

**Expert Group Meeting on Legal Framework
required to prohibit, prevent and respond
to all forms of violence against children
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Geneva**

**Egypt's Legal reform
To
Combat Female Genital Mutilation
As a form of
Violence against children**

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CONTENT

- Legal reform:
 - Process
 - Content
- Follow up- M&E
- Current challenges

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Egypt's legal REFORM to Combat FGM

THE PROCESS:

- Laws should lead the society but constrained by prevailing cultural norms.
- Changing prevailing culture; was the first step to legal reform.
- Rights Based ; participatory – bottom up approach.
- Children as Subjects of Rights at the center .
- Advocacy and awareness raising (for 5 years) - paved the way for criminalization of (FGM).
- Information- Education – interactive debate.

The Process:

KEY INTERVENTIONS FOCUSED ON

- Civil Society Partnership & Community Initiatives
- Grass roots defying the practices have become empowered heroes of the criminalization
- Breaking the Media Taboo
- A Public Opinion Supporting the Legal criminalization of FGM,
- Enlightened positive religious discourse

KEY INTERVENTIONS FOCUSED ON

Cont'd.

- A Positive Anti – FGM Religious Dialogue:
- National hype against FGM by Islamic scholars; health care workers, lawyers; media professionals working to disperse misconceptions
- Youth as Agents of Change

CONTENT OF THE LEGAL REFORM TO COMBAT FGM *Child Law+ Criminal Code*

Child Law number 126/ 2008 provides the over arching strategy of Protection:-

- **Full harmonization** with the Convention on the Rights of the Child (CRC).
- **comprehensive strategy** to prohibit, combat and respond to all forms of violence against children.

Child Law

UMBRELLA AND OVERARCHING PROVISIONS

- **Article 1:** the State ensures as a minimum the rights provided for by:
- **CRC& OPSC- OPAC**
- **Other international treaties enforced in Egypt.**

Article 3: ensures General Principles of the CRC

- **Non Discrimination** (Article 2)
- **Best Interest of the Child** (Article 3)
- **Right to Life, Survival and Development**(Article 6) **along with responsibility of the family to provide protection from all forms of violence or harmful practices**
- **Right of the child to be Heard** (Article 12)

UMBRELLA AND OVERARCHING PROVISIONS

Child Law -Cont'd

- **Article 7 bis-a** “prohibited to deliberately expose the child to any form of violence, physical abuse, illegal or harmful exercise”.
- **Article 96** : “the child is at risk if his/her safety, morals, health, or life is jeopardized...”
- **Article 98-bis**: “ Anyone comes to know that a child is threatened, should provide such a child with urgent assistance... “
- **Article 116-bis** “The minimum penalty stipulated for any crime; shall be doubled; if committed by an adult against a child....”.

FGM SPECIFIC PROVISIONS

The Penal Code Promulgated by Law no. 58 of 1937

- **Article 242-bis** notwithstanding Article 61 (of the Penal Code), and without prejudice to any stricter penalty prescribed by another law, anyone who caused the injury which is punishable by Articles 241, 242 of the Penal Code, through performing female genital cutting, shall be liable to punishment with **imprisonment for not less than three (3) months and not exceeding two (2) years, or with a fine of not less than one thousand (1000) Egyptian pounds, and not exceeding five thousand (5000) Egyptian pounds.**

LAW ENFORCEMENT

- Empowering the civil society & grassroots to stand the pressure & report violations.
- Child Help Line receiving complaints & providing info. & Counseling
- Positive role of the Media
- Prosecutor General played a critical role to strengthen the interpretation & enforcement of the law. Several prosecutions & perpetrators brought to justice.

INDICATORS OF SUCCESS

- FGM Practice is remarkably shrinking among new generations (declined from 97 to 64% in 6 years):-
- Media Silence on FGM and other forms of VAC such as child marriage is broken
- Village Communities saying "No To FGM" mushrooming.
- An Enlightened Religious Discourse around the Rights of the Girl Child is stronger and more prevalent.
- Supporters of FGM are publically silenced.
- A strong Youth Anti- FGM social Movement

WHATS NEXT ?

- **Impact assessment** of the legal reform **on children**, before and after law enactment need to continue with the same vigour
- The legal reform needs to be completed and supported by:
 - **consistent advocacy**
 - **educational reform**; adequate financial resources and coordinated efforts of entities working for and with children.

CURRENT CHALLENGES

- The **popular uprising of 25th January 2011** and its impact:
- Youth are empowered and heard.
- Very conservative fundamentalist religious groups are revived & mushrooming; self confident; shamelessly promoting medieval practices including FGM and child marriage.
- Will liberal forces win ?
- FGM activists are currently bending for the storm
- CoBs of the Committee on the Rights of the Child and others will support work for children.