Joint submission to the
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THIS IS JOINT SUBMISSION TO THE UPR WORKING GROUP BY:

Center for Egyptian Women’s Legal Assistance (CEWLA) is an Egyptian non-governmental organisation based in Cairo, Egypt with ECOSOC consultative status since 2009. CEWLA is a grassroots organisation that works on access to justice, combating violence against women, and societal development.

ElNadim Center for the Treatment and Rehabilitation of Victims of Violence and Torture is an Egyptian non-governmental association founded in August 1993.

The Women’s International League for Peace and Freedom (WILPF) is an international non-governmental organisation with National Sections covering every continent, an International Secretariat based in Geneva, and an office in New York.

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I. Background and context

1. In the second cycle of the Universal Periodic Review (2014), Egypt received a total of 321 recommendations, 67 of which specifically pertain to women’s rights. While Egypt accepted most of these recommendations, it has not taken serious action to implement them. This lack of action to uphold women’s rights is also reflected in the current political and economic situation. The fight against terrorism is still the main pretext for putting women’s demands at the bottom of the State’s priorities. Such lack of action is compounded by the weakness of the National Council for Women, the women’s rights official national mechanism in Egypt.

2. Moreover, most international and domestic attention is given to general human rights violations without specific regard to women’s rights. Despite Egypt’s repeated promises to do more for women’s rights, these have not resulted in concrete action. This reflects how these promises have only been used to pay lip service to women’s rights and manifests conservative and patriarchal perspectives, whether in the political, social or religious spheres. This report addresses some specific violations of women’s rights and formulates relevant recommendations.

3. Egypt has a number of overdue reports to UN human rights treaty bodies, including to the CEDAW Committee (due in February 2014), to the Human Rights Committee (due in November 2004), the Committee on the Rights of the Child (due in March 2016).

Recommendation

4. Egypt should:

   a) Submit its overdue reports to UN human rights treaty bodies, including the CEDAW Committee (overdue since February 2014), to the Human Rights Committee (overdue since November 2004), the Committee on the Rights of the Child (overdue since March 2016).

II. Discriminatory laws against women

A. Personal status laws

5. The Personal Status Law is the law governing family issues and personal matters in Egypt. It was first issued in 1920, and minor modifications were subsequently made in 1929, 1985, and 2005. The Law is based on the Hanafi School of interpretation of Sharia law. In the first UPR cycle (2010), Egypt received a recommendation to “Amend the
Personal Status Law and Penal Code to guarantee equal rights for women and provide guarantees that domestic violence will be effectively prosecuted”. This recommendation was included among those that, according to Egypt, had already been implemented or in the process of implementation.

6. In the second UPR cycle, Egypt also partially accepted the recommendation to “Review the personal status legislation and the Penal Code in order to modify or delete articles that discriminate against women, to comply with the Constitution, as well as international law, and work to lift the reservation on article 16 of CEDAW.” These recommendations echoed previous concerns and concluding observations made by the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC).

7. As noted earlier, the Personal Status Law has been amended on several occasions between 1920 and 2005. The Personal Status Law No. 25 of 1920 addressed issues related to alimony and was amended by Law No. 25 of 1929. This was followed by Law No. 100 of 1985 and Law No. 1 of 2000. Finally, Law No. 4 of 2005 amended provisions relating to the custody of children. Despite such amendments, these laws still contain extremely discriminatory provisions against women, including but not limited to:

1) Marriage

8. According to Article 9(7) of Law No. 1 of 2000 for matters related to personal status, the court may accept requests to examine whether or not a female must obtain her guardian’s consent to enter into a marriage contract. By limiting women's choices over their personal lives, this article breaches, inter alia, the right to freedom of choice (guaranteed under articles 54-65 and 99 of the Egyptian Constitution of 2014) and to non-discrimination based on sex (guaranteed under articles 9 and 11 of the Egyptian Constitution of 2014).

