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INTRODUCTION

Egypt consistently demonstrates every respect for the full and effective implementation of international human rights treaties and conventions in all international and domestic forums. It also respects the diverse nature of societies and the heritage, cultural characteristics and prevailing values stemming from their historical development. These should not, however, conflict with the values that the international community protects by means of these instruments, as was stressed in the report of the 1993 Vienna World Conference on Human Rights.

This unshakeable policy represents Egypt's national view and its strategy with regard to human rights and freedoms at the domestic, regional and international levels. This view has been expressed in the Egyptian reservations to some provisions of the instruments in question, which have the purpose of ensuring their implementation while at the same time preserving the national particularities of Egyptian society along with those of its historical and cultural customs, characteristics and creeds that do not conflict with or infringe upon the instruments but are decidedly within the scope of the protection they provide to rights and freedoms.

At the beginning of this century, the cultural, historical and ideological resources of the Egyptian people were an important factor in paving the way for Egyptian women to launch the movement for their advancement. Supported by a historical background of positive participation in building civilization in the Nile Valley, Egyptian women have played a vital part in the revival and development process. They are capable of genuine partnership in confronting all life's challenges and using society's resources in order to promote the advancement of women and realize their current and future ambitions. The women's movement has been continuously supported and encouraged by all governmental and non-governmental institutions and by all groups and classes of the Egyptian people.

PART ONE

GENERAL INFORMATION ON THE SITUATION OF WOMEN IN EGYPT

The following table shows the current situation with respect to a number of general indicators together with the figures as given in Egypt's second periodic report for purposes of comparison.

Item

non-discrimination on grounds of gender, origin, language, religion or ideology. In article 19, it established the obligation of the State to help women reconcile their duties to their families and their work.

Pursuant to this constitutional principle, in 1956 the law on the exercise of political rights stated that women had the right to vote and to stand for election to parliament and all local councils. In 1971, the present Egyptian Constitution made a commitment, awaited at that time by the people, to two international human rights instruments: the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights. Articles 11 and 40 are in direct response to the principles of those instruments, and articles 10 and 11 respectively introduced the State's obligation to protect the mother and child and to guarantee the equality of men and women in the political, social, cultural and economic spheres.

Legislation was introduced pursuant to the aforesaid constitutional principles that confirmed the precepts of equality and non-discrimination against women. (The relevant legislation will be discussed in detail in chapter II of this part). At the practical level, these principles have found expression in a number of governmental and non-governmental organizations and institutions that endeavour to encourage and support the genuine enjoyment by women of all their rights and to develop their effective participation in all spheres on an equal footing with men. (This will be discussed in detail in chapter IV of this part).

Egyptian women have made a number of significant gains as a result of State support in various areas of the women's movement. Similarly, the State's efforts to elaborate women-oriented development plans, particularly in education and the eradication of illiteracy, have, by controlling the population-growth rate, had an impact on the realization of one of the State's goals. As a result, Egypt has been awarded the United Nations Population Award.

Egyptian women's important and influential participation in the general workplace has culminated in appointments to two ministries in the current Cabinet and an increase in the number of women appointed to positions of authority in various sectors in the country, both governmental and non-governmental.

State efforts with regard to the eradication of female illiteracy have had notable success in reducing illiteracy to acceptable levels. (These rates are given in the table of general indicators that appears at the beginning of this part of the report).

II. LEGAL AND OTHER MEASURES RELATING TO THE IMPLEMENTATION OF THE CONVENTION

In 1932, out of commitment to its vision of and national strategy concerning non-discrimination against women and their equality in all fields, and in accordance with the provisions of successive Egyptian constitutions since 1923, Egypt acceded to the International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic and to the International Convention of

4 May 1910 for the Suppression of the White Slave Traffic. In 1955 it acceded to the Protocol amending those instruments. In 1959, pursuant to Republican Decree No. 884, Egypt acceded to the Convention that replaced the two previous instruments, namely the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly in 1949.

Subsequently, in 1971, Egypt signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966. Pursuant to Republican Decree No. 345 of 1981, Egypt acceded to the Convention on the Political Rights of Women and, pursuant to Republican Decree No. 434 of 1981, it acceded to the Convention on the Elimination of All Forms of Discrimination against Women. At the time, and in accordance with the provisions of articles 28 and 29 of the Convention, Egypt made its reservations clear. The international instruments referred to above and the other human rights instruments to which Egypt has acceded form a legislative basis in the Egyptian legal system, since, with their publication in the Official Gazette following the necessary constitutional procedures, these instruments became Egyptian law in accordance with the provisions of article 151 of the present Constitution. (The Convention on the Elimination of All Forms of Discrimination against Women was published in Arabic in issue No. 51 of the Official Gazette on 17 December 1981.) Below, we will refer to some of the relevant basic Egyptian laws.

1. Political rights

Article 1 of Law No. 73 of 1956 on the exercise of political rights stipulates that all Egyptian men and women over 18 years of age may personally exercise their specified political rights. Article 4, as amended by Law No. 4 of 1979, obliges men and women to register as voters. (This is in accordance with the Convention on the Political Rights of Women, and it preceded Egypt's accession thereto.)

2. Work

Article 130 of Law No. 197 of 1959, concerning the Labour Code, stipulates that all its provisions apply to working women, with no distinction as to job. Law No. 137 of 1981 (the present Labour Code)¹ does the same. In accordance with the International Labour Organization conventions concerning the employment of women, the law prohibits the employment of women in jobs that could damage their health or morals or in any other job to be specified by the relevant ministries. The Law gives a woman the right to take 50 days' maternity leave on full pay three times during her working life. For the 18 months following the date of delivery, she may take two rest breaks on full pay, in addition to the fixed break, in order to breastfeed her child. The Law requires any employer of more than 100 women to set up or share the cost of providing a nursery, and in article 174 it provides penalties for any infringement of the provisions regarding the employment of women.

¹ This law applies to the private sector, but not to those working in the public sector or employed by the State (see para. 6).

3. Education

Article 15 of Law No. 139 of 1981 concerning education grants the right to

Egypt to an Egyptian mother and whose father is of unknown nationality or is stateless. A foundling in Egypt is deemed to have been born there failing proof to the contrary (arts. 2 and 3). This is in accordance with the Convention on the Reduction of Statelessness and with the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, and it is intended to prevent dual nationality and the resulting cases of conflict of laws at the international level. The provisions of this Law address the issue of nationality in the case of the marriage of a foreign man and an Egyptian woman or of an Egyptian man and a foreign woman by establishing the basic principle that Egyptian nationality may neither be imposed on a

the abduction of a woman through deception or by force if the victim is sexually assaulted (art. 290, as amended by Law No. 214 of 1980).

where the victim is under 16 or where the offender is the victim's ascendant, guardian or supervisor or works in the victim's home (art. 4).

The Law punishes: the provision of assistance to a woman in the practice of prostitution or the exploitation of the prostitution of others; attempts to commit the offences referred to; the keeping, management or rental of a building for such a purpose and investment or employment therein; and cases of recidivism (arts. 6-13 of the Law).

12. Commercial competence

The age of majority is the same for both civil and commercial purposes in Egyptian law (art. 44 of the Civil Code and art. 4 of the Commercial Code), namely 21 for both men and women. This also applies to cases where exceptions to this are made and to matters concerning impediments to legal competence. Marriage has no effect on a woman's competence in this respect or on each spouse's individual property rights. The financial responsibilities of each remain separate.

Egyptian law requires a foreign spouse who engages in trade to declare the financial arrangements of his or her marriage.

13. Capacity for marriage, and family responsibilities

In Egypt, marriage is a consensual contract requiring the full and explicit assent of the woman. The minimum legal age for marriage is 18 for men and 16 for women. Since it is a matter that relates to personal status, it is also subject to the provisions of the religious law of each of the parties as they relate to validity and termination.

