



Home Office

Country Policy and Information Note

Egypt: Women

Version 1.0

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English and the COI section has been co-produced by the Country of Origin Information Services Section, Department of Immigration and Border Protection, Australia. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

Updated: 8 March 2017

1. Introduction

1.1 Basis of claim

1.1.1 Fear of gender-based persecution or serious harm by non-state actors because the person is a woman (or girl).

1.2 Points to note

1.2.1 For the purposes of this note, gender-based persecution or serious harm includes domestic violence, sexual violence including rape, 'honour' crimes; female genital mutilation; sexual harassment; and forced marriage/divorce.

1.2.2 For further information guidance on assessing gender issues, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2. Consideration of issues

2.1 Credibility

2.1.1 For guidance on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Particular social group (PSG)

2.2.1 Women (and girls) in Egypt form a PSG within the meaning of the Refugee Convention. This is because they share an immutable (or innate) characteristic – their gender - that cannot be changed; and have a distinct identity in their home society.

2.2.2 Although women in Egypt form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their gender.

2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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2.3 Assessment of risk

i. Discrimination

2.3.1 The 2014 Constitution establishes equality for all citizens; however discrimination towards women remains widespread. In practice women do not have the same legal rights and opportunities as men and continue to face widespread societal discrimination, threats to their physical security, and workplace bias in favour of men that hinders their social and economic advancement. Sexual harassment is common and particularly widespread during large public gatherings. Aspects of the law and traditional practices continue to disadvantage women in family, social, and economic life. (see [Overview](#), [Sexual harassment](#))

2.3.2 In general, while women do experience discrimination, it is unlikely to meet constitute persecution or serious harm but each case must be assessed on its merits.

ii. Domestic violence

2.3.3 Egypt has obligations under a number of UN human rights treaties and general international law to take measures to eliminate all forms of violence against women and girls. However domestic violence against women and girls is widespread and is considered socially acceptable. Many women fail to report domestic violence due to the discriminatory Egyptian personal status law which puts up serious challenges for women to prove that their spouses have harmed them. (see [Domestic violence](#))

2.3.4 While domestic violence is widespread throughout Egypt it is for the applicant to show they are at real risk of persecution or serious harm, and each case must be assessed on its own merits.

iii. Rape

2.3.5 The law prohibits rape in Egypt and it is punishable by death in some circumstances, although spousal rape is not defined in law. Rape remains prevalent, with over 20,000 cases each year though these are likely to be under-reported as victims are often reluctant to report incidents. The law is not effectively enforced and rape is often not reported due to the unwillingness of the police to investigate. Sexual assaults in public have increased in recent years, especially during large public gatherings. (see [Rape](#))

iv. Female Genital Mutilation (FGM)

2.3.6 The law criminalizes FGM and in 2016 approved tougher jail terms for those who perform female circumcisions. FGM is widely practiced with over 90% of the female population having been cut although the practice has declined in recent years. However, FGM continues to be widespread throughout Egypt, due to strongly held traditions. (see [Female Genital Mutilation](#)).

2.3.7 Decision makers will need to consider the individual circumstances of the woman (or girl) (and that of her family), including her age, prevalence of FGM in her family, socio-economic status, and education, as well as past difficulties she / her family have experienced, in order to determine the likely risk of persecution or serious harm.

v. Forced/child marriage

- 2.3.8 Despite 18 being the legal marital age in Egypt, forced marriage (often of underage girls) is still practiced, particularly in the poorer, rural areas. There are reports that some families delay the official registration of the marriage until the couple are 18 to avoid punishment (see [Child marriage](#))
- 2.3.9 It is for the applicant to demonstrate that she is at real risk of forced/child marriage and each case must be assessed on its own merits.

vi. Honour crimes

- 2.3.10 Honour crimes do take place in Egypt especially in rural areas, although the frequency of these is unknown. Honour crimes are not specifically addressed in law. Article 237 of the Egyptian Penal Code, however, allows for a lesser punishment for men who kill their wives than for other forms of murder. The same does not apply for a woman who is convicted of killing her husband in the same circumstances ([Honour crime](#)).

Summary

- 2.3.11 Being female does not on its own establish a need for international protection. In general, the level of violence and discrimination against women in Egypt will not in most cases amount to a real risk of persecution or serious harm. The onus is on the woman (or girl) to demonstrate that she would be personally at risk of gender-based violence.
- 2.3.12 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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2.4 Protection

- 2.4.1 Since coming to power, the al Sisi government has committed to protecting women's rights and has strengthened existing laws on discrimination and violence, specifically those on FGM and sexual harassment. However, despite the changes in the government's approach, the state is often ineffective at implementing the law in practice.
- 2.4.2 Women are often unwilling to report abuses to the authorities due to social stigma and sometimes under pressure from the police. The police are also reportedly reluctant to investigate cases of violence against women, particularly where it is domestic. While prosecutions do occur against perpetrators of violence against women, these appear low for sexual crimes and domestic violence, and the law on FGM remains rarely enforced (see [Response of police and courts](#); and [Female Genital Mutilation](#)).
- 2.4.3 In addition to the state there are a number of civil society groups of which offer practical help and shelter to assist women (see [Support for victims of violence](#)).
- 2.4.4 In general, the state may be willing and able to provide protection from non-state agents. The onus is on the woman to demonstrate that the state is not willing and able to provide her with effective protection. Each case will need to be considered on its particular facts taking into account the nature of the

violence and the woman's (or girl's) age, socio-economic circumstances, and education.

2.4.5 For guidance and information on protection generally in Egypt, see [country policy and information notes](#) on Christians and Background information including actors of protection and internal relocation.

2.4.6 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Internal relocation

2.5.1 Where the person's fear of persecution is at the hands of non-state actors, decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person

2.5.2 In general, it will not be unduly harsh for a woman to internally relocate to escape localised threats from members of her family or other non-state actors, especially if she is single and without children to support. However the individual circumstances of each case will need to be taken into account (see [Freedom of movement](#)).

2.5.3 For further guidance on considering internal relocation generally, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#), and for country policy and information generally, see [Egypt: Background information, including actors of protection and internal relocation](#).

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2.6 Certification

2.6.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.6.2 For further guidance on certification, see the [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

3.1.1 Being a woman (or a girl) does not on its own establish a need for international protection. Although gender-based violence and discrimination is common in Egypt this is not at a level that would generally amount to persecution or serious harm. Some women and girls may be able to demonstrate a real risk of gender-based persecution or serious harm but this will depend on their particular circumstances.

3.1.2 In general state protection may be available; the onus is on the woman to demonstrate that the state is not willing or able to provide protection.

3.1.3 Internal relocation to avoid risk of gender-based persecution is likely to be viable to escape localised threats from members of their family or other non-state actors. Each case will, however, need to be considered on its facts, taking into account the woman's particular circumstances.

3.1.4 Where a claim is refused, certification is unlikely to be appropriate.

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4. Overview

4.1.1 In November 2016, the United States Agency for International Development reported that:

‘Egypt ranks low in gender equity compared to other countries worldwide. The 2015 Global Gender Gap Index, which measures disparities between men and women across countries, ranks Egypt at 136 out of 145 countries worldwide. Women have significantly lower participation in the labour force than men (26% versus 79%) and lower literacy (65% literacy for women versus 82% of males). The Organization for Economic Cooperation and Development’s Social Institutions and Gender Index 2014, which measures legislation, practices, and attitudes that restrict women’s rights and opportunities, classifies Egypt to be among the countries ‘very high’ in gender discrimination together with others in Africa and the Middle East...’¹

4.1.2 According to the US Department of State, Country Report on Human Rights Practice 2016 - Egypt:

‘Women continued to face widespread societal discrimination, threats to their physical security, and workplace bias in favour of men that hindered their social and economic advancement...’

