

EGYPT

CEDAW A/39/45 (1984)

181. The Committee considered the initial report of Egypt (CEDAW/C/5/Add.10) and Amend.1) at its 34th and 39th meetings, held on 30 March and 3 April 1984 (CEDAW/C/SR.34 and 39).

182. In her introduction, the representative of Egypt stated that there was no discrimination against women in her country, and remarked that there had been some discrepancies in the translation of the amendment to the report, which the Secretariat was urged to correct. She added that Egypt believed in equality between men and women, and considered that the discrimination against women was a violation of the principles of respect for human dignity and an obstacle to the full development of the potentialities of women in the service of their countries.

183. Islam, she stated, attached great importance to the protection of women and guaranteed their rights and responsibilities as daughters, sisters, mothers and wives. The Egyptian Constitution enshrined equality of citizens regardless of sex, race, or religion: article 11 assured proper co-ordination between the duties of women towards the family and their work in society, considering them equal with men in the fields of political, social, cultural and economic life without prejudice to the prescriptions of Islamic law (Shari'a). The right to equal pay for equal work was recognized as well through the Labour Law.

184. Women exercised their civil and political rights by becoming members of legislative councils and trade unions, professors in universities, ministers, judges, diplomats, not to mention other occupations.

185. The Government of Egypt had ratified the Convention while registering reservations on article 9, paragraph 2, concerning the granting to women of equal rights with men with respect to the nationality of their children; article 16, concerning the equality of women and men in all matters relating to marriage and family relations during marriage and at its dissolution "which shall be without prejudice to the rights guaranteed by Islamic Religious Law"; and article 29, paragraph 2, concerning the right of a State signatory of the Convention to declare its commitment to paragraph 1 of that article concerning submitting to arbitration any dispute among States regarding the interpretation or application of the Convention. She drew the attention of the Committee to amendment 1 of the report where more details were given in those respects.

186. Several progressive measures had been initiated by her Government with regard to guaranteeing the principle of equality in all spheres of life. As examples, she stated that 30 seats in the National Assembly were allocated to women, as well as at least one or two seats in local councils. In addition to that, women had the right to compete with men for the other seats. A National Commission for women and a General Department for Women's Affairs in the Ministry of Social Affairs were created and, among others, vocational training centres were opened up to young women.

187. The Egyptian woman enjoyed from birth exactly the same legal rights as a man; she kept her own patrimony and was free to administer her own finances and inheritances independently from her husband upon marriage.

188. Finally, there had been a marked increase in the number of women attending educational institutions and universities. At the present time, the proportion of female students was 40.7 per cent of the total number of students. Secondary schools' enrolment of women was also on the increase - 160,000 at the present, as against only 106,000 in 1973 -1974. It was to be noted that there were in Egypt at present 11 universities while there had been only 4 in the past.

189. The Committee thanked the representative for her introduction of the report. Several experts expressed their appreciation for the additional information submitted under amendment 1 and commended the efforts made by the government to comply with the Convention's articles. Since it was the first report which the Committee was examining from an Islamic country, clarification regarding secular and religious law in Egypt would be pertinent and educational. Some members were particularly gratified to note the number of changes that had been introduced by the Government and it was commended.

190. Referring to an earlier discussion in the Committee, one expert requested an opinion from the Office of Legal Affairs of the United Nations Secretariat with regard to reservations. The expert remarked that reservations incompatible with the object and purpose of the Convention were not permitted according to its article 28. Articles 2 and 16 laid down principles of equality, which were fundamental to the Convention. In the case of Egypt, for instance, the wording of its reservations gave no guidance as to what extent the applicability of the Convention was limited for Egypt. With regard to reservations, other experts referred to article 16 and the Government's comments in the report. Clarifications were requested regarding the sacred character of marital relations, the issue of complementarity and the obligations of Islamic law on that subject.

191. Several experts questioned the difference between Islamic religious law and its interpretation and secular law; as well as what areas of law each governed. For example, one expert cited the problem of polygamy and repudiation and asked in what way that was compatible with the articles which stipulated that practices based on the idea of inferiority or superiority of either sex should be eliminated and with article 16 of the Convention. It was also asked how the Convention had been incorporated into the judicial system of the country, how it was applied and what recourse women had in case of discrimination.

192. Other experts requested more information on how the Government of Egypt intended to reconcile the requirements of the Convention and Islamic law, while others asked for the specific texts of the Islamic law so that a better understanding might be gained. Another expert inquired how Islamic law affected non-Muslim women.

193. With regard to the concept of equality enshrined in article 2 of the Convention, a few experts asked if the concept was a formal legal concept and if there was any specific article in the Egyptian Constitution expressly forbidding discrimination against women. It was remarked that there seemed to be a basic assumption by some Governments that harmony was equated with equality. It was known that that assumption was held by male-dominated societies.

