

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

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RESPONSE

- 1. Would the state provide protection to a female who is married but is still a virgin who want to divorce her husband? Does it protect wives from violent husbands?**

The US Department of State's 2007 *Country Reports on Human Rights Practices* for Egypt provides the following information on violence against women and state attitudes to domestic violence:

Although the law does not prohibit spousal abuse, provisions of law relating to assault in general may be applied. Domestic violence continued to be a problem, but reliable national level statistics were unavailable. According to the "Listening and Guidance Program" of the Nadeem Center for Rehabilitation of Victims of Violence, beatings, sexual harassment and spousal rape remained significant problems in society. According to a 2003 survey by the Center for Egyptian Women's Legal Affairs, an estimated 67 percent of women in urban areas and 30 percent in rural areas had been involved in some form of domestic violence at least once between 2002 and 2003. Among victims, fewer than half sought help. The 2005

Egypt Demographic and Health Survey indicated that 47.4 percent of women above age 14 had experienced domestic violence. Abuse within the family rarely was discussed publicly. Spousal abuse is grounds for a divorce. The law requires the victim of spousal abuse to produce multiple eyewitnesses, a difficult condition to meet. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence. The law does not specifically address “honour” crimes of violent assaults by a male against a female, usually a family member, because of perceived lack of chastity. In practice, the courts sentenced perpetrators of such crimes to lesser punishments than those convicted in other cases of murder. There were no reliable statistics regarding the extent of “honour” killings.

...The Ministry of Social Solidarity operated more than 150 family counseling bureaus nationwide, which provided legal and medical services. The National Council for Women proposed and advocated policies that promoted women’s empowerment and also designed development programs that benefited women. The Office of the National Ombudsman for Women provided assistance to women facing discrimination in employment and housing, domestic violence, sexual assault, and child custody disputes. A number of active women’s rights groups worked to reform family law, educate women on their legal rights, promote literacy, and combat FGM (US Department Of State 2008, *Country Reports on Human Rights Practices – Egypt*, March 11 – Attachment 1).

Amnesty International’s 2008 annual report for Egypt stated that:

Violence against women claimed 247 lives in the first half of the year, according to an Egyptian NGO. In November the Egyptian Centre for Women’s Rights (ECWR) said sexual harassment was on the rise and that two women were being raped every hour in Egypt. It also said that of 2,500 women who had reported cases of sexual harassment to ECWR, only 12 per cent had made a complaint to the police. The official National Centre for Social and Criminal Research confirmed that sex crimes were on the rise, but could not provide figures” (Amnesty International 2008, *Annual Report 2008 – Egypt*, Amnesty International website, 28 May thereport.amnesty.org/eng/regions/middle-east-and-north-africa/egypt – Accessed 29 May 2008 – Attachment 2).

A 2008 report on Egypt from Human Rights Watch states that “[t]he penal code does not effectively deter or punish domestic violence, and police are routinely unsympathetic to the concerns of battered women and girls” (Human Rights Watch 2008, *World Report 2008 – Egypt, Events of 2007*, Human Rights Watch website, 31 January hrw.org/englishwr2k8/docs/2008/01/31/egypt17595.htm – Accessed 18 August 2008 – Attachment 3)

A June 2005 Refugee Board of Canada report addressed the issue of domestic violence in Egypt and state protection for victims of domestic violence. The report’s sources suggest that domestic abuse is rarely discussed openly, that few victims of domestic violence seek official assistance, and that there are few legal avenues open to women to avoid future domestic violence. The report notes that the penalties for perpetrators of domestic violence are often minimal, government programmes and facilities to aid victims of domestic violence are inadequate, and that many Egyptian women are unaware that such services exist (Immigration and Refugee Board of Canada 2005, *EGY100090.E – Egypt: Domestic violence; whether there is state protection for the victims; existence of women’s groups, shelters, or hot-lines (January 2003-June 2005)*, 16 June <http://www.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=449378> – Accessed 15 November 2005 – Attachment 4).

RRT Research Response EGY16362, of 23 December 2003, provides information on governmental and police attitudes to violence toward women in Egypt, focusing on honour killings (RRT Country Research 2003, *Research Response EGY16362*, 23 December – Attachment 22).

2. What are the divorce procedures in Egypt, including under Shar'ia law?

A 2004 Human Rights Watch report, titled *Divorced from Justice – Women's Unequal Access to Divorce in Egypt*, provides information on divorce procedures under Shar'ia law in Egypt.

Muslim Egyptian men have a unilateral and unconditional right to divorce without resort to legal proceedings (talaq). They simply need to repudiate their wives, saying “you are divorced” three times, making the divorce irrevocable (ba'in), and register the divorce within 30 days with a religious notary to make it official. A repudiated woman has to observe a waiting period (idda) not exceeding one year, during which she is not allowed to marry another man. A divorce uttered less than three times is revocable (raj'i), meaning that the husband has the right to return the divorcee to his household during the waiting period against her will and without having to sign another marriage contract.

An Egyptian woman who is repudiated by her husband is entitled to the deferred dowry, “maintenance” (nafaqa) during the waiting period, and compensation (mut'a) of at least two years maintenance (with consideration for the husband's means, the circumstances of the divorce, and the length of marriage). However, many Egyptian women seeking divorce have been willing to forfeit these financial rights to avoid burdensome and uncertain court proceedings. These women ask their spouses to divorce them in return for forfeiting their rights.

