

# Group Of NGOs Working In The Field Of Women's and Child Rights

Center For Egyptian women's Legal Assistance Foundation



Egyptian Foundation for Advancement of the Childhood Conditions



Forum of Dialogue and Partnership for Development



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Association for Education Support and Development



ARAB Office For Law



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## General context:

Egypt has been a republic since the revolution in July 1952, the republican system in Egypt is a mixed system between the republican and parliamentary system whereas the president holds number of assembly's authorities and denies the parliament some other authorities given to it by the parliamentary system..

Since the July revolution in 1952 until 1971 some temporary constitutions have been released then came the permanent constitution in 1971, some of it's articles were modified in 1980, 2005, 2007 , it should be pointed that the last modification gave the police men the right to arrest and hold citizens without a warrant in certain crimes Mohamed Hosni Mubarak - the current president- became the president late in 1981 after the assassination of the late president Mohamed Anwar al Sadat, ever since Egypt has been governed by the emergency law which Prevent gathering , Demonstration and other means of peaceful expression , also allow police to arrest citizens without a warrant

Although Egypt ratified the global conventions of human rights there still gab between these conventions and some articles in the Egyptian law on one hand, on the other hand even the Texts that Consist with conventions are not respected by the government some times.

We should note that this report will address some aspects of human rights condition in Egypt as the participant organizations determined these aspects according to the areas of their work.

## The status of Women:

The situation of women in Egypt did not witness a remarkable change in the past few years, the reason of this is the insistence of the Egyptian authorities not to provide the legislative or political climate that an be conducive to the prosperity of that situation; There is a number of laws that acts as obstacles in the existence of an appropriate environment for the case of real equality, including lack of revision of Law No. 1 of 2000 on facilitating litigation procedures in matters of personal status, as it imposes restrictions on women's right to use her right of (Khul) divorce, where any women seeking divorce through the end of the marriage contract individually has to give up her right to receive Alimony, including the dowry

It is noteworthy that the CEDAW Committee recommended that the Egyptian government should consider the revision of Law No. 1 of 2000, in order to eliminate this financial discrimination against women. And that has never happened.

Despite the enactment of Law No. 154 of 2004 for the adjustment to the nationality law to eliminate the discrimination against Egyptian women and achieving equality between the Egyptian father and mother's right to grant nationality to their children.

However, the children of Egyptian mothers married to Palestinians continue to suffer from difficulties in implementing the law and get the Egyptian nationality these difficulties. Can be described by full denying of equality given by the law.

Also the Penal code No. 58 of 1937 is full of discrimination against women. Especially the article of adultery, the penalty in the case of men than in the situation of women in the articles (274), (277), (237), (274) in terms of the punishment and mitigating excuses and, stop the proceedings of the lawsuit in order

In addition to the application of Law No. 10 of 1961 on combating prostitution which includes discrimination against women, article 9 (c) states to punish anyone who habitually practice of debauchery and prostitution, without apparent discrimination against women, but within the application the punishment of women who committed the crime is conducted without punishing her partner and consider him a witness.

It should be noted here that the Egyptian parliament has approved a law in 2009 which reserve a Bulk for women in legislative elections, which is a good step towards the elimination of discrimination against women in political participation.

#### As for the legislation of personal status of Christians

Legislation of Christians began in 1902, which is the date of the first legislation of the Evangelical Cult, it was followed by other legislation for branches of the Orthodox churches, Catholic churches and branches as well. The Islamic courts and denominational boards has been jurisdiction over matters of personal status until 1955, until the abolition of these boards.

The Law No. 462 of 1955 decided to refer these cases to national courts, and recommended that the issues that were the jurisdiction of the denominational courts remain under the laws that were applied by these boards prior to their cancellation. The collection of 1938 considered reference in the sentences.

#### Recommendations: -

1- Egypt lifts the reservation to articles 2, 16 of the CEDAW.

2- Necessity for a unified new law of family: contains rules governing the relationship of marriage in all its stages, including stage of engagement, this law should contain all the provisions related to the relations between family members, also fits the circumstances of the time and interests of the community and takes into account the principles of equality and fairness for Egyptian women (Muslim and Christian).

3-.The need to develop controls to polygamy, through the requirement of the judge permission or putting an automatic right of the first wife to obtain a divorce for the damage in case of marriage with another, while retaining all her financial rights.

4- Review of the substantive provisions of the divorce due to the damage in general and psychological damage in particular, to facilitate access to it when conditions are

provided , in accordance with the provisions of Islamic law, which states that men should live with women kindly or let them go with no harm..

5- Finding an appropriate system between couples to divide their common wealth after separation, this system should be regulated by law, take into account and implemented by the state.

