



## Egypt

### Submission to the UN Universal Periodic Review

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Submitted by: Equality Now, Center for Egyptian Women's Legal Assistance (CEWLA) and the Global Campaign for Equal Nationality Rights

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## Introduction and Summary

1. Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 190 countries. The Center for Egyptian Women's Legal Assistance (CEWLA) is an Egyptian non-governmental organization based in Cairo, Egypt with ECOSOC consultative status since 2009. CEWLA is a grassroots organization that works on access to justice, combating violence against women, and societal development. The Global Campaign for Equal Nationality Rights mobilizes international action for the removal of gender-discriminatory provisions from all nationality laws, through its coalition of national, regional and international organizations and activists, including steering committee members Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission.
2. In this submission, Equality Now provides information as stipulated in the *Universal Periodic Review (Third Cycle): information and guidelines for relevant stakeholders' written submissions*. The submission details our concerns regarding Egypt's treatment of Women Human Rights Defenders ("WHRDs"), discriminatory provisions of the nationality law, and the need for a law on violence against women. We make key recommendations for action by the government of Egypt to better address these areas of concern.

## Treatment of Women Human Rights Defenders

3. Equality Now would like to draw the Council's attention to several Egyptian laws that enable the persecution and harassment of WHRDs, in contravention of the U.N. General Assembly's Declaration on Human Rights Defenders.<sup>i</sup> These laws include the Law 70/2017 on Associations and Other Foundations Working in the Field of Civil Work;<sup>ii</sup> Articles 78, 98(c)(1), and 98(d) of Egypt's Penal Code;<sup>iii</sup> and the Anti-Terrorism Law.<sup>iv</sup>
4. On May 11, 2018, WHRD Amal Fathy was arrested after posting a video online criticizing the Egyptian government for its failure to protect women from sexual harassment. On December 30, she was sentenced to two years imprisonment for 'publishing a video that includes false news that could harm public peace' and still faces further trumped up charges including 'broadcasting ideas which call for terrorist acts' and 'publishing false news.'<sup>v</sup>
5. Egypt has systemically persecuted WHRDs under case no. 173, the "Foreign Funding Case," wherein the government accused multiple NGOs of receiving illegal foreign funds for their organizations. WHRDs affected by this case include Dr. Suzan Fayad and Magda Adly, founders of El Nadim Center; Mozn Hassan, founder and executive director of Nazra for Feminist Studies; and Azza Soliman, the co-founder of the Center for Egyptian Women's Legal Assistance. As part of this investigation, Suzan Fayad, Mozn Hassan and Azza Soliman, among others, have been placed under a government-imposed travel ban and had their assets frozen.<sup>vi</sup>

6. Civil society plays an important role in the promotion and protection of all human rights and fundamental freedoms. It follows that restricting civil society's ability to function jeopardizes human rights and fundamental freedoms. With respect to women's rights organizations and WHRDs, such restrictions create an environment of disrespect for women and their rights in which violence and discrimination are easily perpetrated and effectively condoned by the State. This inculcates a culture of impunity, as the State is not held to account.
7. The government's treatment of WHRDs run counter to the recommendations made by the Human Rights Council in its previous reviews of Egypt. In both of its previous reviews, the Council recommended that Egypt cease its persecution of human rights defenders and other activists,<sup>vii</sup> including by "lift[ing] restrictions within national legislation or practice that limit NGO registration and activity."<sup>viii</sup> Although Egypt's Prime Minister has recently formed a committee to amend Law 70/2017 due to concerns about its effect on the freedom of association, organizations have expressed concern that any proposed amendments would be "insufficient to remedy its draconian approach."<sup>ix</sup> Even if this law is amended, the other problematic legislations continue to remain, allowing the persecution of WHRDs to continue. It should be recommended therefore that Egypt amend *all* laws that allow for the persecution and harassment of WHRDs, and cease its practice of persecuting WHRDs.

### **Discrimination in the Nationality Law**

8. We are concerned that Egypt's Nationality Law contains discriminatory provisions that do not allow Egyptian women the same rights to transfer citizenship to her foreign-born husband as men,<sup>x</sup> make it more difficult for a woman who has lost her nationality of origin through marriage to regain it on the termination of marriage,<sup>xi</sup> and, in cases where the father's nationality changes, make it so that children may lose their Egyptian citizenship.<sup>xii</sup>
9. Discriminatory nationality laws are based on stereotypes, which in turn reinforce stereotypical roles for both women and men, such as the idea that a woman, once married, loses her independent identity, or that a child "belongs" to a father rather than a mother, in which case the father's nationality is more likely to attach to them, even if they live in the mother's (different) home country. Gender discrimination in Egypt's nationality law also undermines women's ability to freely choose a spouse and threatens family unity, due to Egyptian women's inability to confer nationality on spouses on the same basis as Egyptian men. Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women recognizes such laws as a form of discrimination, and provides that women are to have "equal rights with men to acquire, change or retain their nationality," and "with respect to the nationality of their children."<sup>xiii</sup> In its General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the CEDAW Committee confirmed that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.<sup>xiv</sup>

10. Although the Human Rights Council has not issued specific recommendations that Egypt amend its nationality law in the previous two reviews, it has consistently recommended that Egypt ensure the equality of women and eliminate all forms of discrimination based on gender.<sup>xv</sup> Therefore, it is imperative that the Council strongly urges Egypt to amend these discriminatory provisions to better ensure the principles of gender equality and non-discrimination.