... Women who seek divorce in Egypt have two options, fault-based or no-fault divorce (khul'). Unlike men, women can only divorce by court action (tatliq). Regardless of which system they choose, a number of government officials are involved in the process, including judges, attorneys for both parties, and arbitrators involved in compulsory mediation between the couple. Public prosecutors are also often present in divorce cases, exercising considerable influence on these proceedings and the outcome of the case. For both types of divorce initiated by women (fault-based and no-fault) described below, public prosecutors provide the judge with an advisory opinion on whether the divorce should be granted. While these advisory opinions were requested by judges on a case-by-case basis before the establishment of the new family court system in October 2004, they are now mandatory in all personal status cases heard by the new courts.

... In order to begin traditional fault-based divorce proceedings, women are required to obtain legal counsel, provide evidence of harm often through eyewitness testimony, and submit to compulsory mediation. A woman must prove to the court that it is impossible for her to continue living with her husband. The following four grounds for fault-based divorce are accepted by the court: (1) illness, including mental illness, venereal disease, and impotence; (2) non-provision of maintenance or financial support; (3) absence or imprisonment; and (4) “injury” (darar) which includes a variety of forms of physical and mental harm.

The last form of judicial divorce on the grounds of injury is formulated in general terms and could include such reasons as: physical or verbal violence, attempts to take control of the wife's private property, damage to the “honor” of a wife or her family, polygyny, or deprivation of marital intercourse. By not explicitly stating the degree of harm sufficient for the granting of a fault-based divorce, the law has given judges considerable discretion and, reflecting prevailing prejudices, judges have applied their discretion to discriminate between

women of different economic classes based on stereotypes of what women of different backgrounds can tolerate.

According to the law, if a woman was aware of any of these grounds for divorce prior to marriage or tolerated it for several years during the course of the marriage, her divorce request is inadmissible. For example, a wife who has learned that her husband married a second wife has only one year to file for divorce on the grounds of polygyny. Men are also given considerable leeway to rectify the harm. When women file divorce suits for impotence, for example, judges will often wait for one year before granting the divorce in order to see if the condition has improved. If a man decides to spend some money on the household after a woman filed a suit for harm based on failures to financially support her, the case can be dismissed.

The substantial burden of providing evidence of “injury” rests on a woman’s shoulders. In order to file for divorce on grounds of physical violence, woman will often need to provide the court with a medical certificate from a government hospital outlining her condition and two witnesses (preferably not related to her) who saw the abuse occur. As in all other court cases in Egypt, a woman’s testimony is worth half that of a man. Therefore a battered woman would need testimonies from either two men, four women, or one man and two women. The need for witnesses is a huge barrier to getting a divorce on the basis of physical abuse. An attorney for the Egyptian Organization for Women’s Rights told Human Rights Watch “most cases fail because of a lack of witnesses.”

... On January 29, 2000, President Mubarak signed a new law granting Egyptian women the right to file for a divorce on the basis of “incompatibility,” without providing evidence of harm. In order to file for a “no-fault” divorce (khul’), a woman need not provide grounds for filing the divorce request, but must agree to forfeit her rights to alimony and her deferred dowry (mu’akhar) as well as repay her advanced dowry (muqaddam). For some women, khul’ has proved to be faster than the fault-based divorce process, since they are not required to demonstrate evidence of harm or find witnesses, and men do not have the right to appeal the no-fault divorce to a higher court.

The passage of the law was largely the result of the tireless efforts over a fifteen-year period of an informal coalition of prominent Egyptian lawyers, NGO leaders, legislators, scholars, and government officials. The success of this legislative initiative has also been attributed to the fact that the basis of the law is found in the Qur’an. Given the constrained environment in which advocates for changing discriminatory elements of the personal status law (derived from interpretations of Shari’a deemed untouchable by some) operate, the coalition made the strategic decision to use religion as a basis for these reforms.

While khul’ has clearly helped some women have easier access to divorce, it has not adequately remedied the fundamental inequality of the divorce process. Human Rights Watch interviews reveal that because of the need to forfeit both the right to any marital assets and the right to any future support, this option is limited to women with significant financial resources or those who are desperate for a divorce (Human Rights Watch 2004, *Divorced from Justice: Women’s Unequal Access to Divorce in Egypt*, Human Rights Watch website, December <http://hrw.org/reports/2004/egypt1204/egypt1204.pdf> – Accessed 1 December 2004 – Attachment 5).

In 2004, The Department of Foreign Affairs and Trade provided the following advice regarding divorce in Egypt:

Divorce is available to both Muslims and Coptic Christians under a mixture of confessional and civil law. Law 25 of 1929 empowers civil courts to grant divorces, but is based on

Muslim religious law. Muslim women may apply for divorce under this law on the following grounds: if a husband has rendered his wife harm (including adultery, abuse, inability to support his wife, or by failing to inform her of a subsequent marriage); absence of a husband for one year or more without acceptable grounds; imprisonment of the husband for three years or more; and incurable illness of the husband. In the first instance, divorce between Christians is regulated by church law (in successive statutes of 1937, 1951 and 1956), but in certain circumstances civil law may apply as an alternative to church law. Egyptian civil courts are empowered to administer both civil and church law.

