

The 1996 Child Law Amendments

News Articles on the Progress

INTACT Network

June 2008

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The INTACT Network



The International Network to Analyze, Communicate and Transform the Campaign against Female Genital Mutilation (INTACT) emerged as an outcome of a meeting organized in 2002 by the Population Council to review the status of FGM research, identify important gaps and propose research priorities. INTACT network is an international group of researchers, scholars and activists committed to bringing scientific evidence to bear on the campaign to end female genital mutilation. This is done through the assessment of the current status of FGM research, developing an active network for communication about genital cutting and promoting essential scientific analysis that will support the abandonment of this harmful practice. To this end, the INTACT network has established a number of important and effective mechanisms to facilitate communication and research, including an English language E-Newsletter, an Arabic language newsletter and an informative and useful website in both languages, all of which serve to greatly enhance the ability of researchers and activists to organize, interact and get up-to-date information. In addition to that, INTACT has organized research seminars, published research papers and established partnerships with a number of influential governmental and non-governmental organizations and agencies working in the area of FGM prevention and abandonment.

INTACT's Mission

INTACT's mission is to contribute to the abandonment of female genital mutilation by advancing social, behavioral and epidemiological research on the practice, by promoting research on the impact of interventions to reduce its prevalence, and by facilitating the utilization of research findings to guide policies and programs. By establishing forums and mechanisms through which information and research can be compiled, accessed and shared by individuals and organizations working in this field, the INTACT network aids in the effort to end this practice around the world.

INTACT's Objectives

The overall objective of INTACT is to promote quality research on FGM and the utilization of research findings to support the campaign against the practice in order to ultimately realize the full abandonment of female genital cutting. Specific objectives include:

- Identifying gaps in knowledge and advancing a research agenda that would fill those gaps on an ongoing basis
- Fostering collaborations and the exchange of technical expertise among FGM researchers and between them and others working in related fields
- Disseminating pertinent research findings to members of the media, policymakers, program planners and others who can translate them into actions aimed at promoting the abandonment of FGM
- Developing and disseminating training materials that will translate research findings into actionable intervention designs, monitoring and evaluation tools, and effective indicators to support the process of social change

About this Summary

The following file comprises news articles collected to document the way that the amendments to the 1996 Child Law took from the day of their initial suggestion by the National Council of Childhood and Motherhood (NCCM) in January 2008 till their final approval by the People's Assembly on the 8th of June 2008. The amendments were passed by the Shoura Council and signed by President Mubarak in March and then handed on to the Parliament for final approval. Criticism and opposition mainly came from conservative and religious groups who see certain parts of the amendments as contradiction to Islamic teachings. Wrong or precipitate reporting caused quite some confusion whereupon INTACT decided to compile a catalog out of the most relevant news articles in chronological order in order to allow for an easy review.

Amendments to the 1996 Child Law Move to Egyptian Parliament

<http://www.tfdnetwork.org/index2.htm>

In January 2008 a comprehensive package of amendments to the 1996 Child Law were sent to Parliament by the National Council of Childhood and Motherhood (NCCM), the body responsible for developing legislation supporting child rights. In addition to inclusive education, amendments included:

- Enforce the right of children with disability to public education (the TFD-sponsored amendment)
- Raise from 7 to 12 the age at which street children can be criminalized
- Raise the marriage age for both boys and girls from 16 to 18
- Establish nurseries in prisons for children of jailed mothers
- Make pre-marriage medical checkup mandatory
- Outlaw female genital mutilation
- Increase penalties for child abuse
- Approve paternity testing for children born out of wedlock
- Establish child protection committees in each governorate

As of 1 April, the amendments have not yet been scheduled for debate and vote in parliament.

Putting children first

Al Ahram Weekly online: Reem Leila

May 31 - June 6, 2007

<http://weekly.ahram.org.eg/2007/847/eg11.htm>

Amendments to Egypt's Child Law 12/1996, seeking to extend the legal protection offered to children, were presented to the legislative committee of the People's Assembly last week for discussion. The proposals are part of a package drawn up by the National Council for Childhood and Motherhood (NCCM), chaired by Mrs Suzanne Mubarak.

"The real significance of the current amendments is that they adopt a rights-based approach," says NCCM Secretary-General Mushira Khattab. "Some Egyptian children are victims, deprived of their rights -- to education, health and social care, and especially the right to family care. The modifications are based on changing the way in which society views such children."

Some estimates say as many as two million children are living on Egypt's streets. A quarter of street children are believed to be less than 12 years old, two-thirds between the age of 13 and 16 and just under 10 per cent over 17. They find themselves on the street for a variety of reasons, including family breakdowns due to divorce, remarriage and death. Others are runaways, escaping abuse or neglect.

Enforcing the new amendments, says Khattab, is crucial to changing prevailing stereotypes about street children. Changes to Article 7 of the child law propose stiffening penalties imposed on those who abandon children, or who exploit them. Sexual exploitation, the sale of children or their organs, involvement in facilitating child prostitution or child pornography will, under the amendments, be punishable by a jail term not less than five years and fines ranging from LE50,000 to LE200,000. Should one or both parents have previous convictions the penalties will be stronger.

