Document #2017549

IRB – Immigration and Refugee Board of Canada

Egypt: Domestic violence, including violence by former partners; legislation and state protection; support services available (2017-September 2019) [EGY106350.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

Sources state that domestic violence is an "acute" (Freedom House 28 Jan. 2019) or "significant" problem in Egypt (US 13 Mar. 2019, 41). A report on the *International Men and Gender Equality Survey (IMAGES)*, conducted by UN Women and Promundo [1] between April 2016 and March 2017, similarly states that "[m]en's use of violence against women is widespread, both at home and on the streets" (El Feki, et al. 16 May 2017, 80). In a May 2017 report, Australia's Department of Foreign Affairs and Trade (DFAT) reports the following:

Domestic violence is prevalent and commonly accepted. A lack of comparative, adequate and up-to-date official statistics make the levels, trends and exact nature of domestic violence difficult to assess. However, a 2009 study commissioned by the NCW [National Council for Women] found that over 60 per cent of married female respondents had experienced some form of violence during their married lives, while around 28 per cent had experienced a physically violent act. The study reported that 80 per cent of married male respondents admitted to inflicting violence against their wives, while 28 per cent acknowledged being physically abusive. (Australia 19 May 2017, para. 3.75)

According to 28 Too Many [2],

[m]any Egyptian women are subjected to domestic violence, most often enacted by their spouse or one of their parents, an occurrence that is viewed as justifiable to many Egyptians, including some women. The DHS [Demographic and Health Survey] 2014 [2014 EDHS] [3] reports that three in ten ever-married women aged 15-49 have experienced some manner of domestic violence enacted by their current spouse. Of the women surveyed, 25.2% experienced physical violence, 18.8% experienced emotional violence, and 4.1% experienced sexual violence. (28 Too Many Apr. 2017, 34)

A report published in 2015 on the results of a survey on the economic cost of gender-based violence in Egypt, conducted by the UN Population Fund (UNFPA), the Egyptian Central Agency for Public Mobilization and Statistics (CAPMAS) and the NCW, states that "46 percent of ever-married women [aged] 18-64 reported having been ever subjected to at least one episode of physical, emotional or sexual violence inflicted by their current or most recent spouse, and about 24 percent reported occurrence of this violence during the 12 months prior to the survey" (UN and Egypt 2015, 76).

Sources report that domestic violence is socially accepted in Egypt (World Bank May 2018, 34) or that it is "widely" (Equal Rights Trust Dec. 2018, 205) or "largely" tolerated (Euromed Rights [Nov. 2018], 2). According to the 2014 EDHS, 35.7 percent of ever-married women aged 15 to 49 consider it justified for a husband to hit or beat his wife "for specific reasons" (Egypt, et al. May 2015, 286). According to the *IMAGES*, 53.4 percent of men and 32.8 percent of women who responded to the survey agreed that "[t]here are times when a woman deserves to be beaten" and 90 percent of men and 70.9 percent of women agreed that "a woman should tolerate violence to keep the family together" (El Feki, et al. 16 May 2017, 47).

According to Australia's DFAT, domestic violence is "commonly accepted across religious communities and socio-economic levels" (Australia 17 June 2019, para. 3.85). Sources report that acceptance rates among women are higher in rural areas and among those with less education (World Bank May 2018, 34; Egypt, et al. May 2015, 223), as well as among those in the lowest wealth quintile (Egypt, et al. May 2015, 223). Australia's DFAT states that "[s]ocio-economic factors can make it very difficult for a woman to escape an abusive marriage. Attempting to do so in conservative or rural areas will usually result in communal and familial ostracism" (Australia 19 May 2017, para. 3.76).

1.1 Violence by Former Partners

Information on violence by former partners was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. The survey on the economic cost of gender-based violence in Egypt reports that according to the 2005 and 2014 EDHS, "more than seven in ten women identified their current of former husband as the perpetrator in at least one episode of physical violence they have experienced since age 15" (UN and Egypt 2015, 62).