‘The constitution provides for equal rights for male and female citizens. Women did not effectively enjoy the same legal rights and opportunities as men, and discrimination continued to be widespread. Aspects of the law and traditional practices continued to disadvantage women in family, social and economic life.’²

4.1.3 The 2015 Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report – Egypt, dated 24 November 2015, observed:

‘Women participate in all areas of society, including government, business, and civil society. However, cultural and religious barriers continue to limit the level of that participation. Female political representation is low, and women made up only two percent of representatives in the last Parliament. There are currently five women represented in the Sisi cabinet (out of 34), and this number has been relatively static over the years - three women were in the cabinet of the interim government, and two women were in the Morsi Cabinet.’³

¹ United States Agency for International Development 2016, Gender Equality and Women's Empowerment, 2 November 2016, <https://www.usaid.gov/egypt/gender-equality-and-womens-empowerment> Date accessed: 13 December 2016

² US Department of State, Country Reports on Human Rights Practices 2016 - Egypt, Section 6, Women, March 2017, <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

³ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.75, 24 November 2015, Copy on request, Date accessed: 8 December 2016

4.1.4 DFAT assessed that ‘the majority of Egyptian women, regardless of their religion, face persistent societal discrimination and the threat of gender-based violence. Long-standing traditional values and gender roles also continue to restrict the participation of women in the community and workforce.’⁴

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4.2 President Abdul Fattah al-Sisi era

4.2.1 A 2015 article on the status of women under President Abdul Fattah al-Sisi by Al Monitor stated that:

‘On the subject of women's status during Sisi's era compared to the Muslim Brotherhood's rule, the former secretary-general of the National Council for Women (NCW), Ambassador Mona Omar, told Al-Monitor, “Women's rights under the rule of President Sisi improved compared to their situation during the reign of President Mohammed Morsi and the Muslim Brotherhood.” Omar explained that the 2014 Constitution enhanced the situation of Egyptian women, saying, “Egypt's new Constitution contains articles in favour of Egyptian women.”’⁵

4.2.2 The article added that:

‘Head of the Egyptian Centre for Women's Rights, Nuhad Abu al-Qomsan shares Omar's opinion. She told Al-Monitor, “Women's status has improved under the era of President Sisi, compared to their situation under President Morsi and the Muslim Brotherhood's rule in Egypt, and before that under the Islamists, who won the parliamentary elections in 2011-2012.”’

‘Political Science Professor at the Faculty of Economics and Political Science at Cairo University, Dina Al-Khawaja agrees with this point of view. However, she told Al-Monitor that she believes “the status of women under Sisi's era improved without any objective signs.” Khawaja explained, “the political representation of women is not an indicator of the improvement of women's situation in general; women remain marginalized in the labour market and harassed in the public domain.”’⁶

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5. Legal framework

5.1.1 The Organisation for Economic Co-operation and Development noted in its gender index profile of Egypt, which is based on various sources, that:

‘The 2014 Constitution established equality for all citizens... and that the State shall ensure the achievement of equality between women and men in all civil, political, economic, social, and cultural rights... Discrimination based on

⁴ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.87, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁵ Al Monitor, Egypt Pulse, Are Egypt's Women Really Better off under Sisi? 6 March 2015, <http://www.al-monitor.com/pulse/originals/2015/02/egypt-women-status-sisi-rule-muslim-brotherhood.html> Date accessed: 8 December 2016

⁶ Al Monitor, Egypt Pulse, Are Egypt's Women Really Better off under Sisi? 6 March 2015, <http://www.al-monitor.com/pulse/originals/2015/02/egypt-women-status-sisi-rule-muslim-brotherhood.html> Date accessed: 8 December 2016

religion, belief, sex, origin, race, colour, language, disability, social class, political or geographic affiliation is also banned...⁷

5.1.2 It added that:

'The 2014 Constitution establishes that the State shall protect women against all forms of violence and ensure enabling women to strike a balance between family duties and work requirements. The Egyptian Penal Code does not specifically criminalize domestic violence, although cases can be brought under laws relating to general assault. However, Article 60 of the Penal Code excuses acts that have been committed in "good faith" pursuant to a right established under Sharia, and this Article has been employed to excuse domestic violence.'⁸

5.1.3 According to the 2015 Australian (DFAT) Country Information Report – Egypt:

'The January 2014 Constitution commits the state to equality between men and women, but also identifies "the principles of Islamic Sharia" as the principal source of legislation. This is consistent with the reservations that Egypt has made to the Convention on the Elimination of Discrimination against Women (CEDAW).'⁹

5.1.4 It added:

'These reservations subject a range of provisions to the principles of Sharia, including in relation to the granting to women of equal rights with men in respect to the nationality of their children; and in relation to the equality of men and women in all matters relating to marriage and family relations. The 2014 Constitution contains stronger language on women's equality than the 2012 Constitution.'¹⁰

5.1.5 The report continued:

'In addition, there are considerable legal protections for women in many areas, including personal safety, participation in society and the workforce, criminalization of sexual harassment and mandatory schooling for girls. In practice, the implementation of such protections can be unpredictable and frequently dependent on the individual discretion of Police, Prosecutors or Judges...'¹¹

5.1.6 According to Amnesty International, in their report, Circles of Hell, January 2015:

⁷ Organisation for Economic Co-operation and Development, Social Institutions and Gender Index, Egypt, 2014, <http://www.genderindex.org/country/egypt-arab-rep>. Date accessed: 8 December 2016

⁸ Organisation for Economic Co-operation and Development, Social Institutions and Gender Index, Egypt, 2014, <http://www.genderindex.org/country/egypt-arab-rep>. Date accessed: 9 December 2016

⁹ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.76, 24 November 2015, Copy on request, Date accessed: 8 December 2016

¹⁰ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.76, 24 November 2015, Copy on request, Date accessed: 8 December 2016

¹¹ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.76, 24 November 2015, Copy on request, Date accessed: 8 December 2016

'Egyptian criminal law, as set out in the Penal Code, does not expressly criminalize domestic violence. It does not differentiate between violence in the public and private spheres. In theory, provisions of the Penal Code relating to assault also regulate instances of physical domestic violence against women and girls. Shortcomings in the Penal Code mean that domestic violence goes unpunished and women face discrimination.'¹²

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6. Domestic violence and rape

6.1 Legal rights

6.1.1 The US Department of State, Country Report on Human Rights Practice 2016 Egypt has noted that:

'The law prohibits rape, although the legal definition of rape covers only forced penetration of the female sexual organ by the male sexual organ, prescribing criminal penalties of 15 to 25 years' imprisonment or life imprisonment for cases of rape involving armed abduction. Spousal rape is not illegal. The government did not effectively enforce the law.'¹³

6.1.2 According to the 2015 Australian DFAT Country Information Report – Egypt:

'Rape is punishable by death in Egypt under Article 267 of the Egyptian Penal Code. Approximately 20,000 cases of rape are reported each year, though the actual number is credibly estimated to be much higher... Weak legal definitions for rape and sexual assault, a lack of law-enforcement expertise and ill-equipped hospitals have meant the issue has been treated as a social nuisance to be dismissed rather than a crime to be prosecuted.'¹⁴

6.1.3 According to Amnesty International, in their report, Circles of Hell, January 2015:

'Egyptian legislation does not explicitly recognize marital rape as a crime. Women's human rights defenders have also highlighted that provisions in the Penal Code allowing for reduced sentences in light of "mitigating circumstances" (Article 17) or for offences committed in "good faith in pursuit of a Shari'a right" (Article 60) in effect condone so-called "honour" crimes and other violence against women and amount to state acquiescence in such abuses.'¹⁵

6.1.4 Freedom in the World 2016 has stated that:

¹² Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 12 December 2016

¹³ US Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

¹⁴ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.83, 24 November 2015, Copy on request, Date accessed: 8 December 2016