Whether religious or civil principles apply to Coptic applicants depends on whether the applicants are from the same or separate Coptic sects. Where both parties to the marriage are from the same Coptic sect, courts are required to apply church law only. According to church law, divorce may be granted in the following circumstances: adultery; conversion from Christianity; disease; misconduct or abuse leading to repugnance and separation; assault; imprisonment for seven years or more; absence for five years or more; desertion for 5 years or more; if one partner takes monastic vows.

Where both parties to the marriage are Copts, but from different sects (Syrian Orthodox, Roman Orthodox, Armenian Orthodox, Anglican Copt or Marwana) application can be made for divorce through the civil court, and civil legal principles will apply. There are known cases in Egypt of women changing Coptic sects in order to obtain divorce through the civil court system. This process, however, is complex and success is not ensured.

Because civil divorce can be a lengthy and difficult procedure, article 20 of law 1 of 2000 introduced an alternative, 'al khula divorce', based on Islamic principles. Under 'al khula', a woman can be granted a divorce on the grounds of a breakdown in her relationship with her husband, provided she agrees to surrender her claims to the marriage dowry. (Under Egyptian civil law, a wife usually receives the dowry or property equivalent on divorce.) Initially thought to apply only to Muslims, courts have granted 'al khula' divorces to female Christians (where civil law rather church law procedures are applicable, i.e. where the wife belongs to different sect to that of her husband) (DIMIA Country Information Service 2004, *Country Information Report No.24/04 – Information on financial assistance for Egyptian woman (and children) separated from husband*, (sourced from DFAT advice of 16 March 2004), 18 March – Attachment 6).

3. What are the annulment/divorce procedures in the Coptic Church?

The US Department of State's 2007 *Country Reports on Human Rights Practices* for Egypt states that "[t]he Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion" (US Department of State 2008, *Country Reports on Human Rights Practices – Egypt*, March 11 – Attachment 1).

A July 2008 article in the Egypt *Daily Star* states that the "Secular Coptic Front denounced the newly issued list of conditions set by the Coptic Orthodox Church for divorce, which cut the permissible reasons for divorce down to two. The 1938 bylaw stipulated nine reasons for divorce. While Egyptian courts depend on this bylaw in their rulings, the Church said in 1971 it will only recognize two reasons: adultery and change of sect or religion" (Aljamal, M. 2008, 'Copts divided on divorce conditions', *Daily News Egypt*, 14 July <http://www.dailystaregypt.com/article.aspx?ArticleID=15069> – Accessed 18 August 2008 – Attachment 7).

An April 2008 column in *Al-Ahram Weekly* provides background on the debate over divorce law within the Coptic Church:

...among the country's Coptic Christian community, there is a growing belief that church-sanctioned divorce regulations are tantamount to an infringement on human and citizenship rights. The current controversy over divorce and remarriage has emerged as a contentious issue among Copts and is debated endlessly in the media".

...Among Copts the annulment of conjugal unions had been permitted on the grounds of adultery, abandonment, obvious evidence of ill treatment, mental disability and impotence. Things changed radically after Shenouda III ascended to the Coptic Papacy. He promptly rejected divorce on any grounds except adultery and extremely cruel treatment.

Increasing numbers of Copts, though, want the church to take human and citizenship rights into account. Many Christians are yearning for the "hegemonic control of the Coptic Church over the Coptic laity" to be curtailed, says Mariz Tadros, assistant professor of political science at the American University in Cairo. "Historically, we have had instances of the infringement on the rights of Coptic Church to govern according to its own bylaws, and the church has voiced grave concern of any violation of its rights," she points out.

Pope Shenouda III recently declared that he rejected the ruling of an Egyptian court that permitted a Copt to convert to Islam, obtain a divorce and then return to the Coptic fold, on religious grounds. "We only abide by the Bible," he told the daily Arabic Al-Ahram.

... The Coptic Church provides for the annulment of marriages in cases of adultery. Coptic Christians who are granted a civil divorce are not, however, permitted to remarry in the Coptic Church. And while Copts have always had the option of remarrying in the church of another Christian denomination the resulting unions are not recognised by the Coptic Church (Nkrumah, G. 2008, 'Church weddings', *Al-Ahram Weekly*, No. 890, 27 March-2 April <http://weekly.ahram.org.eg/2008/890/eg3.htm> – Accessed 19 August 2008 – Attachment 8).

RRT Research Response EGY17659, of 18 November 2005, provides information on divorce and annulment procedures in the Coptic Church. According to this response, sources indicate that divorce is not allowed in the Coptic Church except in cases of adultery, bigamy or other extreme circumstances which must be reviewed by a special council of bishops. Divorce may be requested by either the husband or wife (RRT Country Research 2005, *Research Response EGY17659*, 18 November – Attachment 23).

4. What are the cultural attitudes to the suggestion of a divorce in Souhag?

Souhag (also Suhaj, Sohag, Suhag, Sauhaj) is a governorate in Upper Egypt, and also the name of the capital city of the Governorate of Souhag (for a map of Egypt showing the location of the Governorate of Souhag, see: 'Egypt Administrative Divisions' 1997, University of Texas library website http://www.lib.utexas.edu/maps/africa/egypt_admin_1997.pdf – Accessed 19 August 2008 – Attachment 9).