2. Legislation

ecoi.net summary:
Query response on domestic violence (2017 - September 2019)

Country:
Egypt

Source:
IRB – Immigration and Refugee Board of Canada (/en/source/11213.html)

Original link:
https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=457904&pls=1 (https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=457904&pls=1)

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Sources identify the 2014 [revised] constitution (28 Too Many Apr. 2017, 31; *Egypt Today*3 Mar. 2019) and the 1937 Criminal Code [Penal Code No. 58 of 1937 (UN 2018, 10)] with its amendments [Law No. 5 of 2018 (UN 2018, 10)] as legislation protecting women in Egypt (*Egypt Today*3 Mar. 2019). Article 11 of the 2014 revised Constitution provides the following:

...

The State shall protect women against all forms of violence and ensure enabling women to strike a balance between family duties and work requirements.

The State shall provide care to and protection of motherhood and childhood, female heads of families, and elderly and neediest women. (Egypt 2014)

According to 28 Too Many, the "2014 [c]onstitution is the first to protect women from discrimination and domestic violence" (28 Too Many Apr. 2017, 31).

Sources report that crimes against women are divided into two categories: misdemeanours and felonies (*Egypt Today*3 Mar. 2019; Equal Rights Trust Dec. 2018, 69). According to an article published in the Egyptian English-language monthly magazine *Egypt Today*,

[m]isdemeanors, such as catcalling or sexual harassment, are seen as less significant crimes than felonies, and are usually punished by fines and short-term jail time; the [trials] are also shortened. Felonies, like FGM, rape, kidnapping a female, or sexual assault, are punished by longer jail time, and a permanent record is placed for those convicted. (*Egypt Today*3 Mar. 2019)

Sources state that there is no law specifically addressing domestic violence in Egypt (US 13 Mar. 2019, 41; Equal Rights Trust Dec. 2018, 72; UN 2018, 9). Some sources indicate that a draft law on domestic violence is under study (*The Caravan*14 Dec. 2017), but that it had not been passed in parliament as of late 2018 (Equal Rights Trust Dec. 2018, 72). Euromed Rights [4] reports the following:

Since 2016, there have been several attempts to draft a law criminalizing violence against women, including domestic violence. However, although different versions of this law have been prepared by the [NCW] and a coalition of NGOs, none of them has so far been presented to the Parliament. In early November 2018, a draft law on combating violence against women was adopted by MP Nadia Henry. This draft includes articles on domestic violence and marital rape. The draft has not been discussed in the parliament yet. (Euromed Rights [Nov. 2018], 2)

Sources indicate that marital or spousal rape is not criminalized in Egypt (Australia 17 June 2019, para. 3.82; US 13 Mar. 2019, 41; Freedom House 28 Jan. 2019).

Sources note that Law No. 10 of 2004 introduced the Family Courts (*Egypt Today*3 Mar. 2019; UN 2018, 10), which women can turn to for protection from domestic violence (*Egypt Today*3 Mar. 2019). Further information, including the functioning and effectiveness of these courts, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Euromed Rights indicates that "[t]here are no legal measures to ensure the protection of battered women in cases of domestic violence. No emergency prohibition orders or protection and restraining orders exist that could allow the authorities to order the perpetrator of domestic violence to leave or stay away from the victim" (Euromed Rights [Nov. 2018], 4). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Implementation

Sources indicate that some articles of the Criminal Code [Penal Code] may be used to reduce the sentences of offenders in the case of "honour" crimes or killings (Equal Rights Trust Dec. 2018, 207; Euromed Rights [Nov. 2018], 2; UN 2018, 9). Australia's DFAT explains the following:

Several [a]rticles of the Criminal Code in effect condone the committing of ["honour"] crimes, including: Article 17, which provides for reduced sentences in light of mitigating circumstances; Article 60, which does the same for offences committed in good faith of a *sharia*right; and Article 237, which provides for reduced sentences when a husband surprises his wife in the act of adultery and kills her. (Australia 19 May 2017, para. 3.77)

The Organisation for Economic and Co-operation Development (OECD)'s Social Institutions and Gender Index (SIGI) similarly mentions that "[a]rticle 60 of the Penal code is often invoked in legal cases to appeal to the right for husbands to discipline their wives" (OECD 2019, 7).

