plans since 2011 to address human trafficking, sexual exploitation, forced prostitution, and other forms of human trafficking. The government and the National Council for Women have also promoted a number of projects in the labour field and supported the participation of women in decision-making, which has contributed to increasing the participation of women in Parliament by 15 per cent and has empowered women economically by supporting small enterprises and entrepreneurship to achieve equality and reduce violence.

⁶ Egyptian Initiative for Personal Rights, "A confused step in the right direction: Commentary on the National Strategy to Combat Violence against Women," 23 June 2015.

⁷ Law No. 1 of 2000 on the promulgation of a law regulating some of the status and procedures of litigation, and Law No. 10 of 2004 (on the establishment of family courts) and No. 11 of 2004 (establishing the family insurance system), among others.

Legal and support services⁸

NCW established an Ombudsperson's Office in 2001 to assist women with counselling, legal aid, and referrals, and to provide legal awareness on their rights as prescribed by law and the Constitution. It also operates a hotline to receive complaints on violence and to provide assistance in cases of gender-based discrimination, inheritance, and other issues. In addition, this Office cooperates with the Ministry of Social Solidarity to refer women to shelters.

The Ministry of Interior

In 2013, the Ministry of Interior established the Department of Combating Violence against Women⁹ to raise awareness, encourage women to report crimes of violence to the police, inform women of their rights, and refer women to support, including the NCW and the Office of the Public Prosecutor. The Ministry has increased the number of women police officers throughout Egypt. A protocol of cooperation between the NCW and the Ministry aims to modernize mechanisms of protection and to provide legal and security support to women.

Central Agency for Public Mobilization and Statistics (CAPMAS)

The Central Agency for Public Mobilization and Statistics provides data to officials and concerned authorities at the national level. In collaboration with the National Council for Women and the United Nations Population Fund (UNFPA), CAPMAS conducted an "economic cost gender-based violence" survey to show the financial losses the government bears as a result of violence against women so as to better enable the government to take the necessary measures to lessen the rates of violence. Egypt is considered the only Arab country that has conducted such a survey, demonstrating that the government incurs an annual loss of some 8 billion Egyptian pounds related to domestic violence.

The CAPMAS announced the findings of the National Cost Survey on Gender-based Violence (GBV) in 2016, which provides data to authorities at the national level.¹⁰ This was the first national survey measuring the prevalence of the various types of GBV inflicted on women and girls aged 18–64 years and its impact on their health, reproductive health, and general well-being. The survey also measured the associated economic costs on their families, society, and the state as a whole, and it is expected to guide policy makers and planners to formulate evidence-based strategies and action plans to combat GBV.

Ministry of Health

The Ministry of Health has issued a guide for health services on dealing with violence and it conducts the training of doctors in cooperation with UNFPA. To date, the Ministry has trained more than 1,000 doctors and provided toolkits on delivery of medical support to survivors of GBV. In cooperation with UNFPA, the Ministry trained health workers providing services to survivors of GBV in 440 hospitals across all governorates in Egypt, and a unit was prepared for the provision of health services to survivors of violence.

Ministry of Awqaf (Religious Endowments)

Five hundred female preachers were appointed on the national level to raise awareness on the status of women in Islam and on combatting violence.

Governorates

A number of governorates, including Cairo and Giza, have established Units for Women and Population. These units receive complaints from women who experience GBV, promote awareness of GBV issues, and maintain a database of services provided to women.¹¹

⁸ United States Agency for International Development, Violence against Women Study: Overview of Services on Violence against Women (April 2009), http://pdf.usaid.gov/pdf_docs/Pnadaq889.pdf.

⁹ Ministry of Interior Decree No. 2285 of 2013.

¹⁰ United Nations Population Fund, Economic costs survey: Gender-based violence Egypt 2015, <http://egypt.unfpa.org/en/publications/economic-cost-gender-based-violence-survey-egypt-2015>.

¹¹ National Council for Women, Workshops for following-up the Strategy (2017).

Al-Azhar Al-Sharif¹²

Al-Azhar Al-Sharif issued a document on women's rights in the Islamic faith. In 2017, the NCW cooperated with the Ministry of Awqaf (religious endowments) and the three Egyptian churches to train 657 female preachers, nuns, and church workers from Cairo, Minya, Aswan, Luxor, Assiut, and Sohag. The training promoted communications with women and raised their awareness through the dissemination of positive messages on social issues and respect for diversity.

