

ECWR UPDATE

**A monthly update of ECWR's activities
and the status of women in Egypt**



Dear Friends,

We apologize for the delay in sending our news. While working on our activities the last months, we ran into unexpected barriers coming not only from delayed approvals from the Ministry of Social Solidarity, but also from our partners. Although our philosophy has long been to never stop our work, no matter what creative means become necessary to continue, the combined strain on all of our projects resulting from bureaucratic delays caused us to reach a crisis point. We were therefore forced to pause our activities and reassess our program action plans.

Now that things are moving back on track, we are planning a high-profile press conference to release the results of our research on sexual harassment. Data was collected from Egyptian women and men, as well as foreign women. We plan to use our findings as a basis for analysis of the problem and the further development of our advocacy strategy.

We're also preparing to shift ECWR's focus in the coming years to serve as a monitoring center for women's legal rights and political participation. Currently, no comprehensive source of data and analysis exists that compares Egypt's international agreements, legal code, enforcement and access to justice, and women's actual experiences on the ground.

During this time of planning and readjustment, we are continuing our collection of signatures supporting a new law against sexual harassment. Please visit our website at www.ecwronline.org and sign the petition, or email us at ecwr@link.net and add your name.

Many thanks,

N. Abul Komsan
Nehad Abul Komsan
Chair

Egyptian Family Law

The Egyptian legal system is based on civil codes as well as Islamic *shari'a*. Coptic Christians have a separate law. In 1985, the Personal Status Law was passed, which was based on the earlier Family Law. The Personal Status Law was amended in 2000, adding a provision for a *khola'* (no fault divorce), which allows women to initiate a divorce from their husbands without having to prove harm. It was amended again in 2004 adding a provision for a Family Insurance Fund, a bank entity through which women can collect court-ordered child support and alimony payments from the State, if the father refuses to pay alimony.

Divorce based on fault is heard through the national court system. While men can divorce largely without bureaucracy, women can only divorce through the courts with a lot of paperwork—dragging the process on for many years. In *khola'*, she must forfeit her right to alimony, to the second half of her dowry (*mu'akhar*), and she has to repay the advanced dowry (*muqaddam*). With the process potentially stretching on for years, the promise of a speedy divorce process remains unfulfilled in practice.

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The Egyptian Center for Women's Rights

ECWR is an independent non-governmental organization dedicated to improving women's status in Egypt and the Arab region.

CONTACT US:

135 Misr Helwan El-Zeraay
2nd Floor, Suite 3
Hadayek El Maadi, Cairo
Egypt
Tel: +20 22 527-1397/528-2176
Fax: + 20 22 528-2175
E-mail: ecwr@link.net
Website: www.ecwronline.org

The Family Law ...Continued



Currently the minimum legal marriage age in Egypt is 18. Women often do not have the opportunity to negotiate their marriage contracts, due to family traditions and the woman's level of awareness about her rights. The marriage contract can incorporate any conditions, including those that are favorable to the woman, such as an equal right to divorce. Therefore, although the writing of the contract is an important moment in the couple's marriage, many *ma'zun* (the person responsible for writing marriage and divorce decrees) do not inform them of their rights for fear that it may lead to the marriage being ruined.

In February 2008, Egypt appointed its first female *ma'zun* in the town of Qaniyat (please see our related article in the February 2008 issue of ECWR Update). The Grand Mofti of Al-Azhar, Ali Gomm'a, stated that there is nothing in Islam that states that only a man can be a *ma'zun*, though this has raised debate.

Suggested Reforms

In a May 14, 2008 article in Daily News Egypt¹, the Network on Women's Rights Organizations (NWRO) stated that the Personal Status Law that governs divorce and child custody in Egypt is outdated and needs to be reformed. They contend that the Law is harmful to women and men. Women are threatened with abuse, having their children taken away, and losing their home when the children come of age. For men, the current law potentially weakens the bonds with their children because they see them in forced settings. They argue not to abolish *fiqh* (Islamic jurisprudence), upon which the Law is based, but to have it evolve to bring it in line with modern realities. They point to changes in the family laws of Morocco, Oman, and Kuwait which have been changed to grant women more say in marriages, second marriages, and legal recognition of children born out of wedlock. Scholars point out that Islam does not encourage polygamy, and does give children born out of wedlock paternity rights. NWRO has put forward several proposed changes to the Law, including allowing women to add clauses to a marriage contract (in practice, though it is already the case in law), requiring that men get the approval of their first wife before proceeding with a second marriage, and raising the marriage age to 18 for women (this was accepted).