By law, women may have custody of their male children until the age of 10 and of their female children until the age of 12. The law provides for the possibility of extending a woman's custody of a male child until he is 15 and of a female child until her marriage. A father has the right to see his child throughout the period of maternal custody, and he remains responsible for financial support. In accordance with the law of trusteeship, a woman may be the trustee or guardian of a minor, subject to legally specified circumstances and conditions.

III. AUTHORITIES GUARANTEEING EFFECTIVE COMPLIANCE WITH THE PRINCIPLE OF EQUALITY BETWEEN MEN AND WOMEN, AND THE MEANS OF REDRESS AVAILABLE TO WOMEN

It is clear from the foregoing that, in accordance with the constitutional principles and legal precepts on which the Egyptian legal system is based, all State authorities are required in the performance of their functions to guarantee compliance with the principle of equality between men and women as embodied in article 40 of the present Constitution. Through its various bodies, the independent judicial authority provides women with full means of redress in accordance with the type of dispute and the parties involved, as set forth hereunder.

1. Supreme Constitutional Court

The legislative authority exercises its functions within the framework of compliance in the enactment of laws with the approved constitutional principles and provisions, including the principle of equality between men and women. The Supreme Constitutional Court is the means by which women may seek redress in respect of laws or ordinances enacted by the legislature. It is an independent judicial body established in accordance with the provisions of articles 174 to 178 of the Constitution, and it is unique in having the power to decide on the constitutionality of laws and ordinances and to interpret legislative and judicial texts in a manner binding on all State authorities. The annulment of any text deemed unconstitutional is effected by the publication in the Official Gazette, within the legally specified period, of Supreme Court judgements (Law No. 48 of 1979 concerning the Supreme Constitutional Court).

The Supreme Constitutional Court has issued a number of judgements relating to human rights in general and to the principle of equality in particular. Several legislative texts have been declared unconstitutional, as has any special treatment with regard to access to higher education that entails the admission of members of specific groups in preference to others who are more qualified in terms of the established admissions criteria. Such action was

3. Civil and criminal law

Relations between individuals are regulated, within the framework of the Constitution, by objective and disinterested legal rules that apply to all persons without differentiating between men and women. In accordance with Law No. 46 of 1972, the independent judicial authority, through its civil and criminal divisions, rules on all relevant disputes or crimes specified by the law. The judicial authority performs its function by applying the law to disputes brought before it in the light of existing constitutional principles, the Codes of Civil and Criminal Procedure and the rules governing the stages of appeal against judgements. The Law permits the aggrieved to take civil action for compensation before the criminal courts in cases involving statutory offences.

It should be noted that none of the laws relating to the administration of justice and the capacity to take legal action make any distinction between men and women with regard to the right of recourse and litigation or to the procedures and guarantees stipulated in their regard.

IV. PROMOTION OF THE EXERCISE BY WOMEN OF ALL THEIR RIGHTS AND FUNDAMENTAL FREEDOMS

Recently, perceptible progress has been made and there have been important and positive developments in Egypt that have strengthened the means available for the promotion of the enjoyment by women of all their basic rights. There have been developments at the international and local levels and in the governmental and non-governmental sectors, as will be shown in detail hereunder.

1. Government action

Action by the government sector has naturally been closely linked with Egypt's national policy for the advancement of women in all spheres. Such action has primarily had the goal of raising women's awareness of all the basic rights and fundamental freedoms guaranteed to them by the Constitution and the law with a view to ensuring the full and effective exercise of those rights and freedoms. The natural approach to such action was through advocacy of the following policies:

(a) Enforcement of the laws relating to education at the compulsory and other levels so as to improve attendance rates and eliminate absenteeism by creating an appropriate link between educational institutions and the social milieu;

(b) Modification and development of curricula by introducing the study of instruments relating to all human rights and freedoms at all levels of education;

(d) Development of suitable programmes that use the tremendous potential of radio and television and are adapted to the target audience in order to promote awareness of the rights of women in all spheres;

(e) Encouragement of the non-governmental sector to play a part in mobilizing voluntary efforts in developing the capacities necessary to train skilled personnel;

(f) Encouragement of international cooperation at all levels and use of relevant international expertise and resources;

(g) Creation of appropriate mechanisms at the national level to monitor plans in this domain and ensure the necessary coordination between all the ministries and State institutions concerned;

(h) Establishment of research centres to facilitate the development of appropriate plans and programmes and channel resources in a scientific manner so that the desired goals can be achieved.

These major policy goals of government action have given rise to a number of effective mechanisms to support and monitor the advancement of women in securing the exercise of all their rights, namely:

(a) The National Council for Women, established in 1978 and reorganized and consolidated in 1994 as the national agency responsible for Egyptian women's issues at the international and local levels;

(b) The National Council for the Mother and Child, established in 1988 as the official agency responsible for child-related issues, including, of course, issues relating to women;

(c) The Ministry of Population and Family Affairs, established in 1993 to be responsible for such matters as family planning, mother and child health and health education;

(d) The National Institute for Adult Education, set up in 1991 to promote literacy among adults of all ages;

(e) Departments concerned with women's issues, established or strengthened at various times in the Ministries of Social Affairs, Health, Agriculture and Foreign Affairs and in the Central Statistical Organization, given expanded functions and encouraged to exchange international experts with counterpart agencies.

As a reflection of State policy with regard to women and as a result of the efforts of the aforesaid mechanisms, there was increased activity during the first half of 1994 in the domain of national action. A "National Dialogue" conference and a National Conference on Women were held and resulted in many important recommendations relating to women's issues. The relevant authorities are engaged in studying the recommendations and translating them into programmes of action, decisions or laws, in accordance with the legal requirements for each of them. (The recommendations will be discussed in detail in part two of this

report.) The World Assembly on Adult Education was held in Egypt in September 1994, and issues concerning women's education, particularly in rural areas, had a prominent place in the discussion and in the recommendations adopted.

In the same time-frame, the International Conference on Population and Development was held in Cairo. Many of the topics discussed there concerned women, and all the Egyptian governmental and non-governmental organizations concerned with women took part in the activities of the Conference and contributed to its final documents.

2. Action by non-governmental bodies

The Government's policy of encouraging the non-governmental sector has had a noticeable impact on action by this sector. There has been an increase in the number of registered associations working in fields relating to the advancement of women, particularly those of family planning, literacy, the development of household resources (associations for "productive families"), the advancement of rural women, child-care, the care of the elderly, mother and child healthcare and various services.

In 1994, the number of registered associations had reached 13,213.

3. International cooperation

Through its official participation in all the relevant regional and international conferences, Egypt has sought to make a serious and effective contribution to international cooperation relating to women in all fields. It was quick to associate itself with the call for the convening of a Summit on the Economic Advancement of Rural Women and, in February 1992, it participated in the elaboration and adoption of the Geneva Declaration for Rural Women. The aforementioned government bodies concerned with women's affairs reached agreement with international institutions and organizations and specialized

V. THE LEGAL STATUS OF THE PROVISIONS OF THE CONVENTION
IN THE EGYPTIAN LEGAL SYSTEM

Because of the affinity of its provisions with those of the Egyptian Constitution, the Convention that is the subject of the present report, like the other international conventions on human rights and freedoms, has the benefit of two important features.

(a) Because the provisions of the Convention regarding non-discrimination between men and women accord with the stipulations made in this respect in articles 11 and 40 of the Egyptian Constitution, the principle of equality did not merely become one legal rule among others when the Convention became part of Egypt's domestic law but became a constitutional precept to which all Egyptian laws must conform, given that they occupy a lower rank than the Constitution. Where such a law violates the principle of equality, the Constitution is violated and the law can be overturned by the Supreme Constitutional Court.

(b) In accordance with article 151, paragraph 1, of the Constitution, the

PART TWO

SPECIFIC INFORMATION IN RELATION TO EACH PROVISION
OF THE CONVENTION

This part of the report will provide a detailed commentary on the Convention, article by article, noting any references made in part one where appropriate to avoid repetition and referring also to relevant statistics.

