

*Rabat Roundtable
Women Leading Change
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*The Landmark Revisions to the Children's Law in Egypt, 2008: Grassroots
Mobilizing and Building Alliances with Men –
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While Laws should lead societies towards progress and assurance of human rights; their development and effectiveness is constrained by the prevalent culture and value system, and as such laws only reflect what society is willing to approve. The undeniable paradox is that while laws are designed to regulate society, a society's culture and value system can constitute a major determinant of legislation. To solve this paradox; the law formulation process should emerge as an outcome of a national dialogue and awareness raising of the return at stake. Ideally the legislation will be the outcome of a societal dialogue. Community members' participation creates a sense of ownership, and vested interest, and ensures that Laws are embraced by members of the society upon their enactment. Laws targeting any segment of the society; men; women or children can only be implemented if embraced by each and every one of the society. By the same token; laws addressing women's rights will only see the light if men are engaged as stake holders who stand to gain among the beneficiaries.

Countries of the Middle East and North Africa still live under patriarchal value system that discriminate against certain segments of society; including women and children. By ratifying UN conventions such as CEDAW and CRC; States Parties have committed themselves; inter alia; to harmonizing their national legislation with such Conventions whose backbone is the non-discrimination. Harmonization of national laws necessitates that it is reviewed in its entirety; continuously and in full compliance with the letter and spirit of human rights conventions. Naturally, this process will be limited by customs and traditions. Changing deep rooted value system requires all inclusive societal movement that excludes no group. Men and women are crucial stakeholders in this exercise. Entrusting women's or children's rights solely to women; is responsible for the narrow progress achieved so far. It is like preaching to the converted. It widens the gap; creates a wedge; derails and delays reform and polarizes society. Men must be at the forefront; leading change to ensure women's rights. In a society where women's rights are perceived to be in Zero sum relation with men's rights' everybody is a loser. Some defenders of women's rights have instigated polarization that harms the attainment by women of their basic rights. They portray the inter-gender relationship as a zero sum game; and that women regaining their rights come at the expense of men's rights.

To amend Egypt's child law no. 12/1996; we sought to reverse such polarization. To present the review of Egypt's child law; one cannot overlook the process when reviewing the content of the amendments.

The process: was exemplary; all inclusive; participatory; involving men and women from the civil society at both the national and local levels; creating a space for a wide range of stakeholders. The amendments process focused on bringing men on board among a wide range of stakeholders. A number of workshops were held in different parts of lower and Upper Egypt empowering the grass roots to make their voices heard. They actively participated in the making of the amendments and in rallying support of their parliamentarians for such amendments. Men and women at the local community rallied around the right of the girl child to protection from early marriage; FGM or deprivation of education. From day one we solicited the support of men and women of the media as our allies in the quest to explain the rationale behind the amendments. Their support of the legal reform created a sense of ownership among many sectors of the society.

This all inclusive strategy helped us galvanize men behind equal rights for children. This meant equal rights for the girl child and women. Over five years of advocacy around children as subjects of rights; women's rights were at the forefront. It culminated in June 2008, with the adoption of Law number 126 amending the child law number 12/1996 amending nearly 100 out of its 140 articles; amending the penal code and the personal status Law in one of the most comprehensive and visionary human rights legislation.

The Content:

1- Umbrella clauses of the Law ensure:

- A. As a minimum, the rights provided for by** international human rights treaties ratified by Egypt.
- B. The core rights to Non Discrimination (Article 2), Best Interest of the Child (Article 3), Right to Life, Survival and Development and protection (Article 6) and the Right to be Heard (Article 12).**

2- Certain specific forms of violence against girls and women were prohibited among which:

A –Raising the minimum age of marriage from 16 to 18 years old, equal to that of boys. This proved to be **the most difficult task** (added to the Civil Code). Our opponents lobbied that Islam doesn't put a minimum age for marriage and that maturity varied among girls. Enlightened religious men proved the opposite.

B - FGM is criminalized by both a fine and imprisonment; crowning our 5 years of advocacy, at the grass roots level; to eradicate the practice.

C-Women were granted the right to pass their nationality to their children; and to register their children at birth in the case of paternal dispute. Custodian mothers are granted educational custody of children under their care.

D-Imprisoned women are assured the right to accompany their children through the establishment of a nursery in every female prison; the child can accompany a mother till he/she reaches four years of age and cannot be separated until the child turns one year old.

E- Education is instrumental to women's empowerment. Under the new law Education is a legal right. In another giant leap; education guardianship is granted to the custodian of the child, in most cases the mother.

The success of our efforts has lent itself to proving that all monolithic religions are vehemently opposed to discrimination or violence against females. Enlightened men become vehement supporters in all our activities; ranging from advocacy; capacity building and law enforcement.

Together we achieved a paradigm shift is achieved in the perception that women's unequal access to citizenship rights affects children's access to rights. What shocked some people at first; have turned into a societal movement engaging many stakeholders.

But huge Challenges still lie ahead:

Legal reform is still infant and isn't complete. The Child Law is not yet fully harmonized with CRC. It still needs further review. It also needs to be supported by educational reform; consistent advocacy, enforcement and monitoring. The 25th January revolution provides a historical opportunity to speed up the reform. Yet the rise in religious fundamentalism carries a threat to women's rights. Some voices are calling now for the reversal of some of these amendments; such as criminalization of FGM and age of marriage. The constitutionality of mother's right to educational custody is currently being contested as a disruption to family stability and male authority; and of course biased interpretation of Shariaa is used as an alibi. Men and women at the grass root level that fought to make the amendments a reality; will be the watch dog to protect their achievements.