194. It was remarked that the establishment of targets or quotas for parliamentary and council seats was a good idea, and more information was requested on how that measure was implemented, whether the quota system pre-empted women from occupying or being elected to more seats than the allotment, what proportion of women to men were on the ballot lists, how many men and women were elected and what seats. As the quota system could be interpreted as tokenism it was necessary that equality between men and women be observed in practice and not in theory only. It was also pointed out that 30 out of 392 seats was still a very low figure.

195. In regard to the above, more statistical information was needed on what percentage of women were in the foreign service at ambassadorial levels, in ministerial and decision-making positions, in the judicial system other than in juvenile courts, as social service employees, and in the trade unions both as members and as directors of employees.

196. The subject of employment and restriction on certain kinds of occupations was noted. It was inquired why women were not allowed to work in bars or in casinos (gambling establishments) as long as those establishments were legally run and allowed by the State. There also seemed to be differences in employment practices regarding maternity leave between the public and private sectors as, for example, women workers in the government administration were granted up to two years' leave without pay while the private sector granted one year's leave without pay. It was asked what the consequences upon the women's return to work were in either case. Also, since there were restrictions on the frequency with which such leaves were granted, what would happen to women with more than three children.

197. It was mentioned in the report that the Government monitored the employment conditions of women in the private sector, yet a few experts requested information on how that monitoring system worked in relation to foreign private enterprises.

198. Also, in connection with employment patterns, it was pointed out that women lawyers had recently begun entering the Police Academy. In many countries the educational level for admission into the police force was a baccalaureat or high school diploma. More information was requested on that issue.

199. The traditional occupations of women received lower remuneration than men, and it had been the observed phenomenon that once many women entered a particular occupation the salaries were lowered. Experts inquired how such a problem was handled by the Government of Egypt under the law of equal pay for equal work.

200. The Committee noted several provisions made with regard to the pension system, and one expert asked what was the age of retirement and if pensions were collected by the widower as well as by the widow. It was also remarked that day-care centres had been established, but experts inquired whether they were co-educational and free of charge.

201. In general, it was agreed that in spite of lack of statistical information, there seemed to be a larger number of women entering the labour force, and according to the introductory statement of the representative, more women were attending educational institutions. It was asked whether girls were being encouraged to enter scientific and technical institutions to study engineering, physics and

natural sciences rather than the more segregated disciplines such as nursing, home economics, hotel management and social services, etc. It was also asked what was the literacy ratio level of males and females and whether there had been literacy campaigns; also, whether women in the rural and marginal areas benefited from the overall educational effort and what programme had been designed for them. Elitism would have to be avoided in education, it was remarked, since it should reach all classes and all levels of society.

202. Other experts displayed interest in the increase in women entering vocational training centres and statistical information was also requested on that matter. The Government's initiative to examine the curriculum and eliminate traces of stereotyping and prejudices as to the inferiority of women was commended. If education was not co-educational a few experts asked how the system worked and what plans were there for integration.

203. As to provisions regarding the family, several experts requested more information on divorce, family planning programmes, pre- and post-natal counselling, abortion and assistance to working mothers. In that regard, it was asked whether the Government understood the dual function or the double burden of women and whether it had provided measures to equalize the situation at home.

204. If the Ministry of Social Affairs was responsible for the family planning policy, experts inquired about the programmes and measures that had been taken. Also, more details were needed on divorce procedures, guardianship or custody of children and property. More explicit details as to nationality laws affecting children upon the marriage of mother or father were requested, as well as the nationality of the woman upon marriage.

205. The role and co-ordination of the Department for Women's Affairs, as well as the National Commission for Women, was an item that many members of the Committee questioned. It was also asked what budget and human resources those departments had to carry out their programmes.

206. Interest was also expressed in the campaign carried out by the National Commission for Women and it was asked whether that campaign was still being carried out.

207. With regard to women's organizations and clubs, experts asked whether there were formal and/or working relations with the National Commission for Women or the General Department for Women's Affairs. Out of the experience of those clubs and the two departmental bodies the Government must have learned what obstacles and barriers it had encountered and information was requested about them and the measures being taken to combat them. Finally, in that context, it was asked whether a National Women's Association existed in Egypt.

208. The report stated that 25 institutions had been created to care for girls exposed to moral dangers. It was inquired what were those moral dangers, who was to determine them and what functions did those institutions perform.

209. There was no reference in the report to the incidence of prostitution or rape, and questions were asked as to rehabilitation of victims and sanctions for those offences.

210. The representative of Egypt, in replying to some of the questions, stated that she was pleased

by the interest that had been aroused. Most of the questions would be answered at a later session, but she made certain observations.

211. She explained that the Shari'a preceded the Convention, and it embodied many precepts which protected women and guaranteed their equality with men.

212. She stressed that there was no difference between the law and the practice in the subjects dealt with in the report. In reply to one question, she said that the age of retirement was the same for men and women, namely 60. Furthermore, the Shari'a applied only to Muslims and not to people who practised other religions. Other general comments would be forwarded to the Government to be taken into account in the preparation of its next report.