Violence against women in Egypt

Recent years have seen growing forms and images of violence against Egyptian women, but we can consider the last three years are the worst ever. even the Egyptian security services was accused of using sexual harassment or ease of use for some groups of thugs in the face of protesters opposed to the referendum on amending Article 76 of the Constitution, these thugs deliberately indecent assault of women in particular on public, beat them, tear their clothes and sexual harassment on 2 PM Wednesday afternoon the twenty-fifth of May 2005 in the presence of leaders security and police men, under guard and protection of security forces who surrounded the building of union of journalists and prevented demonstrators from escape and refused to rescue them. (The case is now before the African Court, after it was dismissed before national courts in Egypt)

Sexual harassment of women

the phenomenon of sexual harassment in Egypt is growing in a unbelievable way, the crime rates are statistically increasing and are recently starting to take the form of collective. It's enough to write on the search area on (Google or you tube) the word sexual harassment / Egypt. You will find information and statistics, but also video clips. The statistics made by one of the women's organizations in Egypt point that:

62%	men who were asked, admitted that they had harassed women once or more
69%	Harassment cases are on the street
42%	Harassment cases are located in the means of transportation.
20%	On beaches
6%	In the workplace

In August 2008 in the weekly referendum on (Arab Net) participant readers was divided on the reasons why women go through sexual harassment in public places. Voters were a total of 25072 people...

48.7% of them put the responsibility of girls exposed to harassment on them when wearing indecent clothing.
48.2% of the readers voting attributed the cause harassment to the lack of laws on sexual harassment

The spread of forms of violence against women in Egypt and the phenomenon of sexual harassment is due to that Egyptian law did not criminalize such crimes and or develop appropriate sanctions because the texts and materials in the law of punitive sanctions or criminal legislation are completely empty of text and reprovved are criminalized and punished.

### Recommendations:

1. There is an urgent need to enact legislation to punish sex offenders, men and women
2. Awareness-raising campaigns conducted by the state that target mainstreaming a culture of reporting on these crimes should eliminate them.
3. Adding a new article to the Penal Code No. 58 of 1937 about Thickening prison sentences against sexual harassment to other sex.
4. Launching legislation to exclude from the provisions each of Article 17 of the Penal Code, second and third paragraphs, Article 268 and Article 269 and Article 290 of the Penal Code, applying the same method done by the legislature in the Narcotics Control Act No. 162 of 1960 amended by Law No. 122 of 1989.

### Status of the Child Rights:

The present report addresses the most significant developments have taken place in the reality of the child during the past four years, guided by the concluding observations of the Committee of Child Rights (in the Twenty-sixth session in January 2001), before and after the issuance of amendments to the Egyptian Child law NO 126 for the year 2008, by addressing key issues to shed light on the situation of child rights in Egypt

The situation of childhood and protecting their rights in Egypt have been passing through an important transition phase for nearly six years, The first phase ended in June 2008 by the issuance of the Egyptian Child Law amendments, and the success of civil society organizations to include approximately 80% of proposals submitted by them, but the situation is still alarming, in light of fears of the issuance of an implementing regulation weakens the articles of the law, which came out to the light with participation of Egyptian civil society, and there are strong indications that emphasize this possibility , under the fact that government agencies refused any partnership and genuine democratic representation of civil society organizations to activate and apply the new law!! Whereas the protection committees were established by government decisions and the civil society did not attend to choose their representatives in these committees to ensure its independence from the government, applying the principle of community control, which was the basis and goal to make the modifications, as well as the failure of the government role in spreading the principles and concepts of modifications made to the people in Egypt, and also weaken the role of the protection committees which were formed in an informal way, and reduce its suitability on the social role only ... etc.

There are also indications that confirm the continuation of the Egyptian government to pursue policies to bury their heads in the sand and not to advertise the real indicators of violations, for example - this is found in the report of the Government's Committee for Rights Children that estimate the number of street children by nearly ten thousand children only!!!

### Child labor:

The cure for the problem of child labor in the framework of international conventions to protect children and local Laws, and the requirements of the problem of developing an effective policy for the treatment and understanding of the causes, nature and understanding the causes and factors leading to support the existence of the problem under the existing social reality. This is why the civil society and government are working on amending the Egyptian Child Law No. 12 of 1996 to come out the amended law No. 126 of 2008, to decide that there should not be child labor for children less than 15 years at all; and the necessity of providing the right to basic education for children until the age of 15 years by the State and the family, as the involvement of children in the labor market caused by multi-faceted deprivation a child may be deprived of proper care, free education that contribute in the development of his abilities, and often deprived of standard of living adequate for child integrated developed, and deprived of the protection, health care and other basic rights. These factors combine to drive the child to the labor market at an early age, so all efforts at international, regional and country level to combat child labor must consider and understand the phenomenon of child labor as an outcome for many symptoms and problems of social and economic roots, and it's caused by multi-faceted deprivation. child labor is still a matter of interest for the government institutions and civil society organizations, it became a source of concern and a major challenge for these institutions, regarding the social risks it causes, most notably denial of education, and deepen the family rupture, and the spread of drug abuse, but the deeper consequences are related to national dimension, the future of strategic planning, and the future of development and it's various projects.

