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Committee on the Elimination of  
Discrimination against Women  
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Concluding comments of the Committee on the Elimination of  
Discrimination against Women: Egypt

Initial report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

196. The subject of employment and restriction on certain kinds of occupations was noted. It was inquired why women were not allowed to work in bars or in casinos (gambling establishments) as long as those establishments were legally run and allowed by the State. There also seemed to be differences in employment practices regarding maternity leave between the public and private sectors as, for example,

women workers in the government administration were granted up to two years' leave without pay while the private sector granted one year's leave without pay. It was asked what the consequences upon the women's return to work were in either case. Also, since there were restrictions on the frequency with which such leaves were granted, what would happen to women with more than three children.

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

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

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

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

201. In general, it was agreed that in spite of lack of statistical information, there seemed to be a larger number of women entering the labour force, and according to the introductory statement of the representative, more women were attending educational institutions. It was asked whether girls were being encouraged to enter scientific and technical institutions to study engineering, physics and natural sciences rather than the more segregated disciplines such as nursing, home economics, hotel management and social services, etc. It was also asked what was the literacy ratio level of males and females and whether there had been literacy campaigns; also, whether women in the rural and marginal areas benefited from the overall educational effort and what programme had been designed for them. Elitism would have to be avoided in education, it was remarked, since it should reach all classes and all levels of society.

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

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

204. If the Ministry of Social Affairs was responsible for the family planning policy, experts inquired about the programmes and measures that had been taken.

Also, more details were needed on divorce procedures, guardianship or custody of children and property. More explicit details as to nationality laws affecting children upon the marriage of mother or father were requested, as well as the nationality of the woman upon marriage.

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

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

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

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

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

210. The representative of Egypt, in replying to some of the questions, stated that she was pleased by the interest that had been aroused. Most of the questions would be answered at a later session, but she made certain observations.

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

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

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

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

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

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

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

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

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

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

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

222. Concerning the role of women in the legislative and political fields, it was explained that there were 31 constituencies in Egypt and that each constituency had to have at least one female member. Through free elections women could acquire more seats. The same was valid for the local councils. It was hoped that, following the next elections, the number of women would be doubled.
223. Although only 81 women occupied posts in the diplomatic service, compared with 1,000 men, that was not a matter of discrimination, but merely a lack of interest among women in such posts, which could be obtained through examination.
224. Women had the same rights as men to enrol in the faculties of engineering science, medicine, etc., and more and more women availed themselves of those rights.
225. As far as the police force was concerned, originally only men could enrol in the police academy where they studied law and police science for four years. Women had taken the initiative to apply for entrance to the police academy. In order to accommodate that desire, the authorities decided that those women had to have a university degree in law in order to be able to join the police academy, where they had to study police science for one more year to become police officers in the same way as men.
226. As regards the acquisition by a child of the father's nationality, it was explained that if an Egyptian mother married a foreign husband and thereby agreed to give the father's nationality to the child, the child nevertheless could opt for Egyptian nationality, subject to a decision by the Minister of the Interior.
227. It was further stated that, under article 9 of the Constitution, the family was the basic element in society. Under article 10, the State guaranteed the protection of children and mothers and under article 11 the State guaranteed that women combined the duties inside and outside the family in accordance with the provisions of Islamic Law. To a comment made by one expert that, as a consequence of the above facts, all the burden was placed on the women's shoulders, the representative replied that the responsibilities were shared between husband and wife. The State further guaranteed sanitary conditions, medical services, retirement benefits and guaranteed and supervised the different stages of education. With a view to eliminating illiteracy, the State guaranteed education at all levels free of charge. Reference was made to the extensive progress in schooling; since, in 1982, 40 per cent of all students were women and 33.8 per cent of post-graduate registrations were women.
228. Nurseries were provided by the State and by private enterprises and the retirement age was 60 years for both men and women.
229. In addition to her own pension, a widow was entitled to a part of her husband's pension after his death; a divorced woman with no financial resources was entitled to a part of her deceased father's pension.
230. In the public sector, women were entitled to two years' unpaid leave for looking after their children, against one year only in the private sector because they received other benefits. After that time, women could assume their former posts and enjoy the same rights and privileges.
231. The Department for Women's Affairs had been created a long time ago. She had, however, no information on its budgetary situation. The National Commission on

Women consisted of representatives of many ministries, the parliament, the mass media, research institutes, trade unions and other associations and bodies.

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

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

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

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