213. In her replies at the 39th meeting of the committee, the representative of Egypt explained that the provisions of the Convention were in compliance with the Constitution and other legislation valid in her country and that any contravention of the Convention was treated like a contravention of Egyptian legislation and was equally punishable.

214. Referring to a question whether discrimination against women was forbidden in her country, she stated that under the Constitution all citizens were equal irrespective of their sex, origin, language, religion or belief.

215. With respect to the prescriptions of Islamic religious law (Shari'a) and its effects on a reservation made on article 16 of the Convention, she explained that Islamic law had given a prominent position to all women and liberated them from any form of discrimination.

216. Except for certain rights and responsibilities during marriage and at its dissolution, Islamic law had given to women all the necessary rights even before the ratification of the Convention. The equality between the sexes corresponded to the provisions of the Constitution as much as to the principles of Islamic law and that equality applied to all civil, political, economic, cultural and social rights and to rights connected with the financial independence of women. Article 16 of the Convention was fully compatible with Islamic law concerning the right to enter into marriage and the right to choose a spouse. With regard to rights and responsibilities during marriage and at its dissolution, a certain difference existed between the Convention and Islamic law.

217. Under Islamic law, the marriage was entered into by contract, and it was obligatory for the spouses to abide by its terms. The husband had the primary responsibility for all financial expenditures. That provision was even discriminatory against men, as women were allowed to spend their own money freely. Under Islamic law, a woman had the right to divorce her husband at any time if such a stipulation was made in the marriage contract. In addition, a woman could divorce her husband under certain conditions. Some of those conditions were that her husband had married a second wife, he was concealing a first marriage, he did not give his wife any money or that he was in a prison for a period of three years. With regard to the granting of the same rights and responsibilities during marriage and at its dissolution, Egypt had made a reservation on article 16 of the Convention. In that connection, some experts wondered whether it was even necessary for Egypt to make a reservation in respect of article 16, and they wanted to know what percentage of women inserted into the marriage contract the stipulation that they could possibly divorce their

husbands. Furthermore, it was asked what happened if the woman did not want to terminate the marriage and whether she had to accept another wife of her husband.

218. With regard to polygamy, the representative of Egypt explained that it was retained in Islamic law with definite restrictions because, at the time the message of Islam was first introduced, women did not work and outnumbered men because of war casualties. Such a solution was the only way to provide women with financial resources and to preserve their dignity.

219. With reference to the Personal Statute Law, she explained that the provisions of the Islamic law were applicable only to Muslims and that non-Muslims were governed by other laws and subject to other tribunals.

220. In accordance with the provisions of the Egyptian Personal Statute Law of 1979, in divorce, custody of a child up to the age of 10 for the son and 12 for the daughter was given to the mother. The Judge could prolong that custody up to the age of 15 for the son and for the daughter up until her marriage. The mother's right to custody did not affect the rights and responsibilities of the father and in all cases the interest of the children were paramount.

221. As to the question of who had the right to keep the home in case of divorce, she stated that it was the person who had the custody of the children, be it the mother or the father, provided that that person had no other abode. The paramount aim consisted in looking after the interests of the children.

222. Concerning the role of women in the legislative and political fields, it was explained that there were 31 constituencies in Egypt and that each constituency had to have at least one female member. Through free elections women could acquire more seats. The same was valid for the local councils. It was hoped that, following the next elections, the number of women would be doubled.

223. Although only 81 women occupied posts in the diplomatic service, compared with 1,000 men, that was not a matter of discrimination, but merely a lack of interest among women in such posts, which could be obtained through examination.

224. Women had the same rights as men to enrol in the faculties of engineering science, medicine, etc., and more and more women availed themselves of those rights.

225. As far as the police force was concerned, originally only men could enrol in the police academy where they studied law and police science for four years. Women had taken the initiative to apply for entrance to the police academy. In order to accommodate that desire, the authorities decided that those women had to have a university degree in law in order to be able to join the police academy, where they had to study police science for one more year to become police officers in the same way as men.

226. As regards the acquisition by a child of the father's nationality, it was explained that if an Egyptian mother married a foreign husband and thereby agreed to give the father's nationality to the child, the child nevertheless could opt for Egyptian nationality, subject to a decision by the Minister of the Interior.

227. It was further stated that, under article 9 of the Constitution, the family was the basic element in society. Under article 10, the State guaranteed the protection of children and mothers and under article 11 the State guaranteed that women combined the duties inside and outside the family in accordance with the provisions of Islamic Law. To a comment made by one expert that, as a consequence of the above facts, all the burden was placed on the women's shoulders, the representative replied that the responsibilities were shared between husband and wife. The State further guaranteed sanitary conditions, medical services, retirement benefits and guaranteed and supervised the different stages of education. With a view to eliminating illiteracy, the State guaranteed education at all levels free of charge. Reference was made to the extensive progress in schooling; since, in 1982, 40 per cent of all students were women and 33.8 per cent of post-graduate registrations were women.

