



# Impact Monitoring

## Egypt: An Example of a Participatory Impact Monitoring

In 2000, the Personal Status Law No. 1 of Egypt was reformed to provide women with the right to a divorce without having to prove harm on the condition that they forfeit their financial rights and repay the dowry. This legal procedure for a divorce is called khul'. The argument used by the women's movement as well as lawyers, legislators and government officials to lobby for the reform of the divorce law (khul') is based on a saying of the prophet - Hadith - as well as a verse in the Qur'an. In the Hadith, the prophet, upon the wish of a woman, persuaded her husband to divorce her on the condition that she pays back the dowry. As for the verse in the Qur'an, which was used for the justification of the reform, it states the following:

*"...It is not lawful for you, (men), to take back any of your gifts (from your wives), except when both parties fear that they would be unable to keep the limits ordained by Allah. If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah, there is no blame on either of them if she gives something for her freedom. There are the limits ordained by Allah; so do not transgress them. If any do transgress the limits ordained by Allah, such persons wrong (themselves as well as others)" (Surat Al-Baqarah, 229).<sup>1</sup>*

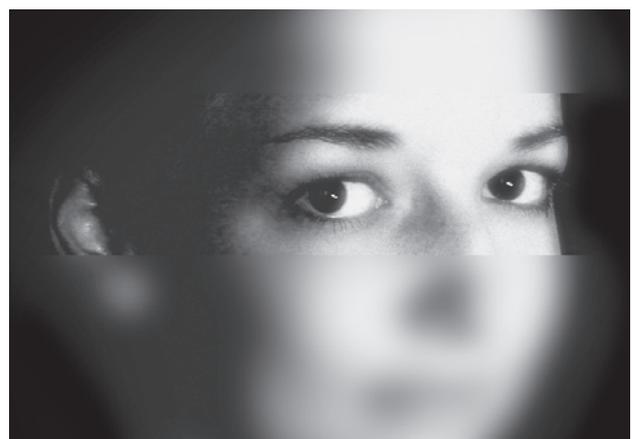
In October 2004, family courts were established to handle all family disputes and reduce the length of procedure for a divorce. The reforms are certainly a step forward in granting women the right to decide on their own personal life and in facilitating the divorce process for women. However, according to preliminary reports on the application of the law, deficiencies exist in access to the law, its implementation as well as within the law itself.

### Impact monitoring of the reformed law

On behalf of the Ministry of Economic Cooperation and Development (BMZ), the GTZ Programme Promoting Gender Equal-

ity and Women's Rights supported the Association for the Development and Enhancement of Women (ADEW) in conducting an in-depth participatory impact monitoring of the implementation of the reformed law. The aim of the impact monitoring was to initiate and facilitate a debate on the gaps and deficiencies in the law in order to mobilize policy makers for the improvement of the law and its implementation.

Over 400 cases of women who filed for a divorce through khul' were collected from courts in four governorates (Cairo, Qalubiyah, Gharbia, and Minya). The data from all collected cases were analysed, while some were thoroughly examined as part of an in-depth study. The cases were classified according to their type (khul', alimony and custody), selected randomly and entered into a database. In order to measure the awareness level of lawyers and judges regarding the new law, questionnaires were developed for the three types of cases. Moreover, lawyers, judges and concerned women in the four governorates were interviewed on their experiences with the implementation of the reformed law.



<sup>1</sup> Translation taken from Yusuf Ali, *Women in the Qur'an, Qur'anic Interpretation by Women Meeting, July 8-13, 1990 Karachi, p. 45.*