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The 1971 Egyptian Constitution adduces the principle of equality and non-discrimination as basic to human rights and fundamental freedoms. Articles 8, 11 and 40 embody this principle in a clear and unequivocal manner. Article 8 provides that the State shall guarantee equality of opportunity to all citizens. Article 11 provides 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 spheres of political, social, cultural and economic life. Article 40 makes a general statement on the principle of equality to the effect that all citizens are equal before the law and stipulates that they are equal in respect of general rights and obligations without discrimination between them on grounds of gender, ethnic origin, language, religion or belief. Similarly, articles 64 and 65 of the Constitution stipulate that the rule of law shall be the basis of State authority, that the State shall be subject to the law, and that the independence and immunity of the judiciary are the basic guarantees that safeguard rights and freedoms. In its judicial practice, the Supreme Constitutional Court has considered that the principle of equality before the law, as set forth in successive Egyptian constitutions since that of 1923, including the present Constitution, is intended to protect the rights and freedoms of citizens against forms of discrimination that would prejudice or restrict their exercise. This principle is therefore a means of establishing the same legal protection for all rights and freedoms, whether those enshrined in the Constitution or those accorded by the laws enacted by the legislature. The cases set out in article 40 of the Constitution, prohibiting discrimination on the basis of sex, ethnic origin, language, religion or belief, are not exhaustive and are mentioned only because they are the most common circumstances in real life. The principle of equality thus applies to all forms of discrimination and to all rights and freedoms, whether established by the Constitution or by statute (ruling of 16 May 1992 in case No. 6/13 Q).

From these lofty constitutional principles, it is clear that the Egyptian legal system accords high priority to requiring all State authorities to guarantee women's equality with men in respect of all rights and duties and all

other areas of life, without restrictions and irrespective of their marital status. This is over and above the State's guarantee that women will be able to reconcile their domestic duties with their work in society while ensuring compliance with Islamic law in this regard out of respect for the requirements of religious freedom. In Egypt, family matters belong to the sphere of personal status and they and disputes in their regard are subject to the internal laws of the religious community to which family members belong. The Egyptian Constitution thus accords with article 1 of the Convention, defining discrimination against women, with the provisions of article 4 (2), concerning the protection of maternity, and with article 5 (b), concerning family education.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Reference has already been made, in the observations on article 1 of the Convention, to the provisions of the Constitution that relate to the obligation of the State to guarantee the equality of men and women in all fields. The Supreme Constitutional Court, which monitors the constitutionality of laws, provides these constitutional precepts with judicial protection against infraction by any legislation that may be enacted.

In part one, chapter II, section 10, of this report, references are given to the provisions of the Criminal Code that punish cases of violence against women.

Reference is also made in part one, chapter I, to the fact that State policy with regard to women is based on promoting progress by women in the exercise of all their rights.

All Egyptian laws must comply with the previously mentioned constitutional principles requiring that legal precepts should apply to everyone without discriminating between men and women and that certain cases of discrimination should be categorized as crimes, as mentioned in part one, chapter II, of this report.

The laws relating to litigation guarantee the right of women and men to have recourse to the law on an equal footing, without formal or procedural restrictions and without any restrictions based on marital status. They give women the right to have recourse to the law in the event of any contravention of or departure from the relevant constitutional precepts, and women may seek constitutional redress to annul a statute that violates the principle, established by the Constitution, of their equality with men. Women may also seek redress and compensation under criminal law in the case where the violation of their rights and freedoms constitutes a criminal offence. In cases involving compensation, personal status or family matters, women may seek redress under civil law; and in those involving the annulment of or compensation for an administrative decision, they may approach the administrative courts.

In the judgements they issue, the members of the judiciary, in all categories and at all levels, are obliged to apply the laws in effect in the country. These include the Convention relevant to this report, since, as previously stated, it is regarded as being such a law. The judiciary is independent and enjoys certain immunities, and intervention in its affairs is forbidden. Its judgements may be enforced by power of compulsion under the legally established circumstances and conditions, and failure to comply with them is regarded as a crime (arts. 72, 115 and 178 of the Constitution).

Pursuant to the recommendations made by the National Conference on Women and the General Conference for National Dialogue, the relevant authorities are currently considering the following matters:

1. Simplification of litigation procedures in personal status cases with a view to their speedy settlement;

2. Preparation of a new draft law on mothers and children to ensure that certain practices that are widespread in less educated communities are made criminal offences and to revise legislation concerning women;
3. Consideration of solutions to the problem of the nationality of a child born of an Egyptian mother and a foreign father.

The National Council for Women, the national mechanism responsible for the advancement of women in all fields, has established a committee to study legislation relating to women, to propose appropriate alternatives and to work for the removal of any infringements of the constitutional principles that have been established in this respect. The relevant department of the National Council for the Mother and Child, which reports to the Council of Ministers, also has this responsibility. In the same context, on 20 December 1994 the Minister of Education issued a decree (No. 353) to the effect that the children of Egyptian mothers returning to the country after being divorced or widowed and who were unable to pay should be treated in the same way as Egyptian students. They would thus be exempted from the payment of the fees established for State schools, and fees would be halved in other cases.

All penal laws (the Penal Code and the special laws that designate certain acts as criminal offences) specify criminal acts and their chief elements and the stipulated punishment. The judge nevertheless has the right, following a conviction, to impose an appropriate penalty that falls between the legally established maximum and minimum. The Code of Criminal Procedure also provides guarantees for all stages of indictment, trial and appeal in accordance with each type of crime and the legally established conditions. In none of the foregoing provisions is any reference made to a distinction or differentiation to be made between men and women

The Code of Criminal Procedure does, however, single out women in its provisions relating to penalties in the case where a woman is pregnant. The Prisons Law contains the same provisions, and sentences at hard labour for women are served in prisons and not in the penal colonies where men are required to serve this punishment.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The continued advancement of women and their exercise of all human rights and fundamental freedoms on an equal footing with men depends, as a matter of course, on the existence of mechanisms that promote such development, are conscious of its requirements and parameters and are capable of implementing and following up programmes and of dealing with problems.

In accordance with established constitutional principles and pursuant to existing national policies with regard to the advancement of women in all fields, the Egyptian State has established a number of institutions and agencies concerned with women's issues, as described hereunder.

1. The Women's Department of the Ministry of Social Affairs was established in 1977 pursuant to the recommendations of the World Conference of the International Women's Year, held in Mexico City in 1975. The Department develops the policies and programmes necessary for the advancement of urban and rural women, monitors reports of women's activities in the local news, gathers information on issues relating to women and their advancement in all fields, promotes positive and essential changes in prevailing attitudes and engages in international cooperation in that regard, and studies the recommendations of international and regional conferences on women. The Department has undertaken a number of local projects in pursuit of its goals, including a project on rural girl scouts and women's clubs and projects for the advancement of rural women that provide them with income-generating skills and train them in small-scale production. The Department has also established a documentation centre for women's issues.

2. The Ministry of Health has established a Department for Mother and Child

review of legislation relating to women and children and the formulation of the necessary plans for the advancement of children and women, with particular emphasis on rural women.

7. In 1992 the Ministry of Foreign Affairs established a Department of Human Rights and International Social and Humanitarian Affairs whose jurisdiction includes activities relating to women and women's rights at the international level, the United Nations and its treaty bodies and specialized agencies, and social issues relating to the family and to mothers and children.

8. The Ministry of Population and the Family was established in 1993. Its functions as they relate to the advancement of women include family-planning projects, mother and child health, public awareness campaigns and health education.

9. The non-governmental sector has made gains as a result of the State policy of encouraging the numerous organizations working in different fields of relevance to women's issues. There are now more than 330 such organizations, of which 42 are mainly active in the governorates of Cairo and Alexandria. Organizations involved in social work in the broadest sense of the term, of which there were 13,213 in 1994, also engage in numerous activities that are of interest to women. All of the mechanisms mentioned thus far have had notable successes in their fields of activity since they were established, and these will be cited in the commentary on the relevant articles of the Convention.