Door-to-door campaigns

From 2015 to 2018 the NCW has conducted a series of door-to-door campaigns involving local community leaders from diverse religious, economic, and social backgrounds. The messages of these campaigns were multiple, including the cooperation of the state and all institutions in society in protecting women against all forms of violence, including harassment and sexual violence, early marriage, female genital mutilation, denial of inheritance, preventing education of girls, and lack of documentation of divorce. The door-to-door campaign reached an estimated 2 million women in all governorates between March 2017 and March 2018 – the Year of the Egyptian Woman.

Financial inclusion

A protocol of cooperation between the National Council for Women and the Central Bank was signed with the aim of increasing financial awareness and spreading the financial culture of women and female school and university students; raising savings rates and encouraging entrepreneurship; increasing financial coverage as a national standard in light of the 2030 Strategy for Women; improving financial services to women, especially through improved quality, official financial mechanisms, and appropriate rates and conditions; and the use of technology to document services and facilitate greater access of women to services.

The Village Savings and Loan Association aims to expand lending and savings to poorer and underserved villages through the use of savings from groups of community women and their use as simple revolving loans. The project works to build the capacity of these groups to enhance the loan process and establish networks with official financial institutions in cooperation with CARE. The project is currently implemented in the governorates of Beni Suef, Minya, and Assiut.

During the Year of the Egyptian Women the government issued a free life insurance policy (under the name "Aman") to some 50,000 women who are heads of households and among the most needy and vulnerable.

National identity cards were issued for women in villages and remote areas to enable them to receive financial loans or other types of financial assistance. Three million cards were issued under the program "Takaful and Karama" to support the most needy families and to ensure children's access to education.

The National Council for Women launched a media campaign to raise awareness on women's rights and reduce violence under the title "Ta'a Marbouta: Your Secret Power," which plays an important role in women's rights advocacy. Notably, the total rate of viewers for the campaign on social media outlets reached 73 million.

Forensic Medicine Department

Women's units have been established within the offices of the Forensic Medicine Department in Cairo and Giza, operating 24 hours per day 7 days per week, to preserve evidence in cases of GBV.

Universities

Units have been established to confront sexual harassment in 14 government universities and in a number of private universities. These units receive confidential complaints, monitor violations, raise awareness, and ensure a safe university environment for female students, female professors, and all employees. The NCW and UNFPA cooperate in supporting these units.

Ministry of Social Solidarity

The Ministry of Social Solidarity operates nine shelters and has further developed the shelters to provide protection, care, and social, health, and psychosocial services. Civil society organizations cooperate with national institutions in this regard.

¹² Center for Islamic Teaching.

Civil society

Some NGOs provide legal services alongside counselling, awareness, and economic empowerment programmes for women. For example, services are provided to women by the Centre for Egyptian Women's Legal Activities, the Association for the Development and Enhancement of Women in Egypt, the Egyptian Centre for Women's Rights, and the New Woman Foundation.

Related training programmes

Trainings for family female assistant prosecutors

In May 2017 and 2018, the NCW in cooperation with the Public Prosecution Office undertook a first of a kind training programme targeting 200 family female assistant prosecutors in Cairo and Giza. The programme sought to improve their competence in communication, in dealing with the problems facing them in the performance of their work, in personal status laws, and in women's protection from violence.

Training of Maazouns (officials authorized to perform marriage ceremonies)

The NCW held the first training programme for Maazouns in Cairo and Giza governorates with the aim of increasing their capacity and awareness in combating violence against women and substantive aspects of the personal status laws.

Anti-trafficking initiatives

In 2014, the government incorporated anti-trafficking training in curricula for newly appointed prosecutors, and provided anti-trafficking training for over 1,000 judicial and law enforcement officials. A national anti-trafficking hotline provides referrals to counselling and legal assistance.

Public Prosecution Office

The Public Prosecution Office has issued a new guide for prosecutors on combating human trafficking.

