



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Twenty-fourth session

Summary record of the 492nd meeting

Held at Headquarters, New York, on Friday, 19 January 2001, at 10.30 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.50 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Third and combined fourth and fifth periodic reports of Egypt (CEDAW/C/EGY/3 and 4-5; CEDAW/PSWG/2001/I/CRP.1/Add.4 and CRP.2/Add.3)

1. *At the invitation of the Chairperson, Ms. Tallawy, Ms. Abdel Satar, Mr. Khalil and Ms. Zoul Fokkar (Egypt) took places at the Committee table.*

2. **Ms. Tallawy** (Egypt), introducing the third and combined fourth and fifth periodic reports of Egypt (CEDAW/C/EGY/3 and 4-5), said that, as a former member of the Committee, she had noted with satisfaction the improvement in the Committee's working methods and the greater recognition it now enjoyed. Because of their growing awareness that such problems as poverty, illiteracy and forced migration often had a woman's face, Governments, intergovernmental organizations and the international financial institutions were now working with the Committee for the advancement of women.

3. There had been much progress in implementing the Convention in Egypt, but discrimination against women, both de jure and de facto, persisted in some areas. The situation was evolving continuously, however, and, the establishment in February 2000 of an institution focusing on women's empowerment, the National Council for Women, of which she was the Secretary-General, had given Egypt's women cause for optimism.

4. The National Council had 11 standing committees, including the Legislative Committee and committees on culture and the media, economic development, education, environment and health. In addition, it had branches in each of Egypt's 27 governorates, which were responsible for implementing its programme at that level. Once those branches were well established, it intended to set up branches at the village level. The National Council had recently established a non-governmental organization, Friends of the National Council for Women. The existence of an organization with a general membership would

enable the National Council to channel and utilize the support for its work among women throughout Egypt.

5. Although the National Council had been established by presidential decree and reported to the President, it remained above party politics. Thus, in the 2000 parliamentary elections, it had provided practical support to women candidates, irrespective of party affiliation, provided that they espoused the principle of the equality of men and women. When the political parties had refused to field women candidates, the National Council had encouraged women to run as independents, funding their campaigns through donations from businesses and foundations. While the Government was committed to the advancement of women, there was less support for that goal in the lower echelons of political parties. The success of the women candidates, even in the conservative South, had created a powerful impetus for change, and had given women greater confidence in their capacity to effect such change. The National Council had also funded a television campaign encouraging women to participate in the electoral process which had resulted in a high turnout among women voters.

6. Another major initiative had been the launching of a microcredit project which was being implemented through local authorities and non-governmental organizations and was aimed at alleviating the plight of poor women, particularly rural women and women heads of household. The National Council had also achieved the reinstatement in the Family Law of an article providing for the imprisonment of men who failed to pay alimony to their former wives.

7. Despite those successes, some areas of concern remained, including women's under-representation in Parliament, the absence of women judges, the discriminatory provisions of the Nationality Law, the high female illiteracy rate, the impact on women of traditions based on the idea of their inferiority, and the problem of violence in the family.

8. Regarding Egypt's reservations to the Convention, she said that the authors of a comprehensive Government-commissioned report on the Islamic sharia and women's rights had concluded that there was no conflict between the sharia and the principles of equality and non-discrimination and that the general reservation to article 2, which was purely precautionary, should therefore be withdrawn. The issue was emotive and the reservation's withdrawal

would be controversial, but the National Council would continue its efforts to effect its withdrawal.

9. **Ms. Abdel Satar** (Egypt) said that the Legislative Committee of the National Council for Women, which she chaired, was conducting a review of Egypt's legislation in order to identify provisions that were not in conformity with the constitutional principle of equality of men and women. It also scrutinized the application of legislation since certain laws, although not discriminatory, were applied in such a way as to distinguish unfairly between men and women because of the disparity between the letter of their provisions and the social context in which they were implemented. Thus, while the laws on the judiciary contained no stipulations regarding the gender of judges or procurators, in practice women did not perform those functions.