228. Nurseries were provided by the State and by private enterprises and the retirement age was 60 years for both men and women.

229. In addition to her own pension, a widow was entitled to a part of her husband's pension after his death; a divorced woman with no financial resources was entitled to a part of her deceased father's pension.

230. In the public sector, women were entitled to two years' unpaid leave for looking after their children, against one year only in the private sector because they received other benefits. After that time, women could assume their former posts and enjoy the same rights and privileges.

231. The Department for Women's Affairs had been created a long time ago. She had, however, no information on its budgetary situation. The National Commission on women consisted of representatives of many ministries, the parliament, the mass media, research institutes, trade unions and other associations and bodies.

232. The lapidation of a woman did not exist in Egypt. Under the Penal Code, any man or woman who committed adultery was imprisoned for two years. As regards the question asked about repudiation, the representative replied that there was a misunderstanding and that, according to the Egyptian legislation, there were restrictions on the unilateral right to divorce.

233. Referring to another question, she said that the 246 women's clubs were State-owned. They were placed under the Ministry of Social Affairs to train women in productive skills, but there were also some clubs established by women themselves.

234. The institutions for the protection of girls in moral danger were public institutions.

235. She concluded by saying that any questions unanswered would be taken up in the next report, which would also furnish more statistical data.

CEDAW A/45/38 (1990)

386. The Committee considered the second periodic report of Egypt (CEDAW/C/13/Add.2 and Amend.1) at its 164th and 165th meetings on 31 January 1990 (CEDAW/C/SR.164 and 165).

387. Introducing the second periodic report, the representative of Egypt stated that the legal concept of equality had to be seen within the framework of the economic and political scenario. Political systems might succeed in enacting laws that ensured equality, but the development of a society was based on the de facto situation. In Egypt, Islam was based on equality. The educational system enshrined courses on religion, that also had a bearing on personal matters, such as marriage and divorce. As the country had been faced with numerous economic and social problems, women were not able to exercise their full rights. However, Egypt had put much emphasis on legal equality and recommended another Decade for Women to build on the achievements of the first Decade. He also adverted to the global tendency towards conservatism, in general, and admitted the existence of conservative groups also in Islamic countries.

388. In reply to specific questions presented in writing, he said that statistical data more recent than those mentioned in the two reports were about to be circulated to the members of the Committee. Referring to the question as to whether Egypt was considering withdrawing any of its reservations, he stated that it was a country's sovereign right to enter reservations to an international legal instrument. He said that his Government took the view that it was more advisable to adhere to an international treaty with reservations rather than not becoming a party to it at all. However, there was a discussion among intellectuals and officials to reconsider the position regarding some of the reservations.

389. Concerning the question under article 2 of the relation between State law and Islamic law, the representative said that there was only one law that applied to all citizens. Islamic law governed the personal status of Muslims, and non-Muslims were governed by their own religious laws in personal matters. The reservations entered by his country would not affect the application of article 2 as the Constitution guaranteed equality for all persons irrespective of sex or religion. He quoted certain provisions of the Penal Code, the Civil Code and regulations referring to freedom of establishing political parties without any discrimination based on sex or religion. He also quoted provisions of the law which prescribed sanctions, guaranteed recourse to the court and compensation in case of discrimination and said that women could avail themselves of those rights. He said further that in the same way as civil matters were dealt with for Muslims according to Sharia Law and for Christians according to Christian Law, civil and family law matters for Coptic citizens were dealt with according to the rules of the Coptic Church.

390. Turning to article 4, he said that its implementation was improving on a continuing basis.

391. Referring to programmes to change the stereotyped concepts with regard to women, under article 5, he said that the educational curricula did not differentiate between women and men, that co-education was practised at primary and university level and that the mass media, seminars and non-governmental organizations played a major role in that respect. The National Commission for Women and the Ministry of Social Affairs had disseminated information about recent legislation

affecting women.

392. Turning to article 6, he said that there were no laws that governed trafficking in women and the exploitation of the prostitution of women. However, under the Penal Code, kidnapping was punishable by a life sentence and kidnapping combined with rape incurred the death penalty.

393. Referring to questions raised under article 7, the representative said that there was no quota regulation for the number of seats to be held by women in Parliament. The removal of the allocation of seats in the past did not constitute a limitation on the rights of women. Regarding the ratio of women to men on ballot lists, he said that any citizen regardless of sex could be entered in such lists and it was up to each individual to exercise that right. After the 1987 elections, there were 16 women in the Lower House and 10 women in the Upper House of Parliament. Concerning questions on women's organizations, he said that currently there were six political parties with their corresponding women's organizations. The National Commission for Women was chaired by the Minister of Social Affairs and conducted field surveys on the rights of women and prepared relevant publications for the mass media. The mention of two women Ministers in the report was due to an inaccurate translation of the report; there was only one woman Minister who held two portfolios. He did not answer the question as to whether that constituted progress when compared with the initial periodic report.

394. Regarding the reservation entered under article 9, the representative stated that there was a discussion to reconsider that reservation.