Judicial Studies Centre

The National Centre for Judicial Studies, in collaboration with the National Coordinating Committee for Combating Trafficking in Persons and Illegal Immigration as well as the International Organization for Migration, has held training courses for judges on combating human trafficking.¹³

PROTECTION FROM DOMESTIC VIOLENCE AND SEXUAL VIOLENCE

Draft Laws on the Protection of Women from Violence

The Legislative Committee of the NCW prepared a draft law to address all forms of violence against women. The Committee held hearings with representatives of relevant government bodies as well as civil society and non-governmental organizations to consult on the draft law. The Legislative Committee of the NCW received important amendments to the penal code and inheritance law, such as increasing the penalties for sexual harassment, FGM/C, and deprivation of inheritance.

Protections in the Penal Code

The Penal Code includes many articles that provide protection for women and for punishment in cases of abuse, abduction, rape, and assault that leads to abortion.

Rape: Article 267 criminalizes rape (sexual intercourse with a female without her consent). Penalties range from 25 years to life imprisonment or the death sentence. The legislator increased the penalty for rape in some of the following circumstances:

- 1) The victim has not reached the age of 18 years.
- 2) The perpetrator is one of the victim's guardians and is responsible for her upbringing or care, or has authority over her, or works as wage worker for the victim, or one of those previously mentioned.
- 3) The rape is perpetrated by two or more persons.

Indecent assault (*hatek 'ard*): Article 268 of the Penal Code criminalizes sexual assault and imposes prison terms of up to 15 years. Instances of rape using parts of the perpetrator's body (other than genitals) or other objects are treated as an indecent

assault.¹⁴ However, the Egyptian legislator stated a case in the same article that the penalty may be increased for indecent assault to [aggravated] imprisonment if the victim of the crime has not attained 18 years of age; if the felon is one of the victim's ancestors or someone in charge of rearing, observing, or having power over her; or is a paid servant to her or to the aforementioned persons. The penalty shall be life imprisonment if there are aggravating circumstances.¹⁵

Abduction: In 2018, Article 289 was amended to stipulate that the crime of abduction without coercion or fraud shall be punished by not less than ten years' imprisonment.¹⁶

The legislator also aggravated the penalties regarding abduction in Article 290 as follows: If the kidnapping was accompanied with fraud or coercion, the punishment is imprisonment for no less than ten years; and if the abduction was accompanied with a demand for ransom, the penalty shall not be less than 15 years and no more than 20 years; and if the kidnapped was a child and a female, the penalty is life imprisonment; and if the crime is accompanied by sexual intercourse or indecent assault, the penalty is punishment by death.

Article 278 prohibits public acts of indecency with a penalty of detention up to one year and a fine.

Article 279 prohibits immoral acts against women, whether carried out in public or private. The penalty is detention for up to one year and a fine.

Sexual harassment

In 2014, Law No. 50 of 2014 introduced some Penal Code amendments to include crimes of sexual harassment.

Article 306 (bis A) criminalizes the act of "accosting" of "others in a private or public or frequented place implying sexual or obscene gestures, whether by verbal or non-verbal means or through actions, in any manner including modern means of communication" with a prison term of not less than six months and/or a fine of between 3,000 and 5,000 Egyptian pounds.

Sexual harassment is defined under Article 306 (bis B) as any act under Article 306 (bis A) committed with the intention of "receiving sexual gratification from the victim." The law sets down heavier penalties of a minimum of one year's imprisonment and a fine of between 10,000 and 20,000 Egyptian pounds. A more severe penalty applies for an offender who is in a position of authority over the complainant and for offences involving multiple perpetrators or one of them carrying a weapon, for which the penalty shall be not less than two years with a fine.

Domestic violence

The Penal Code punishes many forms of domestic violence in different texts. Beating or psychological violence, including insulting and humiliating a person, are crimes under Articles 171, 242, and 308. These provisions apply strictly to those who commit such crimes. However, if they are committed at home or by relatives, in most cases the penalty is reduced to either a suspended sentence or a fine as a result of social considerations, using the discretionary power of the judge.

There is no provision in the Penal Code for marital rape. Therefore, marital rape is not considered a crime under the constitutional principle that there is no crime and no punishment except as authorized by a legal text. However, some opinions view that legislators should indicate a special punishment for this crime.

¹⁴ Egyptian Initiative for Personal Rights, Submission to Universal Periodic Review of Egypt, 20th Session (2014), <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1203&file=EnglishTranslation>.