9. Informal marriage, which is entered into by signing a handwritten document or by verbal agreement, or any other form without using official papers, is often resorted to as a way of legitimately getting around religious prohibitions against premarital or

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1 A/HRC/14/17, recommendation 87 (Netherlands), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx
2 “Egypt considers that the recommendations Nos. 85-119 have already been implemented or in the process of implementation.” See paragraph 96, of A/HRC/14/17.
3 A/HRC/28/16, recommendation 116.18 (Sweden), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx; “7. The Government is required under the Constitution to review the enactment or amendment of all legislation governing citizens’ rights in order to ensure that it is consistent with the international human rights treaties that Egypt has ratified. In this context, Egypt is currently examining its reservation to articles 2 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women. Acceptance by States of articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is optional and Egypt has currently no intention of withdrawing its reservation. In light of the foregoing: (…) The following recommendations have been partially accepted: (…) 166.18”, see paragraph 7 of A/HRC/28/16/Add.1, available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx
5 http://www.wluml.org/ar/node/5686
extramarital sex. Law does not prohibit informal marriage and it does not guarantee women any formal rights. In this type of marriage, the husband has no obligation to provide financial support to his wife. Moreover, if a husband destroys the informal marriage document, the wife may be accused of having sexual relations out of wedlock, which is criminalised by law. Furthermore, fathers often refuse to recognise children born from these informal marriages and women then have to resort to court in order to be able to prove the father’s identity.

2) Divorce

10. Pursuant to the Personal Status Law as amended by Law No. 100 of 1985 and under provisions applicable only to Muslims, “A man may divorce his wife by telling her that she is divorced for up to three times, and such a statement must be duly notarized within 30 days.” In contrast, a woman - regardless of her religion - is required to go to court to apply for divorce and prove any of the following reasons:

- Sickness, including mental illness or impotence;
- Failure to provide money or financial support;
- Absence or imprisonment; and
- Harmful behavior, such as “physical or psychological abuse” (Articles 7 - 11)

11. Pursuant to the Personal Status Law as amended by Law No. 1 of 2000, a woman may, without giving reasons, be granted *khula* (unilateral termination of the marriage), on the condition that she returns the dowry and waives her material rights (to alimony, divorce compensation, and unpaid dowry). However, there were several cases when judges asked women applying for *khula*, to list and prove the reasons for their application despite the law not stating any such legal requirement.⁶

3) Child custody

12. In accordance with Article 20/1 of Decree-Law No. 25 of 1929 as amended by Law 100 for the year 1985⁷ of the Personal Status Law, a mother is denied custody of her children if she marries another man after divorce. On the other hand, a father retains custody of his children even if he gets married to another woman while his marriage still stands or gets remarried after a divorce. This violates women’s right to equality in family relations.

13. Under Article 20 of the Personal Status Law as amended in 2005, a woman shall have custody until the child becomes 15 or until the mother gets married to another man. This is why many mothers do not get married again as they would lose custody of their children. However, even if the child reaches the age of 15 and chooses to remain in their mother’s custody, the mother is obliged to leave the house (if the house is provided by

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⁶ These cases have been presented by lawyers at a training organised by the Center for Egyptian Women’s Legal Assistance (CEWLA) to highlight procedural obstacles to implementing personal Status Laws.
⁷ https://groups.google.com/forum/#!topic/gomaaa/jxmdxVnZxZY
the father during the custody period). In certain cases, some women do not have any alternatives to housing; hence, they are left without any shelter or safety measures.

B. Discrimination under the Penal Code

14. Under the Penal Code, women’s testimonies are fully recognised as evidence. However, pursuant to the Personal Status Law, the testimonies of two female witnesses are only equivalent to one male witness’ testimony. This applies in matters dealing with marriage contract and before family courts for any personal matters. This has a particular harmful impact on women because most of the evidence protecting women's rights in family matters is more likely to be available with other women rather than men; therefore, reducing the value of women's testimony will disadvantage other women at risk for whom that testimony is provided.