10. The success achieved by those working for the advancement of women culminated in June 1994 with the convening by the reorganized National Council for Women, with Mrs. Suzanne Mubarak, wife of the President of the Republic, as its President, of the First National Conference on Women in Egypt. All official and non-governmental organizations concerned with women at the national or regional levels took part in the Conference, and it adopted the first Declaration on Women in Egypt. The Declaration contains many recommendations that are currently being studied by the relevant State bodies prior to the preparation of the plans and programmes necessary for their implementation.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

I. Temporary special measures

(a) In the Government and public sectors (Laws Nos. 47 and 48 of 1978):

The right to three months' maternity leave on full pay on three occasions during the period of service, such leave to be regarded as separate from normal annual leave;

The right, while in service, to take three periods of leave on half pay or without pay for the purpose of childcare or in order to accompany a spouse abroad.

(b) In the private sector (Law No. 137 of 1981):

The right to maternity leave on full pay for a period of 50 days on three occasions during the period of employment but without sick leave on grounds of pregnancy or childbirth;

The right to two rest breaks a day for breastfeeding for one and a half years after childbirth;

In establishments employing more than 50 persons, the right to take leave without pay for a period of not more than one year for the purpose of childcare on three occasions during the period of employment;

The requirement for owners of establishments employing more than 100 women to establish or participate in a day-care centre.

3. Laws relating to criminal proceedings and prisons:

(a) The possibility of postponing the imposition of penalties involving imprisonment until two months after childbirth; and, in the case where pregnancy becomes evident during a period of imprisonment, the treatment of the prisoner as if she was in protective custody (art. 485, Criminal Proceedings);

(b) The possibility of postponing the imposition of a penalty involving imprisonment on the wife in the case where both spouses are sentenced and they have a young child (art. 488, Criminal Proceedings);

(c) The requirement that a pregnant prisoner should be treated well, particularly with respect to nutrition, work and sleep, and that the necessary health care should be provided to ensure that this is done (art. 19 of the Prisons Law);

(d) The right of a female prisoner to keep her child with her until it reaches the age of two (art. 20 of the Prisons Law).

4. Laws concerning insurance and pensions (Law No. 79 of 1975)

The Law gives a widow the right to the pension of her deceased husband or to an allowance from her former husband in the case where she has been divorced without her consent. In the latter case, the marriage shall be considered as continuing to exist for a certain period of time, provided that she does not remarry, and the allowance is restored should she be divorced again.

5. Health care

As soon as she becomes pregnant, a woman is entitled to benefit from the comprehensive health care provided by the Ministry of Health network of health centres and offices and by the non-governmental organizations scattered throughout the country. The required inoculations are provided to pregnant women and to children, as are the requisite health care, health education and

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Government policy on customs and practices constituting social and cultural patterns that hinder the advancement of women and the strengthening of their role in society takes two main approaches:

- (a) Education and public-awareness activities;
- (b) Rural development.

The State's efforts in this field have achieved notable success. According to the report on the National Population Strategy for 1993, by 1992 female illiteracy had declined from 62 per cent in 1986 to 57.41 per cent; female enrolment in elementary education had risen to 91.41 per cent; and the figures for females as a percentage of all those enrolled had risen to 45.2 per cent at the elementary level, 43.5 per cent at the preparatory level and 44.9 per cent at the secondary level. The electronic media, in parallel with the educational system, play an important role with their public-awareness programmes on harmful practices and fallacies with regard to women or the family and on health and the environment. These programmes are directed mainly at rural areas where illiteracy is prevalent and are presented in a simplified manner appropriate to their audience in order to convey the necessary message.

These plans have also had tangible results in the field of family planning, in promoting health education and in increasing the number of women and children immunized. Similarly, the efforts made by non-governmental organizations have been successful in encouraging income-generating activities, modifying patterns of consumption as they relate to nutrition and providing health care. All in all, such efforts have brought about considerable progress towards eliminating many harmful customs and practices, particularly in the fields of health care and family planning, and there has also been tangible progress with regard to everyday practices relating to child raising, child nutrition, the use of leisure by the members of the household and the development of a spirit of voluntarism through programmes serving the community.

Efforts to increase public awareness through media campaigns have also achieved notable success in lowering school drop-out rates, reducing population-growth rates and restricting female circumcision, a practice that continues, albeit on a decreasing scale, in some remote areas.

Among the issues to which the State is currently paying special attention with a view to remedial action are the negative attitude of women towards engaging in political activity, the employment of rural women in the household or in temporary seasonal work and the marriage of under-age girls. The first National Conference on Women studied these questions and put forward ideas for proposed solutions that the State is considering with a view to taking appropriate measures for their implementation.

In the context of the efforts made in this regard, the Ministry of Education has modified school curricula to include in them coverage of all the human-rights instruments and rid them of any flaws caused by partiality, prejudice or the stereotyping of roles on the basis of gender and in order to ensure that family education includes a proper understanding of the roles of men and women in the family and of motherhood. With respect to violence against women in the home, in the workplace or in any other area of life, the Egyptian Penal Code ensures that women are fully protected against all forms of violence, whether assaults on the person or on honour, and against anyone who violates their modesty, even in private. The Penal Code also provides severe penalties in cases where the victim is a minor or where the offender is an ascendant or guardian of the victim or works in her home. Reference is made to the relevant article in part one, chapter II, section 10, of this report.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

In 1932 Egypt acceded to the International Agreement for the Suppression of the White Slave Traffic (Paris, 1904) and the International Convention for the Suppression of the White Slave Traffic and its Final Protocol (Paris, 1910), and in 1949 it acceded to the Protocol amending those instruments and they were published in the Official Gazette. Implementation was effected with the promulgation of the law on prostitution of 24 June 1933 and Law No. 68 of 1951 for the suppression of prostitution, which prescribed the penalties for acts deemed to be illegal by virtue of the aforementioned instruments.

By Decree No. 884 of 1959, which entered into force on 10 September 1959, Egypt acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Lake Success, New York, 1950), which superseded the aforementioned instruments. This was followed by Law No. 10 of 1961 for the suppression of prostitution, incorporating all acts deemed to be offences under the Convention and stipulating the appropriate penalties. It is this Law that is in effect at the present time, and its provisions include the following:

1. It is an offence to incite, abet, assist, procure, entice or seduce another person for purposes of prostitution, subject to a penalty of three years' imprisonment and a fine of 100 to 300 Egyptian pounds. The penalty is increased if the victim of the crime is under 21 years of age or has been enticed or induced to engage in prostitution through the use of deception, force, abuse of authority or any means of coercion, or by involuntary detention in a brothel (arts. 1 and 2).

2. It is an offence to induce, assist, or procure a female, of whatever age, to leave or enter a country for purposes of prostitution, to escort her in doing so or to make arrangements for her to do so, subject to a penalty of five to six years' imprisonment and a fine of 100 to 500 Egyptian pounds. The penalty is increased, with a maximum sentence of seven years' imprisonment, if the crime

involves the travel of more than one person or the use of force or deception (arts. 3 and 5).

3. More severe penalties are applied where the victim of the aforementioned crimes is under 16 years of age or where the offender is the victim's ascendant, guardian or supervisor or works in the victim's home. The minimum prison sentence is three years, and the maximum is seven (art. 4).

4. It is an offence to assist a female to engage in prostitution, even as a financial venture, subject to a penalty of six months' to three years' imprisonment, with a higher penalty of one year to five years in prison when the victim is under 16 years of age or the offender is her ascendant or guardian or works in her home (art. 6).

5. The penalties for attempting the aforementioned crimes are the same as those for the crimes themselves (art. 7).

6. It is an offence to keep, manage or assist in the running of a brothel, subject to a penalty of one to three years' imprisonment, a fine of 100 to 300 Egyptian pounds, the compulsory closure of the establishment and the seizure of all effects and furnishings.

7. It is an offence to let or make available in any way a building or other place to be used for prostitution or to own or manage a furnished dwelling or establishment open to the public that facilitates prostitution and the habitual practice of prostitution, subject to a penalty of 13 months' to three years' imprisonment and closure of the establishment (art. 9).