No sources were located providing specific information on cultural attitudes to divorce in Souhag. Nonetheless, sources indicate that the Governorate of Souhag is among the poorest and most socially conservative in Egypt, and that women's liberties are highly restricted.

The website of the UN agency The International Fund for Agricultural Development (IFAD) notes that Sohag is "the poorest Governorate in Egypt" and that in "a 1995 survey, 52% of the 460 000 households in Sohag were categorized as poor and 39% as ultra poor". The

report also claims that the “Governorate exhibits a high degree of social cohesion and solidarity” and that “women’s active participation” in IFAD projects “may be resisted in conservative Sohag”:

Sohag’s population of 3.2 million is 77% rural, with 210 000 farming households having access to land and 150 000 landless households rearing animals and selling their labour. The cultivated land is limited to about 320 000 feddans, or 150 000 ha. Out-migration is high but, at 2.8%, population growth is also high. The soils are fertile but suffer from poor drainage and inefficient irrigation. The social and physical infrastructure is poor. Seventy percent of adults are illiterate, 30% of the villages have no potable water systems, 30% have no health facilities and 90% are without any kind of sanitation.

...The Governorate of Sohag is located in middle Upper Egypt. Sohag is heavily populated, with about 3.2 million people (1995 estimates), mostly rural (77%), living in 51 LAUs and 10 towns. The population density of about 1 900 inhabitants per km² is one of the highest in the world. Sohag has one of the highest out-migration rates in Egypt. The Governorate exhibits a high degree of social cohesion and solidarity as manifested by the high level of remittances from migrating family members that provide an important economic cushion to those who have remained; and an active local NGO community providing social services and finance but which unfortunately lacks coordination and synchronisation.

According to the 1994 Human Development Report for Egypt, Sohag is the least developed Governorate in Egypt. A 1995 survey estimated that about 52% of the population of Sohag is poor and 36% ultra-poor. Thirty per cent of all villages in Sohag are without potable water, 30% have no health facilities, 90% have no sanitation and, in 50% of the villages, there is a total lack of recreation facilities for youth. The incidence of rural illiteracy is high, at 70.6% for males and 86% for females. Road connections between hamlets and main villages are poor, and bridges across irrigation canals and drains are often lacking.

...As a general rule, men are responsible for activities outside the home – in agriculture and in wage employment – while women are mostly restricted to the home and look after livestock. Women have a marked degree of control over income from livestock, but most of it is spent on the family and rarely separated from the family budget. Male migration is giving women more power in the family, both on the domestic front and with respect to agriculture and other income-generating activities.

...Women’s active participation may be resisted in conservative Sohag... (International Fund For Agricultural Development 1998, *Report and Recommendation of the President to the Executive Board on a Proposed Loan to the Arab Republic Of Egypt for the Sohag Rural Development Project*, International Fund For Agricultural Development website, 10 September <http://www.ifad.org/gbdocs/eb/64/e/EB-98-64-R-23-Rev-1.pdf> – Accessed 19 August 2008 – Attachment 10).

The website of the Food and Agriculture Organisation of the United Nations (FAO) also provides information on the Governorate of Sohag:

According to the 1994 Egypt Human Development Report, the contraceptive prevalence rate in Sohag Governorate in 1988 was the fourth lowest in the country, with 16.2% of couples of reproductive age using contraceptives, compared to Cairo where 59% used contraception. Alongside the high rate of population increase there are other demographic factors which suggest long-term development problems and which are likely to worsen poverty in the coming years.

The rate of population increase is higher than the national average, suggesting a low level of human development, as is confirmed in the Human Development Report which ranks Sohag as the lowest governorate in the country. Specifically the Governorate has the lowest life expectancy at birth (60.3), the lowest adult literacy rate (30.3%), its children, alongside those of the neighbouring Qena Governorate have the lowest number of mean years of schooling (2.8). Its population have the fourth lowest per capita income (\$560 in 1990).

The rate of urbanization has increased rapidly from 15% to 23% in the decade between 1985 and 1995. This is only one of the illustrations of the inability of agriculture to support the rapidly increasing population of the Governorate. Despite this, the population of the Governorate is still mostly rural [77%]...

...Despite considerable efforts in recent decades, the social infrastructure has not kept up with the needs of the rapidly increasing population. The availability of facilities will be discussed below, but in general, the rate of illiteracy in the Governorate is very high, being 65% overall, over 70% in rural areas with female illiteracy being over 80%: in the 8 villages for which data were provided by the teams, female illiteracy is estimated at 52.5%; this is probably an underestimate as there is no reason to believe that the situation is better in these than in other villages in the Governorate. There is little prospect of the situation improving for future generations, given that current primary school enrollment includes only 65% of the total age group, with 48% of girls and 72% of boys.

...there is considerable social homogeneity in the villages, with common ancestry between the wealthier and poorer members of the community, though some of the traditionally larger landowners may be former outsiders who were allocated large areas of land in the 19th Century under Mohammed Ali or even earlier in the Ottoman period.

...The traditional power structure at the village level is based on extended families and their influence. The elder or sheikh of each family is its leader, and the power and influence of each family is based on the size of its landownership and wealth. Traditionally, wealth was directly correlated with landholding, but in recent years with the impact of international migration, the situation is in the process of changing and in some places tension is developing between people who have acquired wealth as migrants and who are seeking political power as a result, while traditional leaders have not always managed to add the income of migration to that of land ownership. Migrants also buy land as a means towards political power as well as further enrichment. As a result there is some fluctuation in the village level power structure. At the level of the satellite villages and hamlets, traditional leaders are the representatives of the State structures, in the form of omdas, and mashaykh who are the senior members of the most influential families in each settlement.