Changes to Article 7 also seek to raise the minimum age for marriage for girls to 18 instead of the current 16, and to make medical check ups compulsory before a marriage contract can be registered. Failure to comply with these provisions will carry a prison sentence of not more than three months and a fine ranging between LE500 and LE1,000.

Lawyer Nazek El-Sherbini, a member of the Legislative Committee of the National Council for Women (NCW), criticises the proposed penalties as too weak, pointing out that many parents and legal registrars appear willing to falsify the age of the bride.

Changes to Article 20 of the law seek to protect the rights of children born out of wedlock by ensuring that illegitimate children be issued birth certificates stating their identity.

While exact figures are unavailable, the number of illegitimate children in Egypt probably runs into hundreds of thousands. There are 14,000 paternity cases currently being heard in Egyptian courts.

Feminist and lawyer Mona Zulfikar estimates 5,000 of these cases are the result of illegitimate relations while the rest concern children conceived during urfi (unregistered) marriages.

Hanaa El-Gohari, professor of sociology at Cairo University, believes the new amendment will save many mothers and children from social stigma. Infants are blameless yet, she says, they have to bear the consequences of their parents' behaviour. Under the current law it is the father, or some other paternal relative, who is entrusted with keeping the birth certificates of children.

"Illegitimate children grow up without a name and without any care from society unless the father recognises the child and registers him or her. Women must be given the right of either calling the child after her own name or to act to prove the paternity of the child," argues El-Gohari.

It is a position that has aroused the anger of some proponents of Islamic Sharia, who insist the proposed changes to the article violate Islamic regulations. The reaction of Amna Nosseir, professor of Islamic Sharia at Al-Azhar University, is typical: not recognising illegitimate children is part of the punishment meted out to adulterers, he says. "By violating God's orders this [change] will facilitate an increase in adultery," he says.

Other amendments to the child law include the creation of a general committee in each governorate charged with protecting and monitoring children at risk. Article 115 will be changed to prohibit death sentences and life imprisonment being imposed on defendants less than 18 while Article 116 will stipulate that minors be segregated from adults in detention centres. Amendments to Article 155 seek to prevent the execution of a death sentence passed against a mother until any child reaches the age of two.

Egypt, points out Khattab, has significant international and national commitments to honour in addressing the needs of its growing population of children, and the proposed changes to the law are, she says, a step in the right direction.

Child Shield

Al Ahram Weekly online

March 13-19, 2008

<http://weekly.ahram.org.eg/2008/888/eg4.htm>

Amendments to Child Law 12/ 1996 seeking to extend the legal protection offered to children were signed by President Hosni Mubarak on 4 March and will soon be presented to the People's Assembly for approval. The proposals are part of a package drawn up by the National Council for Childhood and Motherhood (NCCM), chaired by Mrs Suzanne Mubarak.

"The real significance of the amendments is that they adopt a rights-based approach," says NCCM Secretary-General Mushira Khattab. "Some Egyptian children are victims, deprived of their rights to education, health and social care, and especially the right to family care. The modifications are based on changing the way in which society views such children."

Changing prevailing stereotypes, says Khattab, is crucial. Article 7 of the law has been amended to increase the minimum age of marriage for girls to 18 instead of 16, making it illegal to register marriage contracts for anyone below the minimum age.

Lawyer Nazek El-Sherbini, a member of the legislative committee of the National Council for Women (NCW), while welcoming the change, points out that the penalties for infringement -- a prison sentence of no more than three months and/or a fine of between LE500 and LE1,000, are too weak to stamp out the practice of parents and legal registrars (maazoun) from fabricating the age of would-be brides.

The amendments also include the addition of a new clause to Article 7 which seeks to end the practice of female genital mutilation (FGM). Anyone found guilty of conducting such operations will be subject to a prison sentence of between three months and two years and a fine of between LE1,000 and LE5,000. Muslim Brotherhood (MB) MP Farid Ismail, a member of the Health Committee of the People's Assembly, has confirmed that the MB will oppose this change, claiming that it jeopardises "what is left of Egyptian family values".

Article 20 is to be amended to allow illegitimate children to have birth certificates issued in their mother's name. Estimates of the number of illegitimate children in Egypt vary widely, though there are currently 14,000 paternity cases currently being heard in Egyptian courts. Five thousand of these cases, says lawyer Maged El-Sherbini, involve children born out of wedlock, with the remaining cases involving the offspring of urfi marriages.

Samia El-Saaty, a professor of sociology at Ain Shams University, believes changes to Article 20 will help

reduce the social stigma faced by both mothers and children. At present the law requires that the father, or another paternal relative, holds the birth certificates of any children. "Children born as a result of illegitimate relations grow up without a name and without any care from society unless the father recognises the child and registers him or her. Woman must be allowed to give children their own names in order to protect them."

Additional changes include a modification of Article 95 to allow for committees to be established at the governorate level to assess the social and psychological risks facing children and fix mechanisms by which they can be monitored and helped, and the addition of a new article exempting minors -- i.e. anyone below the age of 18 -- from capital sentences. Other changes seek to prohibit the placing of minors in detention centres alongside adults, and restrict the time the general prosecution can refer anyone under the age of 15 to a juvenile detention centre to a maximum period of one week. Article 155 has also been amended, delaying the implementation of death sentences passed against the mothers of infants until the child is two years old.