10. The National Council for Women, through its Legislative Committee, actively sought to amend any provisions of the Code of Criminal Procedure that were discriminatory against women. A case in point was article 237 on adultery, which unjustifiably stipulated harsher sentences for women than for men. Under The Islamic sharia, the criminalization and punishment of adultery made no distinction between men and women, the purpose of the law being to protect morals in society as a whole. Some provisions of the Code of Criminal Procedure were favourable to women, such as the stipulation that body searches of an accused female could only be carried out by a woman.

11. The Prisons Law provided for special treatment for pregnant detainees, including the deferment of penalties until after childbirth and the right of a female detainee to keep a child born in prison with her until the age of two. Similarly, the Egyptian labour laws recognized the need to ensure that women could reconcile their family duties with their work responsibilities. There were special provisions applicable in both the public and private sector such as three months' maternity leave on full pay on three occasions during the period of service, and, since 1996, provisions for partly paid childcare leave. The National Council of Women, which was competent to give its views and make recommendations on any bills or draft decree-laws to ensure that they were not discriminatory, had exercised that competence, for example, with regard to the new draft Labour Code.

12. She acknowledged that there was a discrepancy between the constitutional principle of equality before the law and the current Nationality Law, which discriminated between men and women married to non-Egyptians and disadvantaged children whose mothers were Egyptians married to foreigners. Every effort was being made by the National Council for Women, for instance through seminars and extensive media coverage, to have the law amended. The Ministry of Education itself had decided to treat the children of Egyptian mothers and foreign fathers in the same way as Egyptian students, notably regarding tuition fees. The Supreme Constitutional Court, which played a crucial role, was currently reviewing the Nationality Law. It had recently ruled that the provisions of the decree by the Minister of the Interior requiring prior permission by a husband for the issuance of a passport to his wife were unconstitutional. The National Council for Women was examining the new law in an effort to pre-empt any setback. Although Islamic law provided that women required their husbands' permission to leave the home, that was seen as a measure of protection and safety.

13. **Mr. Khalil** (Egypt) said that domestic and other violence against women remained a problem, which the National Council for Women was actively addressing. From the legal point of view, all forms of violence against men or women, irrespective of the motives, were categorized as crimes. The Penal Code laid down particularly severe penalties where the victim was a woman, in such cases as abduction, rape, abortion resulting from abuse and other acts that violated a woman's dignity. Kinship between perpetrator and victim was an aggravating factor.

14. Violence committed by persons, such as prison or police personnel in the course of their official duties, was a criminal offence and was duly prosecuted, the penalties being commensurate with the offence. No official was immune from prosecution, and, if found guilty, was punishable by law regardless of the circumstances. Any citizen, not just the victim, had the right to file a complaint for alleged violence, all forms of evidence could be adduced and the case must be investigated. All places of detention were subject to monthly inspections. A special committee had been established in 1993 to investigate cases of detention and report thereon. There was no statute of limitations for such crimes; the penalties were very severe, and the

State was required to compensate victims for offences committed.

15. Numerous studies had been conducted into domestic violence, which was very often the result of inherited traditions and practices, with poverty and illiteracy as decisive factors. A number of ambitious programmes had been launched to inculcate in the public an awareness of human rights, and women's rights in particular. They included human rights education in schools, from primary to university level, human rights training for law enforcement officials, public information for the benefit of civil society, notably through the media, and awareness-raising in the civil service, for example within the Ministry of the Interior, where a senior-level human rights committee looked into the issues and adopted appropriate measures. The National Council for Women was continuing its work in cooperation with all relevant government organs and a number of the recommendations to emerge from its Legislative Committee were already being implemented.