...Informal groups do not exist in Sohag Governorate. No women's centres exist in any of the 16 villages studied, nor were any other NGOs reported with the exception of three welfare associations in one village.

...The gender division of labour is fairly strict, with women staying in the home and dealing with livestock, post-harvest processing and domestic activities, and rarely working in the fields. Women do however, appear to cut fodder for the livestock and some of them, the particularly poor and often heads of households, participate in field activities as wage labourers. Marketing is mostly a male activity though women are beginning to appear as sellers in rural markets.

...Women are mostly restricted to the home, where they have full responsibility for domestic chores: cleaning, cooking, child care, laundry etc. In homes where there are animals, they also do most of the work concerning livestock husbandry: feeding and milking animals, cleaning them and their stables. They have full responsibility and control over poultry and other fowl.

Most women do not leave the home, having even been supplied with a hand pump for domestic water supply to ensure that they need not go out. Women also do any agricultural work that can be done within the home, e.g. post-harvest food processing. Women are nominally free to use as they like, any income earned from the sale animal produce [milk products, eggs, fowl] or from needlework or other activities. In practice however, most of this income is spent on family needs and rarely separated from the family budget.

With respect to decision-making, the situation appears to differ considerably between the 14 villages for which data were collected. In four villages, women were reported to have no role in household decision making; in one village women have a say in matters concerning the home, while men deal with all decisions concerning relations with the outside world. In the remaining six villages, the teams considered that women influence family decisions between 40% and 65%. Male emigration is said to give women more power in the family, both on the domestic front and with respect to agriculture and other income-generating activities.

Women's daily routines are quite heavy, involving the following activities: getting up early to milk the cattle, then getting children up, and dressed, preparing breakfast for the family. After breakfast and the departure of children and husband, women process the milk into butter and cheese, as well as clean the house. After the preparation and eating of lunch when other household members have returned, women wash clothes, again feed the livestock and milk cattle. They then prepare dinner, eat and get their children ready for sleeping; women may then have a few minutes of leisure before going to bed themselves.

...According to the study, female headed households are extremely rare and are only found in the following cases: widowhood, divorce and in the long-term absence of a migrant husband. Only women heading households are said to be active in crop cultivation, carrying out tasks usually done by men. No figures were provided on the number of percentage of such households.

...The lack of employment for educated young women was deplored by women in all villages (Food and Agriculture Organisation of the United Nations (undated), *Egypt: Socio-Economic and Production Systems (Sohag Governorate)*, Food and Agriculture Organisation website <http://www.fao.org/gender/static/tci/egypt.htm> – Accessed 19 August 2008 – Attachment 11).

For a 2006 statistical summary of Souhag Governorate, please see: Governorate of Souhag 2006, 'Souhag Governorate', The Egyptian Cabinet Information and Decision Support Centre (IDSC) website <http://www.idsc.gov.eg/Periodicals/WasfMisr/2008/soh.pdf> – Accessed 19 August 2008 – Attachment 12).

An April 2008 blog entry provides informal information about the City of Sohag which may be of interest. Among other things, the blog author claims that "women driving cars in Sohag is more like a taboo":

Sohag don't have any food delivery service. ATM use in Sohag is considered as something strange and most ATM machines are broken and don't support all ATM cards. There are no flower shops in Sohag. There are no musical Shops in Sohag or musical studios or any musical gear shops at all. There are no big malls in Sohag. The average super market you find in any street in Cairo is very rare in Sohag... The average salary in Sohag is less than 400 L.E and I know lots of people here whom take less than 200 L.E. whom consider a salary of 600 L.E is like a dream. There is no bus network in Sohag. Not all the TV channels are received in Sohag. There is no sort of any private business that hires more than 100 employees in Sohag. Unemployment is the default for any guy under 25 years and employments isn't acceptable for women in most families. Most girls' optimum dream in Sohag after graduation is to get married and stay at home to raise children, no career dreams at all. Career path in Sohag

sounds more like a joke. Marriage rate is so low in Sohag. Sohag City is so small that you can travel on foot between its most important parts in less than hour, or you can take a cap and travel all the entire city for no more than 5 L.E anyway in no more than 10 minutes, also there is no traffic jams in Sohag, and still every one want to buy a car!! Ah, by the way, Women driving cars in Sohag is more like a taboo. Most building here is less than 6 floors; buildings that are more than 6 floors are so rare. Buildings with elevators in Sohag are less than 10 (Anwar, F. 2008, 'Sohag Case Study', Fady's Wonder Land blog website, 16 April <http://fady911x.spaces.live.com/blog/cns!B5F4D2D43577DC7E!936.entry> – Accessed 19 August 2008 – Attachment 13).

