



CECSR Committee
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Re: Egypt – 51st Session (04 Nov 2013 - 29 Nov 2013)

Dear Committee Members:

We respectfully submit this letter in advance of the Committee on Economic, Social and Cultural Rights' (the Committee) review of Egypt at its 51st session from 4-29 November 2013. Equality Now, and the Egyptian-based, non-governmental human rights organization, the Center for Egyptian Women's Legal Assistance (CEWLA), are writing to express our concern about the violence, discrimination and inequality faced by women and girls in Egypt.

This letter will focus on continued violations against girls and women in Egypt, in particular the sexual assaults committed against Egyptian women advocating for their rights; the government's non-prosecution of female genital mutilation (FGM); as well as a profound lack of female representation in the constitutional process. Together, these violate Article 1 (right to self-determination, including political status), Article 3 (equal rights of men and women), Article 12 (right to health) and Article 15 (right to take part in cultural life) of the International Covenant on Economic, Social and Cultural Rights ("the Covenant"). We also note the Committee's "General Comment No. 16 – The equal right of men and women to the enjoyment of all economic, social and cultural rights," which elaborates on States Parties obligation to address gender-based violence, including through redress, and also stating, "The adoption and undertaking of any **retrogressive [emphasis added]** measures that affect the equal right of men and women to the enjoyment of the all the rights set forth in the Covenant constitutes a violation of article 3." (E/C.12/2005/4, ¶¶ 27, 42). We further note that "General Comment No. 21 – Right of everyone to take part in cultural life" recognizes that FGM is a "barrier to the full exercise by the affected persons of the right enshrined in article 15, paragraph 1(a)." (E/C.12/GC/21, ¶ 64).

The Center for Egyptian Women's Legal Assistance, is a leading Egyptian women's lawyers group with ECOSOC status, founded in 1995, to advance women's rights through the law. The Center provides legal aid, mainly to impoverished women, and advocates against female genital mutilation (FGM), honor crimes and discriminatory laws. Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide. This submission encloses Equality Now's Action 38.2 (April 2013) [Egypt: Stop sexual violence against women demanding their rights](#), Action 38.3 (July 2013) [Egypt: Enforce FGM](#)

[law and prosecute those responsible for Soheir al-Batea's death](#), and Action Update 38.4 (September 2013) [Egypt: Ensure Women's Full Participation in the Constitutional Process and Promote their Rights](#).

Sexual Violence

Although at the time of this writing there is a curfew in place and demonstrations are not occurring, Egyptian women peacefully protesting in Tahrir Square and elsewhere were sexually assaulted many times in 2013. In addition to the attacks reported in our April 2013 Action, local human rights groups recorded the abuse of more than one hundred women and at least two counts of rape between 28 June and 6 July 2013. Some believe these were part of an organized action to prevent women from participating in shaping their country. A joint statement issued by seven Egyptian feminist and anti-sexual violence organizations asserts that not only did the incidence of sexual assault against protestors hit record highs, these recent attacks have been even more brutal than those that occurred in January.¹ To date, we are not aware that any woman has been able to obtain justice against any perpetrators; rather reports indicated the police tried to deter women from reporting these crimes. In March 2013, the UN Assistant Secretary-General for Human Rights recognized that women human rights defenders often face unique threats because of their sex and because of the issues they defend, specifically mentioning the sexual harassment of women protestors in Egypt, and declared that states have the primary responsibility for developing protection mechanisms for human rights defenders, including specific measures for the protection of women human rights defenders.²

This period of instability is difficult for all Egyptian people. However, it is particularly critical for Egyptian women given recent moves to restrict women's constitutional and legal rights and therefore all the more necessary that women are able to participate fully in the future decision-making of their country without any threat to their safety. We note that the Committee in its June 2013 List of Issues has already asked the government to, "illustrate what measures have been taken to counter sexual and gender-based violence against women, including violence intended to deter them from attending demonstrations." (E/C.12/WG/EGYY/Q/2-4, para. 9). We hope the government will be pressed to detail what concrete steps it is taking to address this issue and provide justice to those whose rights have been violated.