16. **Ms. Zoul Fokkar** (Egypt) said that the National Council for Women, which had replaced the National Committee for Women in 2000, had 30 members. It included some men but the majority were women from both non-governmental and governmental backgrounds. In 1985, some changes had been made in the substantive provisions of Egyptian family law. Since that date, the women's movement had been working to enact a change in the procedural provisions of the law in order to bring them into line with social changes and modifications in the legal system. In 1991, the Ministry of Justice had agreed to form a committee to discuss reforms to the family law.

17. The National Committee for Women had been set up in 1992, and had held national conferences for women specifically calling for a new procedural law, in particular for a law providing that a marriage contract must be entered into by mutual agreement between the spouses. Such a marriage contract, which included the right to divorce through khul (repudiation) had existed under sharia, but was forbidden by statutory law. The National Committee had lobbied sharia law professors in religious institutions and the members of the supreme national council, one by one. It had argued that the principles of equality existed under sharia, and had been obscured by the traditional patriarchal culture. It had also contended that the whole sharia body of law must be respected. Finally in 2000, Law

No. 1 had been enacted, signalling a new phase in social legislation. Law No. 1 had been essential, because substantive laws with no means to implement them were useless.

18. The new law had created a single family court responsible for handling all family disputes, divorces, child custody and maintenance cases. It had given women the right unilaterally to terminate the marriage contract, a prerogative that men alone had previously enjoyed. The right had existed under sharia for both men and women, but women had been unaware that it applied to them. The Egyptian women's movement and the Government of Egypt had succeeded in enacting this important reform; it should serve as a model for other countries seeking to bring about the same kind of change.

19. Furthermore, changes to the law were closely linked to the matter of reservations. Egypt had reservations to article 2, article 9, paragraph 2, and article 16. Law No. 1 constituted a significant step towards the withdrawal of the Egyptian reservations to article 2. The Government had set up a committee to consider those reservations and the Committee had determined that the reservation to article 2 should be withdrawn because there was no justification under sharia or under any other set of legal principles for its existence. With the support of the Government, non-governmental organizations and the Al-Azhar university, it should be possible to persuade Parliament to approve withdrawal of the reservation to article 2. Article 16, however, was still under consideration and work was also being continued on article 9, which would require a change in the nationality law.

20. The National Council for Women believed that unless the attitudes of women could be changed, it would be futile to seek to reform laws. It was therefore planning programmes and seminars to reinforce positive images of women and to eliminate negative values that deprived women of their rightful place in society.

21. **Ms. Tallawy** (Egypt) said that the practice of divorce by choice had been prevalent in rural areas of Egypt for centuries, and stemmed from Islamic tradition. The reform to the procedural law had been a way of moving forward by correcting a mistake. Recently, a man had sued to nullify the presidential decree under which the National Council for Women had been established, declaring that the President had

no right to create such a body. His suit had been quashed, but the lesson was clear: women must remain vigilant. The summit of Arab first ladies held in November 2000 had resolved that Arab women must get together and improve their own lot. All the first ladies had delivered substantive papers; all were aware of the issues, and optimistic about the possibilities of reform. They had decided to hold such summit meetings periodically.

22. The Council was developing a five-year strategy to fit into the Government's five-year plan. Meetings of local branches of the Council would be held throughout the country to discuss the five-year strategy, which would then be taken up at the annual national meeting. In addition, the Council was planning to produce an annual report on the status of women. It was important to understand that the rapid achievements of the Council would not have been possible without the commitment of the Egyptian first lady and the support of the President.

23. **The Chairperson** thanked the Government of Egypt for an informative, detailed report, and for the introductory statement. She commended it for convoking the summit of Arab first ladies and for the important achievements of the National Council for Women.

24. **Ms. Corti** said that the Egyptian delegation had demonstrated its profound commitment to the cause of women's equality. The National Council for Women played a vital role in rallying women around issues of crucial importance to them. However, it was time for the Government to withdraw its reservations to key articles of the Convention, including article 9.1. She hailed the 1996 law that characterized female genital mutilation as a crime. Despite that monumental achievement, many contradictions remained, including the fact that Egypt did not have any women judges although it had a number of women legal experts. She wanted to know what measures were being taken to address that anomaly.