8. It is an offence knowingly to work in an establishment run for purposes of prostitution, subject to a maximum penalty of one year's imprisonment (art. 13).

9. It is an offence to publish, in any way, an announcement containing an inducement to prostitution or to attract attention thereto, subject to a maximum penalty of three years' imprisonment and a fine of 100 Egyptian pounds (art. 14).

10. A person found guilty of such a crime must be placed under police supervision for a period of time equal to the original penalty (art. 10).

11. The Law permits women who have been found guilty of habitual prostitution

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Here, the legislature adopted a series of measures aimed at strengthening and promoting women's participation in public life, with Law No. 21 of 1979 allocating 30 seats in legislative council constituencies to women. On the grounds that the allocation of seats effectively circumscribed the role of women, these measures were repealed. Law No. 188 of 1986, on the People's Assembly, and Law No. 145 of 1988, on local councils, then offered women the opportunity to compete for all seats.

Women succeeded in winning a number of seats in the general elections following the repeal of the relevant law, although clearly there was still a marked discrepancy between the number of seats held by men and those held by women. Women currently hold 10 seats in the People's Assembly, 12 seats in the Advisory Council and 437 seats in local councils. A woman currently presides over the Legislative Committee of the People's Assembly, and Egyptian women play a prominent role in the work of the Inter-Parliamentary Union and have presided over a number of its committees and conferences. There have also been women members of all Egyptian parliamentary delegations, whether on official visits or to international conferences.

II. Public office and public functions

In conformity with the general principle established in article 40 of the Constitution, article 14 thereof accords all citizens, male and female and without discrimination or prejudice, the right to public employment. The legislation relating to State employees and public-sector workers contains nothing that violates the constitutional principle of equality between men and women, and it may rather be seen as according certain advantages to women out of regard for their role as mothers and providers of childcare without thereby prejudicing their employment status. Women have made considerable progress in gaining access to government employment, and the percentage of women in government posts rose from 14.4 in 1980 to 30 in 1992. The percentage of senior positions held by women in government also rose, from 5.7 in 1980 to 11 in 1992, as a direct result of the success of programmes for female education and literacy and because women are now obtaining more advanced academic degrees. The steady increase in the numbers of women working in government testifies to the commitment of State agencies to the constitutional principle of equality.

III. The non-governmental sector

has helped to support the services offered by the non-governmental sector, and its efforts have helped to promote the establishment of the following facilities:

- (a) Nurseries and child day-care centres for working mothers and others;
- (b) Centres to train young women in needlework;
- (c) Vocational training centres for handicrafts;
- (d) Rehabilitation centres for young women suffering from physical and mental disabilities;
- (e) Women's clubs for development training;
- (f) Offices offering advisory services;
- (g) Family-planning centres;
- (h) Service centres for working women (meals, clothing and cleaning).

As of 1994, there were some 330 associations working in the field of women's services and a further 13,213 offering social services in the wider sense of the term. These associations are active in all fields and work in cooperation with the Government and the relevant international organizations.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Women began to be recruited to the Egyptian diplomatic service in the 1960s, and they have occupied progressively higher positions up to that of ambassador. In 1995, there were 121 women diplomats at all levels, representing 13.7 per cent of all those employed in the service.²

Women have achieved notable success in this field at the international and regional (inter-Arab and inter-African) levels, have repeatedly represented Egypt in a skilful manner at all kinds of international meetings and have frequently been elected as members or chairpersons of committees of international organizations and their subsidiary bodies.

² According to the most recent figures (April 1995), there were some 48 female attachés and 9 women diplomats, representing 19 per cent of those working in this field.

Women head diplomatic missions in six Egyptian embassies, and Egypt participated in the conferences on women held in Mexico City in 1975, in Copenhagen in 1980 and in Nairobi in 1985. The wife of the President of the Republic represented Egypt at the adoption of the Geneva Declaration for Rural Women in February 1992. Egypt also sees to it that women are included in all its delegations to international meetings and conferences.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Article 5 of the Constitution states that Egyptian nationality shall be regulated by law. The Nationality Law, Law No. 26 of 1975, is in conformity with all the provisions of the relevant international instruments in this regard, and it seeks to reduce instances of statelessness and avoid cases of dual nationality in order to mitigate the effects of conflicts of laws at the international level. The approach taken by the Egyptian legislature has been to systematize the rules governing Egyptian nationality by combining the principles of nationality by parentage and those of nationality by place of birth (jus sanguinis and jus soli).

The provisions of Law No. 26 of 1975 abide by the principle of full equality between men and women in all matters relating to the bestowal, revocation and forfeiture of nationality, and they regulate the effects of marriage on the nationality of either spouse and of their children. The provisions of the Law are reviewed in detail hereunder.

1. An Egyptian national is whoever is born to an Egyptian father or whoever is born in Egypt to an Egyptian mother and whose father is of unknown nationality or is stateless, or whose paternity is not legally determined, or to parents of unknown nationality. A foundling in Egypt is deemed to have been born there failing proof to the contrary (art. 2).

2. The acquisition by a foreign man of Egyptian nationality does not entail its acquisition by his wife unless she declares her desire for such and the marriage is not dissolved within two years of that declaration other than by the death of the husband. Minors do not acquire Egyptian nationality if their

result of the dissolution of her marriage unless she regains her original nationality, or marries a foreigner and acquires his nationality (art. 8).

3. A foreign woman who marries an Egyptian man does not acquire Egyptian nationality unless she expressly declares her desire to do so and her marriage does not end before two years have elapsed since her declaration, other than

they apply in international and comparative law. Thus, children acquire the nationality of the father, but can choose to revert to their original nationality upon reaching their majority, if the father, being a foreigner, acquires Egyptian nationality, or, being an Egyptian national, forfeits his nationality by virtue of acquiring a foreign nationality. According to the principle of nationality by birthplace, a minor acquires Egyptian nationality if he or she is born in Egypt to an Egyptian mother and a father of unknown nationality, or a stateless father, or to parents of unknown nationality, or if he or she is a foundling. The law adopts the approach of seeking to avoid legal disputes arising from dual-nationality status and any adverse effects on the interests of a minor. This in no way jeopardizes the principle of equality, but simply requires that such matters be regulated and resolved at the international level through bilateral agreements. Thus, the law stipulates that any international treaties and conventions on nationality which Egypt enters into with foreign States are legally enforceable, even if their provisions conflict with Egyptian law. This ensures some degree of stability in the situation that pertains subsequent to the conclusion of such treaties. Egypt has made a reservation with respect to article 9 (2) for the legal reasons mentioned above.

One of the recommendations made at the first National Conference on Women was aimed at "easing the material burdens placed on the children of an Egyptian mother and foreign father, until a solution has been found to the problem of their losing Egyptian nationality." The relevant authorities are now seeking legal means of solving this problem.

With regard to travel documents for women and minors, article 7 of Law No. 97 of 1959, which deals with passports, stipulates that Egyptian nationals, irrespective of gender, have the right to apply for a passport. Children can have their names added to either the mother's or father's passport, or can have their own passport, providing they have obtained the consent of their legal guardians.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Since the first part of the last century, the education of women has been considered an important matter in Egypt, and given earnest consideration. As a result, when Muhammad Ali was in office, the schools administration committee recommended that education for girls should be introduced in Egypt. At that time, it was limited to the establishment in 1832 of a school to train midwives. A movement led by scholars had further success with the establishment, beginning in 1873, of special schools for girls. This enlightened movement also prompted the stipulation in successive Egyptian constitutions since 1923 that primary education was compulsory for boys and girls.

In 1924, the first secondary school for girls was opened, and by the end of that decade, the State was encouraging the education of women at university level.

This was followed by efforts to promote girls' education and extend it to rural areas, and to deal with the capacity problems resulting from compulsory education, drop-out rates and the eradication of adult illiteracy.