In an attempt to combat the growing phenomenon of street children - some estimates place the number of children living on Egypt's streets as high as two million, of which surveys show a quarter to be less than 12 years old - the proposed amendments criminalise the abandoning of minors as well as their sexual exploitation, including over the

Internet, and the sale of their organs. Penalties have been strengthened in the case of either parents having previous convictions for such offences, with a minimum prison term of five years and a fine ranging between LE5,000 and LE20,000.

While the current law bans the employment of children under 14, and regulates the hours and conditions of those between 15 and 17, it is often un-enforced.

"Relatively severe penalties have been inserted to protect children being exploited in the workplace," says Khattab. Anyone found to have forced children below the minimum age into work will face prison sentences of between three and six months. "The change is in line with Egypt's participation in the International Labour Organisation's Red Card for Child Labour campaign," explains Khattab, adding that all the proposed amendments fully comply with Sharia and have been approved by Al-Azhar.

NDP and Muslim Brotherhood MPs united together against child law amendment

Al Ahrām Weekly: Hoda Rashwan

March 27, 2008

<http://www.crin.org/resources/infodetail.asp?ID=16769>

During the the People's Assembly session held yesterday by the legislative committee to discuss the amendments proposed to Egypt's Child Code, members of National Democratic Party and Muslim Brotherhood Bloc, both "united" in rejecting some of the controversial provisions proposed.

Sources said that the independent MP Mustafa Bakri, rejected, in particular, the article related to corporal punishment at home stressing that he would hit his children to discipline them: «who could put me in prison, because I "raise" my son», as he put it.

The provision setting the minimum age of marriage to 18 years old for both girls and boys, was considered to be not in conformity with Islamic law (Share'a). Also a number of Brotherhood members rejected the criminalization of Female Genital Mutilation, and the pre-marriage medical examination. Some members noted that the whole code needs re-elaboration and restructure, because it seems to be a collection of parts from many other laws, the sources said that a Coptic lady MP strongly rejected the criminalization of physical violence against children, and said she has already hit her children as a means to discipline them.

Earlier, the Egyptian Organization for the Rights of the Child EORC (formerly the Egyptian Center for the Rights of the Child), appealed to parliament members to assume their responsibilities in promoting and protecting Children's Rights in Egypt and approve the Child Code amendments as well as the new several provision that were added.

EORC said that the changes are not just modifications made by the government in response to foreign or "western" pressure, but rather, they aim to meet urgent needs and address several persistent child rights issues. It is obvious now, after time of practical application of the existing child code, that some of its provisions really need to be amended in order to ensure greater legislative protection for children's rights in Egypt. EORC said.

Shoura Council passes Child Law, criminalizes FGM

Daily News Egypt: Magdy Samaan

May 12, 2008

<http://www.dailystaregypt.com/article.aspx?ArticleID=13659>

Under the new child law, which the Shoura Council passed last week, performing female circumcision is punishable by three months to two years in prison and a fine of LE 1,000 to LE 5,000.

In addition, the law raises the legal age of marriage to 18 for both men and women. It also makes it possible to register newborns under the mother's name in case the father is unknown.

The law also introduces the Child Protection Committee, to be headed by respective governorates. The committee would be responsible for receiving complaints about child abuse and has the power to call the child and the parents or guardians in for questioning. It can also punish abuses, as it sees fit, with a prison sentence or a fine.

The law, which is up for discussion in parliament, has faced criticism and opposition mainly from conservative and religious groups who see parts of it as being in contradistinction to Islamic teachings.

Parliament is yet to decide whether to pass the law or not and it is expected to stir a heated debate, especially given the 20 percent of Muslim Brotherhood MPs. Some of them had already rejected parts of this law, citing contradictions with Islam.

The law is also criticized for criminalizing a number of practices that are quite common in Egyptian society.

Nagy El Shahabi, head of the El Geil Party, said that female circumcision is a deeply-rooted tradition in Egypt's villages. "People shouldn't be punished for practicing their customs and traditions," he said.

"If we apply the prison sentence, all people in Upper Egypt will end up in prison."

In response, Council Speaker Safwat El Sherif said that if the society wants to develop it has to change its habits.

Osama Hafez, one of the Muslim Brotherhood's leaders, said that outlawing female circumcision and punishing parents for beating their children are "ideas imported from the West" that would lead to dysfunctional families. However, the main religious institutions, namely Al Azhar and the Islamic Research Center, have supported the law, albeit with reservations.

The Islamic Research Center backed efforts to penalize Female Genital Mutilation (FGM) practices after its negative effects were proven.

Since there is no religious script that mandates female circumcision, Islamic Research Center member Abdel Moaty Bayoumi explained, and the negative effects have been proven, then it should be subjected to the Islamic ruling that everything that inflicts harm is haram, or religiously prohibited.

Speaking to Daily News Egypt, Mona Amin, the head of the national project to combat FGM, stressed that outlawing the practice was approved by Al Azhar and the main Islamic scholars including Yusuf El Qaradawi and Mohamed Selim El Awa.

She said that over the past few years, people have become more aware of the dangers of FGM, which is why society is ready to accept this law.