Two articles from the *Al-Ahram Weekly* provide information on Sohag. A November 2005 article reports on “the town of Sohag, capital of what at once constitutes one of Egypt’s largest, poorest, most densely populated and least urbanised governorates”:

I had often heard that Upper Egypt functions along socio-political lines which in many ways defy the calling of the central government in Cairo – by virtue of traditionalism as opposed to any form of active rebellion – already what became apparent on the train was that some of the people on board were more important than others, and were thus worthy of being addressed in ways that have simply gone out of fashion in the capital. A woman seated by me, for example, turned out to be a member of one of the more important and respected families in the governorate. Hence young men from other wagons continually came to her seat to pay their respects to her and to confer their greetings to her husband

...Another particularly significant aspect of Sohag is its high density population of Coptic Christians (Assir, Serene 2005, 'It's not what you think', *Al-Ahram Weekly*, No. 766, 27 October-2 November <http://weekly.ahram.org.eg/2005/766/tr1.htm> – Accessed 18 August 2008 – Attachment 14).

An April 2003 article from *Al-Ahram Weekly* reports on conditions in the Dar Al-Salam region of Sohag:

“There is a great deal of ignorance and lack of awareness in this part of Sohag,” explained Hamada Abdel-Qader, taxi driver. Abdel-Qader said that this is because of the fact that much of Sohag is a closed community whose members can be mistrustful of each other.

...The inhabitants are not enthusiastic about strangers. The marketplace is full of fruits, vegetables, plastic ornaments and all sorts of low-priced goods. In the male-dominated market, there is only one woman vendor, who sells garments out of her parents' shop.

...Inhabitants will tell you that women are allowed to work either as school teachers or in the hospital and that it is simply inappropriate for women to work in pharmacies or factories. They will also say that they consider themselves to be city people. Yet, according to one vendor, the women in the small villages, such as Awlad Yehia, which is part of the Dar Al-Salam markaz, are not allowed to walk on the streets without a chaperone (El-Noshokaty, A. 2003, 'South of Sohag', *Al-Ahram Weekly*, No. 633, 10-16 April <http://weekly.ahram.org.eg/2003/633/fe2.htm> – Accessed 18 August 2008 – Attachment 15).

5. Would a woman in this situation be a desirable target of Islamic fundamentalists to rape and kidnap?

The US Department of State's 2007 *Country Reports on Human Rights Practices* for Egypt provides information on forced religious conversion and sexual assault, noting “unsubstantiated reports of forced conversions of Coptic women and girls to Islam by

Muslim men”. The USDOS report notes that “such cases are often disputed and often included allegations and denials of organised seduction, kidnapping and rape”:

There were no reports of forced religious conversion carried out by the government; however, there continued to be unsubstantiated reports of forced conversions of Coptic women and girls to Islam by Muslim men. Reports of such cases were disputed and often included allegations and denials of organised seduction, kidnapping and rape. Observers, including human rights groups, found it extremely difficult to determine whether compulsion was used, as most cases involved a Coptic female who converted to Islam when she married a Muslim man. Reports of such cases almost never appear in the local media. . . . The law prohibits rape, and punishment under the penal code ranges from 15 to 25 years; however, spousal rape is not illegal. Although reliable statistics regarding rape were not available, activists believed that it was not uncommon, despite strong social disapproval. A rapist, if also convicted of abducting his victim, can be subject to execution. There was no data available on the rate of prosecution of rape cases. According to a study presented in May by the National Council for Criminal and Social Studies, there are 20,000 cases of rape annually, and 60 percent of females are subjected to harassment. According to the ECWR, of the 2,500 woman who reported cases of sexual harassment to ECWR, only 12 percent went to the police with their complaint. In 2005, after hearing confessions from two defendants that they had raped and beaten to death Hoda al-Zaher, Judge Abdo Attia handed down sentences of only three years for one defendant and three months for another. In November 2006 the public prosecutor appealed the court’s decision. At year’s end the case was under appeal (US Department of State 2008, *Country Reports on Human Rights Practices – Egypt*, March 11 – Attachment 1).

A January 2007 article sourced from the Women’s E-news website addresses the issue of the alleged “kidnapping” of Coptic women by Muslims, claiming that many such cases are triggered by lack of access to divorce for Coptic women. The article addresses a case of “kidnapping”, which was reported as such among American Christian communities, but it transpired that the missing woman “had willingly converted to Islam”. The head of the Egyptian Centre for Women’s Rights is quoted as claiming that some Coptic women “do certain things, such as running away from their family and converting to Islam, because it is the only way to get out of their designated role their family has for them”. The article also quotes a young Coptic woman suggesting that “many more women will leave and their families will continue to say they are kidnapped just to save face”:

Some Coptic families have alleged that the women were kidnapped by Muslim men and forced to undergo conversion to Islam. But some women’s rights advocates here argue that these are not kidnappings. More often, they see these cases as cries for help by young women in the socially conservative Coptic community, which traces its church to the first century when, by traditional belief, the apostle Mark founded it in Egypt as the first Christian church in history. In particular, rights activists say the missing young women draw attention to customs among traditional Copts, particularly the lack of access to divorce and the practice of arranged marriages.

“A key reason for the so-called ‘kidnappings’ is that Coptic women have no right to divorce,” said Nahed Abul Komsan, head of the Cairo-based Egyptian Center for Women’s Rights, which is the leading women’s rights group in the country. “This means that if their parents tell them they are going to marry their cousin, they have to submit to this and have no choice . . . So they turn to Islam, not because of a spiritual belief in the religion but because it gives them more of an opportunity to choose their life’s path,” she said.