¹⁵ Penal Code, Art. 268.

¹⁶ Law No. 5 of 2018 amending certain provisions of the Egyptian Penal Code.

HONOUR CRIMES

The Penal Code provides that a man who surprises his wife committing adultery and who kills his wife and the person with whom she is committing adultery immediately upon discovering them shall benefit from a reduced penalty compared to the penalty for other forms of murder.¹⁷ In such cases, the husband's crime is treated as a misdemeanour rather than a felony. The husband who kills his wife in such circumstances is sentenced to a maximum period of three years imprisonment instead of capital punishment or a prison sentence of up to 25 years for murder.¹⁸

Article 291 of the Penal Code was cancelled in 1999, which stipulated that there was no penalty for rapists who married their victims.

In accordance with sentencing principles, Article 17 of the Penal Code may be applied to provide clemency for any crime, subject to the discretion of the judge according to the circumstances of the accused and the crime. However, the law requires the judge to justify mitigation of a penalty.

ADULTERY AND SEX OUTSIDE OF MARRIAGE

Adultery cannot be prosecuted unless there is a complaint from the right holders. The right holder to file a report of this crime is the husband only in the case of adultery of the wife and the wife only in the case of the husband.

Adultery is criminalized.¹⁹ The law discriminates between women and men with regard to penalties and the location at which the crime is defined to occur. A wife proven guilty of adultery, inside or outside her marital home, shall be punishable by incarceration for a period of no more than two years.²⁰ A husband proven guilty of adultery, only if it is inside the marital home, shall be punishable by incarceration for a period of no more than six months.²¹

In addition to discrimination against women in the penalties for adultery, as noted above, the Penal Code also allows for a reduced penalty if the husband surprises his wife in the act of adultery. There is no text for alleviation or justification of punishment for the wife who kills her husband who commits adultery. Within the framework of the development of legislation, the NCW is making continuous efforts to address this discrimination.

Consensual sex between an adult man and adult woman neither of whom are married is not criminalized.

ABORTION FOR RAPE SURVIVORS

The Penal Code prohibits abortion, except to save the life of the woman. Under the general principles of the law on criminal procedures, an abortion may be performed to save the life of the pregnant woman on the grounds of necessity.

In 1998, Dar al Ifta'a issued a fatwa stating that an unmarried woman who has been raped should have access to an abortion in the first months of pregnancy. Al Azhar Al Sharif and a number of religious and legal scholars supported the fatwa. Based on this, the Ministry of Health published a rule on necessary preventive measures for pregnancies in cases of rape in trainings for doctors on dealing with cases of violence against women.

The Penal Code provisions are as follows:

Whoever wilfully causes the abortion of a pregnant woman by beating and other like types of injury shall be punished with temporary hard labour.²²

17 Penal Code, Art. 237.

18 Mohamed Zaid, "The Lenient Treatment of Honour Crimes in Egypt" (doctoral thesis, American University in Cairo, 2015), <http://dar.aucegypt.edu/bitstream/handle/10526/4550/Thesis%20Mohamed%20Zaid%20Fall%202015.doc?sequence=1>.

19 Penal Code, Arts. 237, 273, 274, 277.

20 Ibid., Art. 274 P.

21 Ibid., Art. 277 P.

22 Ibid., Art. 260.



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Whoever causes the miscarriage of a pregnant woman by giving her medicines or using methods leading to abortion, or by indicating them to her, whether with or without consent, shall be punished with detention.²³

A woman who accepts to use medicines although she knows about them, or who agrees to use the aforementioned methods, or enables another to use these methods for her, and as a result miscarriage occurs, shall be punished with aforementioned penalty.²⁴

If the person inducing the miscarriage is a doctor, surgeon, pharmacist, or midwife, he or she shall be subject to aggravated detention (imprisonment).²⁵

There shall be no penalty for attempted induced miscarriage.²⁶

23 Ibid., Art. 261.
24 Ibid., Art. 262.
25 Ibid., Art. 263.
26 Ibid., Art. 264.



FEMALE GENITAL MUTILATION/CUTTING (FGM/C)

FGM/C was prohibited in 1997 by a decision of the Minister of Health, but the practice was permitted until 2007 with a medical practitioner's approval. That year the Ministry of Health issued a Ministerial Decree banning all health professionals from performing FGM/C in governmental or non-governmental hospitals and clinics.²⁷

In 2008 the Penal Code was amended to provide for penalties criminalizing FGM/C. Article 242 bis of the Penal Code states the following:

Without prejudice to the provisions of Article 61 of the Penal Code and notwithstanding any more severe punishment in any other law, any person causing injury stipulating punishment as per Articles 241 and 242 of the Penal Code through female circumcision shall be punished by imprisonment for no less than three months and at no more than two years or a fine no less than one thousand pounds and at no more than five thousand pounds.