Acknowledging that some habits are hard to beat with mere advice, Bayoumi said that it would take a long time to eradicate the practice of FGM. The more suitable the punishment is to the crime, he added, the more effective the law will be in achieving its goal.

Ismail El Deftar, a member of the Shoura Council and a professor of Hadith at Al Azhar University, refuted claims that the law contradicts with Islamic teachings. He said that shariah calls upon parents to raise their children wisely without inflicting harm or beating them.

Bayoumi agrees. He says that beating hurts children physically and emotionally. The Prophet Mohamed, he added, called for a kind of reprimand that does not inflict harm or cause psychological damage.

In agreement, Refaat El Saied said that some would say they will beat their children in spite of the law. "I tell them 'beat them so they would become retarded as you.'"

El Deftar also defended allowing children to take their mother's last name, saying that some of the Prophet's companions were named after their mothers – El Zubair Bin Safia, for example.

The main point of disagreement that Islamic scholars note is the marriage age. They say shariah encourages early marriages. Early marriages are also common in rural areas, and raising the marriage age could lead villagers to resort to urfi marriages (common-law marriages without a contract), with all its negative repercussions.

Egyptian Parliament Okays Female Genital Mutilation

Israel National News

May 16, 2008

<http://www.israelnationalnews.com/News/Flash.aspx/146681>

Conservatives in the Egyptian parliament have made female genital mutilation (circumcision) legal again in Egypt. The conservatives succeeded in striking several laws that had been passed by the parliament's religious Shura Council in the past. The laws canceled also include a law limiting marriage age to 18 and up, a law permitting a mother to register a child on her name and a law allowing neighbors of a family that beats its children to report the beatings to the police.

One of the parliament's members said that the law permitting a mother to register a child on her name "encourages adultery."

A Cairo appellate judge who is also the legal advisor to the Council for the Mother and Child said that the decision to strike the laws contravened international agreements signed by Egypt.

Female genital mutilation is re-legalized in Egypt

Refugee Resettlement Watch: judyw

May 20, 2008

<http://refugeeresettlementwatch.wordpress.com/2008/05/20/female-genital-mutilation-is-re-legalized-in-egypt/>

Several African countries have been making great efforts to wipe out the barbaric practice of female genital mutilation. But an Israeli web site reports that Egyptian legislators have just made the practice legal.

Egypt's last week took several steps back into the dark ages. Conservative lawmakers made female genital mutilation (circumcision) legal again in Egypt. They also revoked a law limiting marriage age to 18 and up, a law permitting a mother to register a child on her name and a law allowing neighbors of a family that beats its children to report the abuse to authorities. The decision to cancel the laws also counters international human rights agreements signed by Egypt.

It was less than a year ago that FGM was banned in Egypt, according to a report in the Economist of July 5, 2007:

The ensuing outcry [after a girl died during the procedure] has prompted Egypt's health minister to announce a formal and absolute ban on female circumcision, more often known as female genital mutilation (FGM). Moreover, this secular ruling is being backed by the country's top Muslim and Christian clerics. The grand mufti, the most senior official issuing Islamic legal opinions, declared on television that circumcision is forbidden, repeating his words three times for emphasis.

The Economist article goes on to say that the practice is deeply ingrained in Egypt; 97 percent of married women say they have been cut. (The Economist uses the term "circumcised" but that is a misleading word, making it seem identical to men's circumcision, which it is not.)

Still, as elsewhere in Africa, there has been a slow change in Egyptian attitudes. Since 1995, the percentage of mothers who say that they support circumcision has fallen from 82% to 68%. Among educated and wealthier women, that percentage is now barely a third.

...A majority of Egyptians also believe FGM to be religiously sanctioned, a reflection of the power of conservative clerics who have portrayed opposition to the practice as inspired by hostility to the faith.

If support for FGM is falling among the people, but Muslim clerics managed to reverse a previous ban and get it made legal again, it sounds like a situation ripe for conflict.

We don't have Egyptian refugees, so what's the connection to Refugee Resettlement Watch? It's one more portrayal of the power of traditional practices, which we've commented on time after time here in connection with refugees who can't seem to adjust to American ways. Some cultural differences, like female genital mutilation, are just unacceptable in our country.

Update June 9, 2008: Egypt's parliament just outlawed female genital mutilation — I posted on it here. I don't know what the source for this post could have been referring to — I never saw another reference to it anywhere else.

Fierce Debates over Child Law continue in PA

The Daily News Egypt: Safaa Abdoun and Mohamed Saeed

June 3, 2008

<http://www.thedailynewsegypt.com/article.aspx?ArticleID=14177>

Amidst heated debate, the People's Assembly continued discussing amendments to Child Law 12/1996, which aims to extend the legal protection of children.

On March 4, President Hosni Mubarak signed the final version of the amendments to the law, which were drafted by the National Council for Childhood and Motherhood, before it was sent to the PA.

The session kick started with Parliament speaker Fathi Sorour announcing that the amendments regarding female genital mutilation (FGM) and the minimum age of marriage will return to the legislative committee for review after MPs submitted more than 60 changes to each amendment.

The session heated up during a discussion of Article 54 which states that in cases where parents are separated, the person responsible for the child's education is the parent entitled to have custody of the child.