15. Despite the fact that the Penal Code establishes criminal protection for women in several areas, there still are areas that need to be strengthened, particularly regarding certain acts of violence against women. In addition, some provisions in the Penal Code discriminate against women.

1) Reduction of sentences for perpetrators of violence against women

16. Article 17 of the Penal Code states: “In criminal provisions where the circumstances of an offence for which a public case has been filed require judges’ clemency, the following penalties may be commuted as follows:

- Death penalty to life imprisonment or hard labor;
- Life imprisonment to hard labor or imprisonment;
- Hard labor to imprisonment or detention for no less than six months; and
- Imprisonment to detention for no less than three months”.

17. The implementation of this article is problematic in crimes in which the victim is a woman, especially in rape and crimes defined as “indecent violations”, as well as in so-called “honour” crimes. This article is very significantly used by judges in such cases to reduce the penalty for perpetrators by up to two degrees irrespective of the gravity of the crimes. Judges have often applied clemency in cases where perpetrators have committed acts of violence against women and girls, including horrific ones, such as in the case of the rape of an eight-year-old girl, whose perpetrator received only a two-year prison sentence (For additional examples, please see Annex I.) As noted by the CEDAW Committee, this practice condones acts of violence against women by exempting perpetrators from punishment or reducing the sentences imposed. It demonstrates a structural failure: the inherent bias of the legal system is reflective of governance, economic social and culturally supported structures which has thus institutionalised gender- based discrimination, including in the criminal process.

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18. We note that some of the sanctions under 17 of the Penal Code are already per se in violation of international human rights law, particularly with Egypt’s obligations under the International Covenant on Civil and Political Rights, and should, therefore, be amended.10

2) Domestic violence

19. Article 60 of the Penal Code states: “The provisions of the Penal Code shall not apply to any act committed in good faith pursuant to a right established by the Islamic Sharia.” This Article is used to legitimise so-called “chastisement” [domestic violence], as it indirectly recognises husbands the right to use violence against their wives. Such violence can be severe, leaving scars or a permanent disability. When women subject to domestic violence go to the police to report violence, they face mistreatment, including refusals to record complaint against their husbands, since this type of violence is considered as a legitimate right for men. Even where complaints are recorded and cases brought to justice, the above-mentioned Article 60 of the Penal Code is used to legitimise domestic violence as a right established under Sharia law, with each judge giving their own interpretation of the Quran.

3) Sanctions for adultery

20. Sanctions for adultery under the Penal Code are already per se in violation of international human rights law. Moreover, Articles 237, 274 and 277 of the Penal Code, which sanction adultery, are applied with discrimination between men and women although Sharia law provides for the same penalty.

21. Article 237 envisages that if a husband kills both his wife and the man she was committing adultery with, he can be sentenced to manslaughter only, rather than murder, if he catches them in the act. The possibility for a lighter sentence does not apply to women. According to Articles 274 and 277, which are about the punishment for adultery, a wife found to have committed adultery shall be punished by imprisonment for a maximum of two years; the husband can interrupt that sentence at any time by forgiving her adultery. A husband who commits adultery in the matrimonial home shall be punished by imprisonment for a maximum of six months; the wife cannot interrupt that sentence by forgiving him. Men are not considered to have committed adultery unless the act(s) took place within the marital home. Women are considered to have committed adultery regardless of where the act(s) took place. If a man commits adultery outside of the marital home with an unmarried woman, no charge can be established against him.