Which appeared in the United Nations' convention in 1989 and ratified by Egypt on July 6, 1990, as Article 32 states on the right of children to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with education or be harmful to the child's health or physical, mental, spiritual, moral or social development. This reflects the interest of the international community to protect children, which is the first priority of any society.

As a beat for all international norms and conventions, we find that child labor in the Arab Republic of Egypt is concentrated in the informal sector. Demand for them to work in small workshops is increased. Employment in these workshops rang between 3-12 people, representing more than two thirds of the total number of factories, while not represented in the work product of more than 5%.

We find that the relative distribution of working children in the age group 6-14 years

engaged in agricultural activities by 64% and 14% professional and commercial 11% and 9%, services while in the industry does not exceed 3%. (5%) of working children are less than 10 years, and (20.5%) of working children ranging in age from 10 to 13 years, that almost a quarter of working children as young as 13 years, from 14 to 16 years ( 27.3%), and there are approximately half the number of children (49%) over the age of 16 years. The above figures reflect the extent of violation of all norms and international conventions for the age of child labor, which must not be less than 15 years.

Also the International Labor Organization established its objectives in the best interests of working children first and foremost: so it paid attention at the beginning to the importance of education and worked to connect the first criteria for minimum working age of Convention No. 138 of 1973 in line with the age of basic education, the age of the child entered the labor market should not be less than the age completion of compulsory schooling to 15 years. Which is not committed to by existing law in Egypt and the State doesn't pay sufficient attention to prevent or even to reduce it.

### Education:

Despite the efforts being made at government and community level that seek to secure the child's right to education, these efforts were not enough so far to ensure the right to education that all children have it, and according to a study conducted by the Central Agency for Public Mobilization and Statistics, about Basic Education in Egypt (2008) for the academic year 2006 2007): -

1. The total number of children out of basic education from (6- 18 years) about 2.2 million non-enrolled by 10.4% of the total population (6 -18 years).
2. The total number of students enrolled in first grade (6 years) about 1.4 million male and female students accounted for 83.6% of net absorption of the total population in the age of this grade.
3. The total number of drop-outs from basic education 884.8 thousand dropouts by 4.2% of the total population in the age bracket of (6 -18 years) according to preliminary data to the 2006 census.
4. The total number of drop-outs from Al-Azhar basic education about 35 thousand out of a total enrollment of around 1.4 million male and female students increased by 2.5% in primary and secondary schools.
5. The total numbers of secondary education teachers are 197.6 thousand teachers by 37.3% in 2006 / 2007; the share of the teacher is 15 students / teacher, it is expected to increase the number of teachers to 241.6 thousand teachers and teacher's share of students will be 14 students / teacher.
6. The total number of schools in basic education about 25.7 thousand schools of which 16.6 thousand schools by 64.4% at the primary level in 2006 / 2007, it is expected to increase to 20.2 thousand schools in 2016 / 2017, the total number of preparatory schools 9.1 thousand schools by 35.6%.

7. The total number of classes of the stage of basic education, including 282.3 thousand 207.2 thousand by 73.4% for the primary and the average density of the classroom 42.9 Student in primary education and in the year 2006 / 2007, is expected to increase the number of classroom to 252.9 thousand and an average density of Chapter 42 Student / class

8. The total number of classrooms in the preparatory stage 75.0 c by 26.6% for the preparatory phase, and the average density of class is 38.4 Student / classroom in the year 2006 / 2007.

### Recommendations: -

1. The Egyptian government has to allocate media space to raise community awareness of child rights in various sectors and disseminate the principles and concepts of the Convention of the Child Rights, as well as publication of reports and concluding observations of the Committee of the Child Rights in national newspapers and not the Official Gazette only so we can stand on the true magnitude of childhood abuses and to activate protective mechanisms needed, with need to develop a database of all child rights issues and make it available to all citizens.

2. The Egyptian government has to allow and enable civil society organizations to apply the provisions and amendments of the Child Law, through the development of explanatory text of Regulations for the Children's law. gives independence and provide protection to the members of civil society in protection committees, they have to be selected and elected by civil society organizations concerned, and not appointed by government officials, with emphasis on the right to protection committees to control of all institutions dealing with the child to monitor and stop all forms of violence, including its police stations and places of detention.