¹⁵ Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, Pages 9 and 10, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 8 December 2016

'A 2014 decree criminalized sexual harassment, with prison terms of up to five years, as part of a national strategy to combat violence against women. Critics argued that the law was inadequate and the strategy was failing, citing a lack of protection for witnesses, continued cases of group sexual harassment in public, and harassment by police officers, which deters women from reporting crimes.'¹⁶

6.1.5 The US Department of State, Country Report on Human Rights Practice 2016 Egypt further explained that:

'The law does not prohibit domestic violence or spousal abuse, but authorities may apply provisions relating to assault with accompanying penalties. The law requires that an assault victim produce multiple eyewitnesses, a difficult condition for domestic abuse victims, making prosecutions extremely rare. Non-governmental organisations (NGOs) reported police often treated domestic violence as a social rather than criminal matter.'¹⁷

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6.2 Prevalence of rape and domestic violence

6.2.1 According to UNHCR Operational Update – Egypt: 'Rape is the most common type of sexual and gender based violence incident; the vast majority of rape incidents and sexual assault are directly related to unsafe employment opportunities, with women being assaulted at their work place or on their way to work.'¹⁸

6.2.2 According to Amnesty International, in their report, Circles of Hell, January 2015 stated that:

'In recent years, sexual assaults in public have surged, with women and girls increasingly targeted for attack by groups of men and boys, often in the context of demonstrations, but also during other large public gatherings. Activists have called the attacks "the circle of hell", referring to how the mob drags the woman or girl into the centre of the group while attacking her. Egyptian human rights organisations have reported they have documented over 500 cases of gang rape and sexual assaults between June 2012 and June 2014.'¹⁹

6.2.3 It added that:

¹⁶ Freedom House, Freedom in the World 2016 –Egypt, Section G. Personal Autonomy and Individual Rights, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=575aa7d015&skip=0&query=RAPE&coi=EGY&searchin=title&sort=date> Date accessed: 29 November 2016

¹⁷ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017, <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

¹⁸ UNHCR Operational Update, Egypt, Achievements, June to August 2016 <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=57fe2cd94&skip=0&query=RAPE&coi=EGY&searchin=title&sort=date> Date accessed: 29 November 2016

¹⁹ Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, Pages 9 and 10, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 8 December 2016

'Domestic violence against women and girls in Egypt is prevalent and commonly accepted. The levels, trends and exact nature of domestic violence against women are difficult to assess given the lack of comparative, adequate and up-to-date official statistics. For example, no information is publicly available on the number of complaints linked to domestic violence filed with the police and the number or outcomes of prosecutions.'²⁰

6.2.4 Freedom in the World 2016 noted that: 'Domestic violence is widespread, and violence against women has surfaced in new ways since 2011, particularly as women have participated in demonstrations and faced increased levels of sexual violence in public.'²¹

6.2.5 According to Amnesty International, in their report, Circles of Hell, January 2015:

'Nearly half of all women surveyed for the Ministry of Health said that they had experienced some form of domestic violence, in the last official figures on the issue. Survivors interviewed by Amnesty International described brutal physical and psychological abuse, saying that their spouses had beaten, whipped and burned them and in some cases locked them up inside the house against their will. They also spoke about how the legal system is failing them.'²²

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6.3 Response of police and courts

6.3.1 The US Department of State, Country Report on Human Rights Practice 2016 Egypt explained that:

'Civil society organisations reported police pressure not to pursue charges and fear of societal reprisal actively discouraged women from going to police stations to report crimes, resulting in a very small number of cases being investigated or effectively prosecuted. NGOs estimated the prevalence of rape was several times higher than the rate reported by the government.'²³

6.3.2 The report added that: 'NGOs reported police often treated domestic violence as a social rather than criminal matter.'²⁴

6.3.3 Human Rights Watch in their 2016 World Report reported that:

²⁰ Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, Page 25, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 30 November 2016

²¹ Freedom House, Freedom in the World 2016 –Egypt, Section G. Personal Autonomy and Individual Rights, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=575aa7d015&skip=0&query=RAPE&coi=EGY&searchin=title&sort=date> Date accessed: 29 November 2016

²² Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, Pages 23 and 36, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 8 December 2016

²³ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

²⁴ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

'In April 2015, the government released its five-year national strategy to combat violence against women. The strategy included more shelters for women, better information collection in government ministries, and a new training manual for Prosecutors and Law Enforcement Officers. But the strategy also defined rape as "having sexual intercourse with a female against her will," which does not include anal rape or penetration with an object, and made no mention of sexual assault by multiple offenders – an enormous problem in Egypt – or sexual assault by Law Enforcement Officers.'²⁵

6.3.4 According to the 2015 Australian DFAT Country Information Report – Egypt: '...Authorities will rarely make serious attempts to prosecute those responsible for sexual crimes...'²⁶

6.3.5 Amnesty International in their report, Circles of Hell, January 2015 has further explained that: '...Police officers and prosecutors investigating the cases of sexual assault or rape, frequently attempt to encourage plaintiffs to drop the complaints and 'forgive' the perpetrators. This attitude is mainly attributed to lack of professionalism, a desire to reduce their workload, as well as their tendency to undermine these incidents as 'minor' compared to murder or theft.'²⁷

6.3.6 The report added that: 'In the rare cases when women surmount all obstacles and approach the police to report domestic violence, they are confronted either with dismissive and abusive officials who do not consider cases of domestic violence a priority, or well-intentioned but untrained officers who don't know how to handle such reports.'²⁸

6.3.7 According to Saferworld, in their Report, VAW in Egypt Prospects for Improving Police Response:

'While President Sisi's Government has taken a more public stance on addressing VAW in Egypt, during the presidency of Mohamed Morsi Egypt's MOI announced the creation of a small VAW unit (in May 2013), under its recently created Human Rights Department...The unit's creation also resulted from pressure from the NCW and civil society groups for a specialized police department to meet the needs of women.'²⁹

6.3.8 According to Saferworld, in their report, Violence Against Women in Egypt Prospects for Improving Police Response, dated June 2015:

²⁵ Human Rights Watch, World Report 2016, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=56bd994315&skip=0&query=FGM&coi=EGY&searchin=title&sort=date> Date accessed: 30 November 2016

²⁶ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.83, 24 November 2015, Copy on request, Date accessed: 8 December 2016

²⁷ Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 30 November 2016

²⁸ Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 30 November 2016

²⁹ Saferworld, Violence Against Women in Egypt, June 2015, www.saferworld.org.uk/downloads/pubdocs/violence-against-women-in-egypt.pdf Date accessed: 5 December 2016

'...currently very few women go ahead with legal complaints against their attackers or report attacks to the police. The problems of social stigma and lack of trust in the security forces mean that sexual violence in particular is unlikely to be reported to the police, including to the new Violence Against Women (VAW) unit. According to a 2013 study, 93.4 per cent of respondent survivors of sexual harassment said they did not request help from security forces at the scene of the incident. The most common reasons cited by survivors included: "I feared for my reputation", "I thought there was no text in the law to penalize harassment", and "I was also scared from harassment by policemen."³⁰

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6.4 Support for victims

6.4.1 The US Department of State, Country Report on Human Rights Practice 2016 Egypt added that:

'Several NGOs offered counselling, legal aid, and other services to women who were victims of rape and domestic violence but operated under strained resources. The Ministry of Social Solidarity supported nine women's shelters. The Interior Ministry includes a unit responsible for combating sexual and gender-based violence.'³¹

6.4.2 According to Nazra for Feminist Studies in their Article, Women Survivors of Violence: Where to Go? – 15 August 2016: 'Most of the women living in shelters are victims of sexual or physical violence by family or husband, with the levels of violence ranging from severe beating to third degree burns to the face or body, broken bones, wounds caused by sharp objects such as knives and switchblades and recurrent incest rape.'³²