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10 For example, in the Concluding observations issued after its last review of Egypt, the Human Rights Committee noted with concern the very large number of offences which, under Egyptian law, are punishable by the death penalty, and the incompatibility of certain of those offences with article 6, paragraph 2, of the Covenant. UN Index: CCPR/CO/76/EGY, 28 November 2002, para. 12, available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fCO%2f76%2fEGY&Lang=en
Recommendations

22. Egypt should:
   a) Amend the Personal Status Law to bring it in line with international obligations, in particular with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the recommendations made by the CEDAW Committee in this regard;
   b) Amend discriminatory laws and provisions against women, including in the Penal Code, in order to ensure women’s equal access to justice and equality before the law, particularly in procedural and evidential matters, as stipulated in the Egyptian Constitution, and to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and the International Covenant on Civil and Political Rights;
   c) Fulfil Egypt’s with international human rights obligations by amending, adopting and effectively implementing legislation to eliminate all forms of discrimination and violence against women, including domestic violence, and criminalising all forms of violence against women and girls with guarantees for the effective investigation and prosecution of perpetrators.

III. Violence against women

A. Legal framework

23. In its last UPR cycle, Egypt only noted a recommendation to lift the reservation to Articles 2 and 16 of the CEDAW Convention and partially accepted recommendations on the same topic to consider the lifting of reservations.  

11 The government itself recognised in its report to the CEDAW Committee in 2008 that the reservation to article 2 is incompatible with Egypt’s Constitution; yet, these reservations have not been lifted yet.  

12 Egypt also partially accepted the recommendation to sign the Optional Protocol to the CEDAW Convention, but there are has been no public or parliamentary debate on this, which signals no willingness by the government to reconsider the matter.

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Egypt received several UPR recommendations to amend the laws that perpetuate violence and discrimination against women, and to enact a law criminalising domestic violence.\textsuperscript{14} Although Egypt supported the recommendation to: “Amend the Penal Code and other national laws criminalising all forms of violence against women and domestic violence and rape in particular, and implement laws in practice”.\textsuperscript{15} There has been no real progress on this issue despite the fact that draft bills on violence against women have been proposed by civil society organisations and the National Council for Women, respectively. At the time of writing, crimes of sexual assault are still not all legally recognised, and are only listed as “indecent violations.” Crimes of anal rape, assault, rape with hands/sharp objects, for example, fall under these “indecent violations”.

**Recommendations**

26. **Egypt should**:

a) Withdraw without delay reservations to Articles 2 and 16 of the CEDAW Convention in accordance with previous UPR recommendations and of recommendations of Treaty Bodies;

b) Effectively roll out the specialised women police units on violence against women with adequate training on human rights standards and gender-sensitive police practices and dedicate the necessary resources for these units to effectively and fully carry out their mandate, such as and not limited to, budget, tools and human resources, access to information for victims, and shelters to deal with cases of violence against women all over the country;

c) Implement and update the National Strategy on Violence Against Women (NVAWS) in partnership with relevant independent civil society groups;

d) Invite and allow the Special Rapporteur on violence against women to do a country visit with full guarantees of non-reprisals against any individual or civil society group engaging with the Special Rapporteur during her visit.

**B. Sexual harassment**

27. Although sexual harassment has been defined as a crime in Article 306 of the Penal Code\textsuperscript{16}, no significant progress has been made on the issue. According to a 2017 Reuters report,\textsuperscript{17} Cairo was the world’s most dangerous city for women due to increased sexual harassment and violence without effective measures to deter these violations. The societal culture also continues to blame women for sexual harassment, claiming that

\textsuperscript{14} A/HRC/28/16, recommendation 166.161 (Germany) and 166.164 (Lithuania), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx

\textsuperscript{15} A/HRC/28/16, recommendation 166.164 (Lithuania), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx


\textsuperscript{17} http://poll2017.trust.org/
harassed women wear “indecent” attire or have “reprehensible” behaviours on the street. Moreover, Articles 306 bis (a) and bis (b) of the Penal Code still provide the need to prove prior sexual intention to harassment, which is difficult to prove for claimants and is, thus, a way out for defendants.  

**Recommendations**

28. **Egypt should:**

   a) Step up efforts to fight against sexual harassment including by effectively implementing Article 306 of the Penal code, which criminalises sexual harassment and amend Articles 306 bis (a) and bis (b) of the Penal code to repeal the obligation of claimants to prove the prior sexual intention of perpetrators of sexual harassment.  