### **Proposed Violence against Women Bill**

11. Contrary to the Egyptian Constitution (Article 11) and despite the fact that several draft bills to address violence against women have been proposed to the Parliament by the National Council for Women and other feminist organizations, these drafts have not been discussed yet. Articles 17 and 60 of the Egyptian Penal Code are both used in cases where there has been violence against women to lower the sentences against perpetrators. Article 60 states that “any deed committed by a right given by Sharia is not punishable”; domestic violence in that case is considered a right given to husbands to “discipline” their wives or other family members, for example. Article 17 gives the judge the discretion to reduce the sentence against perpetrators which is mainly used in so-called “honor” crimes cases, harassment and domestic violence.
12. There are 8 shelters for women across Egypt run by the Ministry of Social Solidarity however the regulations of these shelters do not make them safe spaces for women subjected to violence. Children are not allowed if they are older than 7 years old. Telephones are not allowed in the shelters and survivors of sexual violence are not allowed in. The previous examples indicate that there is no real will to protect or support women subjected to violence.

### **Recommendations for Action by the Government of the Egypt**

Equality Now, the Center for Egyptian Women’s Legal Assistance (CEWLA) and the Global Campaign for Equal Nationality Rights respectfully call on the government of the Egypt to:

#### Women human rights defenders:

1. Enact a comprehensive review of all laws that allow for the persecution and harassment of women human rights defenders.
2. Amend legal provisions that allow for the persecution and harassment of WHRDs and enact provisions which promote the rights of WHRDs to freedom of assembly, expression, and the protections enshrined under the UN General Assembly’s Declaration on Human Rights Defenders.
3. Remove the travel bans and unfreeze the assets of Mozn Hassan and Azza Soliman, as well as all other WHRDs.

#### Nationality Law

4. Comprehensively review and amend the Nationality Law to ensure that women have equal rights to transfer citizenship to their foreign-born husband as men, regain their

citizenship on the termination of marriage to a non-citizen, and, in cases where the father's nationality changes, allow children to retain their Egyptian citizenship.

### Violence against Women

5. Adopt and enact a law on violence against women.
6. Effectively review and implement the National Strategy to Combatting Violence against Women by including feminist and human rights non-governmental organizations.
7. Amend and revoke all discriminatory laws against women, particularly Articles 17 and 60 of the Penal Code.
8. Comprehensively train judges, prosecutors, law enforcement and shelters' employees on dealing with survivors of domestic and sexual violence.
9. Lift the reservation on Articles 2 and 16 of the CEDAW; especially as such reservations are in contradiction with Article 11 of the Constitution that expresses the State's obligation to combat violence against women.

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<sup>i</sup> G.A. Res. 53/144, Declaration on Human Rights Defenders (Mar. 8, 1999).

<sup>ii</sup> The Law of Association and Other Foundations Working in the Field of Civil Work, Law No. 70/2017. Unofficial translation available at <https://www.refworld.org/docid/5a4cbae14.html>.

<sup>iii</sup> The Penal Code, Law No. 58/1937. Unofficial translation available at [https://sherloc.unodc.org/res/cld/document/criminal\\_code\\_of\\_egypt\\_english\\_html/Egypt\\_Criminal\\_Code\\_English.pdf](https://sherloc.unodc.org/res/cld/document/criminal_code_of_egypt_english_html/Egypt_Criminal_Code_English.pdf).

<sup>iv</sup> Anti-Terrorism Law, Law No. 33/2015. Available at [https://www.atlanticcouncil.org/images/EgyptSource/Egypt\\_Anti-Terror\\_Law\\_Translation.pdf](https://www.atlanticcouncil.org/images/EgyptSource/Egypt_Anti-Terror_Law_Translation.pdf)

<sup>v</sup> *Free sexual harassment survivor Amal Fathy*, Amnesty International, <https://www.amnesty.org/en/get-involved/take-action/w4r-2018-egypt-amal-fathy/>

<sup>vi</sup> *Open Letter on Human Rights Violations Against Women*, Equality Now, Jul. 19, 2018. [https://www.equalitynow.org/open\\_letter\\_whrd](https://www.equalitynow.org/open_letter_whrd).

<sup>vii</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Egypt*, ¶¶ 95.100-107, 97.10, 98.2-3, U.N. Doc. A/HRC/14/17 (Mar. 26, 2010); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Egypt*, ¶¶ 166.206-219, U.N. Doc. A/HRC/28/16 (Dec. 24, 2014).

<sup>viii</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Egypt*, ¶ 98.3, U.N. Doc. A/HRC/14/17 (Mar. 26, 2010).

<sup>ix</sup> *Civic Freedom Monitor: Egypt*, ICNL, Jan. 4, 2019. Available at <http://www.icnl.org/research/monitor/egypt.html>

<sup>x</sup> Law Concerning Egyptian Nationality, Law No. 26/1975, as amended by Law No. 154/2004, arts. 7 & 14. Available at <http://www.refworld.org/docid/3ae6b4e218.html>

<sup>xi</sup> *Id.* at arts. 10-13.

<sup>xii</sup> *Id.* at art. 11; for a breakdown of how the law affects women and children, please see Equality Now's Report: *The State We're In: Ending Sexism in Nationality Laws*. Available at [https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/301/attachments/original/1527597970/NationalityReport\\_EN.pdf?1527597970](https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/301/attachments/original/1527597970/NationalityReport_EN.pdf?1527597970).

<sup>xiii</sup> Convention on the Elimination of Discrimination against Women, art. 9.

<sup>xiv</sup> CEDAW Committee General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women

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<sup>xv</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Egypt*, ¶¶ 166.71-77, 166.83, 166.86, 166.93-96, U.N. Doc. A/HRC/28/16, (Dec. 24, 2014); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Egypt*, ¶¶ 95.29-32, U.N. Doc. A/HRC/14/17 (Mar. 26, 2010).