6.4.3 The report further noted that: 'Shelter staff do not usually consider marital rape as a form of violence, and women rarely go to shelters due to marital rape in the first place. Violence could sometimes reach the level of torture by electric shocks at the hands of the husband or family (father, mother, or siblings).'³³

6.4.4 According to Amnesty International, in their report, Circles of Hell, January 2015: '...There is no sexual violence or rape referral centres to provide medical treatment, forensic examination, trauma support and counselling to

³⁰ Saferworld, Violence Against Women in Egypt, June 2015, www.saferworld.org.uk/downloads/pubdocs/violence-against-women-in-egypt.pdf Date accessed: 5 December 2016

³¹ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2016

³² Nazra for Feminist Studies, Women Survivors of Violence: Where to Go? 15 August 2016, <https://cisnet.online.immi.gov.au/pages/librarycard.aspx?docPath=https://cisnet.online.immi.gov.au/CountryInfo/Library/2016/Documents/Women%20Survivors%20of%20Violence%20-%20Where%20to%20Go.pdf> Date accessed: 8 December 2016

³³ Nazra for Feminist Studies, Women Survivors of Violence: Where to Go? 15 August 2016, <https://cisnet.online.immi.gov.au/pages/librarycard.aspx?docPath=https://cisnet.online.immi.gov.au/CountryInfo/Library/2016/Documents/Women%20Survivors%20of%20Violence%20-%20Where%20to%20Go.pdf> Date accessed: 30 November 2016

survivors. Instead, the shelter staff pressure women survivors of violence to attend reconciliation sessions with the perpetrators...³⁴

6.4.5 The report continued that:

'In the absence of adequate protection and support from the government to survivors of violence, women's rights groups, other NGOs and volunteer movements fill the gap. They play an important role in providing survivors of violence with legal, psychological and medical support. They are also at the forefront of documenting violations, raising awareness of the phenomenon, and proposing and lobbying for legal and policy changes.'³⁵

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7. Honour crime

7.1 Legal protection

7.1.1 According to the 2015 Australian DFAT Country Information Report – Egypt: 'DFAT understands that honour killings occur in Egypt, but these are not specifically addressed in law and are considered as any other crime.'³⁶

7.1.2 According to Amnesty International, in their report, Circle of Hell: 'The Penal Code provides for reduced sentences for 'honour crimes' by husbands, signalling that violence against women is tolerated. Article 237 of the Code provides for reduced sentences where a husband surprises his wife in the act of adultery and kills her. Egyptian law does not provide an equivalent mitigation in cases of women accused of killing their husbands.'³⁷

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7.2 Incidents

7.2.1 According to the US Department of State, Country Report on Human Rights Practice 2016 – Egypt: 'On 16 June [2016], police arrested one suspect related to an "honour" crime in Minoufia Governorate after a brother killed his sister for allegedly practicing prostitution.'³⁸ The US Department of State Country Reports on Human Rights Practices 2014 reported that 'on 8 September 2014, domestic media reported authorities arrested a suspect in an 'honour' crime in Minya Governorate. The suspect is the uncle of a man

³⁴ Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, Pages 23 and 36, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 8 December 2016

³⁵ Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, Pages 23 and 36, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 8 December 2016

³⁶ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.80, 24 November 2015, Copy on request, Date accessed: 8 December 2016

³⁷ Amnesty International, Circles of Hell, Domestic Violence, Penal Code, Page 32, http://www.ecoi.net/file_upload/4543_1431952001_circles-of-hell.pdf Date accessed: 5 December 2016

³⁸ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

that was found killed for committing adultery with the wife of the suspect's brother.³⁹

7.2.2 According to the US Department of State, Country Report on Human Rights Practice 2016 Egypt has stated that:

'The law does not specifically address "honour" crimes, which are treated as any other crime. There were no reliable statistics regarding the incidence of killings and assaults motivated by "honour," but observers stated such killings occurred, particularly in rural areas...'⁴⁰

8. Female Genital Mutilation

8.1 Legal rights

8.1.1 The US Department of State, Country Report on Human Rights Practice 2016 Egypt has stated that:

'According to international and local observers, the government did not effectively enforce the FGM/C law and did not make adequate budget allocations to raise awareness. On 28 May [2016], 17-year-old Mayar Moussa died after undergoing an illegal FGM/C procedure at a hospital in Suez Governorate, prompting a critical public reaction. The Office of the Prosecutor General issued arrest warrants for seven suspects involved in the case, and in June [2016] authorities referred four of the seven to criminal court.'

'On 20 December [2016], a Suez criminal court sentenced the doctor who performed the procedure to five years' imprisonment and a fine of LE 50,000 (\$2,750) and sentenced three others, including Moussa's mother, to a one-year suspended sentence and a fine of LE 5,000 (\$275).'⁴¹

8.1.2 According to Reuters in their Article, Egypt Approves Tougher Jail Terms for FGM – 28 September 2016:

'Egypt has approved a law that will increase jail terms for those who perform female circumcisions, raising the maximum sentence to seven from two years, according to the state's official gazette...The new law stipulates jail sentences of between five and seven years for doctors who perform the operation and one to three for parents who order it. Egypt's Parliament passed the bill on increased sentences in August 2016, but it required presidential approval to come into law.'⁴²

8.1.3 Human Rights Watch, in their Article, Egypt: New Penalties for FGM has noted that:

³⁹ United States (US) Department of State Country Report on Human Rights Practices 2014 – Egypt, Section 6, Other Harmful Traditional Practices, <http://www.state.gov/documents/organization/236808.pdf> Date accessed: 5 December 2016

⁴⁰ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

⁴¹ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

⁴² Reuters, Egypt Approves Tougher Jail Terms for FGM – 7 October 2016, <http://www.reuters.com/article/us-egypt-fgm-idUSKCN11Y2X9> Date accessed: 30 November 2016

'More stringent penalties for FGM approved by Egypt's Parliament on 31 August 2016, are a step toward eliminating the practice... "Stricter penalties for FGM in Egypt now reflect the horrific and potentially deadly consequences of this discriminatory practice," said Rothna Begum, Middle East Women's Rights Researcher at Human Rights Watch. "But broader law reform is needed to adequately combat this horrific practice, and all such laws should be enforced to protect tens of thousands of girls at risk."⁴³

8.1.4 The report also explained that:

'A key problem relating to the lack of investigations and prosecutions is the wide social acceptance of the practice. A 2014 Demographic and Health Survey for Egypt, conducted on behalf of the Ministry of Health and Population... showed that the practice had decreased between 2005 and 2014, but estimated that 56 percent of girls under 19 were expected to undergo it in the future.'

'...The amendments to the Penal Code retain an unnecessary reference to its Article 61, which allows for dropping charges if a defendant committed a crime because of an immediate and "grievous danger" to themselves or a third party. "Retaining this clause may encourage Judges to drop charges in these cases so Parliament should revise the amendments to eliminate this clause," said Human Rights Watch.⁴⁴

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8.2 Prevalence of FGM

8.2.1 In November 2016, the United States Agency for International Development reported that '...as revealed by the 2014 Demographic and Health Survey, 92% of the ever-married women ages 15-49 interviewed have been circumcised.'⁴⁵

8.2.2 Reuters in their Article, Egypt Approves Tougher Jail Terms for FGM – 28 September 2016 has stated that: 'More than nine in 10 women and girls aged 15 to 49 in Egypt have undergone FGM, but the number has declined in recent years, according to data collected by the United Nations. Female genital cutting is performed on both Muslim and Christian girls in Egypt and Sudan, but is rare elsewhere in the Arab world.'⁴⁶

8.2.3 The Ministry of Health and Population, in their key findings of the Egypt Health Issues Survey, October 2015 stated that:

- 'Around 9 in 10 women age 15-49 are circumcised.'