3. The Egyptian government should develop legislative amendments criminalizing violence against children and prevent the use of physical punishment against them, both within the family or all of the institutions dealing with the child directly, and obligate institutions to apply policies and procedures to protect the child within, and the prosecution of others not committed by the staff of law enforcement. also study the integration of psychosocial rehabilitation programs for all children at risk and battered, in all institutions dealing with the child.

4. Adjustment of Egyptian personal status law to ensure that children in the case of family, separation get all rights stipulated in international conventions and relevant international conventions, and ensure their protection from exploitation as a tool in these conflicts and subjected to forms of violence.

5. Amend the text of article 94 of the Children's law by deleting the clause restricting the application of rising the age of legal responsibility for the child to 12 years, and put a text prohibiting the use of handcuffs with the children until the age of 15 years at least.

6. The Egyptian government has to put amendments to the Labor Code to ensure the organization and the protection of the rights of all working children in the age of formal



employment (15 years), including working children in the rural sector, agriculture and domestic workers and to their families

Persons with disabilities:

12% of the Egyptian population is persons with disabilities, according to the World Health Organization reports, representing 9.6 million people with disabilities, and the total number of children with disabilities who receive services from the ministries of health, solidarity and culture, media and health insurance do not exceed 4% of the total persons with disabilities.

one of the statistics - which made by the World Health Organization - noted that the number of disabled children is around six million children, accounting for 30% of people with special needs, and 73% of the total motor- disability in Egypt, 14.5 and 12.5% optical audio, and 4% mental disability, Recent statistics issued by the Center for Information and Decision Support Center of the Council of Ministers that the number of mentally disabled people in Egypt is over two million people, about half of them are children, 45% of them younger than 18 years, at the same time notes that the number of them who receive organized service less than 1% most in poor areas, as demonstrated by a study which said: The mental disability living in the poor neighborhoods are more than high-as it's 7.1% up in Bulaq and Shubra and Bsatien, while not exceeding in Zamalek and Garden City, 3.3% of the population .

60% of disabled children in Egypt do not enjoy reading and writing, and those who have health insurance are 35 thousand only.

- There are more than 2 million children with mental disabilities of school age only 2% of them were enrolled in Intellectual education schools:

According to the figures of the Ministry of Education, which says that there are only 38,808 are receiving services in the education of 2 million children with disabilities at school age.
2% of people with disabilities who have completed the basic education are enrolled in higher education.
14 persons Only with audio disabilities enrolled in private universities.
The proportion of schools to the handicapped population is a specialist school per 44850 children
37%.With disabilities in basic education
2.8%.With disabilities in basic education
17%With disabilities in middle school education.

- Traditionally people with hearing disability does nor register in high schools or public universities without reference to any decision or law, in contravention of the provisions of the Convention and the Egyptian constitution both, it is worth mentioning that any of them who entered the private universities did this "illegally."

- The proportion of jobs allocated for people with disabilities in the Egyptian law, 5% article 5
- The law establishes a penalty for violation of this ratio with month of imprisonment or a fine of 100 pounds, or one of these punishments "Article 16"
- The Unified Labor Law, "12 for the year 2003," ruled out for people with a disability as defined in the first article of that group (each natural person who works for pay at an employer and under his direction or supervision). Which is contrary to Article of the Convention, and should amend this law after ratification of the Convention in line with the legislative process, take all measures and administrative measures to implement the provisions of the Convention?

Number recruited in the last 5 years in Egypt, 485 thousand, including 24114 with disabilities by less than 5%
According to statistics from 2001 it shows that was recording the number of 234,046 disabled people in the offices of the working force , 2343 worked in 27 governorates, about 10% of the total registered in the offices of the labor force.

The nature of the professions in which they work:

25,1% in agricultural labor	16% Employment in services
Clerical 8,8%	Legislative and High administrative occupations: 3,7%
People with disabilities in higher Careers a proportion of less 3,7%.	
In 2009, 1481 work place were caught in the private sector (out of 2000) violating the appointment of 5% among workers with disabilities.	

Administrative judiciary of the State Council Established legal principle that disability is not an argument to deprive the person from work to achieve the principle of 5%

## Recommendations

- Egypt lifts the reservation to article 12 of the legal personality of the disabled person
- Ratification of the Optional Protocol.
- Admission of individuals with hearing disabilities in universities.
- Make statistics of the number able to work with disabilities.
- Toughening the penalties for facilities that do not apply the 5% in the work, whether governmental or private.
- Prepare a detailed inventory of the number of individuals with disabilities "as defined by the Convention on the rights of individuals with disabilities" for disability.

**\* One Attach.**