

Committee on the Elimination of
Discrimination against Women
Ninth session

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

Second periodic report

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

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

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

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

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

391. Referring to programmes to change the stereotyped concepts with regard to women, under article 5, he said that the educational curricula did not differentiate between women and men, that co-education was practised at primary and

university level and that the mass media, seminars and non-governmental organizations played a major role in that respect. The National Commission for Women and the Ministry of Social Affairs had disseminated information about recent legislation affecting women.

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

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

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

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

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

397. Turning to questions raised under article 12, he said that abortion was prohibited and punishable, but that contraception was made available free of charge. Some progress had been made with regard to the reduction of the mortality

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

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

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

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

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

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

403. In their additional comments and questions, members of the Committee hoped for an early withdrawal of the reservations to articles 2 and 9. Since double

nationality was allowed in Egypt, the issue of reservations on article 9 should be reconsidered in the light of this development. Furthermore, they noted that they would urge that subsequent periodic reports adhere more closely to the Committee's general guidelines and take into account the comments made at the current session. They also noted the lack of progress on the part of the National Commission for Women, the lack of interest among women to use their rights and the paucity of party programmes for the advancement of women.

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

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

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

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

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

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

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