A report by the UNDP report on gender justice and the law states the following:

The Penal Code punishes many forms of domestic violence in different texts. Beating or psychological violence, including insulting and humiliating a person, are crimes under Articles 171, 242, and 308. These provisions apply strictly to those who commit such crimes. However, if they are committed at home or by relatives, in most cases the penalty is reduced to either a suspended sentence or a fine as a result of social considerations, using the discretionary power of the judge. (UN 2018, 16)

The same source further states that some domestic violence offences are only punishable "if the battery exceeds the accepted limits of discipline decided by the judge and if the injuries are apparent when filing the complaint at the police station" (UN 2018, 9).

According to the UK Home Office,

[s]ince coming to power, the al Sisi government has committed to protecting women's rights and has strengthened existing laws on discrimination and violence, specifically those on FGM and sexual harassment. However, despite the changes in the government's approach, the state is often ineffective at implementing the law in practice. (UK Mar. 2017, para. 2.4.1)

The US Department of State's *Country Reports on Human Rights Practices for 2018*for Egypt indicates that the Egyptian state is ineffective at implementing the law related to domestic violence (US 13 Mar. 2019, 41). Freedom House states that the effectiveness of laws on domestic violence, among others, "is hindered by societal resistance, poor enforcement, abuses by the police themselves, and lack of adequate protection for witnesses, which deter victims from reporting abuse and harassment" (Freedom House 28 Jan. 2019). Australia's DFAT states that "[t]he implementation of constitutional protections can be unpredictable, and frequently dependent on the individual discretion of police, prosecutors, or judges" (Australia 17 June 2019, para. 3.76).

The UK Home Office further states that "[w]omen are often unwilling to report abuses to the authorities due to social stigma and sometimes pressure from the police," that "[w]omen have been punished for speaking out about abuses against women" and that "parliamentarians contribute to a culture of victim-blaming" (UK June 2019, para. 2.5.1). According to the survey on gender-based violence, although approximately 5.6 million women were exposed to domestic violence in the previous year (UN and Egypt 2015, 135), 75,000 women reported incidents to the police (UN and Egypt 2015, 149). 28 Too Many reports that, according to the 2014 EDHS, one third of the women affected by domestic violence "asked for help" (28 Too Many Apr. 2017, 34).

3. State Protection

Some sources claim that the government of Egypt has made "no efforts" to combat domestic violence (Euromed Rights [Nov. 2018], 2), or that it has "failed to adequately protect" women and girls from sexual and gender-based violence (Human Rights Watch 17 Jan. 2019).

According to US *Country Reports 2018*, the NCW "a quasi-governmental body, was responsible for coordinating government and civil society efforts to empower women" (US 13 Mar. 2019, 41). 28 Too Many indicates that the NCW was created in 2000 by the Egyptian government to address issues experienced by Egyptian women, including domestic violence, and that it "has branches in each of the 27 governorates and works with various state institutions and civil-society organisations that specifically target women in poor, rural communities" (28 Too Many Apr. 2017, 32). According to the UNDP, the survey on the economic cost of gender-based violence in Egypt, in which NCW participated, was "the first national survey measuring the prevalence of the various types of [gender-based violence] inflicted on women and girls aged 18-64 years and its impact on their health, reproductive health, and general well-being" (UN 2018, 13). According to the same source, the NCW was also responsible for the preparation of the "draft law to address all forms of violence against women" (UN 2018, 15).