395. Turning to article 10, he said that women had full rights to education and had made inroads into several non-traditional areas. The two reasons for the higher drop-out rate for women at each educational level were economic factors and early marriage. Although education was compulsory at primary level and free from the primary to the university level, illiteracy had still not been totally eliminated because of the high school drop-out rate. Currently, more women than men were outstanding personalities in the research fields.

396. Referring to questions, raised concerning article 11, the representative said that the unemployment rate for men was 8 per cent and for women 6 per cent, and that the apparent lower rate was to be explained by the lack of accurate statistics. Many men were emigrating to seek better employment opportunities abroad. Regarding measures taken to ensure that employers did employ more women in the whole range of occupations, he said that the authorities could not impose any such conditions but that the authorities encouraged employers to provide the same working conditions for the private, as well as public sectors. The compensation for part-time work with 50 per cent of regular pay had so far been only a recommendation by the Parliament, and was yet to be enacted into law. The ordinary age of retirement was 60. Women had the option to retire with full entitlements at the age of 50. He said further that the limit placed on maternity leave to only three times during a woman's working life was a move to encourage smaller families.

397. Turning to questions raised under article 12, he said that abortion was prohibited and punishable, but that contraception was made available free of charge. Some progress had been made with regard to the reduction of the mortality rate of infants and mothers since the initial report. In spite of the practice of family planning, the prevailing high birth rate was due to culture and

tradition. There was a lower rate of juvenile delinquency among girls than among boys and certain homes took care of the rehabilitation of their juvenile delinquents. Regarding the penalties for violence against women, he said that violence against women outside the home was punishable by life sentence or death, violence against women within the family was punishable like any other act of cruelty and was a ground for seeking divorce. The Koran emphasized fair treatment of wives by their husbands and women could seek divorce on grounds of maltreatment. He said that the Egyptian Bar Association had prepared a study that should instruct women about all their rights in marriage. Rape was a culpable offence.

398. Regarding questions raised about the practice of female circumcision, the representative said that the issue must be addressed by women's organizations. It was practised in the villages, but had no legal or religious connotation and was gradually dying out.

399. Turning to article 13 concerning women's rights to obtain bank loans, mortgages another forms of financial credit, he said that under Islam women had their full economic rights and responsibilities on an equal footing with men.

400. In answer to questions raised under article 14 as to whether women in the agricultural labour force had similar working conditions and protection as urban workers, he said that rural work was not regulated; however, farmers' clubs helped to enhance the education of rural women and some improvement was noticeable. The substantive changes within the preceding 10 years referred to in the report concerned the health sector, family planning, availability of television and modern household appliances and the electrification of all households. However, the standard of health services in rural areas was lower than in urban areas. As a consequence of men's migration, women became heads of the families with increased responsibilities, but on the other hand it had led to an increase in the rate of family conflicts. Women could own land and join agricultural co-operatives.

401. Referring to article 15, he said that women had the same right as men to institute legal proceedings, they could also be witnesses in court, but their testimony did not have the same weight as that of men, which amounted to discrimination. Women had the same access to legal aid as men, they could conclude contracts in their own name and they could sue and be sued.

402. Under article 16, in reply to several questions concerning marriage, the representative stated that the prerequisite for a marriage contract to be valid under Islam was that it was entered into with the free and full consent of the woman. The age for attaining majority for both women and men under statutory law was 21 years. However, the age of marriage for a girl was 16 years and for a boy 18 years. Marriages and divorces were registered by a civil registrar. Regarding trusteeship and guardianship, women had priority over men because according to Egyptian concept, women were more capable than men of taking care of children. Adoption, however, was forbidden under Egyptian law. In reply to the question of how many women inserted a clause into the marriage contract to retain the option of a divorce, the representative said that women were free under Egyptian and Islamic law to enter such a clause, but that it was not a widespread practice.

403. In their additional comments and questions, members of the Committee hoped for an early withdrawal of the reservations to articles 2 and 9. Since double nationality was allowed in Egypt, the issue of reservations on article 9 should be reconsidered in the light of this development.

Furthermore, they noted that they would urge that subsequent periodic reports adhere more closely to the Committee's general guidelines and take into account the comments made at the current session. They also noted the lack of progress on the part of the National Commission for Women, the lack of interest among women to use their rights and the paucity of party programmes for the advancement of women.

404. It was noted that Islam give women so many privileges, but due to misinterpretations women did not enjoy their rights. The Government should make every effort to give women the rights enshrine in the Koran. In answer to the suggestion touching on the relatively favourable condition of women under Islamic law in certain fields and the question whether some interpretations of Islam were correct and whether the world-wide conservative tendency applied to Egypt as well and, if it did, which age group, the representative said that the concept of Islam was the concept of equality and that in reality, however, there were some misinterpretations, which ought to be corrected.