According to Law No. 78 of 2016, the legislature provided aggravated penalties under Article 242 bis of the Penal Code as follows:

1. The crime was converted from a misdemeanor to a felony.
2. The crime has become punishable by mere commencement (of the illegal procedure) even if it is not completed.
3. Reconciliation is not permissible.

In 2016, the penalty was increased to a period of imprisonment of between five and seven years. The Article also punishes persons who escort the victim to the perpetrator with a penalty of imprisonment for between one and three years. The amendment provides a penalty of up to 15 years' imprisonment if the act of FGM/C leads to the death of the victim or a permanent disability.

27 Ministerial Decree No. 271 of 2007.

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FAMILY MATTERS

There are different personal status laws for Muslims and Christians. Personal status laws for Christians only apply to Christian couples of the same denomination. Non-Muslim couples who belong to different denominations are subject to the personal status laws for Muslims.²⁸

The personal status laws of Muslims are regulated by Law No. 25 of 1920 and No. 29 of 1929, amended by Law No. 100 of 1985. The law establishes the rights of the husband and wife in the marriage accordance with Islamic Sharia. However, the majority of wives are not aware of these rights and demand them only after the divorce, for example, the right to financial maintenance (alimony) even if the wife is working.

Law No. 10 of 2004 established the Family Courts in order to relieve the burden of the family in general and women in particular by establishing the family file and the jurisdiction of a single court in all cases related to that family.

Law No. 11 of 2004 established the Family Insurance System Fund, under which the Nasser Social Bank pays family and child support expenses to divorced women and widows.

A woman's testimony is equivalent to a man's according to the law of civil evidence and the criminal proceedings law. However, in personal status law matters, judicial authorities refer to Sharia Principles, which state that the testimony of a woman equals half the testimony of a man. However, in practice, the judge receives evidence from only one woman in most cases.

28 Law No. 1 of 2000 on Matters of Personal Status, Art.3.

Marriage

The Child Law raised the minimum age of marriage from 16 to 18 years for females.²⁹ Despite this law, however, early marriage is reportedly common, especially in rural and poor areas.³⁰

In 2017, the NCW prepared a draft law on Combating Marriage of Minors. The purpose of this draft law is to criminalize the marriage of girls under 18 years, to increase the penalty for use of false papers to prove age, and to extend punishment to all those who were aware of the crime, including the parents, guardian, Maazoun, and witnesses.

The National Council for Childhood and Motherhood, through its unit to prevent trafficking in children, has launched a campaign to prevent the marriage of minors or so-called “seasonal” or “summer” marriages. It has also conducted comparative studies to monitor the problem of child marriage in the poorest villages. One of these studies monitored the causes, size, and nature of the problem in Asyut, and another monitored the reasons for the marriages of Egyptians to elderly foreigners in the provinces of Aswan, Luxor, Ghurduka, and Sharm El Sheikh. In addition, leaflets and informational materials were issued in cooperation with the International Organization for Migration to raise awareness of the dangers of child trafficking and to promote rehabilitation services.

Divorce

Divorce for Muslims

Under the Muslim personal status law, men have the unilateral right to divorce by repudiation (*talaq*) by telling their wives that they are divorced and registering the announcement at a religious notary office, as well as meeting their financial obligations.

If the wife wishes to divorce an abusive husband, she must request a divorce so that the divorce does not affect her financial rights relating to maintenance (*alimony*) and dowry.

A wife can apply for a fault-based divorce and retain all her financial rights if she can prove injury or harm.³¹ Physical or psychological abuse is considered grounds for divorce. However, judges have discretion in deciding the threshold of harm required to grant women a divorce, taking into account their social background. This can result in discrimination against women from disadvantaged backgrounds. Women and men have the right to include conditions in the marriage document, which allows women to set conditions on retaining their financial rights and not to be subject to divorce by repudiation.