⁴³ Human Rights Watch, Egypt: New Penalties for Female Genital Mutilation-Further Reform Needed to Protect Girls, 9 September 2016, http://www.ecoi.net/local_link/329946/457545_en.html Date accessed: 9 December 2016

⁴⁴ Human Rights Watch, Egypt: New Penalties for Female Genital Mutilation-Further Reform Needed to Protect Girls, 9 September 2016, http://www.ecoi.net/local_link/329946/457545_en.html Date accessed: 9 December 2016

⁴⁵ United States Agency for International Development 2016, Gender Equality and Women's Empowerment, 2 November 2016, <https://www.usaid.gov/egypt/gender-equality-and-womens-empowerment> Date accessed: 13 December 2016

⁴⁶ Reuters, Egypt Approves Tougher Jail Terms for FGM – 7 October 2016, <http://www.reuters.com/article/us-egypt-fgm-idUSKCN11Y2X9> Date accessed: 8 December 2016

- Only 7 in 10 women age 15-19 and 8 in 10 women age 20-24 are circumcised compared to 89-97 percent of older women.
- Although the practice is expected to continue to decline, more than half of girls age 1-14 are expected to be circumcised in the future. This takes into account those already circumcised (14 percent) and those planned to be circumcised when they are older.
- Men are slightly more likely than women to support continuation of the practice (59 percent and 54 percent, respectively).
- Half of men and 46 percent of women believe circumcision is required by religion.⁴⁷

8.2.4 UNICEF, in their UNICEF Report 2013 FGM/C, stated that:

‘FGM/C prevalence is very high in Egypt with 91 percent of girls and women aged 15 to 49 years having undergone FGM/C. In some countries, such as Egypt...a substantial number of health-care providers perform the procedure. This phenomenon is most acute in Egypt, where mothers report that in three out of four cases (77 percent), FGM/C was performed on their daughters by a trained medical professional. In Egypt, this is most often a doctor, the only country where this holds true.’⁴⁸

8.2.5 The report added that:

‘...The ages at which large proportions of girls experience FGM/C vary substantially across countries. At least 80 percent of cut girls in...Egypt...had the procedure performed when they were between the ages of 5 and 14... Girls’ and women’s attitudes about FGM/C vary widely across countries with the highest levels of support...Egypt, where more than half the female population think the practice should continue.’

‘Reports of prosecution or arrests in cases involving FGM/C have been made in several African countries, including...Egypt.’⁴⁹

8.2.6 The UNICEF report continued that: ‘In Egypt,...the most authoritative condemnation of FGM/C in Islam to date is the 2007 fatwa (religious edict) issued by the Al-Azhar Supreme Council of Islamic Research, explaining that FGM/C has no basis in Sharia (Islamic law) or any of its partial provisions, and that it is a sinful action that should be avoided.’⁵⁰

⁴⁷ Ministry of Health and Population, Egypt Health Issues Survey, Chapter 8 Female Circumcision, October 2015, <https://dhsprogram.com/pubs/pdf/FR313/FR313.pdf> Date accessed 9 December 2016

⁴⁸ UNICEF, Female Genital Mutilation/Cutting, When and How is FGM/C Performed, July 2013, https://www.unicef.org/media/files/UNICEF_FGM_report_July_2013_Hi_res.pdf Date accessed: 8 December 2016

⁴⁹ UNICEF, Female Genital Mutilation/Cutting, Terminology and Definitions, National Legislation, July 2013, https://www.unicef.org/media/files/UNICEF_FGM_report_July_2013_Hi_res.pdf Date accessed: 8 December 2016

⁵⁰ UNICEF, Female Genital Mutilation/Cutting, Roles Of Religion in the Continuation of FGM/C, July 2013, https://www.unicef.org/media/files/UNICEF_FGM_report_July_2013_Hi_res.pdf Date accessed: 8 December 2016

8.2.7 According to the 2014 Egypt Demographic and Health Survey (EDHS), published during 2015 by the Ministry of Health, ‘FGM/C is illegal, but it remained a serious problem for women and girls’ in Egypt. The percentage of girls between 15 and 19 years old who had undergone FGM/C decreased to 70 percent, from 81 percent in 2008.⁵¹

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8.3 Societal attitude

8.3.1 According to the 2015 DFAT Country Information Report – Egypt, 24 November 2015: ‘While prohibited in Egyptian law, FGM is practiced widely throughout Egypt and across all religious communities as a result of strongly held traditions. Under the Morsi Government, FGM was encouraged and even facilitated by the Muslim Brotherhood in rural areas...’⁵²

8.3.2 The UNDP in their report, Combatting Female Genital Mutilation in Egypt has stated that ‘FGM has been practiced in Egypt for thousands of years. Many Egyptians believe that for a girl or woman to be “clean,” “pure” and “feminine,” she must have her genitals cut at a young age.’⁵³

8.3.3 The report continued that:

‘Many parents will have their daughters cut as a proactive measure so that they will be “marriageable.” Many religious leaders tacitly or actively lend their support, even though there is no language in scripture to back the practice. In some communities, men refuse to marry any woman who has not been cut. So strong is the belief that even some girls and young women buy into the validity of the practice.’⁵⁴

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8.4 Government response

8.4.1 The US Department of State, Country Report on Human Rights Practice 2016 Egypt has stated that:

‘...In June 2015, the government launched a new National Strategy for the Abandonment of FGM/C, led by the Population Ministry in partnership with the United Nations and other international partners.’⁵⁵

8.4.2 The Germany Federal Office for Migration and Asylum Briefing Notes – June 2016, noted that:

⁵¹ Ministry of Health and Population, Egypt Health Issues Survey, Chapter 8 Female Circumcision, October 2015, <https://dhsprogram.com/pubs/pdf/FR313/FR313.pdf> Date accessed 12 December 2016

⁵² Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.78, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁵³ UNDP, Combatting Female Genital Mutilation in Egypt 2015, <http://www.undp.org/content/dam/undp/fgminegypt/index.html> Date accessed: 9 January 2017

⁵⁴ UNDP, Combatting Female Genital Mutilation in Egypt 2015, <http://www.undp.org/content/dam/undp/fgminegypt/index.html> Date accessed: 9 January 2017

⁵⁵ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

'A 17-year old girl has died in a private hospital in Suez during an operation to remove her genitals. The Prosecutor has opened investigations against the female doctor who performed the operation and against the girl's mother who is a nurse. The hospital was closed pending investigations.'

'...girls typically undergo FGM before reaching the age of 15 but there is no information on why the family in question had the operation performed on the victim and her twin sister, who survived the operation, as late as the age of 17 years.'⁵⁶

8.4.3 Human Rights Watch in their Article, Egypt, New Penalties for FGM, 9 September 2016 has noted that: '...there has been only one criminal prosecution resulting in a conviction. A key problem relating to the lack of investigations and prosecutions is the wide social acceptance of the practice.'⁵⁷

8.4.4 The report continued that:

'In January 2015, an Appeals Court convicted a doctor of manslaughter and sentenced him to two years in prison, as well as three months in prison for practicing FGM. The doctor had performed FGM in 2013 on Sohair al-Batea, a 13-year-old girl, who died as a result. He served only three months of his sentence after reaching a financial settlement with the family, said Reda al-Danbouki, the lawyer from the Women's Centre for Guidance and Legal Awareness who represented the girl. The girl's father received a three month suspended sentence for taking his daughter to undergo the practice.'⁵⁸

8.4.5 According to the 2015 Australian DFAT Country Information Report – Egypt: '...despite legal prohibitions, the law against FGM is rarely enforced.'⁵⁹

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9. Sexual harassment

9.1 Overview

9.1.1 According to the US Department of State, Country Report on Human Rights Practice 2016 - Egypt:

'Sexual harassment remained a serious problem. According to a study published in 2013 by the UN Entity for Gender Equality and the Empowerment of Women, known as UN Women, 99 percent of women and girls in the country's sample reported they had experienced some form of sexual