The 1971 Constitution defines the State's responsibility for education. It states that education was a right, guaranteed by the State, and compulsory at the primary level. The State has an obligation to work towards extending the compulsory period to other levels (art. 18 of the Constitution). Education in State educational institutions is free at all levels (art. 20). Article 21 states that the eradication of illiteracy is a national duty, for which all the resources of the people should be harnessed. Law No. 139 of 1981 on education gave these goals official status, making education compulsory for all Egyptian children over six years old, boys and girls. The compulsory period was extended to nine academic years. The Law provided penalties for guardians and parents who failed to observe this obligation towards their children (art. 19 of the

aforementioned Law). The Law did not discriminate in any way against females, in regard to either level or type of education, or the curriculum followed, which should be the same for girls and boys. In fact, State efforts to put in place the necessary development plans in order to face one of the most important challenges, namely, the education of women, are close to realizing complete capacity for all children, boys and girls, of compulsory-education age. The plans also deal with school drop-outs and the eradication of female illiteracy, whether the latter is a result of dropping out of school or of falling through the net of compulsory education owing to age. The relevant plans and programmes in the field of women's education have led to noticeable advances in women's access to education, to an increase in their level of education, and to progress in the fight against dropping out of school and the eradication of illiteracy. Similar advances have been made in women's participation in the educational process itself, and in curricula and activities, as the following will show:

I. Percentage of females among those enrolled at all educational levels³

Educational level and comparison between academic years.

1. Pre-university education

<u>Level</u>	<u>Percentage of females</u>	
	<u>1988/89</u>	<u>1992/93</u>
(a) Primary	44.5	45.2
(b) Preparatory	42.5	44.7
(c) Secondary (general)	40.6	45.2
(d) Secondary (industrial)	17.9	28.7
(e) Secondary (agricultural)	19.9	23.7
(f) Secondary (commercial)	68	68.4

2. University education

Law No. 49 of 1972 regulated university education on a basis of equality of men and women. Women made advances in university education as follows:

(a) The proportion of women studying at university increased from 34.5 per cent in 1982/83 to 38.6 per cent in 1992/93.

³ Paper presented by the National Council for the Mother and Child to the first National Conference on Women (Cairo, June 1994).

(b) The percentage of women studying in institutions of higher education increased as follows:

<u>Institution</u>	<u>Percentage of females</u>	
	<u>1983/84</u>	<u>1992/93</u>
Technical/commercial	38.2	45.4
Technical/industrial	5.7	28.5
Technical colleges (fine arts)	43.4	51.2
Music colleges	52.4	58.9
Technical colleges	59.6	71
Specialized colleges	74.6	(in 1990)

3. Post-graduate education

Women have had numerous successes in this field too. The proportion of women obtaining a doctorate was 7.5 per cent, compared with 24.1 per cent of men. In 1990, 5.7 per cent of women obtained a master's degree, as against 18.7 per cent of men;⁴ this was out of the total number of scientists, researchers and technologists working in scientific and technological fields (higher education for production - general services).

II. Drop-out rates and the eradication of illiteracy

The President of the Republic issued a decree that the 1990s should be considered the Decade for the Eradication of Illiteracy. As a consequence, Law No. 18 of 1991 was promulgated; it concerns adult education and the eradication of illiteracy, and declares these objectives to be a national duty and responsibility, binding upon all State institutions. Article 2 of this Law defines the goal of educating the illiterate up to the first elementary level of basic education.

The drop-out rate for compulsory education (at primary level) in 1992 was 20.1 per cent, and 20.49 per cent among girls. Recently, the incidence of girls' dropping out and repeating academic years has decreased significantly, particularly in urban areas. Furthermore, success rates at all educational levels have increased. State plans to reduce drop-out rates are based on linking the educational process with the environment, improving educational methods and developing curricula, making them directly relevant to the community.

⁴ Paper presented by the National Council for the Mother and Child to the first National Conference on Women (Cairo, June 1994).

The eradication of female illiteracy is considered one of the most important national challenges Egypt faces as a developing country. Nevertheless, significant progress has been made through local efforts and in cooperation with international organizations. Female illiteracy has been reduced from 84 per cent in 1960 to 57.41 per cent in 1992. In 1978, in collaboration with UNESCO, Egypt established an adult education centre, with the

IV. Curricula and activities

Physical education and various scientific subjects have been introduced as core subjects at all levels of girls' education. The National Council for Women has demanded that the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child should be included in the materials studied from the first level of education.

The Ministry of Education is currently carrying out a detailed review of educational curricula with a view to teaching about all the human-rights conventions at all educational levels, in order to raise awareness of those rights and ensure that they are practised, and in order to counter any ideas, claims or practices which are in conflict with them.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

made it a crime to flout the laws governing the employment of women, as the following details make clear:

1. Penal Code

(a) Article 375 of the Penal Code (Law No. 58 of 1937, modifying Law No. 34 of 1951) states that it is a criminal offence to violate another person's right to work, or that person's right to employ a third party, or, in order to prevent another person from employing a third party, to use force or violence or illegitimate means such as stalking, or concealing equipment or clothing. The penalty for that offence, or for incitement thereto, is a maximum prison sentence of two years, in addition to a maximum fine of 100 Egyptian pounds.

(d) Article 158 provides that owners of establishments employing more than 100 women shall set up a nursery. Where a smaller number of women is employed, the law stipulates that establishments located in one area shall participate in the cost of providing a nursery.

(e) The articles of this Law give a comprehensive list of reasons for termination of employment and dismissal unrelated to marital status, pregnancy or maternity.

Article 174 of the Law states that any infraction of the provisions related to the employment of women is a crime, for which a fine shall be imposed.

3. Law No. 47 of 1978 containing the regulations covering government employees, and Law No. 48 of 1978 containing the regulations covering the public sector

Both these Laws contain similar provisions with regard to women, in accordance with the precepts set out in the Constitution regarding the State guarantee that women shall be enabled to combine family obligation#1

Equal Remuneration for Men and Women Workers for Work of Equal Value (1951). In accordance with article 151 of the Constitution, these conventions are considered to have the same legislative status as Egyptian laws, and to be equally binding.

5. Law No. 50 of 1977 concerning childcare facilities

This Law was enacted with a view to encouraging the establishment of childcare facilities for children under six years old, thus facilitating women's entry to the labour market by the provision of the necessary protection for children during working hours.

6. Laws concerning social insurance and social security

(a) Law No. 79 of 1975, concerning social insurance, applies to those employed by the Government and in the public and private sectors.

This Law provides general precepts applicable to both men and women, covering entitlement and the conditions attached thereto, including cases where a husband is entitled to his wife's salary and vice versa. In certain circumstances, this Law gives a divorced woman entitlement to her husband's pension (art. 105). Article 112 gives a widow the right to combine her own income or personal pension with her husband's pension, with no limitations.

(b) Law No. 112 of 1980, concerning social insurance for the labour force, provides coverage for all working groups not covered by the first law, such as agricultural labourers, household servants, employers, building labourers, part-time and seasonal workers, owners of agricultural land, fishermen and trainees. This Law provides coverage for all groups, without discriminating between men and women, and specifies the rules for participation and those entitled to participate.

(c) Law No. 30 of 1977, concerning social security, is intended to guarantee a minimum income for families with no insurance coverage, including orphans, widows, divorcees, pregnant women, the totally incapacitated, the elderly, the families of prisoners, invalids, breastfeeding mothers, and families with no breadwinner. The Law guarantees that they shall be provided with a monthly pension or a lump-sum emergency payment.

III. The right to work and the actual position of women with regard to work

Women have made significant gains in the labour market in Egypt as a result of efforts made by the State, its development plans implementing the policy of encouraging women to work and opening every field to them, and the success of educational policies in raising educational levels and eradicating illiteracy, as the following indicates:

Women now represent 39 per cent of employees in all branches of government service.

The number of women in top executive positions in the government sector rose from 2.8 per cent in 1981 to 13 per cent in 1993.

Women represented 36.3 per cent of all those working in science or technology in 1992.