405. The statement in the report that “the question of the validity of the provisions of the Convention or of referral to them before courts did not arise” was questioned. In reply to that query the representative said that the State having become a party to an international legal instrument, that legal instrument became an integral part of the national law. Therefore, the Convention could be directly invoked before courts of law.

406. Concern was expressed concerning the high school drop-out rate of girls, the high rate of illiteracy and why, if those issues related to economic reasons, it should affect only girls and not also boys, and also at the statement that a woman’s testimony did not have the same weight as that of a man. It was hoped that women’s participation in political life would increase. There was disagreement with the statement that the achievement of equality for women depended on the stage of economic development of a country.

407. More detailed statistics on the rate of unemployment were requested as well as information on the social security entitlements of domestic servants and women working in family enterprises. In reply to a question concerning the work of women in the mining, petroleum and construction industry, the representative said there was no discrimination against women in any type of occupation. However, women were entitled to protection in certain jobs that were considered harmful to their health.

408. As abortion was against the law, it was asked whether measures were envisaged to combat clandestine abortion. A certain discrepancy was noted between the limit placed on maternity leave and the ban on abortion. In reply, the representative emphasized the free access to contraceptives in family planning centres.

409. Concerning the questions as to whether there were different laws in the country and how the Constitution could harmonize the various religious groups, he repeated that the Constitution applied to all persons irrespective of sex and that there was only one statute; however, matters related to personal status were governed by different regulations according to the religion of the persons concerned. Islamic law was not imposed upon the adherents of other religions. With regard to the question what happened to orphaned children considering that adoption was forbidden by law, the representative said that instead of adoption, Islam had enshrined the custody system to take care of

children who were orphans, under which the child was given full financial support and protection, but not the family name of the custodians. In addition to that, there were orphanages. Concerning the rights of women after a divorce, the representative explained that women were entitled to alimony during the first year and were given custody of the children, for whom the father had to pay maintenance. The women were also entitled to keep the matrimonial home.

CEDAW A/56/38 (Part I) (2001)

312. The Committee considered the third report and the combined fourth and fifth periodic report of Egypt (CEDAW/C/EGY/3 and CEDAW/C/EGY/4-5) at its 492nd and 493rd meetings, on 19 January 2001 (see CEDAW/C/SR.492 and 493).

(a) Introduction by the State party

313. In introducing the reports, the representative of Egypt emphasized the improvement in favour of women in the legal, institutional and practical domains. In the legal domain many laws such as family laws, had been amended in favour of women. The National Council for Women had been created in February 2000 by Presidential decree as the first political institution focusing on the empowerment of women, monitoring of implementation of the Convention and laws and policies affecting women's lives. The Council reported directly to the President, and its 30 members have been selected from different disciplines and sectors, including the academic community and non-governmental organizations. The representative stressed the importance of collaboration between non-governmental organizations, and the Council, particularly with regard to the implementation of programmes aimed at the reduction of poverty resulting from privatization and structural adjustment programmes, particularly among female heads of households in both rural and urban poor areas.

314. The representative informed the Committee that, during the 2000 elections, the National Council for Women had supported the participation of women both as candidates and as voters. Women's awareness of the importance of political participation had consequently increased, and the number of female candidates had increased from 87 in 1995 to 120 in 2000, with 7 candidates being elected in 2000, compared with 5 in 1995.

315. The legislative committee of the National Council for Women had reviewed the current nationality law and recommended that it be amended to entitle Egyptian women married to foreigners the right to confer their nationality on their children. It had reviewed the draft labour law, recommending amendments to ensure that existing benefits, including maternity leave and leave to care for children, remained available for all working women, including those in the government, public and private sectors. In addition, the legislative committee was reviewing the draft law on passports, which had been formulated in response to the ruling of the Supreme Constitutional Court that a ministerial decree requiring the husband's consent to the issue of a wife's passport was unconstitutional. The legislative committee within the National Council for Women would initiate a campaign to raise awareness of the draft law, and had formed a committee to elaborate a new family code.

316. The representative informed the Committee of recent laws and regulations that sought to eliminate discrimination between women and men. These included Law No. 12 of 1996, passed in compliance with the Convention on the Rights of the Child⁷ to provide protective measures for mothers and children and to guarantee the rights of women as mothers and working women, and Law No. 1 of 2000, enacted after a 10-year period of consultation. Law No. 1, which entered into force

⁷ General Assembly resolution 44/25, annex.

on 1 March 2000, grants women the right to “khul” or unilateral divorce by repudiation without the need to prove damage. Executive decrees issued as a result of Law No. 1 of 2000 included a new marriage contract, which came into effect on 16 August 2000, elaborating protective provisions relating to finances and polygamy. In addition, article 291 of the Penal Code, which provided a defence in cases of kidnap and rape where the defendant marries the victim, was repealed.