## Findings of the monitoring

- Many women - as well as lawyers and judges - are unaware of the reformed law: women in particular were not informed about the new options granted to them by the new law. As a result, only a small number of women had actually used it.
- Women met considerable difficulties and faced discrimination when filing for divorce through khul'.
- Some lawyers and judges are gender-biased and intentionally do not apply the law correctly, as they do not believe in granting women the right to a divorce on their own free will.
- The application procedure for a divorce could take up to 2 years though it should not exceed 6 months.
- Difficulties are encountered when paying back the dowry (mahr) due to the difference between the amount of dowry registered in the marriage contract and the actual amount that was paid at the time of marriage.
- The nexus between custody, alimony and keeping the home poses a major problem for women: A woman is entitled to reside in her home only if and as long as she has child custody; a woman immediately loses the right to the home and to alimony when she loses custody of her children as well as upon the death of the husband or his remarriage.
- Enforcing the payment of alimony by legal action may take from 6 months to over two years: if the husband changes his domicile (and therefore his address), the whole process has to be repeated from the beginning; thus, many husbands "disappear" to evade payment. Some of the husbands even falsify the amount of their income with the help of corrupt employees/officials in order to reduce their alimony payments.
- Court cases of particularly poor women in rural areas are repeatedly adjourned due to their lack of awareness on the legal procedures and their limited mobility.

## Activities implemented as a result of the monitoring

Sensitisation activities targeting women were conducted to raise their awareness on their new rights and options granted to them by the reformed law. For that purpose, ADEW produced a short documentary film "Women without a Shelter"<sup>2</sup> highlighting the problem of women who have lost their homes due to a divorce, a husband's second marriage or husband's death. To strengthen their position in front of lawyers or judges as well as within their communities, women were also informed about the religious argumentation that was used to justify and facilitate the legislative

reform. At the same time, judges and lawyers were trained on the content and correct application of the law. This training also focused on gender-sensitive legal counselling of women. Furthermore, through the organization of seminars, workshops and focus groups, a forum was provided for women and legal practitioners to discuss the obstacles women face regarding access to and application of the reformed law. The difficulties encountered in the application of the new law and an emphasis on alimony and custody formed an integral part of the discussions.

## The initial impact

To disseminate the findings of the impact monitoring, a national conference was held at the end of the project period as a contribution to an ongoing advocacy campaign. The conference provided a deep understanding of the legal, economic and social impact of the reformed law on women by highlighting the deficits and gaps of the law. This elicited strong debates on the obstacles women encounter when accessing the law, particularly the issues of alimony and custody which finally led to the establishment of Nasser Bank as an Alimony Fund.

### The Alimony Fund – a solution for divorced women?

During one of the workshops for lawyers, which was organized by ADEW in January 2004 one participant presented an example of an Alimony Fund from Tunisia. In Tunisia, when husbands do not pay alimony, women receive the amount from an Alimony Fund. The Alimony Fund, which is financed by the government, businessmen and charity, in return obtains the amount from the husband through legal means. Based on this model, ADEW took the initiative and drafted a similar law that was submitted to key persons in the government and parliament. This step, along with the advocacy work of other NGOs, resulted in the establishment of an Alimony Fund in Egypt in October 2004 with slight changes to the Tunisian model. In Egypt, it is financed through the amount obtained from the husband, the government owned Nasser Social Bank<sup>3</sup> and the fees for issuing birth certificates, marriage contracts and divorce papers.

<sup>2</sup> The documentary film (11min.) produced in 2006 is available in Arabic at the GTZ Programme Promoting Gender Equality and Women's Rights.

<sup>3</sup> Nasser Social Bank is financed through Zakat (charity – paying charity is one of the obligations of a Muslim and one of the 5 pillars of Islam).

Imprint: June 2008

#### Published by:

Deutsche Gesellschaft für Technische  
Zusammenarbeit (GTZ) GmbH  
Dag-Hammarskjöld-Weg 1-5  
65760 Eschborn / Germany

T: +49 6196 79 -0  
F: +49 6196 79 -11 15  
E: info@gtz.de  
I: www.gtz.de

#### For further information, please contact:

Programme Promoting Gender Equality  
and Women's Rights  
Christine Brendel  
(Programme Director)

T: +49 (0) 61 96 -79 -4121  
F: +49 (0) 61 96 -79 -80 4121  
E: gender@gtz.de  
I: www.gtz.de/gender