Opposition MPs objected, arguing that in such cases either the father of the paternal grandfather must be made responsible for the child's education.

However the article was approved by a majority 175 votes against 70 votes. In an unusual move, PA Speaker Sorour demanded that each MP vote individually by name to quell accusations of being biased towards the government or the National Democratic Party.

They assembly then discussed a proposal by the opposition to reduce the age of legal accountability from 18, as stated in the draft law, to 15.

"This article violates Sharia which states that a child matures when he reaches puberty which comes at the age of 15," said Muslim Brotherhood MP Sayed Askar.

The PA overruled this proposal and refused any amendments to the clause.

The Azhar-affiliated Islamic Research Council had previously approved the draft law vouching that it complies with Sharia.

"The law protects children and grants them their rights as we are living in a society that is extremely violent and hostile towards children. This breeds children who grow up vindictive and become a criminals," Sheikh Mahmoud Ashour, member of the Islamic Research Council and former Deputy of Al-Azhar told Daily News Egypt.

"These are excellent amendments and we all have to support them," he added.

Furthermore, Ashour explained, "The ruler has the authority to prohibit something permissible in Islam if he thinks this will benefit of society."

The most controversial amendments are those pertaining to illegitimate children, the minimum age of marriage and FGM.

The proposed Article 20 states that any illegitimate child can be registered under the mother's name if the father is not present. The amendment was seen as a solution to parentage suits involving the children of unregistered urfi (common law) marriages.

An amendment to Article 7 suggests raising the minimum age of marriage for females from 16 to 18. Under this clause, a marriage contract will not be registered officially unless the bride is 18 or above.

"This is an excellent amendment as it guarantees that the female is mature, educated and ready to start a family," said Ashour.

The article stipulates that any violation of minimum age is punishable by imprisonment for up to three months and a fine of between LE 100 and LE 500.

The same article states that the couple-to-be must undergo a pre-marital medical examination to ensure that they are free of any diseases that may affect the health of their partner or that of their future children.

As part of the continued efforts by the National Council for Motherhood and Childhood to combat FGM, a clause was added to Article 7 stating that anyone found guilty of conducting an FGM procedure will be sentenced to a prison term of between three months and two years or a fine of LE 1000 to LE 5000.

Other amendments to the child law include the addition of a new article which exempts minors from the death penalty and the delay of the implementation of the execution of the death penalty on mothers of children under two years of age.

Another proposal addressed the punishment of minors, suggesting that children under the age of 15 can only be kept in a juvenile detention center for a maximum of one week.

The abandonment of minors, cases of sexual molestation, exploitation and the sale of their organs, is also criminalized. According to the new draft law, violators will be sentenced to prison for a minimum of five years and fined between LE 5,000 and LE 20,000.

Egyptian Parliament Criminalizes Female Genital Mutilation

The Media Line

June 8, 2008

http://www.themedialine.org/news/news_detail.asp?NewsID=21760

The Egyptian parliament ruled on Saturday that from now on, whoever performs female genital mutilation (FGM) will be imprisoned for three to 24 months, the London-based daily *A-Sharq Al-Awsat* reported.

The new amendment to the law was achieved after a heated debate between the ruling National Democratic Party and the largest opposition party, the Muslim Brotherhood.

The MB – comprising 20 percent of the Legislative Council – regarded the amendment as “contradictory to Islamic law and as imported from the West.” The party’s legislators, however, did not raise their hands during the vote.

As many as 90 percent of Egyptian women have undergone circumcision, which, it is argued, has deeper roots in local and African customs than it does in Islam.

In July 2007 Egypt’s Health Ministry issued a statement announcing a ban on circumcision of women and girls. The decision followed news of the death of a 12-year-old in the south of the country. She died while undergoing FGM in an illegal clinic.

The Health Ministry received backing from Egypt’s highest Muslim authority, the Al-Azhar Supreme Council of Islamic Research.

A long-time campaigner against FGM is the country’s first lady, Suzanne Mubarak.

During the past year, Mubarak has been calling to amend the child laws to match the Health Ministry ruling.

The United Nations Children’s Fund (UNICEF) reports that FGM is performed on three million females every year in Africa.

PA approves amendments to Child Law

Daily News Egypt: Safaa Abdoun and Lina Marwan

June 8, 2008

<http://www.dailystaregypt.com/article.aspx?ArticleID=14287>

The People’s Assembly approved amendments to Child Law 12/1996 drafted by the National Council for Childhood and Motherhood (NCCM) after months-long debates.

One of the most welcome articles was one criminalizing FGM, stipulating a fine of LE 1,000–5,000 or a prison sentence of between three months to two years for anyone found guilty of conducting a Female Genital Mutilation (FGM) procedure.

This article was unanimously approved after a clause was added making the practice permissible in cases of “medical necessity.”

Fierce debates and controversy surrounded the amendments pertaining to illegitimate children, the minimum marriage age and FGM. The PA had previously returned these articles to the legislative committee for further revision after MPs suggested more than 60 amendments to each article.

“The draft law was a major breakthrough in protecting children’s rights, but the amendments at the PA made it lose some of its momentum,” Khalil Mostafa Khalil, legal advisor at the NCCM, told Daily News Egypt.