C. **Child marriage**

29. After the revolution and in face of the spread of vandalism and growing insecurity, many families have refrained from sending their daughters to school. This is compounded by the fact that school facilities can be far and that parents fear that their daughters might be kidnapped, raped and harassed on their way to school. As a consequence, and also as a way to ease the economic burden on the family, girls are married at an early age. The education of boys is prioritised, since the expectations is that sons are to become breadwinners and the sole source of income for families, despite the fact that indicators suggest that 30% of Egyptian households are in fact headed by women, according to the Central Agency for Public Mobilization and Statistics.  

30. Law No. 126 of 2008 raises the legal age of marriage from 16 to 18 for both males and females and punishes child marriage. It stipulates that: “A marriage contract for persons of any sex who have not become 18 shall not be documented.” (Unofficial translation)  

31. However, the State has not taken serious steps to combat child marriages or to punish perpetrators of child marriage, whether parents or marriage registrars. Moreover, marriage registrars' records are not audited to check whether the legal age of marriage is respected. Child marriages cause many problems, including depriving girls of their right to education as well as their right to choose their partner. It also denies them of their rights to participate in public life and increases the risk of falling into trafficking and sexual exploitation because women have to work in illegal livelihoods to support their families. Finally, women who were married as children face increased legal, physical and social vulnerabilities as adults. The State must introduce practical solutions to address these vulnerabilities.

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19 http://www.sis.gov.eg/Story/146143?lang=ar
Recommendations

32. Egypt should:

a) Intensify measures to prevent and eliminate all forms of child marriage including by effectively implementing Law No. 126 of 2008 that increases the age of legal marriage to 18 and by ensuring the effective prosecution of all individuals performing and facilitating child marriage;

b) Ensure independent auditing of marriage registrars’ records and sanction individuals who perform and facilitate marriages without legal documentation attesting the legal age of marriage of 18;

c) Develop awareness-raising programmes for the public, law enforcement agencies, the judiciary and civil society to highlight the health and psychological harmful impacts and legal sanctions associated with child marriages.

D. Trafficking in women and girls

33. In its last UPR cycles, Egypt received and supported many recommendations pertaining to the issue of trafficking in persons, including to broaden the understanding of the definition of trafficking and to mainstream a human-rights based approach in dealing with policies directed towards eliminating trafficking in persons.20

34. The government has made important efforts in combating human trafficking. In July 2007, the Prime Minister formed a National Coordinating Committee to Combat and Prevent Human Trafficking. The Committee is comprised of representatives from all relevant ministries and national councils. This cooperation and coordination culminated in the promulgation of the Human Trafficking Law No. 64 of 2010.21 However, not enough is done to prosecute and punish perpetrators. Moreover, in applying the Law it has been found that it contains several loopholes. For instance, Article 2 defining acts that constitute trafficking does not refer to commercial marriage trafficking, forced marriage and other forms of marriage that include some form of human trafficking.

35. The CEDAW and CRC Committees had expressed concerns at about the so-called “tourist marriages” or “temporary marriages” of young Egyptian girls, usually from poor families in rural areas, to non-Egyptians, usually wealthy men from neighbouring countries. The Committees stated that this constituted a new type of trafficking in girls under the cover of marriage22. In 2015, the former Minister of Justice issued Ministerial Regulation No. 9200 of 2015 to regulate the registration process for marriage contracts

20 A/HRC/14/17, recommendation 44 (Belarus), 45 (Philippines) and 93 (United States of America), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EIndex.aspx; A/HRC/28/16, recommendation 166.169 (Rwanda), 166.170 (Slovenia), 166.171 (Israel), 166.172 (Kazakhstan), 166.173 (Philippines), 166.174 (Maldives), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EIndex.aspx; A/HRC/28/16/Add.1, available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EIndex.aspx
between Egyptian women and foreign men. This regulation requires foreign men intending to marry an Egyptian woman who is at least 25 years younger than them to create a deposit of LE 50,000 ($6,000 in 2015 and nearly $2,825 in 2019). This regulation disguises trafficking and legalises this crime in addition to commodifying women and girls.