317. The representative noted that, despite the progress that had been made in implementing the Convention, there were a number of areas that required attention. They included discrimination against women with regard to the nationality of their children, the low number of women in many areas of decision-making, including the Parliament, the absence of women in the judiciary and the high levels of illiteracy among women and girls and violence against women. In order to overcome these obstacles human rights education was important. The National Council for Women was pursuing an awareness campaign with the aid of the concerned authority. Human rights education had been included in law courses taught at the Police Academy. She referred to the ongoing awareness campaign and training courses on human rights for law enforcement and legal personnel.

318. The representative said that the Government intended to enhance efforts towards the achievement of equality between women and men and the elimination of discrimination against women. She noted that cultural constraints and traditions sometimes impeded change and obstructed implementation of the law. In this context, she said that the Government, through the National Council for Women and in collaboration with the Egyptian Intelligentsia, both men and women would seek to use indigenous formulations, which were deeply rooted in Egyptian and Islamic culture and which asserted the equality between women and men. With the aid of all concerned, government and non-governmental organizations, the National Council for Women would participate in raising awareness campaigns and to ensure proper interpretations, to clarify misinterpretations of religious concepts and to demonstrate that the principles of sharia provide for the full equality of women with men, and respect for women’s human dignity.

319. In conclusion, the representative informed the Committee that efforts were under way to address the reservations entered by the Government of Egypt on ratification of the Convention. It had recommended the withdrawal of the reservation to article 2 of the Convention and as far as article 9, paragraph 2, and article 16 were concerned, they were actively under review.

(b) Concluding comments of the Committee

Introduction

320. The Committee commends the Government of Egypt on its third and combined fourth and fifth periodic reports, which are in accordance with the Committee’s guidelines for the preparation of periodic reports. It also commends the Government for the comprehensive written replies to the questions of the Committee’s pre-session working group, and the oral presentation of the delegation, who sought to clarify the current situation of women in Egypt and provided additional information on the implementation of the Convention.

321. The Committee congratulates the Government for the high-level and large delegation, headed by the Secretary-General of the National Council for Women. The Committee appreciates the open dialogue that took place between the delegation and the members of the Committee.

Positive aspects

322. The Committee welcomes the establishment of the National Council for Women, which was created by Presidential decree, reports directly to the President and is mandated to monitor laws and policies affecting women's lives, raise awareness and monitor the implementation of the Convention. The Committee considers that the establishment of the Council reflects strong political will and the Government's commitment to enhancing the status of women in compliance with the Convention. The Committee commends the fact that non-governmental organizations are represented in the Council and that they participated in the preparation of the reports.

323. The Committee notes the introduction of legal reforms aimed at the elimination of discrimination against women, particularly Law No. 1 of 2000, which, inter alia, gives women a right to terminate a marriage unilaterally (khul).

324. The Committee takes note with appreciation of the important reduction of female illiteracy rates obtained by Egypt by implementing special programmes and specific budgetary allocations.

Factors and difficulties affecting the implementation of the Convention

325. The Committee notes that, although the Constitution guarantees equality of men and women and the Convention prevails over national legislation, the persistence of patriarchal attitudes and stereotypical behaviour with respect to the role of women and men in the family and society limit the full implementation of the Convention.

Principal areas of concern and recommendations

326. While appreciating the efforts of the National Council for Women to encourage the Government to withdraw its reservations to articles 2 and 9, paragraph 2, and article 16 of the Convention the Committee expresses its concern that these reservations entered by the State party on ratification have been retained.

327. The Committee urges the State party to expedite the steps necessary for the withdrawal of its reservations and in that regard draws its attention to the Committee's statement on reservations in the report on the nineteenth session⁸ and, in particular, its view that articles 2 and 16 are central to the object and purpose of the Convention and that, in accordance with article 28, paragraph 2, they should be withdrawn.

328. The Committee notes with concern that women who seek divorce by unilateral termination of their marriage contract under Law No. 1 of 2000 (khul) must in all cases forego their rights to

⁸ *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38 (A/53/38/Rev. 1), part two, chap. I.*

financial provision, including the dower.

329. The Committee recommends that the Government consider a revision of Law No. 1 of 2000, in order to eliminate this financial discrimination against women.

330. The Committee expresses its concern that the Egyptian nationality law prevents an Egyptian woman from passing on her nationality to her children if her husband is not Egyptian, while Egyptian men married to non-Egyptians may do so. It is concerned by the hardship faced by the children of Egyptian women married to non-Egyptian men, including financial hardship with regard to education. The Committee considers this limitation on the rights of women to be inconsistent with the Convention.

331. The Committee calls upon the State party to revise the legislation governing nationality in order to make it consistent with the provisions of the Convention.

332. The Committee notes with concern that the persistence of cultural stereotypes and patriarchal attitudes impedes progress in the implementation of the Convention and the full enjoyment of their human rights. In this regard, the Committee is concerned that article 11 of the Egyptian Constitution, which states that “the State shall enable a woman to reconcile her duties towards her family with her work in society and guarantee her equality with men in the sphere of political, social, cultural and economic life”, appears to entrench the woman’s primary role as mother and homemaker.