The PA approved the proposed article which states that the mother of an illegitimate child can issue a birth certificate for her child even if the father is not present, an article that received both positive and negative feedback.

“The child can’t be blamed for what the parents did, and without a birth certificate the child can’t be enrolled in school and will be raised in the street to become a criminal, a drug dealer or a rapist,” Somaya Saad El Din, deputy editor-in-chief of Al-Akhbar newspaper and an expert on child rights, told Daily News Egypt.

Opposition MPs were furious at the approval of this article, saying it will lead to more “fornication,” according to Mohamed El Beltagy, a Muslim Brotherhood MP.

“In the end, what the majority wanted is approved, but we don’t necessarily approve of it,” he said.

PA speaker Fathi Sorour decided that Article 7 which proposes raising the minimum age of marriage to 18, will be moved from the child law to the family law.

Khalil disapproved, however, saying that, “Moving this article to the family law will only impede its enforcement as the process of adding it to the family law will take another year or so.”

The approved law saw opposition from the Muslim Brotherhood bloc. "The Brotherhood bloc disapproves of the new child law; it contradicts our traditions, our culture and our religion. It has been imposed from others on us from abroad," said El Beltagy.

"There are many articles which will lead to the breakdown of the Egyptian family instead of protecting it," he added.

"How can we impose restrictions on marriage which is a holy union on one hand and on the other, officially recognize an illegitimate child," he asked.

Egypt lawmakers ban FGM

afrol News

June 9, 2008

<http://www.afrol.com/articles/29278>

Egyptian parliamentarians at the weekend passed a legislation banning the age-old culture of Female Genital Mutilation (FGM) in the country. Under the enacted law, those found guilty of practising FGM could be jailed between three months and two years plus a fine of US\$ 900.

Members of the largest opposition Muslim Brotherhood opposed the new amendment and abstained from voting. Opposition deputies grilled their colleagues in the ruling bench of being carried away by western influence to the extent of contradicting Islamic law.

FGM, also known as female circumcision, has different types, the worst being infibulation or sealing. It is practiced in many African countries, including Egypt where 97% of girls and women between 15 and 49 years undergo the surgery.

Different communities perform the practice for different reasons. While some do it on religious [Islam] grounds, others believe it reduces sexual urges in women to enable them control their greatest pride, virginity until they get married.

Health experts and women's activists have been campaigning for a world-wide ban on the practice. Activists attribute it to the worst form of human rights violations meted out to a girlchild. They say most of the mutilated women endure stomach complications, and even die at childbirth.

The death of a 12-year-old girl in southern Egypt while undergoing at an illegal clinic the practice last year prompted a ban on FGM. The young girl's death forced the Health Ministry announcing to place a ban on FGM in all its forms. It also banned all medical practitioners from performing any FGM-related operations.

Egypt's highest Muslim authority, Al-Azhar Supreme Council of Islamic Research had joined the First Lady Suzanne Mubarak to support the government's move. Mrs Mubarak been a leading voice of anti-FGM campaign.

The amendment allowed the practice to be performed only in cases of "medical necessity," much to the consternation of human rights activists who believed that there should not be any excuse for carrying out the operation.

Both the Grand Sheikh of al-Azhar mosque, Mohamed Sayed Tantawi, and the leader of the Coptic Christian minority favour the ban, arguing that the Koran and the Bible did not back the practice. But the government's arbiter of Islamic law, Muft Ali Gomaa, is among religious scholars yet to be convinced about total eradication of FGM. His comments that the "circumcision practiced in our era is forbidden" have merely succeeded in deepening dust surrounding the delicate issue.

Most Islamists endorsed the practice, although they advised circumcisors not to go beyond cutting the clitoris.

Egypt's Child Law is greeted with stiff opposition

Gulfnews.com: Ramadan Al Sherbini

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<http://www.gulfnews.com/region/Egypt/10219880.html>

Mustafa, a father of three girls, is proud of having his children circumcised, and vows to do the same if he gets a new baby girl.

Under a new law passed by the Egyptian Parliament this week, female circumcision, also known as female genital mutilation (FGM) is criminalised.

"This is nonsense," said Mustafa, a native of the south Egyptian city of Sohag who has been living in Cairo for around 20 years. "Circumcision for girls is a must as it protects their chastity," added the 48-year-old Muslim father. "Islam also encourages circumcision for girls as well."

Egypt's Mufti Ali Juma, the country's top Muslim cleric, has, however, branded the centuries-old tradition as sinful and un-Islamic. Egypt has intensified its fight against female circumcision after the death of two local girls last year due to complications from FGM procedure.

Heavy criticism

The new child law, which was greeted with heavy criticism from Islamist MPs, makes female circumcision a crime unless specialists rule it is a medical necessity.

The practice is believed to be widely spread in Egypt's countryside in particular. "The amendments to the old child laws reflect strange values and foreign cultures," said Mohammad Mokhtar Al Mahdi, a member of the Islamic Research Centre, an influential arm of Al Azhar, considered the Sunni Muslim world's leading institution.

"The new law is alien to our traditions, the aim being to destroy the Islamic society's values on the pretext of promoting the concepts of freedom and human rights," he told Gulf News. "It must have been adopted under foreign pressure."

"There has been no US pressure in Egypt in this regard," said Naela Jabr, the Egyptian Assistant Foreign Minister. "There are international conventions by which all countries are guided."