Suggested Reforms (ECWR)

Eighty-five percent of women who seek legal assistance from ECWR ask for a divorce, according to Fawzeya Abdelall, our attorney. This high rate of divorce reflects that marriage and divorce rules have become a serious problem in Egypt. It is a problem that NGOs, including ECWR, hope to bring to the attention of the government. ECWR will be holding a conference on the topic in the near future.

ECWR proposes to specifically advocate for changes in the amount of time it takes for a woman to successfully obtain a divorce; to advocate that all women receive alimony through the Family Insurance Fund, not just those whose husbands work in the government (as is currently the case); and that divorced women have an equal right to decide whether their children should be in school—which is currently the purview of men.

Coptic Personal Status Law

The Coptic Church has a separate set of bylaws regarding both marriage and divorce, which were set in 1938. Only in the case of inter-religious marriages do national courts decide divorce cases and apply shari'a law in making their ruling. Furthermore, inter-religious marriages can only happen between Muslim men and Christian women—Muslim women are not allowed to marry outside of their faith.

Recently¹ the Church changed the bylaws that lay out the reasons for divorce, increasing the number of reasons from two to three: adultery, undisclosed pre-existing terminal illness, and change of religion. The Coptic Church issues annulment of marriages, and not divorces. While Christians may be able to obtain civil divorces, those divorces may not be recognized by the Church. Because of the limited conditions for divorce, some Christians will temporarily convert to Islam.

The Church has been asking for recognition of changes in the Coptic Bill of Personal Affairs since 1978, but it has continually failed to receive the support of the government.

Legal Empowerment & Aid: Improving Women's Access to Justice

ECWR will address weaknesses in the legal system and women's access to justice in the coming term through a new phase of our Legal Empowerment and Aid program. The program will use the following activities as tools to monitor and record women's status in Egypt, on paper and in real life, analyze it and come up with strategies to target weaknesses.

1. Trainings for activists, lawyers and media on the importance of knowing the law, human and legal rights, the justice system, national women's machineries, the role of the media in promoting legal and human rights, advocacy and public/media campaigns, the importance of pro-bono work
2. Strengthening the legal units of 2 NGOs and forming a coalition
3. Monitoring the legal system by providing Legal, Family Advice and Legal Services to 6000 women, recording and analyzing data and publishing a report that will be publicized
4. Assisting 200 women with lawsuits, recording and analyzing the experiences, and adding this information to the monitoring database
5. International outreach following the publication of the report in order to raise awareness nationally and internationally about the successes and failures of the legal system compared to Egypt's obligations under international agreements



Allowing Facebook to Remain Accessible in Egypt Prevents Further Restrictions on Public Discourse

In the wake of food and price strikes in April and an attempted strike in May organized by humanitarian groups on Facebook, Egypt seems to be contemplating the complete ban of the website. The Facebook group started by Esraa Abdel Fattah called for a peaceful, stay-at-home protest of rising prices and our organization takes the view that Facebook is an additional tool for the development and modernization of activist expression, especially concerning the youth's role in social issues, that should exist freely.

The Internet is the fastest and most fluid venue for discussion and organization of events in today's world. It allows access to other countries' thoughts, new ideas, youth, etc. The Internet also enables websites such as Facebook to bring together multitudes of people without the normal barriers to communication such as distance or time; most importantly, it connects people within a country. But Internet activism does not emerge from Facebook alone. Blogs were the initial breakthrough for online activism because they could bypass the government's controls on printed and oral media. Blogs are an alternative and interactive source of news for a disenfranchised youth that is normally fed skewed and one-sided information. Facebook is a new additional forum for members to communicate and organize but it does not have the safety of anonymity that blogs can provide to information posters; in addition, it is not accessible to every person.

But if Egypt is to show at all that it can be a democracy, it cannot bully a website creator into allowing the website to become a government surveillance device by circumventing the site's advertised privacy protection for Facebook members. Alternatively, Egypt cannot eliminate this website completely and expect the youth to completely disappear from the political climate once their "friendship" website is blocked. Egypt's continual arrest of bloggers for expressing their ideas and arrest of Facebook members for creating activist groups is repression of free thought. Syria has already banned Facebook along with other social sites such as YouTube and Egypt is perilously close to following Syria's path that is trampling further forms of protesting.

The ramifications of pressuring the administrators of a site (even one as socially influential Facebook) into allowing governmental officials to override security protections that the Facebook members have chosen in order to track down further information are huge. One major ramification is inhibiting a woman's freedom to communicate with others in the manner she chooses. A woman's right to choose who she associates with on the internet and to place privacy controls on certain aspects of her Facebook profile in order to protect herself is a fundamental facet to a person's decision to live their life a certain way. Facebook allows women to voluntarily participate in political and social debates that they are not ordinarily included in. It also allows women to discuss on an open footing many issues that are just as relevant to both sexes, but often dominated by men.