⁵⁶ The Information Centre Asylum and Migration Briefing Notes, 6 June 2016, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=575e51e04&skip=0&query=FGM&coi=EGY&searchin=title&sort=date>

Date accessed: 30 November 2016

⁵⁷ Human Rights Watch, Egypt: New Penalties for FGM, 9 September 2016, <https://www.hrw.org/news/2016/09/09/egypt-new-penalties-female-genital-mutilation> Date accessed: 30 November 2016

⁵⁸ Human Rights Watch, Egypt: New Penalties for FGM, 9 September 2016, <https://www.hrw.org/news/2016/09/09/egypt-new-penalties-female-genital-mutilation> Date accessed: 30 November 2016

⁵⁹ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.78, 24 November 2015, Copy on request, Date accessed: 8 December 2016

harassment. According to the Economic Cost of Gender Based Violence Survey (ECGBVS), more than 1.7 million women suffered from sexual harassment on public transportation. NGOs reported the overall incidence of sexual harassment increased during times of large public gatherings, such as during holidays.⁶⁰

9.1.2 The 2015 Australian DFAT Country Information Report – Egypt:

‘Sexual harassment is a frequent occurrence for women across the socio-economic spectrum. A May 2013 study by UN Women found that 99.3 percent of women had experienced some form of sexual harassment, while 91.5 percent reported experiencing unwanted physical contact. The study reported that harassment and assault occurred regardless of a woman’s physical appearance, conduct, or manner of dress. Sexual harassment was found to be particularly prevalent during mass street celebrations (such as religious feasts or other large social events) or political demonstrations...’⁶¹

9.1.3 In January 2015, Amnesty International reported that:

‘Research into sexual and gender-based violence against women and girls in the public sphere, including sexual harassment, has also produced deeply alarming results. Attacks against women and girls in the public domain have long plagued Egyptian society. Women and girls of all ages face sexual harassment at every step of their daily life: in the streets and on public transport, in schools and universities, and at their workplaces. A study published in 2013 found that 99 percent of female respondents had experienced some form of sexual harassment, including cat-calling, verbal abuse of a sexual nature, groping, sexually-suggestive gestures and exposure of male sexual organs.’⁶²

9.1.4 In 2015, The Economist reported on changing social attitudes towards sexual harassment:

‘The real progress is being made outside official circles, where several new organisations and initiatives have increased awareness of the problem. An ad campaign in the Cairo metro, sponsored by Imprint Movement, a non-profit, features illustrations of a woman struggling with harassment. Videos posted online expose the discomfort and fear felt by women on Egypt’s streets, as well as the viciousness of attacks. Yet activists say the biggest challenge is still convincing men that their actions are wrong.’⁶³

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⁶⁰ United States (US) Department of State Country Report on Human Rights Practices 2015 – Egypt, Section 6, Women, <http://www.state.gov/documents/organization/253133.pdf> Date accessed: 8 December 2016

⁶¹ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.81, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁶² Amnesty International, Circles of Hell, Domestic, Public and State Violence against Women in Egypt, Page 9, January 2015, http://www.amnestyusa.org/sites/default/files/mde_120042015.pdf Date accessed: 8 December 2016

⁶³ The Economist, Slapping Back 2015, 21 November 2015, <http://www.economist.com/news/middle-east-and-africa/21678788-women-still-face-constant-harassment-more-being-done-about-it-slapping> Date accessed: 5 December 2016

9.2 Legal protection and response of the State

9.2.1 The 2015 Australian DFAT Country Information Report – Egypt noted that:

‘In June 2014, sexual harassment was criminalised for the first time. Decree 50 of 2014, which amended Articles 306(bis)(a) and 306(bis)(b) of the Egyptian Penal Code, provided for sentences of up to five years’ imprisonment for those found guilty of any sexual or pornographic suggestion through words, signs or acts. On 19 April 2015, a man received a five year prison sentence for sexually harassing a woman on public transport in Cairo. However, such convictions remain the exception rather than the norm.’

‘The UN Entity for Gender Equality and the Empowerment of Women published in 2013 found that most women who were sexually assaulted would not report the crime to police (only 19 percent would do so) or tell their families. In addition, Egyptian doctors are generally not adequately trained to keep evidence of sexual assault and conservative social norms may sometimes influence the way medical practitioners treat victims of sexual crime.’⁶⁴

9.2.2 According to the US Department of State, Country Report on Human Rights Practice 2016 - Egypt:

‘The government prioritized efforts to address sexual harassment. Since 2014 the Penal Code has defined sexual harassment as a crime, with penalties including fines and sentences of six months to five years in prison. Media and NGOs reported that sexual harassment by police was also a problem and the potential for further harassment further discouraged women from filing complaints. There were no reported convictions under the anti-harassment law, although media reported many arrests. The NCW reported 91 official complaints of sexual harassment during Eid al-Fitr celebrations in July [2016], while some local media reports cited higher numbers. The outcome of these cases was unclear.’

‘In March 2015 a video circulated on social media of five police officers sexually assaulting and beating two women during a security raid in Daqahliya Governorate. The Ministry of Interior announced it would open an investigation, but it had not announced the results of the investigation by the end of 2016.’⁶⁵

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10. Marriage and family

10.1 Marriage

10.1.1 The 2015 Australian DFAT Country Information Report on Egypt reported that:

⁶⁴ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.81 and 3.82, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁶⁵ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

‘Personal status issues (such as marriage, divorce and inheritance) are delegated to religious institutions in Egypt for Muslims, Christians and Jews. For Muslims, personal status rules (derived from Sharia) are contained in legislation adopted by Parliament or Presidential decrees. Family Courts apply this legislation to Muslim couples, Muslims married to Christians, and married Christian couples who belong to different denominations. For other recognised religious communities (Christians and Jews), the religious authorities themselves adopt personal status rules, based on relevant religious doctrine. These rules are considered equivalent to administrative decisions and are subject to review in Egyptian Courts.’

‘Egypt is a socially conservative country where very few couples cohabit outside of marriage in both urban and rural areas. There is no civil marriage in Egypt such as it is understood in Australia —the state administers marriages between Muslims in accordance with Sharia; and Christians must seek marriage under church institutions before obtaining a marriage contract from the State. All marriages must be registered with the Ministry of Justice, which issues official marriage certificates. Both Muslim and Christian religious authorities are strongly opposed to the concept of civil marriage.’⁶⁶

10.1.2 The report continued that:

‘According to Sharia (as interpreted by Egyptian Courts), a Muslim man can marry a non-Muslim woman without her needing to convert to Islam. A Muslim woman, on the other hand, can only marry a non-Muslim man if he converts to Islam. Religious authorities of some Christian denominations will marry Christians from different denominations. Others, including the Coptic Orthodox Church, will generally only marry a couple from the same denomination.’

‘Civil marriages of Egyptians abroad are recognised within Egypt only when they comply with Egyptian personal status laws such as they apply to marriage. For instance, if a Muslim woman married a Christian man in a civil marriage abroad, it would not be recognised by Egypt. Likewise, a civil marriage between same-sex couples or between Baha’is would not be recognised.’⁶⁷

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10.2 Child marriage

10.2.1 According to the 2015 DFAT Country Information Report – Egypt: ‘Child marriage remains an issue for girls in Egypt, particularly in rural areas...NGOs have told DFAT that the rate of child marriage, including by girls as young as 11, increased under the Morsi Government.’⁶⁸

⁶⁶ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 5 Other Considerations, Paragraph 5.24, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁶⁷ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 5 Other Considerations, Paragraph 5.24, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁶⁸ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.79, 24 November 2015, Copy on request, Date

10.2.2 The US Department of State, Country Report on Human Rights Practice 2016 Egypt has noted that:

'The legal age of marriage is 18. According to the ECGBVS, 27 percent of girls married before age 18. Among ever-married women between the ages of 18 to 64, 11 percent reported that their consent to marry was never sought. A few women reported that their consent had been sought; they had refused, but the marriage had taken place anyway. As many as 15 percent of all marriages in the country were child marriages (of an unspecified age), according to remarks made by the Minister of Population to media in August 2015. Media reported some child marriages were temporary marriages intended to mask child prostitution.'