36. It is estimated that 59% of female domestic workers in Egypt are trapped in labour exploitation. In addition, domestic workers are still not covered by the Labour Code and do not benefit from any social and legal protection systems. After her country visit in 2010, the Special Rapporteur on trafficking in persons noted a disturbing pattern of abuse and exploitation of trafficked domestic workers in Egypt. She recommended that the Labour Code be extended to protect domestic workers, who are often at higher risk of abuse and exploitation. Egypt supported an UPR recommendation to consider amendments to its Labour Code to cover and protect domestic workers and prohibit exploitative form of domestic work.

Recommendations

37. Egypt should:

a) Enact legislation to prevent human trafficking, including sex trafficking, amend Law No. 64 of 2010 to eliminate its loopholes, impose penalties proportionate to and consistent with the nature of the offence;

b) Amend the Labour Code or adopt new legislation to ensure the protection of domestic workers, including migrant domestic workers, and ensure that domestic workers have access to mechanisms for bringing complaints against employers and that all abuses be promptly investigated and punished;

c) Ratify the ILO Convention 189 on domestic workers and submit without delay its report to the Committee on Migrant Workers.

E. Female genital mutilation (FGM)

38. Egypt is one of the 10 countries with the highest prevalence rate of FGM in the world. According to the UNICEF, 87% of women and girls aged 15 to 49 years old have
undergone FGM. Despite the tightening of penalties for FGM in 2016, from misdemeanor to felony with convictions of 5 to 7 years’ imprisonment, as well as the reduced prevalence rates from 97% in 1995 to 87% in 2014, the State’s efforts to enforce the law are still insufficient. Moreover, the number of national anti-FGM awareness-raising advertisements and campaigns has decreased.

39. Article 61 of the Law on FGM gives perpetrators grounds for impunity by claiming that FGM is justified in cases of “medical necessity” or to save the girl’s life, which is unfounded. Furthermore, in practice, penalties are only imposed in cases where FGM has led to death; and even such cases, penalties are often commuted. An example of this is the Mayar case – known in the media as the Suez Circumcision case – in which the defendants, including the mother, were all given a one-year suspended sentence and a fine with the judge commuting the penalty.

**Recommendations**

40. **Egypt should:**

a) Repeal Article 61 of the Penal Code which provides an exception to sanctions for female genital mutilation on grounds of medical necessity;

b) Develop sensitisation programmes for criminal judges so that they strictly enforce sanctions on doctors or individuals practicing female genital mutilation and to households, local authorities, religious leaders and medical practitioners to change the underlying social norms which contribute to the practice;

c) Expand the powers of medical unions to revoke the medical licenses of doctors and medical staff who carry out female genital mutilation in order to fight against its ‘medicalisation’;

d) Strictly enforce the criminalisation of female genital mutilation, including by creating a legal obligation for medical practitioners and staff to report all cases of female genital mutilation and to ensure that medical doctors and staff who practice female genital mutilation and who do not report on cases are duly prosecuted and punished in accordance with the law.

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29 https://www.progressegypt.org/indicator.html#fgm
30 https://www.albawabnews.com/3133174
IV. Women human rights defenders (WHRDs)

41. In 2014, Egypt supported five out of nine UPR recommendations relating to human rights defenders. It undertook to investigate the sexual harassment and abuse of women human rights defenders (WHRDs), to adopt a national strategy to fight all forms of violence against women, including on violence against WHRDs, to ensure a safe working environment for human rights defenders in line with international standards and conventions, and to take all necessary mechanisms to protect human rights defenders from threats and attacks. However, none of these recommendations have been implemented. The National Strategy on Violence against Women fails to refer to WHRDs and to their protection. In contrast, attacks and abuses against WHRDs and feminist civil society organisations have intensified.