The official asserted that the new law does not contradict the Sharia [Islamic Law], "which has taken the lead in safeguarding rights of children and women."

Under the new law, mothers of children born out of wedlock are given the right to get them a birth certificate, which is necessary in Egypt to have access to healthcare and schooling services.

This stipulation in particular has drawn fierce opposition from Islamists. "This will lead to the spread of vice in Egypt," said Islamist MP Mohammad Al Beltagui.

Child welfare groups, however, consider the new right a breakthrough. "The child cannot be blamed for what the parents did," said Somaya Sa'ad Al Din, an expert on child rights.

Local courts hear an estimated 12,000 suits annually filed by mothers of children born illegitimately or under non-official marriage contracts seeking legal recognition for them.

"Without a birth certificate, the child cannot attend the school, thus putting his future at stake," Sa'ad Eddin told Gulf News.

Did you know?

- Under a new law passed by the Egyptian Parliament this week, female circumcision, also known as female genital mutilation (FGM) is criminalised.
- Those involved in the practice shall be punished by a jail term ranging from three months to two years or a fine of Egyptian pounds 1,000 [Dh687] to 5,000 [Dh3,436].
- The new law, meanwhile, sets 18 as the minimum age for marriage in Egypt. "Previously, Egyptians were allowed to legally marry at the age of 16."

Clerics oppose part of children law in Egypt

Egypt News

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<http://news.egypt.com/en/egypt-news/clerics-oppose-part-of-children-law-in-egypt>

Muslim scholars in Egypt on Sunday criticised aspects of a new law on children approved by parliament on Saturday against the opposition of the socially conservative Muslim Brotherhood. The scholars said the legislation went against Islamic law by allowing women to register children under their own family names and by setting 18 as the minimum age for marriage.

Under the previous law, children had to take their family name from their father, even if his identity was in doubt.

A separate law, which remains in force despite the new legislation, allows girls to marry at 16 and men at 18. In the countryside some girls still marry at a younger age.

Mohamed Mukhtar al-Mahdi, chairman of the Sharia Associations, which runs many Egyptian mosques, said naming children after their mothers was unacceptable because it was in direct contravention of a Koranic verse. The verse reads: "Call them by (the names of) their fathers: that is juster in the sight of God." It continues: "But if you do not know their father's names, then they are your brothers in faith."

Mohamed Ra'fat Osman, a scholar at the Azhar religious university, said that the ban on marriage under the age of 18 could not stand from the point of view of Islamic law. "Islam allows marriage at any suitable age, provided the person seeking marriage has the means and his circumstances enable him to form a family," he added. Osman, a member of the powerful Islamic Research Institute, added: "The people who drafted this law are trying to transfer Western culture to the Islamic world regardless of whether this culture is suitable to the Islamic religion, customs and traditions." Another Azhar scholar and teacher, Abdullah Samak, said he objected to any implementation of the law that prevents parents from disciplining their children, physically if necessary. The law allows for six months in prison for parents who harm their children or do not treat them with dignity. The law also contains a ban on the widespread practice of cutting the genitals of girls, sometimes known as female genital mutilation, with a maximum penalty of two years in jail. An existing law bans the practice, which is favored by some clerics but opposed by the religious establishment. Members of the Muslim Brotherhood, the main opposition force in parliament with 87 of the 454 seats, spoke against these and other aspects of the new law during the parliamentary debate.

Legislative Bottleneck

Al Ahrām Weekly Online: Gamal Essam El-Din
June 5-11, 2008
<http://weekly.ahram.org.eg/2008/900/fr2.htm>

The People's Assembly approved a raft of legislation this week ahead of the summer recess which begins on Thursday. The heavy legislative burden -- several key laws are due to be presented in the next few days -- has led the assembly's Islamist and leftist opposition to accuse the government of circumventing their supervisory role.

Amendments to the 1996 child law topped this week's agenda. They were approved in the face of stiff opposition from the Muslim Brotherhood that claimed that by criminalising the practice of female genital mutilation (FGM) the law contravened Islamic Sharia. Anyone found guilty of practising FGM now faces a fine of between LE1,000 and LE5,000 and a prison sentence ranging between three months to two years. So heated were exchanges in the assembly on Sunday that when the ruling National Democratic Party's (NDP) Secretary for Organisational Affairs Ahmed Ezz described the law as a step away from "an old cycle of backwardness" and decried those who objected to it as "advocating the values of Ayatollah Khomeini of Iran", the debate descended into a bout of fist waving. The Muslim Brotherhood had claimed that by outlawing FGM and increasing the age of consent for marriage to 18 the government was seeking to impose a Western ethical code. The entire debate descended further into acrimony when Justice Minister Mamdouh Marei told Brotherhood MPs that Islam did not condone the practice of clitorrectomy.

Earlier the assembly had approved a new law aimed at reducing traffic accidents and which bans taxis more than 20 years old and trailers from Egypt's streets. The owners of such vehicles now have a grace period of four years in which to replace them. The assembly also gave the thumbs up to two economic laws, one regulating housing cooperatives and the second governing the stock market.

Next week's legislative agenda will see the assembly debating amendments to the judicial authority law, the Bar Association law, and a new property tax.