Since 2000, women have also had the right to file for a no-fault *khula* divorce on the basis of incompatibility, without providing evidence of harm.³² The wife must agree to forfeit her rights to maintenance / alimony and her dowry, which is considered as compensation to the husband for the harm done to him. This does not present an obstacle to divorce for poor women because they usually do not provide evidence that they have received anything from the husband.

Urfi (customary) marriages are not recognized by law, are considered to be an attempt to evade the law, and are associated with trafficking in humans. Customary marriages are often harmful for women because they are not registered and the husband is not deemed financially responsible for wife or child support after separation, unless the wife can prove the marriage by judicial proceedings.

Divorce for Coptic Christians

Divorce for Coptic Christians is permitted only on the basis of adultery or conversion of one spouse to another denomination or religion.³³ Abuse is not grounds for divorce. If the couples are from a different Christian denomination, women benefit from the provisions of Islamic Sharia, and thus the wife has the right to file a *khula* lawsuit to get divorced.

Guardianship and custody of children

Fathers have guardianship rights over their children. After divorce, women retain physical custody of children until the age of 15. This can be extended until the child reaches the age of 21 or until the child completes education (or marries, in the case of girls). After the child reaches the age of 15, the child can choose to live with either the mother or father.

²⁹ Child Law No. 126 of 2008, Art. 2.

³⁰ Amnesty International, “Circles of hell:” Domestic, public and state violence against women in Egypt (20 January 2015).

³¹ Law No. 100 of 1985, Art. 6.

³² Law No. 1 of 2000 organizing Certain Conditions and Procedures of Litigation in Matters of Personal Status.

³³ Freedom House, Women’s Rights in the Middle East and North Africa: Egypt.

However, the legislator excluded from the guardianship provisions the matter of educational guardianship, and left the responsibility of education to the parent with custody.³⁴ In this context, the Minister of Education issued a decree in 2017³⁵ to establish the educational guardianship of the divorced mother without the need for a ruling or decision to do so.

In October 2017, the NCW submitted a draft law that was sent to the Cabinet to regulate guardianship provisions over finances.³⁶ This aims to address the problems facing women dealing with requests from their guardians related to the expenses of minors and the importance of improving family court procedures to provide access to justice.

INHERITANCE

According to the Inheritance Law,³⁷ women have a defined share of inheritance in the estate, which means that their share is calculated first, before the males who inherit by family relationship. The legal situation of a woman's share of inheritance varies according to her relationship to the deceased. If a father dies leaving daughters and sons, a daughter receives half the amount that a son receives. Sisters receive half the amount that brothers receive. The rationale for men's right to inherit a larger share than women is that men bear legal responsibility for providing housing and financial support to their wives and children. In some cases, women and men inherit equal amounts. For example, the mother and father of a deceased person receive an equal share.

In social practice and cultural heritage, women may be deprived of a share in the estate or are given money but are not granted other assets. The expropriation of female heirs is still practiced, particularly to deprive women of inherited agricultural land, which is often split up among male heirs by mutual consent.³⁸

The Constitution guarantees the right of inheritance to deal with this problem. Law No. 219 of 2017 was issued to include penalties for persons refraining from handing over inheritance to the heirs or who intentionally refrain from giving the property documents to the heir.

NATIONALITY

The Nationality Law of 1975 was amended in 2004 to grant Egyptian women married to non-Egyptian men the right to pass on their nationality to their children. Egypt's reservation to Article 9 of CEDAW was withdrawn when this amendment was introduced.

The 2014 Constitution states in Article 6 that "Citizenship is a right to anyone born to an Egyptian father or an Egyptian mother. Being legally recognized and obtaining official papers proving his personal data is a right guaranteed and organized by law. Requirements for acquiring citizenship are specified by law."

In accordance with the provisions of the Constitution, Egyptian women have a constitutional right equal to men to acquire their nationality. The law regulates the conditions for the acquisition, retention, or change of nationality. The nationality of a woman does not change automatically if she marries a foreigner or if her husband's nationality is changed; and unless she officially requests this, the nationality of her husband should not be imposed on her, and she should not become stateless.