42. The targeting of human rights defenders, including WHRDs, is systematic. Measures against them include: travel bans imposed as “precautionary measures” without prior information, investigation or legal notice. WHRDs have often found out about the ban upon arrival at the airport, withholding of passports at the airport upon return from abroad; freezing of accounts without investigation or proper legal procedures for notification. In some cases, WHRDs were subjected to house arrests on the basis of false accusations, such as in case 173 (NGOs foreign funding case) and case 621.

43. Women human rights defenders, experience these violations in gender-specific ways, and they are exposed to additional gender-specific violations. For example, criminalisation differently affects women who have lesser access to financial resources for legal aid. Smearing campaigns against women human rights defenders exploits degrading and misogynist stereotypes of women’s sexuality or question her role as a mother to delegitimize her in the community. Defamation campaigns use women’s personal and marital status/choices, how they dress, the language they use, sometimes considered “indecent” or “improper” for a woman, or accusations related to the type of work and activism they do (e.g. see Mozn Hassan’s case and Azza Soliman’s case in Annex II).

44. Human rights defenders, including women human rights defenders, and others have been also been subject to reprisals for engaging with UN human rights mechanisms. For example, following her country visit to Egypt, the Special Rapporteur on the right to housing condemned arbitrary arrest, intimidation and reprisals and other violations against persons she met during her official country visit to Egypt. Together with the Special Rapporteur on Human Rights Defenders she cautioned against further Special Procedures visits in current circumstances. The experts stated that “unless Egypt ensures that human rights defenders and victims of human rights violations can interact with UN

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32 A/HRC/28/16, recommendation 166.76 (Finland), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx
33 A/HRC/28/16, recommendation 166.155 (Brazil), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx
34 A/HRC/28/16, recommendation 166.218 (Luxembourg), available at: https://www.ohchr.org/EN/HRBodies/UPR/Pages/EGIndex.aspx
human rights envoys without fear of reprisal, it is in our view not ready to host further visits.”

Recommendations

45. Egypt should:

a) Immediately cease ongoing harassment, including defamation campaigns and threats, of human rights defenders;

b) Take all necessary measures to ensure that human rights defenders are protected from prosecutions based on defamation and security grounds and put in place with specific and enhanced protection mechanisms for women human rights defenders;

c) Comply with its international human rights obligations, including under the International Covenant on Civil and Political Rights, to ensure a safe working environment for human human rights defenders, giving attention to the specific needs of women human rights defenders and women organisations;

d) Put an end to and refrain from taking “precautionary measures” against human rights defenders, including women human rights defenders, such as the freezing of accounts, travel bans, passport confiscations and other intimidation measures;

e) Extend an invitation to and set a date for the visit of UN Special Procedures mandate holders, in particular the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on the situation of Human Rights Defenders, with full guarantees of non-reprisals against any individual or civil society group engaging with Special Rapporteurs during their visit.

V. Annex I: Examples of cases of reduction of sentences for perpetrators of violence against women

In the verdict – issued on 02/12/1990 – of the criminal case no. 4415 of the First Section of Zagazig, the court convicted the offender who had raped his wife’s eight-year-old niece several times. However, it only sentenced him to two years in prison although it was a severe offence punishable under Articles 267(2) and 269 by up to fifteen years of hard labor. The court used the maximum degree of clemency without any justification. The ruling states that the court considered that the circumstances of the case called for clemency.

In the ruling in the criminal case no. 16314 of 2004 of the Second Section of Tanta, the defendant kidnapped the victim and took her to a friend’s apartment where he raped her despite her cries and begging. The shock caused her heart to fail and she died as a consequence. The court convicted the defendant to three years of hard labor. The ruling states that: “Given the circumstances of the case, the court would like to show the accused some clemency under Article 17 of the Penal Code.”