Once returned to their families the women's absences often remain unexplained and the ongoing controversy has served as flashpoints for long-simmering tensions between the Coptic and Muslim communities.

...In January 2006 Theresa Ghatmass Kamal, 19, was reported missing by her family and drew international attention to the issue of missing Coptic women. Many Christian churches in the United States, for instance, sent e-newsletters to their constituencies and used her case to express concern about the kidnappings that Coptic families had been reporting. But according to the Coptic Church in Egypt, Kamal's family discovered her last spring after she had willingly converted to Islam.

...Abul Komsan said her organization has received numerous reports from Coptic women who seek their help in deciding what to do with their lives, especially in a situation when legal divorce is not an option. She said another major factor spurring young Coptic women to flee their families is the move in the 1990s by Coptic Christian churches to forbid conversion to another Christian sect in which they might have found more freedom. "It is not necessarily a societal problem; it is more religious issues that face women in our society," said Abul Komsan. "Women face leaders that force them to do things that they do not have any desire to do. They do certain things, such as running away from their family and converting to Islam, because it is the only way to get out of their designated role their family has for them."

Laura, a Coptic woman in her mid-20s living in Alexandria who asked that her surname not be used, agreed. She said that while a few of the kidnappings may be authentic, most of the media reports are based on fabrications made by the families to disguise their daughters' dissatisfactions. "We, as Coptic women, have to deal with what our priests tell us and force upon us on a daily basis and often many women just can't take it any longer so they just leave their families and run off with a Muslim man," she says.

... "Look at almost every other Christian church on the planet," says Laura. "They have had some sort of reformation and changed many of the 'natural' roles of women throughout the past thousand years, so why is the Coptic Church still living in the past? If they don't begin to change then I believe that many more women will leave and their families will continue to say they are kidnapped just to save face" (Mayton, J. 2007, 'Missing Coptic Women May Send Distress Signals', Women's E-news website. 2 January <http://www.womensenews.org/article.cfm/dyn/aid/3051/context/archive> – Accessed 19 August 2008 – Attachment 16).

In March 2007 the RRT received advice from Dr. Paul S. Rowe on the forced conversion of Coptic Christians, particularly young women:

I have no first-hand information about this phenomenon. Given that most reports have been found to relate primarily to inter-sectarian relationships, my general opinion is that reports of kidnapping and forced conversion are symptomatic of a society in which religion is still misconstrued in communal and pseudo-ethnic terms. This is a social dysfunction of Egyptian society. It is the result of a social environment in which it is understandably taboo to convert from one religion to another and where children of mixed marriages are automatically forced into the dominant religion.

For this reason, it is difficult if not impossible for Coptic girls and women to profess romantic interest in a male of a Muslim background and is often perceived as treason by her family. In this situation, a Coptic family will generally characterize such a relationship as an illicit one in order to save face and perhaps to bring pressure to bear on the young women that they feel is making an immature or incorrect decision. Given the common practice of very young women marrying (in rural areas, it is common for girls to marry at around age 14), there are

often good reasons to believe that these relationships are not made entirely willingly. In such cases, the family may be able to take legal recourse (Rowe, P.S. Dr. 2007, Email from Paul S. Rowe: 'Country Information Request EGY31617: 'Coptic Christians'', 14 July – Attachment 17).

Also in March 2007, the RRT received advice regarding the forced conversion of Coptic women from Dr. Cornelis Hulsman, of the Centre for Arab West Understanding:

Can you confirm that you still hold the view that there is no evidence of forced conversion of Christians to Islam in Egypt?

Yes, we at CIDT (not just us personally) still hold that view, but having seen no evidence of physical force does not mean it does not occur. However, one must be extremely cautious with such claims and ensure they are thoroughly investigated. One problem is that Copts often describe conversions that go against the will of the family, that is not against the will of the individual, as 'kidnap' or 'forced conversion.' A further problem is that there is also evidence of involved Muslims combining assistance to Copts with poverty and/or social problems with preaching about Islam – to such an extent that many Christian clergy believe that such assistance is given with the intent of bringing people to Islam (Hulsman, C. 2007, Email to RRT Country Research: 'Re: Request for information - Refugee Review Tribunal' 21 March – Attachment 18)

Several previous RRT Research Responses provide information on the issue of alleged forced conversion of Coptic women in Egypt:

- *RRT Research Response EGY31526* provides information on kidnapping and forced conversion of Coptic women (RRT Country Research 2007, *Research Response EGY31526*, 26 March – Attachment 24).
- *RRT Research Response EGY31348* provides information on forced conversions, including reports of a US Congressional investigation into the treatment of Copts in Egypt (RRT Country Research 2007, *Research Response EGY31348*, 1 March – Attachment 25).
- *RRT Research Response EGY30031* provides information on the sexual assault of Coptic women by Muslim men (RRT Country Information 2006, *Research Response EGY30031*, 31 March – Attachment 26)

6. Culturally, are men seen as superior to females?

The US Department of State's 2007 *Country Reports on Human Rights Practices* for Egypt provides information on Egyptian cultural attitudes to women:

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women. By law, unmarried women under the age of 21 must have permission from their fathers to obtain passports and to travel. Married women do not require such permission, but police did not apply the law consistently. A woman's testimony is equal to that of a man in court. Under the penal code, a married man is adulterous only if the sexual act is committed in the marital home while a woman is adulterous wherever the act is committed

...Labour laws provide for equal rates of pay for equal work for men and women in the public sector. According to government figures from 2003, women constituted 17 percent of private business owners and occupied 25 percent of the managerial positions in the four major national banks. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence inhibited further gains. Women's rights advocates also pointed to other discriminatory traditional or cultural attitudes and practices, such as FGM and the traditional male relative's role in enforcing chastity" (US Department of State 2008, *Country Reports on Human Rights Practices – Egypt*, March 11 – Attachment 1).