333. The Committee urges the Government to increase awareness-raising programmes, including those specifically directed to men, and to take measures to change stereotypical attitudes and perceptions about the roles and responsibilities of women and men.

334. The Committee expresses its concern at the continuing stereotypical portrayal of women in the media, which encourages discrimination and undermines equality between men and women.

335. The Committee urges the Government, including the National Council for Women, to support the important role of the media in changing stereotypical attitudes towards women and in promoting equality between men and women as prescribed by the Constitution and international standards. It recommends that opportunities be created for the portrayal of positive, non-traditional images of women and that the number of women in decision-making positions in the media be increased. It also recommends that the Government establish, within the Council, a monitoring body on the representation of women in the media.

336. The Committee expresses its concern that the Government has addressed HIV/AIDS only as a health issue.

337. The Committee urges the Government of Egypt to address the multi-dimensional and cross-cutting nature of HIV/AIDS, including its human rights, economic, social, development and security dimensions.

338. Taking note of the successful efforts by the Government to reduce the drop-out rate for girls

in primary education, the Committee notes with concern the remaining high level of illiteracy among women, and the rate at which girls and young women drop out of secondary school and university.

339. The Committee calls upon the Government to continue to strengthen its efforts to eradicate female illiteracy in particular in the rural areas. It urges the Government to continue its programmes to prevent drop-outs by girls in primary education, and to reduce the drop-out rate of girls and young women at secondary school and university, including through the use of incentives for parents, so as to provide young women with the necessary skills and knowledge to participate on the basis of equality with men in the labour market.

340. The Committee expresses its concern that stereotypical attitudes about the roles of women and men in the family and society are reflected in the low level of representation of women in decision-making at all levels and in all areas. The Committee expresses its concern in particular that, although there is no law that prohibits the appointment of women as judges, no woman has ever been appointed as a judge.

341. The Committee calls upon the Government to increase the number of women at all levels of decision-making, including in Government and Parliament. It urges the Government to implement temporary special measures, such as numerical goals and quotas connected to time frames, in accordance with article 4, paragraph 1, of the Convention, in order to increase the representation of women at decision-making levels in all areas.

342. The Committee expresses its concern at the lack of information on the participation and conditions of women in the labour market, including in the private and informal sectors, and that there is little information and data on the impact of the recent privatization measures taken by the Government.

343. The Committee calls upon the Government to provide more information on this area in its next periodic report.

344. The Committee expresses its concern that, although efforts have been made, there is no holistic approach to the prevention and elimination of violence against women, including domestic violence, marital rape, violence against women in detention centres and crimes committed in the name of honour or the punishment of perpetrators. The Committee is also concerned at the high level of violence against adolescent girls, and young married women.

345. The Committee urges the Government to conduct a national survey on the extent of violence against women, including rural women. It calls upon the Government to assess the impact of existing measures to address the various forms of violence against women. It recommends that the root causes of violence against women, especially domestic violence, be investigated so as to improve the effectiveness of legislation, policies and programmes aimed at combating such violence. It also recommends that the Government implement training and sensitization programmes for the judiciary, law enforcement officials and members of the legal and health professions, as well as awareness-raising measures to create zero tolerance in society with regard to violence against women.

346. The Committee expresses its concern that several provisions of the Penal Code discriminate against women. In particular, in case of murder following the crime of adultery, men and women are not treated equally. In addition, prostitutes are penalized, while their clients are not.

347. The Committee urges the Government to eliminate any discriminatory penal provisions, in accordance with the Constitution and the Convention.

348. While welcoming the Minister of Health's Decree of 1996 on female genital mutilation, the Committee expresses its concern at the lack of information on the implementation of this Decree.

349. The Committee requests the Government to provide full details on the implementation of this Decree in its next report, including on public awareness-raising campaigns run by all actors (ministries, the National Council for Women and non-governmental organizations) and on measures that have been taken to educate those whose livelihood depended on performing such procedures.

350. The Committee expresses its concern at the lack of information on rural women, especially in the informal sector.

351. The Committee calls upon the Government to provide in its next periodic report a comprehensive picture of the situation of rural women, in particular with regard to education, health and employment. The Committee recommends that the Government monitor existing programmes and develop additional policies and programmes aimed at the economic empowerment of rural women, ensuring their access to productive resources and capital as well as to health-care services and to social and cultural opportunities.

352. The Committee expresses its concern about the high number of early marriages of girls, especially in rural areas.

353. The Committee recommends that the Government amend the law on the legal age of marriage to prevent early marriage, in line with its obligations as a State party to the Convention.

354. The Committee expresses its concern regarding the continued legal authorization of polygamy.

355. The Committee urges the Government to take measures to prevent the practice of polygamy in accordance with the provisions of the Convention and the Committee's general recommendation 21.⁹

356. The Committee urges the Government to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time.

⁹ *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38 (A/49/38), chap. I, sect. A.*

357. The Committee requests the Government to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.

358. The Committee requests the wide dissemination in Egypt of the present concluding comments in order to make the people of Egypt, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".