The National Law No. 154 of 2004 provides for equality between men and women in the right to transfer their nationality to their children if either parent is married to a non-Egyptian. It provides a process by which the children of Egyptian women married to foreigners can obtain Egyptian nationality upon their request. However, the Nationality Law still restricts Egyptian women from conferring their nationality to their foreign-born spouses.

³⁴ Law No. 126 of 2008, Art. 54.

³⁵ Minister of Education, Decree No. 29 dated 12 November 2017.

³⁶ Proposal to amend some of the provisions of Decree Law No. 119 of 1952 regarding the provisions of the Guardianship on Money and Law No. 1 of 2000.

³⁷ Inheritance Law No. 77 of 1943.

³⁸ Freedom House, Women's Rights in the Middle East and North Africa: Egypt, p.15.



LABOUR LAWS

The labour laws are free of gender-based orientation, but women are treated primarily from the standpoint of their reproductive role, not as workers or employers. Despite the promulgation of the Civil Service Law regulating the government sector, the Constitution has yet to include sufficient guarantees to prevent discrimination against working women.

The law requires several committees to be established, such as the Human Resources Committee, but does not require women to participate in these committees. Further, the law stipulates that the evaluation of the performance of employees is to take place twice during the year rather than once, which may disadvantage women who have family obligations. This demonstrates the need to ensure that family responsibilities are not used as punitive measures to prevent women from working or from being promoted to higher positions.

The Labour Law No. 12 of 2003 regulates private labour relations but defines the beneficiaries of the law to exclude domestic workers and the like, and members of an employer's family who depend on them. In light of the expansion of small and medium enterprises, there is a need to reconsider these enterprises as they typically depend on family employment. The National Council for Women and the Ministry of Labour are currently preparing a bill to regulate domestic labour for Egyptians.

Entering employment

Ministerial decisions issued under the Labour Code of 2003 impose restrictions that prevent women from working in certain occupations, including in construction and mining,³⁹ certain types of night work in industrial establishments between 7:00 pm and 7:00 am,⁴⁰ and roles deemed morally inappropriate.⁴¹

The NCW is reviewing the decisions that impose restrictions on women's participation in certain occupations. Broad prohibitions on women working in many sectors are unjustified in the light of technological developments.

Remaining in employment

The Labour Code prohibits discrimination on the basis of sex in the payment of wages.⁴² However, sanctions for violations of the Labour Code are very weak, which encourages non-compliance.

Working mothers

Women are entitled to 90 days of paid maternity leave in the private sector and 120 days for workers in the public sector. It is unlawful to dismiss a woman because of her pregnancy.⁴³ Employers with 100 or more women in a workplace must provide childcare facilities.⁴⁴ A new Labour Law has been drafted that proposes to raise the maternity leave entitlement in the private sector so that it is the same as for civil servants under the Civil Service Law.

Workplace sexual harassment

Sexual harassment in the workplace is a violation of the Labour Code for which the perpetrator may be dismissed from work. The victim can also take action through reporting to the Public Prosecution Office, so the incident can be addressed under the Penal Code. Measures to prevent and respond to sexual harassment are lacking in most workplaces, and proving harassment can be extremely difficult. Women who report workplace sexual harassment may expose themselves to major problems, such as victimization for lodging a complaint, and they may lose their jobs if they cannot prove the incident. The draft law of the NCW on the protection of women from violence includes increasing the penalties for these crimes and expanding their scope.

39 Decree of Minister of Manpower and Immigration No. 155 of 2003, determining works for which women may not be employed.

40 Decree of Minister of Manpower and Immigration No. 183 of 2003, organising the employment of women at night work shifts. Restrictions on women do not apply to administrative, supervisory, or technical roles in industrial establishments.

41 Labour Code, Law No. 12 of 2003, Art. 90.

42 Ibid., Art. 35.

43 Ibid., Arts. 92, 120.

44 Ibid., Art. 96.

Domestic workers

The Labour Code, Law No. 12 of 2003, regulates private labour relations, but excludes domestic workers.⁴⁵ Currently, a draft law is being prepared in cooperation with the NCW and the Ministry of Labour to regulate domestic work for Egyptians.