The US Department of State's 2007 International Religious Freedom Report for Egypt states that "[a]ccording to the Minister for Awqaf, Hamdy Zaqzouq, in a December 2006 press statement, the Government has appointed 50 women to roles as preachers (murshidat) to address gatherings of Muslim women in mosques, for the first time in the country's history. A Coptic Christian woman was among 30 women judges appointed to the bench in early April" (US Department of State 2007, *International Religious Freedom Report 2007 – Egypt*, 14 September – Attachment 19)

An August 2008 report from *AllAfrica.com* states that Egypt was ranked 120 out of 128 countries surveyed on a "gender gap" index compiled by the World Economic Forum. According to the report, the index took into account "women's school enrolment, access to jobs, earnings and other indicators". Nonetheless, the *AllAfrica.com* report notes that progress is being made across North African countries, including Egypt:

But progress has been halting and uneven. In 2005 Egypt granted women expanded divorce rights. But efforts to change the law to allow women to travel without the permission of a husband or father were dropped by the government for fear that they were too radical to pass.

... "What the law does not change is the social situation," she told Africa Renewal. "Socially, divorce remains very difficult. They [divorced women] suffer economically, and they find themselves treated as outcasts."

Ms. Moghadam notes that the countries of North Africa continue to be marked by social practices that not only discriminate against women and are inconsistent with international treaties, but also contravene their own national laws. "Egypt's constitution grants equality to all citizens," she points out. But Egypt's family law contradicts that equality "by placing women under the guardianship," or legal control, of their fathers, husbands or other family males.

The 2005 Human Development Report on Arab States, published by the UN Development Programme (UNDP), observes that "the business of writing the law, applying the law and interpreting the law in the Arab world is governed above all by a male-oriented culture."

... In Egypt, another researcher found, while educated girls have a substantial say in choosing their husbands, in the rural areas marriages are often contracted by the fathers.

... Reform of inheritance practices has been minimal. According to shari'a law, women are entitled to inherit a share that is half that of their brothers. But in Egypt and Libya, reports the Freedom House study, women's access to inheritance, housing and property is often determined by their educational level, family support systems, economic status and access to legal information and mechanisms. As a result some women, especially in rural areas, do not even get their half share. Moreover, non-Muslim women married to Muslims cannot inherit matrimonial property.

...One persistent problem in Egypt is female genital mutilation (FGM) of girls 7-10 years old. Amira El-Azhary Sonbol, a researcher for the Freedom House report, notes that while the practice has been illegal there since 1996, it remains common. "Egyptians widely believe FGM to be an Islamic practice," she has reported, "even though it is also performed by Egyptian Christians and is not practiced in most Muslim countries outside the Nile valley."

...In Egypt, domestic violence and marital rape are not considered crimes. Victims have to use other laws, such as battery or physical assault, if they wish to prosecute perpetrators ('Women secure more rights' 2008, *AllAfrica.com* (source: Africa Renewal), 12 August – Attachment 20).

A 2007 report on human rights in Egypt issued by Human Rights Watch stated that "[d]iscriminatory personal status laws governing marriage, divorce, custody, and inheritance have institutionalized the second-class status of women in the private realm". The 2008 version of the Human Rights Watch report noted that "[t]he government took some positive measures in 2007 to advance the rights of women and girls. On March 14, the Supreme Judicial Council appointed Egypt's first group of female judges to the bench. In June, the Ministry of Health issued a decree that fully criminalizes female genital mutilation, eliminating a legal loophole allowing girls to undergo the procedure for ostensible health reasons" (Human Rights Watch 2007, 'Country Summary – Egypt', Human Rights Watch website, January <http://hrw.org/wr2k7/pdfs/egypt.pdf> – Accessed 19 August 2008 – Attachment 21; Human Rights Watch 2008, *World Report 2008 – Egypt, Events of 2007*, Human Rights Watch website, 31 January hrw.org/englishwr2k8/docs/2008/01/31/egypt17595.htm – Accessed 18 August 2008 – Attachment 3).

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UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

United Nations (UN)

UNHCR <http://www.unhcr.ch/>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

Freedom House <http://www.freedomhouse.org/>

Human Rights Watch <http://www.hrw.org/>

Search Engines

Alltheweb <http://www.alltheweb.com/>

Google <http://www.google.com.au/>

Staggeration Google API Proximity Search <http://www.staggeration.com/cgi-bin/gaps.cgi>

Yahoo <http://search.yahoo.com/>

Region Specific Links

Al-Ahram Weekly website <http://weekly.ahram.org.eg/>

Al-masry Al-youm website <http://www.almasry-alyoum.com>

Daily News Egypt website <http://www.dailystaregypt.com/>

Egypt State Information Service <http://www.sis.gov.eg>
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