'Families sometimes forced adolescent girls to marry wealthy foreign men in what were known locally as "tourism" or "summer" marriages for the purpose of sexual exploitation, prostitution, or forced labour. According to the law, a foreign man who wants to marry an Egyptian woman more than 25 years younger than he is must pay a fine of LE 50,000 (\$2,750). Women's rights organisations argued that allowing foreign men to pay a fine to marry much younger women represented a form of trafficking and encouraged child marriage. They called on the government to eliminate the system altogether. The Anti-trafficking Unit at the National Council for Childhood and Motherhood (NCCM), a governmental body, is responsible for raising awareness of the problem.'⁶⁹

10.2.3 According to the Washington Post, in their Article, Pictures of two Egyptian Children Engaged to Be Married Triggers Outrage:

'Egyptian laws prohibit official registration for marriages for anyone under the age of 18. But the practice remains prevalent... Legal experts have stated that 'in Egypt's rural areas, families marry off their children but usually delay the official registration of the marriage until the couples reach the lawful age of matrimony to avoid legal punishment. As a consequence, any children born of the marriage will not be issued birth certificates or be recognized until then.'⁷⁰

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10.3 Societal attitudes

10.3.1 According to Article 237 of the Egyptian Penal Code, men who kill their wives caught in the act of adultery will receive a lesser sentence than for other forms of murder. Article 237 of the Penal Code states that: 'Whoever surprises his wife in the act of adultery and kills her on the spot together with her adulterer

accessed: 8 December 2016

⁶⁹ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Children, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

⁷⁰ Washington Post, Pictures of Two Egyptian Children Engaged to Be Married Trigger Outrage, 22 October 2016, https://www.washingtonpost.com/news/worldviews/wp/2016/10/22/pictures-of-two-egyptian-children-engaged-to-be-married-trigger-outrage-once-again/?utm_term=.1b2cf4b95a5d Date accessed: 8 December 2016

partner shall be punished with detention instead of the penalties prescribed in Articles 234 and 236.⁷¹

10.3.2 In October 2016, Al Monitor reported that an Egyptian Parliamentarian had provoked controversy by proposing a bill that legislated equal penalties for men and women charged with adultery. The bill is alleged to have aroused strong opposition among members of the Parliament's Legislation and Religion committees. According to the report:

'The Egyptian Penal Code states that a wife who is shown to have committed adultery must serve two years in prison. An adulterous husband, however, receives only six months, and then only if he commits adultery in the house he shares with his wife. Otherwise, there is no punishment for him.

'According to Qanun Nashaz (Unfair Law), a campaign by Nazra for Feminist Studies, the code also states that a husband who kills his wife and her partner in flagrante delicto, in the act of sex, shall receive a lenient sentence of only 24 hours in detention. A wife who commits the same offence faces a charge of willful murder, which means she would most likely receive a sentence of hard labour or life.'

'Members of the Legislation and Religion committees have rejected the bill on various grounds. Omar Hamroush, the secretary of the religion committee, described the proposed legislation as "contradicting Sharia."⁷²

10.3.3 In May 2016, Al Monitor reported on social attitudes towards unmarried women in Egypt. The report noted that:

'Egypt suffers from a pressing social crisis known as "spinsterism." When a woman passes the age of 30 without getting married, it is viewed negatively by society. In some regions, such as rural villages and in Upper Egypt, the threshold age to qualify as a spinster may be even younger.'⁷³

10.3.4 The report went on to state that:

'As the problem has escalated over time, the number of spinsters in Egypt now stands at more than 8 million, an estimated 40% of women of a marriageable age. Egyptian media outlets have begun to report on the issue, and the local film industry has recently produced a film on the subject, titled "Two daughters from Egypt." With no visible change in Egyptian society, the crisis has now reached the Parliament and a Committee no one imagined would ever tackle the issue: the National Security Council.'

'Abdelhamid Zaid, a Professor of Political Sociology at Fayoum University and a former Member of Parliament, told Al-Monitor that the phenomenon of spinsterism has no relationship to national security. "There is a group of young men who cannot get on the marriage train at an early age — during a

⁷¹ National Legislative Bodies/National Authorities, Egypt: Penal Code, No. 58 of 1937, August 1937, <http://www.refworld.org/docid/3f827fc44.html> Date accessed: 30 November 2016

⁷² Al Monitor, Egypt Pulse, Egyptian Bill Seeks Gender Equality for Adultery, 7 October 2016, <http://www.al-monitor.com/pulse/originals/2016/10/egypt-new-bill-define-adultery.html> Date accessed: 9 December 2016

⁷³ Al Monitor, Egypt Pulse, Egypt's Next National Security Threat: All the Single Ladies, 16 May 2016, <http://www.al-monitor.com/pulse/originals/2016/05/egypt-spinsters-national-security-threat.html> Date accessed: 5 December 2016

certain period — because of social and economic conditions that are tied to the decline in wages at a time when the cost of marriage is rising and basic expenses such as providing suitable housing and furniture are becoming more costly. This has laid the groundwork for other [social] disputes concerning matters like the cost of wedding ceremonies, electronic appliances and the gold [traditionally] offered to the bride.”⁷⁴

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10.4 Divorce

10.4.1 According to the US Department of State, Country Report on Human Rights Practice 2016 – Egypt:

“Khula” divorce allows a Muslim woman to obtain a divorce without her husband’s consent, provided she forgoes all her financial rights, including alimony, dowry, and other benefits. The Coptic Orthodox Church permits divorce only in rare circumstances, such as adultery or conversion of one spouse to another religious group. Other Christian churches permitted divorce.⁷⁵

10.4.2 The 2015 Australian DFAT Country Information Report on Egypt noted that:

‘Socio-economic factors can make it very difficult for a woman to escape an abusive marriage, though it is not impossible. In rural and conservative areas, attempts to do so will usually result in communal and familial ostracism. DFAT understands that there are nine shelters in Egypt for women escaping domestic abuse. These are supervised by the Ministry for Social Solidarity, but are operated by private organisations. Human rights activists in Egypt report that these shelters aim primarily to reconcile women with their husbands, and will tend to shelter them on a limited basis. The shelters are poorly advertised and resourced, and apply rules and procedures which greatly limit their accessibility and utility to survivors of violence.’⁷⁶

10.4.3 In February 2016, Amnesty International reported that:

‘Despite announcing a national strategy to combat violence and discrimination against women and girls, the authorities largely failed to implement substantive measures, including amending or repealing discriminatory Personal Status Laws that prevent women from obtaining a divorce from an abusive husband without forfeiting their financial rights.’⁷⁷

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⁷⁴ Al Monitor, Egypt Pulse, Egypt’s Next National Security Threat: All the Single Ladies, 16 May 2016, <http://www.al-monitor.com/pulse/originals/2016/05/egypt-spinsters-national-security-threat.html> Date accessed: 5 December 2016

⁷⁵ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

⁷⁶ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.85, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁷⁷ Amnesty International Annual Report 2015/2016, Egypt, Women’s Rights, 23 February 2016, <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/> Date accessed: 7 December 2016