The UN Committee on Elimination of Discrimination against Women has noted with concern the rising number of migrant women domestic workers in Egypt, the absence of legal protection for them, and the fact that they cannot easily file complaints and gain redress in cases of abuse. The Committee recommended that new legislation be adopted to provide for their protection; that migrant workers in domestic service should have access to mechanisms for bringing complaints against employers; and that all abuses, including ill-treatment, should be promptly investigated and punished.⁴⁶

The National Council for Women and the Ministry of Manpower are currently preparing a draft law to regulate domestic labour for Egyptians. The NCW and the Ministry of Manpower have also coordinated the issuance of several decisions regulating some professions related to domestic work in order to provide workers with documentation, to issue them licenses to prove their identity, and to provide opportunities for workers to insure themselves until a draft bill is issued.

SEX WORK AND ANTI-PROSTITUTION LAWS

Sex work is an offence under the Law on Combating Prostitution, which punishes the habitual practice of prostitution with up to three years in prison.⁴⁷ A person who habitually works or resides in premises used for prostitution faces imprisonment for a period not exceeding one year.⁴⁸

Sex workers are vulnerable to gender-based violence because of the stigma around sex work and its illegal status, which means that they may be reluctant to report an assault to police.

In 2011, the National Centre for Social and Criminological Research found that 40 per cent of women in jail charged with crimes of prostitution had been forced or coerced into prostitution. Trafficking of women and girls for the purpose of forced prostitution occurs, including of street children, refugees, and migrants.

HUMAN TRAFFICKING

Anti-trafficking laws

In 2007, the National Coordinating Committee for Combating Trafficking in Human Beings of the Cabinet prepared Law No. 64 of 2010 on Combating Trafficking in Human Beings. The law imposes penalties for trafficking in humans ranging from three to 15 years imprisonment, in addition to a fine. The law also provides protection and rehabilitation of victims and reintegration into society. A comprehensive national strategy has been developed to address the crime of human trafficking.

The Constitution of 2014 prohibits sex trafficking, forced labour, and child sexual exploitation.⁴⁹ The Child Law prohibits sex trafficking and forced labour of children.

In 2014, a national coordinating committee was formed to combat and prevent illegal migration, involving the various concerned ministries in the areas of legislation, awareness, field studies, and research surveys. The structure of the committee was strengthened in 2017 as it consists of 16 ministries in addition to representatives of national councils (human rights, women's rights, motherhood, and childhood). This was the result of amendments made under Law No. 82 of 2016 on Combating Illegal Immigration and Smuggling of Migrants, aimed at further strengthening national mechanisms.

The State is undertaking several efforts at the level of prevention and protection, training those involved, and establishing specialized medical units to provide health and psychological care to victims of human trafficking.

45 Ibid., Art. 4(b).

46 Concluding observations of the Committee on the Elimination of Discrimination against Women: Egypt (5 February 2010), CEDAW/C/EGY/CO/7.

47 Law on Combating Prostitution of 1951, Art. 9. In 1961, this law was re-enacted as Law No. 10 of 1961 (applying to both Egypt and Syria).

48 Ibid., Art. 13; see <http://www.refworld.org/country,,,LEGISLATION,EGY,,5492d8784,0.html>.

49 Constitution, Arts. 80, 89.

Short-term marriages to foreign tourists

Some villages have witnessed temporary marriages between foreign tourists and local girls under the so-called “tourist marriage” for the purpose of sexual exploitation or forced labour. These arrangements are usually facilitated by parents and marriage brokers. There are concerns that this system uses legal coverage to exploit girls from poor families.⁵⁰ Young girls are provided to wealthy foreigners through brokered arrangements. These ‘marriages’ are treated as customary or *urfi* marriages and last for a few weeks in return for financial compensation.

The NCW has submitted a bill to combat underage marriage that includes an amendment to make it a type of illegal human trafficking.

In accordance with the decision of the Minister of Justice No. 9200 for 2015, foreign men who want to marry Egyptian women and girls are required to submit certificates of investment at the National Bank of Egypt in the amount of 50,000 Egyptian pounds on behalf of the woman who is to be married, with the prohibition of marriage if the age difference between the couples exceeds 25 years. This is within the framework of an official marriage that meets legal requirements.

EGYPT: KEY RESOURCES

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50 US Department of State, Trafficking in Persons Report: Egypt (2017).

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