Sources indicate that the Ministry of Interior includes a unit that addresses violence against women (US 13 Mar. 2019, 41-42; UN 2018, 13). Further information on the mandate of and services provided by this unit, including their effectiveness, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that the National Strategy to Combat Violence Against Women, launched by the government in 2015, has four objectives: prevention, protection, intervention, and prosecution [or legal procedures] (US 13 Mar. 2019, 41-42; Equal Rights Trust Dec. 2018, 192). Information on the measures implemented as part of this strategy could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.1 Police Service

Information on investigated cases of domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The UK Home Office reports the following:

Professionalism of the police varies and they are reportedly reluctant to investigate cases of violence against women, particularly where it is domestic. Police effectiveness is further hampered by a lack of equipment, training, poor pay and poor investigative skills – particularly in relation to sexual assault cases. ... Cultural and religious views can often impact police, prosecutors and judges when making a decision, particularly in rural areas. (UK June 2019, para. 2.5.1)

According to Australia's DFAT, "[t]he accountability of police is ... an issue, both in terms of their capacity to enforce laws preventing violence and harassment of women and as perpetrators of such acts" (Australia 17 June 2019, para. 3.76). According to US *Country Reports 2018*, "[p]olice often treated domestic violence as a social rather than criminal matter" and, according to civil society organizations, sometimes pressured victims not to pursue charges (US 13 Mar. 2019, 41). The UK Home Office reports, without specifying its location, that "[i]n an effort to address violence against women[,] a police department consisting of mainly female officers has been established" (UK June 2019, para. 2.5.1). US *Country Reports 2018*indicate that a 2017 decree providing for the inclusion of

at least one female officer at every police station was implemented in 2018 (US 13 Mar. 2019, 43). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.2 Judiciary

Information on prosecuted cases of domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Australia's DFAT reports that the Egyptian judiciary is "almost entirely male," with only 0.5 percent of judges being female, and that the findings of "some judges," especially in rural areas, are influenced by their "religious and cultural view of women" (Australia 17 June 2019, para. 3.76).

Euromed Rights indicates that "[a]lthough, in principle, women can file a complaint in court in case of gender-based violence, in practice such cases are often stalled either by the police or by the general prosecutor" (Euromed Rights [Nov. 2018], 4). Sources report that the weight of a woman's testimony is the same as the man's in [civil (OECD 2019, 15)] courts, except for the Personal Status Courts, where it is only worth half as much (OECD 2019, 15; Euromed Rights [Nov. 2018], 4).

The OECD states that, according to various human rights organizations, women are not granted anonymity when reporting cases of domestic violence (OECD 2019, 15). Euromed Rights also indicates that "victims cannot testify without having to face their aggressor, as they are required to identify him. This put[s] the survivors and their families in great danger" (Euromed Rights [Nov. 2018], 5). According to US*Country Reports 2018*, "[t]he law requires that an assault victim produce multiple eyewitnesses, a difficult condition for domestic abuse victims" (US 13 Mar. 2019, 41). Euromed Rights indicates that "[a]ccording to the law, female defendants who do not have a lawyer should be provided with one appointed by the court. This does happen, although not of good quality" (Euromed Rights [Nov. 2018], 4-5).

4. Support Services

4.1 Government

Sources report that the Egyptian government provides women victims of domestic violence with eight or nine shelters (Australia 17 June 2019, para. 3.86; Equal Rights Trust Dec. 2018, 205-206; Euromed Rights [Nov. 2018], 3). These shelters are under the supervision of, or supported by, the Ministry of Social Solidarity (US 13 Mar. 2019, 41-42; Euromed Rights [Nov. 2018], 3) and are run by the NCW (Euromed Rights [Nov. 2018], 3). Australia's DFAT indicates that the shelters are located in Cairo, Giza, Qalyubia, Alexandria, Beni Sueif, Fayoum and Minya (Australia 17 June 2019, para. 3.86). According to the same source, the shelters "provide social, family, and psychological counselling, along with referrals to other service providers" (Australia 17 June 2019, para. 3.86). Sources report that the shelters are poorly resourced (Australia 17 June 2019, para. 3.86; Equal Rights Trust Dec. 2018, 206; Euromed Rights [Nov. 2018], 3). According to Equal Rights Trust [5], women are "expected" to pay fees to stay in a shelter (Equal Rights Trust Dec. 2018, 206). The sources also indicate that the shelters have limited accessibility for women victims of violence (Australia 17 June 2019, para. 3.86) or that the shelters "cannot allow emergency admission or, in some shelters, admission at all after 3 pm" (Equal Rights Trust Dec. 2018, 206). Euromed Rights reports the following:

