

EGYPT



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

The colour codes indicate whether the laws comply with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women, and recommendations of the country's Universal Periodic Review.

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Egypt ratified CEDAW in 1981 and maintains reservations to Article 2 (policy measures), Article 16 (equality in marriage and family life), and Article 29(2) (administration of the convention and arbitration of disputes). Egypt withdrew its reservation to Article 9(2) in 2004.

Constitution

The 2014 Constitution includes more than 20 articles addressing the rights of women so as to ensure equal opportunities and prevent discrimination, protection against all forms of violence, and to ensure women's empowerment and commitment to care at various stages of their lives.

NATIONALITY LAW

NATIONALITY

The Nationality Law of 1975 was amended in 2004 to grant Egyptian women married to foreign men the right to pass their nationality to their children. The Nationality Law still restricts Egyptian women from conferring their nationality to their foreign-born spouses.

CRIMINAL LAWS

Domestic violence

There is no law on domestic violence. Some domestic violence offences may be punishable under the Penal Code and Law No. 6 of 1998, but only if the battery exceeds the accepted limits of discipline decided by the judge and if the injuries are apparent when filing the complaint at the police station. A draft law to address all forms of violence against women has been prepared.

Abortion for rape survivors

Abortion is prohibited by Articles 260–264 of the Penal Code. A 1998 fatwa on abortion declared that women who have been raped should have access to an abortion in the first months of pregnancy. Abortions are legal in cases of necessity, e.g. to save a woman's life. As a practical matter, abortion services may be made available by hospitals to women and girls who have been raped.

Female Genital Mutilation / Cutting (FGM/C)

FGM/C has been criminalized since 2008. The Penal Code considers circumcision an aggravating factor in the crime of causing deliberate physical injury. In 2016, the Penal Code was amended to increase the penalties for FGM/C to a period of imprisonment of between five and seven years.

Marital rape

Marital rape is not criminalized. Marital rape is not considered a crime under the constitutional principle that there is no crime and no punishment except as authorized by a legal text.

Sexual harassment

Law No. 50 of 2014 amended the Penal Code (Articles 306 bis(a) and 306 bis(b)) to introduce penalties for sexual harassment, including imprisonment and fines.

Human trafficking

Law No. 64 of 2010 on Combating Trafficking in Humans provides comprehensive measures to address human trafficking.

Rape (other than of a spouse)

Article 267 of the Penal Code Law No. 58 of 1937 criminalizes rape (sexual intercourse with a female without her consent). Articles 268 and 269 criminalize indecent assaults.

Femicide: Mitigation of penalty (so called 'honour' crimes)

Penal Code Article 237 provides that a man who surprises his wife committing adultery and who kills her (and the person committing adultery with her) benefits from a reduced penalty not to exceed three years prison.

Exoneration by marriage

Article 291 of the Penal Code was removed in 1999. Article 291 stipulated that there was no penalty for male rapists who married a female victim.

Adultery

Adultery is an offence under Articles 237, 273, 274–277 of the Penal Code.

Sex work and anti-prostitution laws

Prostitution is criminalized by the Law on Combating Prostitution, No. 10 of 1961.

PERSONAL STATUS LAWS

Minimum age of marriage

The Child Law No. 126 of 2008 established the minimum age of marriage as 18.

Guardianship of children

Fathers are guardians of children even if the mother has custody, with the exception of decisions about education, which are the responsibility of the parent with custody.

Male guardianship over women

For Muslim marriages, judges are required to have regard to the Hanafi fiqh, under which the consent of the guardian is not a strict requirement if the woman is a rational adult, although the guardian may object to the marriage on limited grounds.

Custody of children

After divorce, women retain custody of children until the age of 15. This can be extended until they are 21 or until the child completes education or marries.

Marriage and divorce

Women do not enjoy equal rights in marriage and divorce. The Personal Status Law for Muslims provides that men have a right to divorce by repudiation without resorting to the court. Women have access to limited types of divorce that can only be obtained from a court.

Inheritance

According to the Inheritance Law No. 77 of 1943, all citizens are subject to Islamic inheritance law, under which women have a right to inheritance but in many cases receive less than men. Daughters receive half the share that sons receive. Based on Article 3 of the Constitution, non-Muslims can request a court order that implements the inheritance rules of their own religion. There are many court decisions providing equal inheritance rights for Christian men and women. However, such cases are assessed on a case-by-case basis.

Polygamy

Polygamy is permitted by the Personal Status Law for Muslims.

LABOUR LAWS

Right to equal pay for the same work as men

The Labour Code Law No.12 of 2003 prohibits discrimination on the basis of sex in payment of wages.

Domestic workers

The Labour Code excludes domestic workers.

Dismissal for pregnancy

The Labour Code prohibits employers from dismissing a woman because of her pregnancy.

Paid maternity leave

Women are entitled to 90 days of paid maternity leave in the private sector and 120 days of paid maternity leave in the public sector. The private sector entitlement is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Ministerial decrees restrict women from working in certain occupations, including construction and mining, some types of night work, and roles deemed morally inappropriate.