10.5 Child custody

10.5.1 The 2015 Australian DFAT Country Information Report on Egypt noted that:

‘Egypt has instituted an Islamic concept known as *khula* in its legal system, which enables women to unilaterally divorce their husbands. However, divorcing in such a manner involves losing all financial benefits that a negotiated divorce might enable. Regardless of who initiated the divorce, a woman will usually retain custody of her children until the age of 15 when the children themselves can decide which parent retains custody. DFAT understands that a Muslim man divorced by a Christian woman will often gain custody of their children should he take her to court on the basis of being an unfit mother. A woman’s custodial rights do not extend to removing the children from Egypt without specific permission from the father... There have been a number of cases where children placed by their father on Egypt’s immigration watch list have been prevented from leaving the country.’⁷⁸

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10.6 Inheritance

10.6.1 According to the US Department of State, Country Report on Human Rights Practice 2016 – Egypt:

‘A Muslim female heir receives half the amount of a male heir’s inheritance, and Christian widows of Muslims have no inheritance rights. A sole Muslim female heir receives half her parents’ estate, and the balance goes to the siblings of the parents or the children of the siblings if the siblings are deceased. A sole male heir, who is expected to provide for relatives, inherits his parents’ entire estate.’⁷⁹

10.6.2 In July 2016, Al Monitor reported that the Egyptian Parliament was considering a move to ensure that rightful heirs — including women — received their inheritance. The report stated that: ‘Six months after Egypt’s government amended the inheritance law to punish anyone who deliberately denies an inheritance to those entitled to it, Parliament is discussing additional amendments. A draft law would create a judicial body specifically tasked with actually restituting inheritances to their rightful heirs.’⁸⁰

10.6.3 The report went onto note that:

‘According to Ministry of Justice statistics, the courts hear about 144,000 inheritance-related cases annually. Additionally, 2,750 motions are filed by children to stop their deceased parents’ assets from being distributed.’

⁷⁸ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3 Women, Paragraph 3.86, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁷⁹ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

⁸⁰ Al Monitor, Egypt Pulse, Inheritance Plan Could be Game-Changer for Egyptian Women 2016, 11 July 2016, <http://www.al-monitor.com/pulse/originals/2016/07/egypt-inheritance-rights-women-disputes-courts.html> Date accessed: 13 December 2016

'In Upper Egypt, customs and traditions prevent families from assigning agricultural lands to women by way of inheritance so that the ownership of family lands isn't transferred to another family when these women marry.'⁸¹

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10.7 Testimony

10.7.1 According to the US Department of State, Country Report on Human Rights Practice 2016 – Egypt:

'A woman's testimony is equal to that of a man in courts dealing with all matters except for personal status, such as marriage and divorce. In marriage and divorce cases, a woman's testimony must be judged credible to be admissible. Usually the woman accomplishes this credibility by conveying her testimony through an adult male relative or representative. The law assumes a man's testimony is credible unless proven otherwise.'⁸²

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11. Access to income

11.1 Access to employment

11.1.1 According to the US Department of State, Country Report on Human Rights Practice 2016 – Egypt:

'Women faced extensive discrimination in the labour force. Labour laws provide for equal rates of pay for equal work for men and women in the Public but not the Private Sector. In 2014, the World Economic Forum found that the country's women received 78 percent of the income of their male counterparts--not of men in general. Educated women had employment opportunities, but social pressure against women pursuing a career was strong.'⁸³

11.1.2 The report continued that:

'Women's rights advocates claimed religious influence as well as traditional and cultural attitudes and practices inhibited further gains. Large sectors of the economy controlled by the military excluded women from high-level positions, since women do not serve in the military except in limited specific capacities, and thus did not have access to these jobs.'

'According to the UN Development Program, women represented 23 percent of the labour force. According to the governmental Central Agency for Public Mobilization and Statistics, the female unemployment rate was more than 24 percent, compared with 9.8 percent for men. The Ministry of Social Solidarity

⁸¹ Al Monitor, Egypt Pulse, Inheritance Plan Could be Game-Changer for Egyptian Women 2016, 11 July 2016, <http://www.al-monitor.com/pulse/originals/2016/07/egypt-inheritance-rights-women-disputes-courts.html> Date accessed: 13 December 2016

⁸² United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

⁸³ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

operated more than 150 family counselling bureaus nationwide to provide legal and medical services to unemployed women who were unmarried or did not reside with family.⁸⁴

11.1.3 The 2015 Australian DFAT Country Information Report on Egypt noted that:

'DFAT assesses that the majority of Egyptian women, regardless of their religion, face persistent societal discrimination and the threat of gender-based violence. Long-standing traditional values and gender roles also continue to restrict the participation of women in the community and workforce.'⁸⁵

11.1.4 In November 2015, Al Monitor claimed that 'nearly five years after the revolution, Egyptian women still face much the same obstacles in the workforce as the economy continues to limp along without their full participation.'⁸⁶

11.1.5 Referring to comments by Amirah El-Haddad, a Professor of Economics at Cairo University, the report went on to state that 'Haddad indicated that the reason behind women's low participation in economic activities is gender discrimination, a structural problem in the Egyptian labour market in the form of occupational segregation or wage discrepancies.'⁸⁷

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11.2 Access to finance

11.2.1 According to the US Department of State, Country Report on Human Rights Practice 2016 – Egypt:

'The law makes it difficult for women to access formal credit. While the law allows women to own property, social and religious barriers strongly discouraged women's ownership of land, a primary source of collateral in the banking system. The threat of criminal bankruptcy and fear of the conditions in prisons contributed to extremely low rates of women accessing commercial credit.'⁸⁸

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12. Freedom of movement

12.1.1 The US Department of State, Country Report on Human Rights Practice 2016 Egypt noted that:

⁸⁴ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

⁸⁵ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 3, Women, Paragraph 3.87, 24 November 2015, Copy on request, Date accessed: 8 December 2016

⁸⁶ Al Monitor, Egypt Pulse, Will New Egyptian Employment Law help its Women Lean in? 3 November 2015 <http://www.al-monitor.com/pulse/originals/2015/11/egypt-women-participation-labor-market.html> Date accessed: 13 December 2016

⁸⁷ Al Monitor, Egypt Pulse, Will New Egyptian Employment Law help its Women Lean in? 3 November 2015 <http://www.al-monitor.com/pulse/originals/2015/11/egypt-women-participation-labor-market.html> Date accessed: 13 December 2016

⁸⁸ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 6, Women, March 2017 <https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

'The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights, albeit with some exceptions, including the handling of potential refugees and asylum seekers. The authorities maintained a "no-fly" list that prevented some defendants in court cases from fleeing the country.'⁸⁹

12.1.2 UNICEF, in their Article, Egypt: MENA Gender Equality Profile has explained that 'according to the law, women and men have the same rights with regard to the movement of persons. Since 2000, women no longer need the permission of their husband or father to travel and obtain a passport.'⁹⁰

12.1.3 According to the Australian DFAT Country Information Report – Egypt: 'There is no legal impediment to internal movement within Egypt, including single women, and Egyptians can and do relocate for a variety of reasons... Urban middle class Egyptian women will likely have a greater ability to find work and shelter, and will also likely have better access to support networks, than Egyptian women from poor and more conservative areas.'⁹¹

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⁸⁹ United States (US) Department of State Country Report on Human Rights Practices 2016 – Egypt, Section 2, Freedom of Movement, March 2017

<https://www.state.gov/documents/organization/265706.pdf> Date accessed: 7 March 2017

⁹⁰ UNICEF, Egypt: MENA Gender Equality Profile, October 2011,

<https://www.unicef.org/gender/files/Egypt-Gender-Eqaulity-Profile-2011.pdf> Date accessed: 5 December 2016

⁹¹ Australian Government, Department of Foreign Affairs and Trade (DFAT) Country Information Report, Egypt, Section 5 Other Considerations, Paragraph 5.24, 24 November 2015, Copy on request, Date accessed: 8 December 2016

Version control and contacts

Contacts

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Clearance

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