> The shelters are extremely hard to access and require ID papers that women who escaped violence usually do not have. They also do not accept women subjected to incest or rape, or pregnant women and they do not allow children above the age of 12 to stay with their mothers[,] which is rejected by most mothers seeking refuge. (Euromed Rights [Nov. 2018], 4)

Australia's DFAT further reports that "unmarried women (including those perceived not to be virgins), those seeking divorce, and those with children are all precluded from accessing [the shelters]" (Australia 17 June 2019, para. 3.86). According to the same source, the shelters encourage victims to reconcile with their abusive husbands and "tend to shelter women on a limited basis" (Australia 17 June 2019, para. 3.86).

According to the survey on the economic cost of gender-based violence, "only 7,000 women [had] resorted to social services" in the previous year (UN and Egypt 2015, 149).

4.2 Civil Society

Without providing further detail, sources indicate that some civil society groups or NGOs offer services to women victims of violence (Euromed Rights [Nov. 2018], 4; UK Mar. 2017, para. 2.4.3). According to the UK Home Office, they offer "practical help and shelter" (UK Mar. 2017, para. 2.4.3). The UNDP reports the following:

> Some NGOs provide legal services alongside counselling, awareness, and economic empowerment programmes for women. For example, services are provided to women by the Centre for Egyptian Women's Legal Activities, the Association for the Development and Enhancement of Women in Egypt, the Egyptian Centre for Women’s Rights, and the New Woman Foundation. (UN 2018, 15)

Euromed Rights states that "[a] number of NGOs ... provide free legal assistance to women, but due to shrinking and closing spaces for civil society in Egypt, providing these services make NGOs more visible," which puts them at risk (Euromed Rights [Nov. 2018], 5). The same source adds the following:

Most functioning shelters are run by NGOs and [community service organizations] and are mainly funded through bilateral cooperation. However, it is very difficult for NGOs to establish a shelter, due to the complex set of security considerations shelters are subjected to. Although some women's organizations provide services and outreach programmes, as well as legal and psychological support for abused women, these are not sufficient to meet the need for protection, as the country lacks the institutions to build an effective system. (Euromed Rights [Nov. 2018], 3-4)

Australia's DFAT also reports that, according to "in-country sources," civil society organizations have been deterred from opening shelters "by court orders or other legal proceedings against their activities" (Australia 17 June 2019, para. 3.86).

Information on medical and other support services could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] "Founded in Brazil in 1997, Promundo works to promote gender equality and create a world free from violence by engaging men and boys in partnership with women and girls"; the organization conducts "applied research that builds the knowledge base on masculinities and gender equality" (El Feki, et al. 16 May 2017).

[2] 28 Too Many is an "anti-FGM [Female Genital Mutilation] charity" whose objective is to "end FGM in the 28 African countries where it is practised and in other countries across the world where members of those communities have migrated" by providing a "strategic framework where knowledge and tools enable in-country anti-FGM campaigners and organisations to be successful and make a sustainable change to end FGM" (28 Too Many Apr. 2017, 3).

[3] "The 2014 Egypt Demographic and Health Survey (2014 EDHS) was conducted on behalf of the Ministry of Health and Population" as "part of [t]he DHS Program, which is funded by the United States Agency for International Development (USAID)" and supported by UNICEF and the UN Population Fund (UNFPA) (Egypt, et al. May 2015, ii).

[4] Euromed Rights, headquartered in Copenhagen, is a "network of more than 80 human rights organisations, institutions and individuals based in 30 countries in the Euro-Mediterranean" who "stand by universal human rights principles and strongly believe in the value of cooperation and dialogue across and within borders" (Euromed Rights n.d.).

[5] Equal Rights Trust is an English company and a charity gathers experts from various countries and participates in research and projects in more than 45 countries to "combat discrimination and promote equality as a fundamental human right" (Equal Rights Trust n.d.).

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Austrian Red Cross
Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)
Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

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