Reformist judges, especially those belonging to the Judges Club, oppose any changes to the judicial authority law which might compromise their independence. Their fears appeared to be confirmed when the amendments were discussed by the Shura Council's Constitutional Affairs Committee: they give sweeping powers to the minister of justice at the expense of the judiciary.

The Judges Club, the only independent representative of Egypt's judges, has long been at loggerheads with Minister of Justice Marei, accusing him of trying to rein in the judiciary. Marei has objected to the Judges Club, which last week hosted journalist Mohamed Hassanein Heikal who criticised the government's decision to extend the emergency law, being turned into a platform for political opposition.

Amendments to the Bar Association law reflect the struggle between the association's left leaning chairman Hossam Ashour and its Muslim Brotherhood-dominated board. Ashour has been an unsparing critic of the board, accusing it of reducing the Bar Association to a state of paralysis as it attempts to promote an Islamist

agenda. Board members, in turn, accuse Ashour of trying to marginalise their role because they object to the regime's heavy-handed repression of dissent.

The bill calls for a temporary council to be set up comprising the current chairman of the Bar Association and chairmen of the syndicate's provincial branches, most of whom are members of the ruling NDP.

New regulations governing property tax, approved by Shura Council on Tuesday, impose a levy on domestic property valued at LE450,000 or more. Apartments valued between LE450,000 and LE500,000 will be axed at the rate of LE7 a month, and those worth more than LE500,000 at LE13 a month. Minister of Finance Youssef Ghali told MPs that the new tax is part of the government's ongoing attempt to harness new sources of income to cover soaring costs. Both opposition and NDP deputies have warned that the new tax further burdens families whose budgets are already overstretched by the skyrocketing prices of food and fuel. The assembly's economic agenda also includes two bills that aim to toughen penalties for money laundering and curtail monopolistic practices.

Abdel-Moneim Said, director of Al-Ahram Centre for Political and Strategic Studies, told *Al-Ahram Weekly* that it is "unfortunate" that while the NDP- supported government of Prime Minister Ahmed Nazif has no qualms in referring a huge number of controversial laws to parliament for discussion and approval within a matter of days it has yet to draft the anti-terror bill promised more than two years ago to replace the 27-year-old emergency law.

The government, he says, has always dragged its feet in preparing political reform laws, pointing out that in 2005 there were promises to draft new legislation on terrorism, local administration and the exercise of political rights. The laws, which Said argues are necessary "to rid Egypt of the notorious state of emergency, decentralise and improve the performance of local councils, and introduce a modern election system" have yet to see the light of day.

New Egyptian Law Amendments Major Victory

Coptic Orphans ... transforming generations
<http://www.copticorphans.org/major-victory.htm>

The Egyptian Shura Council recently passed most articles of new child law amendments that, among other things, raises the minimum age for marriage to 18 years and makes the practice of female genital mutilation/cutting (FGM/C) in Egypt a punishable offense.

These amendments directly address two issues that Coptic Orphans faces frequently in our work: female genital mutilation/cutting and child marriage.

Major Victory on FGM/C

Female genital mutilation/cutting, (FGM/C) also known as female circumcision in Egypt, is the practice of removing or damaging some or all of the female genitalia. It is believed to preserve a girls' honor, but has life-long social, psychological, and medical consequences.

A few years ago, the Egypt Ministry of Health banned the practice in medical facilities. Still, last summer a young girl named Bedour died while undergoing the practice, and then in September another girl also died. Coptic Orphans marched with the National Council on Childhood and Motherhood to demand a law to give teeth to the ban.

The current amendment makes providing the procedure a crime punishable by imprisonment or fine, a major victory for girls like Bedour in the face of this ongoing injustice.

Major Victory on Child Marriage

Samira was a participant in the Not Alone program. She was making progress in school and things seemed to be going well. Then, her family decided to marry her off while still in high school. She was only 14. We advocated on her behalf with the local priest and thankfully the family agreed to wait until Samira turns 18. Samira was fortunate: we have found that many girls find themselves in similar situation in Egypt.

Studies show that the education level of the mother determines the poverty of the children in her family. Consequently, we have always fought to keep individual girls in our program in school so that when they do reach marriageable age they have the resources to keep their future families from falling back into poverty.

An article of one of the amendments just passed now makes 18 the minimum age for marriage. Now, Coptic Orphans has the law behind us when we encourage families to keep girls like Samira in school.

An Added Victory for Children and Families

Whatever laws are on the books, the truest victory will be won when the principles behind these amendments are registered in the hearts and minds of families in Egypt.

We have seen this happen on the ground in villages and cities all along the Nile valley.

Coptic Orphans has led workshops on FGM/C for girls and families led by medical experts and church authorities. One mother who attended a workshop said that not only will she not subject her daughters to the practice, she will tell other women in her village about its harmful effects.

We encourage families on an individual basis to keep their daughters in school in the Not Alone program, and advocate for girls in danger of being pulled out of school for an early marriage. The Valuable Girl Project further encourages girls by helping them realize that they do have options and by emphasizing the importance of education for their lives and the lives of their families.

With your support, we can continue to get the word out in Egypt so that the children we reach will have the freedom to develop their full potential to change the lives of others.