The April 6th strike, as organized by a Facebook group with over 70,000 members, is a demonstration that Facebook (as trivial as it may seem on the surface) is a useful forum to use for communication and mobilization of human rights groups. As a result, we will not support a ban of the website by the Egyptian government on the grounds that it destroys free social dialogue and because we see a ban as creating a framework for future bans on all discussion and movements by human rights organizations, including our organization.

ECWR Activities

Many of ECWR's activities this month are on hold due to delays in funding from donors and delays in approvals by the Ministry of Social Solidarity. To learn more about the restrictions ECWR faces, please see the report by Human Rights Watch on the Egyptian NGO Law:

<http://hrw.org/reports/2005/egypt0705/>

Sexual Harassment: ECWR continued work on our Million Signatures Campaign, addressing the need for criminalization of sexual harassment in the Arab world. To sign the petition, please visit our website at www.ecwronline.org or email us at ecwr@link.net.

Email ecwr@link.net to volunteer.



Foreign Women React to ECWR Survey on Sexual Harassment

"I would love to fill in a questionnaire about sexual harassment. We were just talking about sexual harassment. I could write an essay about it!", was the reaction of Jane* when ECWR volunteer researchers asked her if she wanted to fill in a questionnaire about sexual harassment. Most of the foreign women we asked to fill in questionnaires about this problem in Egypt were very willing.

Sexual harassment is, as we all know, a big problem in Egypt. To find out how big the problem really is, ECWR started to distribute questionnaires among Egyptian women (1010 questionnaires completed), Egyptian men (also 1010) and foreign women (100).

ECWR volunteers noticed that foreign women are very willing to help and to talk about their experiences. It is a problem that is very much alive and many women suffer from. Jane wasn't the only one who was "just talking about this problem". Another foreign woman who wanted to fill in the questionnaire was also just talking about it and she took her time to fill it in. Many women are glad that "finally someone is doing something about it".

A foreign woman who completed the questionnaire via email said, after living almost a year in Egypt, "I left Egypt early because I couldn't stand living in a country anymore where I got harassed every single day. I hope I'll never have to return to Egypt again in my life". This is an example that shows how much sexual harassment can infect someone's life and view about Egypt.

One man who joined the foreign women filling in the questionnaire was disappointed because this particular survey was for women only, "I also suffer from sexual harassment!" he said.

Another foreign woman shared her story with us about an Egyptian man who flashed her while she was in the gym. When she asked for help, no one was willing - men and women weren't taking her seriously. She gave the gym an ultimatum; him or her as a member. They wouldn't kick him out so she left.

Not only is sexual harassment a problem, but also the ignorance of it. When women ask for help to other people, like police officers, family, judges etc. they are often not willing to face this problem and protect women who are suffering daily. Instead, foreign and Egyptian women are often blamed or laughed at. ECWR has reports from many foreign women who don't want to return or live in Egypt because of harassment here, hurting Egypt's tourism economy as well as its reputation and relations with people abroad. Some Egyptian women even don't want to leave their houses because of harassment in the street.

ECWR is making an effort to stop sexual harassment by distributing surveys for research, holding press conferences, legal reform and public outreach, including awareness days. ECWR hopes that by increasing awareness about this problem, women can break their silence and pressure decision-makers and society to face it.

*Names are changed for privacy reasons.

Sign ECWR's Petition for a New Law Against Sexual Harassment in Egypt!

Visit www.ecwronline.org
to view the petition.

To join either:

1. Send an email with your name, job and email address
2. Sign the petition online at <http://petitions.ensan.net/s/howpetition.php?petition=32>
3. Print the petition and distribute it to all your friends and family, then send it back to ECWR at:

135 Misr-Helwan El Zeraay
Hadayak El Maadi, Cairo
Tel: (20) 2 2.527.1397
Fax: (20) 2 2.528.2175
E-mail: ecwr@link.net
www.ecwronline.org

Last month, 3 of ECWR's staff attended a 4-day training course organized by The European Instrument for Democracy and Human Rights in Egypt. 26 participants from different NGOs throughout Egypt discussed logframes, project design, rights-based approach, project cycles. This training course was the 1st time the EU provided Egyptian NGOs with such a training. Follow-up will be done between the 1st and 2nd rounds, and each NGO will be visited by the trainer. ECWR found the training extremely helpful, particularly for the young people in the NGOs. Our thanks to the organizers!