25. With respect to political participation, she said that the law of 1987 that cancelled the seats allocated to female members of Parliament had dealt a serious blow to women's participation in the political process. Accordingly, fresh efforts were needed to repair that damage, including a broader application of article 4.1 of the Convention. She disagreed with the delegation that religion provided for women's equality. It was one

of the main reasons why women were in a position of inferiority. The National Council for Women should focus more attention to the issue of violence against women and mount a vigorous awareness-raising campaign throughout the country, through the establishment of new machinery to give women, especially in rural areas, a clear picture of their rights under the existing laws.

26. **The Chairperson**, speaking in her capacity as an expert, said there was a danger that making rape an offence punishable by death might cause rapists to kill their victims in order to eliminate evidence of their crime. The Council might therefore wish to reconsider that provision. Indeed there were certain laws which initially appeared to be positive for women, but upon careful scrutiny turned out to be detrimental to their cause. For example, the fact that article 261 of the Criminal Code called for a penalty of imprisonment for inducing abortions might discourage women with severe haemorrhage from seeking medical treatment. The Council should reconsider that provision. She noted further that the Government needed to take a more integrated approach to HIV/AIDS, since it was a cross-cutting issue. The Ministry of Health should be only one of several agencies responsible for dealing with that pandemic.

27. **Ms. Aouij** said that Egypt had showed a clear political will to promote the advancement of women and ensure that their rights were protected as full-fledged citizens on an equal footing with men. In that regard, she hailed Law No. 1 for 2000 because its main beneficiaries were women. Its most outstanding, innovative feature was the granting to women of the unilateral right to divorce by repudiation, "khul". That form of divorce was based on the Islamic sharia. It had taken 10 years of negotiations and centuries of fierce resistance by men to secure a right which could have been deduced from a wise and dynamic reading of the religious texts. The new law also, inter alia, abolished the requirement for a wife to seek her husband's authorization before applying for a passport and gave the children of an Egyptian mother married to a foreigner an equal right to Egyptian nationality.

28. It was not enough to enact laws. They needed to be enforced. While the legislator established laws, it was the judge's duty to apply them. Therefore, the effectiveness of the legal reforms would hinge to a large extent on their proper application. In that regard, awareness-raising efforts to inform women of their new

rights must be conducted by the National Council on Women, in conjunction with the association of women's non-governmental organizations and the media.

29. **Ms. Acar** acknowledged the accomplishments of the reporting party, but was concerned that the patriarchal mentality, which was often presented under the guise of Islamic law, would hinder the application of the Convention and jeopardize the chances of implementing the positive new legislation that had been enacted. In that regard, she wondered how the lifting by the Supreme Court of the requirement that a husband must authorize the granting of a passport to his wife would be implemented. She asked whether there were any programmes for training officials in that respect and whether there were programmes aimed at raising the awareness of women themselves. It would be interesting to know how many women had already availed themselves of their rights under "khul". She wondered whether women were really able to take advantage of that unilateral right to repudiation and whether that right could in fact be claimed to offer real protection of the rights of married women.

30. While she admired the gains made, she was disappointed by the pace of progress, because what happened in Egypt was also important for women throughout the Islamic world. In that regard, she suggested that measures and policies aimed at eliminating discrimination against women also needed to be more clearly and openly related to the concept of universal norms of women's rights. Since improvement should be measured against universal norms and conditions, it was very important for Egypt to withdraw its reservations to the substantive articles of the Convention. She also urged the Egyptian Government to ratify the Optional Protocol, as full implementation of the universal rights of women could only be ensured by full application of relevant international instruments.

31. Lastly, she expressed concern at the low literacy level of women and the high dropout rates among girls. The Government needed to take vigorous measures to deal with those problems.

The meeting rose at 1 p.m.