FGM

One area of regress concerns the non-prosecution of FGM crimes and the potential repeal of the law banning female genital mutilation (FGM) which a prominent member of parliament in 2012 stated should be revoked. Egypt has a responsibility to protect its women and girls from FGM at all times. According to the 2008 Demographic Health Survey in Egypt, the prevalence rate of FGM among women and girls aged 15-49 is 91%. UNICEF reports that despite the ban on FGM, seventy-two percent of FGM cases are now performed by doctors.³ One such doctor, Raslan Fadl, performed female genital mutilation on thirteen-year-old Soheir Mohamed el-Batea on 6 June 2013 following which she died. According to CEWLA and the Egyptian Coalition for Children's Rights (ECCR), the Dr. Fadl has since performed FGM six or seven times and is still performing FGM. We are calling upon the Egyptian government to provide justice for Soheir and prevent further cases of FGM.

We note that the Committee asked the government in its June 2013 List of Issues to, "provide information about the number of prosecutions, if any, of individuals performing female genital

¹ <http://nazra.org/en/2013/07/brutal-sexual-assaults-vicinity-tahrir-square>

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13169&LangID=E>

³ http://www.unicef.org/egypt/Eng_FGMC.pdf

mutilation (FGM), and of the outcomes thereof.” (E/C.12/WG/EGYY/Q/2-4, para. 10). In addition to the Covenant, Egypt is party to a number of international and regional human rights treaties that mandate the protection of women and girls from the practice of FGM, including the African Charter on the Rights and Welfare of the Child, and the African Charter on Human and Peoples’ Rights. Other committees overseeing the UN treaties Egypt has ratified, such as the Committee on the Elimination of Discrimination against Women, have also called upon Egypt to eradicate the practice of female genital mutilation and ensure the effective implementation of Child Law No. 126 of 2008 – Egypt’s domestic law which criminalizes FGM.

Participation in the Constitutional Process

For Egyptian women to enjoy their full economic, social and cultural rights they must also be given full civil and political rights on an equal basis with men. We note that the Committee has asked the government to “provide information on the impact of measures taken to increase the representation of women in decision-making positions, in particular in the judiciary, the Shura Council and the People’s Assembly.” (E/C.12/WG/EGYY/Q/2-4, para. 8). The new interim Egyptian government, however, has excluded women and ignored their demands for full participation by, for example, announcing a 50-member constitutional review committee with only 10% of the places reserved for “women and youth”. The selection of women has mostly been limited to representatives of government bodies, which does not reflect the full range of civil society interests, expertise, and demands. Egyptian women are also concerned that no women at all, let alone experts in women’s rights, were on the 10-member so-called expert committee, which worked in secret to provide recommendations on constitutional amendments for the constitutional committee. Drafts of the proposals leaked to the media are causing alarm by apparently undermining achievements gained for women.

Conclusion

Equality Now would therefore respectfully ask the Committee to raise with the Egyptian government the following questions:

1. What is the government doing to vigorously investigate and prosecute all sexual assaults during the post-January 2011 revolutionary period?
2. What is the government doing to enforce and fully prosecute violations of its anti-FGM law, and to ensure that health care providers do not perform FGM and are educated on the health and human rights implications of the practice?
3. What is the government doing to ensure women are fairly represented and included in all governmental and administrative processes, including the constitutional process?

Equality Now would also respectfully ask the Committee to recommend to the Egyptian government to:

1. Fulfill its international obligations with respect to women by vigorously investigating and prosecuting all sexual assault cases whether they have occurred in public or in private.
2. Enforce and fully prosecute violations of its anti-FGM law, enhance community education to change cultural beliefs on FGM, and ensure that health care providers refrain from performing FGM and are educated on the health and human rights implications of the practice.

3. Guarantee women's participation, at a minimum of 35%, at all levels of decision-making, including the executive, legislative and judicial authorities.

Thank you for your consideration. Please do not hesitate to contact us should you require any further information.

Yours sincerely,



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