VI. Annex II: examples of cases against women human rights defenders

Mozn Hassan – Founder of Nazra Center for Feminist Studies

In March 2016, Hassan was in New York when she learned that three members of her Cairo team were being interrogated. She immediately returned to Egypt to support them and was summoned for investigation. She was formally charged in the case known as 173 - NGOs foreign funding case, in June of the same year. She also found out that she was on the travel ban list when she tried to travel to Beirut. Mozn was accused of tax evasion, “supporting irresponsible liberation” of women, and receiving foreign funds with the intention of harming national security. The sentences of these accusations can sum up to a life sentence.

Azza Soliman – Lawyer and Chairperson of the Board of Trustees of the Centre for Egyptian Women Legal Assistance

On 19 November 2016, while Soliman was trying to travel to Jordan to attend a training on women’s rights, the airport authorities showed her a travel ban decision. Shortly thereafter, she learned that her bank accounts and those of her law firm had frozen. When Soliman went to the bank to have the freezing lifted, she was informed that the freezing decision had been made verbally without an official document by a judicial authority. Two weeks later, Soliman was arrested by the police, taken to the police station and then to the investigating judge. This time, she was accused of violating a law that prevents NGOs from receiving external funding. These accusations were upheld on 14 December 2016, in addition to the travel ban decision, and her movable and immovable property were confiscated and her bank accounts frozen. One of the main accusation against Soliman was that she was slandering Egypt’s by claiming that women in the country are facing sexual harassment and rape among other accusations. Soliman is also facing the threat of a life sentence of imprisonment.
Aida Saif al-Dawlah – Doctor and co-founder of El Nadeem Center for Rehabilitation of Victims of Violence

In November 2016, the Cairo Airport security authorities, under a decision of the investigating judge, prevented Saif al-Dawlah from travelling to Tunisia. Security sources at the airport informed her that she was on the travel ban list according to a decision of the investigating judge in case 173 NGOs foreign funding case.

Susan Fayyad – Doctor and co-founder of El Nadeem Center for Rehabilitation of Victims of Violence

In October 2017, the Cairo Airport authorities prevented Fayyad from travelling. She was heading to Tunisia to participate in a workshop on ways to rehabilitate child victims of violence held in partnership with other Arab organisations.

Mahienour El-Masry – Lawyer

On 16 July 2018, the airport authorities withheld Mahienour El-Masry’s passport upon her return from abroad. Prior to that she did not know that she was on the ‘immediately-wanted’ list. El-Masry was searched, forced to wait for more than three hours, and taken to the National Security Office at the airport. Her passport was taken and she was asked to get it back from the State Security Branch in Alexandria. She refused to do that and filed a request to cancel the passport and applied for a replacement. In October 2018, when El-Masry returned from a trip to Germany and Czech Republic, airport security staff members took her to the Passport Room and then to the State security officers, where she was searched. She was then taken back to the Passport Room. Security officers started procedures to seize her cell phone and money. They, then, took her back to the state security officer who interrogated her. She reports that she was asked by the officer “Where were you? And what were you doing?”, who added that “You will get out, but you have to take the passport from the State Security Branch in Alexandria after 4 or 5 days”. She states that: “Then, they stopped the seizure procedures, gave me back my mobile phone and let me walk out.”

Amal Fathi – Member of the April 6 Youth Movement

On May 11, 2018, Amal Fathi, her husband Mohamed Lutfi – director of the Egyptian Commission for Rights and Freedoms – and their three-year-old son were arrested at their home in Maadi. A few hours later, Lutfi and their son were released, while Fathi was kept in custody. Her name was included in another case ‘621 of 2018’ before the Supreme State Security Prosecution Office. Fathi is facing charges of joining a terrorist group, using a website to promote ideas and beliefs that advocate terrorist acts, and spreading false news and rumors to undermine public security and harm the public interest. Fathi’s detention was extended more than once pending further investigations. In December 2018, Fathi was released, but as a precautionary measure she was prevented from leaving the house except to visit a doctor. Fathi appealed the decision. However, her imprisonment for two years was upheld.