The percentage of women working in various fields is as follows:

Journalism - 25.2 per cent in 1994

Diplomatic corps - 14 per cent in 1995

Broadcasting and television - 33.8 per cent in 1992

Elementary schools - 51.76 per cent

Preparatory schools - 44.04 per cent

General secondary schools - 35.70 per cent

Industrial education schools - 25.09 per cent

Agricultural secondary schools - 23.38 per cent

Commercial secondary schools - 45.50 per cent

Teachers' training colleges - 35.68 per cent in 1994.

According to the statistics for 1984-1988, there has been a significant increase - from 18.7 per cent in 1984 to 35.4 per cent in 1988 - in the proportion of women working in the liberal professions. Distribution by category is as follows:

	<u>Percentage</u>	
	<u>1984</u>	<u>1988</u>
Professional and technicians	29.3	32.4
Trainees	17.7	19.9
Clerical	28.5	41.4
Sales	17.2	25.9
Services	7.2	11.7
Agricultural and fishing	20.6	50.7
Manufacturing	5.8	12.8
Miscellaneous	36.3	

IV. Social services and training

With respect to the social services responsible for encouraging and supporting women, and enabling them to combine family obligations with work responsibilities, State efforts led to an increase in the number of childcare facilities from 2,355 in 1983 to 5,073 in 1993. Twenty-five centres have been opened in order to offer working women reasonably-priced services such as the provision of fully- or half-prepared meals, cleaning and ironing services.

The public sector is very active in this field, through a network of 3,472 local development associations spread throughout the Republic.

Eighty-eight offices have been established in order to provide family advice for women working away from their original homes.

V. Training

In Egypt, the State provides some professional training through the network of technical secondary schools and higher educational institutions. The public sector provides professional-training centres.

The policy of encouraging women to break into the field of government work has succeeded in raising the proportion of women enrolling in technical secondary schools to 43.3 per cent in 1991, and in higher institutes of technology to 33 per cent in 1990.

VI. Women supporting families

Recent studies, based on sample studies for 1988, have shown that the proportion of women supporting families has grown to 18 per cent. Bereavement

Conference on Women in Egypt to the effect that all legislation and other measures concerning employment should be reviewed, in order to give sustained impetus to women in this field.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

State provision of health care is guaranteed by the Constitution. Articles 16 and 17 guarantee that the State shall provide health services and seek to improve their quality and individual access to them. All citizens have the right to health insurance, and men and women have equal rights to the same services, without prejudice or discrimination. Women can use a range of services relating to pregnancy and post-natal care, and the Ministry of Health has created an extensive network of hospitals, treatment centres, health-care centres and clinics in Egyptian cities and rural areas. By 1990, health-care cover stood at almost 100 per cent, with a ratio of two doctors and two nurses for every 1,000 inhabitants.

The health-insurance scheme offers treatment to State employees, salaried workers and widows, and was extended in 1993 to include schoolchildren. The scheme, which is paid for out of a token contribution by insured persons and employers, makes use of a large network of 25 hospitals and 116 clinics in 16 governorates. It serves the needs of 15 million citizens, including students, men, women and children, and does not discriminate on the basis of gender.

Women are given priority access to health-care services, including those provided by private cooperatives. In 1990 there were some 573 local-development cooperatives throughout Egypt, with a further 171 offering services to mothers and children, and 320 providing family-planning services.

The media plays an important role here by broadcasting health-education programmes on television and radio. The purpose of these programmes, sponsored by the Ministry of Health or by the media, is to educate the public about simple and appropriate health-care techniques, to improve general levels of education and culture, and to reduce illiteracy.

The State has been particularly successful in increasing the number of services offered to women and raising awareness about health issues in relation to pregnancy, children and family planning, as the following data show:

1. Life expectancy for women rose from 52 years of age in 1981 to 66 in 1992.
2. The mortality rate for nursing infants fell from 76 per 1,000 births in 1980 to 38 in 1990.
3. The infant-mortality rate fell from 11 per 1,000 births in 1980 to six in 1990.
4. The fertility rate fell from 5.28 per cent in 1980 to 3.9 per cent in 1992.
5. The percentage of women using contraception rose from 24 in 1980 to 47 in 1992.
6. The number of professionally assisted births rose from 9.4 per cent in 1980 to 33.5 per cent in 1992.
7. The percentages of children being vaccinated (triple vaccine - polio, measles, tuberculosis) rose from 62.5 for boys and 60.8 for girls in 1988 to 82.2 and 92.5 respectively in 1991, with the overall figure rising from 68 in 1985 to 89 in 1992.
8. The death rate among women during pregnancy or childbirth fell from 320 per 100,000 in 1986 to 184 in 1992/93.
9. The percentage of early marriages (under 16 years of age) fell from 16 in 1986 to 11 in 1991.
10. The percentage of births spaced less than two years apart fell from 30 in 1986 to 25 in 1991.⁶
11. The percentage of women involved in making decisions about fertility rose from 40 in 1986 to 50 in 1991.⁷

Abortion

Articles 260 to 264 of Egypt's law on abortion prescribe the penalties for this crime as follows:

(a) A person who causes a woman to abort whether by striking her or by any other form of injury shall be punished by a term of imprisonment with hard labour (art. 260).

(b) A person who induces an abortion through the use of drugs or other methods, with or without the woman's consent, shall be punished by a term of imprisonment (art. 261).

⁶ National Population Strategy Report 1993.

⁷ Ibid.
Female circumcision

Female circumcision is viewed as an old custom which has begun to die out as a result of the education of women in urban areas. The practice continues on a reduced scale in remote rural areas, where it is carried out in secret, far from clinics and hospitals, using primitive methods. Thus, it is not possible to provide statistical data on the practice. The State is tireless in its efforts to eradicate female circumcision, by extending education, combating illiteracy and directing the media to draw attention to the damaging effects of the practice. The law also prescribes penalties for those who perform these operations, based on the fact that they are operating as medical practitioners without the requisite licence, and causing injury and suffering to the person who undergoes such an operation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality between men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 11 of the Constitution contains a general provision which stipulates that the State shall guarantee equality between men and women in political, economic and social life. This principle is reflected in all the laws and regulations which Egypt has adopted.

Neither civil nor commercial law makes any distinction between men and women with regard to the regulations governing civil or commercial competence. Thus, men and women are equal before the law at their majority, and with regard to the circumstances and procedures for declaring legal incompetence and appointing a trustee or guardian. This information has already been covered in part one, chapter II, sections 4 and 12, of this report. Marriage has no effect

Women at all levels, in the Government and elsewhere, are also entitled to special social and health benefits arising from their role as wives, mothers, carers or guardians of children, as was explained in part one of this report.

Egyptian women also participate freely and fully in recreational activities, games, sports and cultural life, with girls taking physical education and artistic training as part of their basic education at all levels. There are also university departments for physical education for girls, which are working to create a generation of specialists who will ensure that sports are available to girls throughout their education. Egyptian society is full of women who have gained prominence in sports and the arts, winning sports awards and cultural and artistic prizes at the local, regional and international levels.

Students' sports associations, rural clubs and youth centres throughout the country have done a great deal to encourage the establishment of girls' sports teams and to organize national competitions for these teams as a way of helping to promote sports for girls. These bodies also organize important social, recreational and cultural activities, such as educational trips and artistic and cultural competitions.

The private sector, as represented by women's associations and other organizations, plays an active part in this domain, using a huge network of associations throughout Egypt.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension

1. A comprehensive health-care and -development project for rural children, under the auspices of the National Council for the Mother and Child; the project includes a children's nutrition programme and training in preparation of economical meals, so as to improve children's health;
2. The national campaign to eradicate illiteracy, particularly among rural women, in cooperation with the United Nations Development Programme;
3. A project to improve the health of rural women, in cooperation with the United Nations Children's Fund, offering training to expectant mothers and educating women about nutrition;
4. A project to improve family-planning services, in cooperation with the United States Agency for International Development and the United Nations Population Fund;
5. A project to promote self-reliance among rural women, offering them loans for income-generating activities, in cooperation with the International Labour Organization;
6. A project for rural women's development centres, in cooperation with the United Nations Children's Fund, aimed at helping impoverished women.

And a number of Ministry of Social Affairs projects, which include:⁸

1. A productive-families project aimed at increasing the income of Egyptian families and improving their quality of life, by teaching women certain occupations, agricultural skills and techniques for food production; some 56,545 families had benefited from this programme by 1990;
2. Centres for training in domestic and environmental skills, aimed at modifying consumption patterns and improving quality of life, in cooperation with the Food and Agriculture Organization of the United Nations;
3. Some 491 family-planning centres, which provide Egyptian families with information on contraception and offer fertility treatment;
4. Family guidance and advisory centres to assess and assist newly married couples, offering family guidance and resolving issues relating to family life; there were 75 such centres in 1990;
5. Rural-women-leaders project, aimed at creating a class of leaders who can raise awareness about health matters and help eradicate illiteracy; there were some 1,572 leaders in 1992;

⁸ Report on the situation of rural women in the Near East and North Africa in the light of the Geneva Declaration (Cairo, 13 to 16 December 1993), issued by the National Council for the Mother and Child.

6. Women's clubs, dealing with the issue of women and work, the problems they face and possible solutions; clubs numbered around 382 in 1990 and 443 in 1992.

The State's policies for rural development have been particularly successful in improving health coverage and women's and children's nutrition, increasing the number of births handled by professionals and the number of women using contraception, while reducing the rate of population growth and female illiteracy, as the following shows:

1.	Fertility rate	1980	5.28%	1992	3.93%
2.	Contraception use	1980	24.2%	1992	47.1%
3.	Vaccination of children (six diseases)	1985	70%	1992	89%
4.	Professionally attended births	1980	9.4%	1992	33.5%
5.	Decline in population-growth rate			1992	2.4%
6.	Decline in illiteracy	1986	62%	1992	57.41%
7.	Health coverage			1992	98%
8.	Vaccination of women			1993	57%

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 40 of the Egyptian Constitution contains a general provision relating to the principle of equality, stating that all citizens are equal before the law and have the same general rights and obligations. The law does not discriminate against citizens on the basis of gender, ethnic origin, language, religious affiliation or creed. Article 11 requires the State to guarantee that men and women are treated equally in political, social, cultural and economic life. Article 50 makes it illegal to prevent a person from residing in a particular area, other than in legally sanctioned circumstances.

Article 68 stipulates that all citizens have the inalienable right to go to litigation and that the law cannot exempt any administrative action or decision from legal scrutiny. Egypt's legislation conforms to these constitutional principles. Part one, chapter II, of this report has already shown how these principles are enshrined in legislation.

1. Civil competence

The provisions of Civil Law No. 131 of 1948 conform to these principles by stating that the human personality begins with birth and ends with death

In accordance with the Constitution, the laws relating to the right to litigation (the Codes of Civil and Commercial Procedure, the Code of Criminal Procedure and related laws) stipulate that all citizens have the right to litigation, in accordance with the rules governing capacity to seek legal redress, and the conditions for appointing legal representation in the case of absence or withdrawal of legal capacity. All the general rules apply to men and women without distinction or discrimination, and marriage does not affect these rights. Therefore, women can take part in litigation in all its forms, whether as the plaintiff or the defendant, on the same footing as men, and with the same legal rights. There are Egyptian women working in the legal profession, in juridical organizations (the State Prosecutor's Office and the Administrative Prosecutor's Office). Egyptian women are also involved in work on juvenile cases, since article 28 of Law No. 31 of 1974 stipulates that a juvenile court shall be made up of one judge and two expert assistants, at least one of whom must be a woman.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

In Egypt, marriage is a contract by mutual consent, and by law it must be concluded by the free, mutual consent of both parties. Since marriage in Egypt is governed by the law on personal status, it is also subject to Shariah law, which imposes obligations on both parties with regard to the validity, conclusion, dissolution and annulment of the marriage.

The law states that the age of consent for males is 18, while that for females is 16. The marriage contract must be concluded and documented in official records, official documents must be issued indicating that the marriage has taken place, and the marital status must appear in the identity papers, in accordance with the rules for registrars and other officials authorized to perform civil marriages, and the provisions of Law No. 260 of 1960, on personal status.

According to Egyptian law, marriage does not affect a woman's financial independence of her husband. A woman retains her first name and surname, which does not change after marriage, and she has complete liberty to manage and dispose of her finances, to conclude contracts and obtain loans, and to perform any other legal transaction, unimpaired by the fact of her marriage.

Women have the right to act as guardians of minors, and, in the case of divorce or dissolution of the marriage contract, to obtain custody of their male children up to the age of 10 and their female children up to the age of 12. They may also seek legal redress if they consider it to be in the interest of minors to extend custody of male children up to the age of 15, and of female children until they marry. The father has the right of frequent access to his children during this period and must provide for them as long as custody lasts.

Women and men share full responsibility for all matters arising from their marriage, including the maintenance and support of the family unit and decisions about the number and spacing of their children; the extent and impact of this shared responsibility differ according to the educational and cultural background of each partner. The State's development plans focus on the eradication of female illiteracy, particularly in backward and rural areas. The State also supports the role of women in sharing with her husband in their commitment to the family and children.

State agencies are currently implementing the recommendations made at the first National Conference on Women (June 1994), by undertaking a detailed study of a standard marriage document with a view to precluding disputes over its

PART THREE

RESPONSE TO QUESTIONS RAISED AND RECOMMENDATIONS MADE UPON
CONSIDERATION OF EGYPT'S SECOND PERIODIC REPORT

This part of the report contains the response to the matters raised by the experts during the discussion of Egypt's second periodic report. Related subjects will be dealt with together.

1. The relationship between positive law and the Islamic Shariah in the Egyptian legal system

The Egyptian legal system is based on a number of legislative levels, of which constitutional principles and precepts are foremost, followed by legal

of 1950. These instruments became law pursuant to Republican Decree No. 884 of 1959.

In implementation of the provisions of the 1950 Convention, Law No. 10 of 1961 was enacted, characterizing as crimes all the acts for which the said Convention demanded punishment, and stipulating the appropriate penalties and measures (these acts and the penalties for them are discussed above, in the commentary on article 6 of the Convention, in part two of the report).

It should be noted that the security forces and the judiciary in Egypt play a role in implementing all the provisions of the above Convention and in keeping with the international cooperation specified in its provisions, in order to support international efforts to suppress these crimes.

3. Female circumcision

Female circumcision is one of the customs and practices that have been inherited from much earlier, pre-Christian times, and that have no religious or legal basis. The custom is widespread in the African countries of the Nile basin, including Egypt, and some other countries. It is widely believed that it is practised in order to safeguard the chastity of women, without taking into account the physical or psychological consequences.

As a result of the increasing education of women and mothers, this practice is becoming less common, particularly in the light of State efforts to expand education, eradicate illiteracy and raise women's awareness of health issues through programmes and the media. As a result, this custom has been more or less suppressed in the towns and more developed regions. It is still practised, decreasingly, in remote areas, far from media or educational services, where illiteracy among women is widespread.

State efforts to suppress this custom are concentrated on raising awareness of health issues and directing programmes for the eradication of illiteracy towards remote areas where the custom is still practised.

Here it should be noted that it is difficult to provide statistics on this issue, since this practice is carried out in secret, by unqualified practitioners, as it may not be performed in governmental or non-governmental medical facilities. Furthermore, the victims of the practice are young and controlled by their relatives. Those who carry out the operations are committing a crime under Egyptian law, and are considered as practising medicine without a licence.

4. Abortion

Abortion is a crime under Egyptian law, as described in detail in the commentary on article 12 of the Convention, in part two of this report. It is permitted only when doctors consider that the pregnancy endangers the mother's life.

There is no conflict between the prohibition on abortion and restricting the maternity leave granted in accordance with the precepts of Egyptian law,

since the Government's aim is to limit women's fertility during the period of employment and encourage family planning through the use of specific, legal medical methods, provided free of charge by the Government through a network of family-planning offices throughout the country, and by non-governmental organizations working in this field. Naturally, these methods do not include abortion, since it is considered a crime.
