

**The National Council for Women extends its thanks to His Excellency the
President of the Republic for his statements**

_____ about the necessity of discussing the Personal Status Law

**and presents the legislative determinants and requirements for amendments to
the Personal Status Laws "Family Laws"**

The National Council for Women, headed by Dr. Maya Morsy, and all its members extend their deepest thanks, appreciation and gratitude to H.E. President Abdel Fattah Al-Sisi, President of the Republic, for his statements yesterday during his intervention on one of the talk shows on the importance of discussing family issues honestly and impartially.

Dr. Maya Morsy expressed her deep gratitude and pride for these statements, which confirm the political leadership's keenness to prepare a balanced and just Personal Status Law. These statements are a continuation and confirmation of the continuous directives of the President of the Republic regarding the study of the drafts and proposals of those laws. She stresses that this law has become an urgent necessity, especially since these issues affect all members of society, particularly women and children, as well as the importance of preparing a just and balanced Personal Status Law that will greatly achieve the stability of the Egyptian family and will be a message of reassurance to future generations about the idea of the institution of marriage and that in case of disagreement, each party will obtain his/her right in all fairness.

In this context, Dr. Maya Morsy pointed out that the National Council for Women has made great efforts over the course of six years, and has completed preparing a set of determinants and requirements that the NCW is keen to include and achieve in the new Personal Status Law "Family", which we present as follows:

Legislative Determinants and Requirements for Amending Personal Status Laws "Family Laws"

In the context of the directives and keenness of His Excellency President Abdel Fattah Al-Sisi, the President of the Republic, to make reforms in the problematic family issues and to prepare a just, balanced and objective law that would lead to the stability of the Egyptian family and protect the homeland and future generations.

The National Council for Women has the honor to present the key determinants and requirements that the NCW is keen to include and achieve in the new Personal Status Law "Family".

The general framework and vision regarding the foundations of family laws:

- Preserving the cohesion of the Egyptian family
- The priority is to take into account the best interests of the child when taking legal or administrative measures
- Protecting the constitutionally established rights and freedoms for women, preserving their gains, and ensuring their continued access to them
- Emphasizing the full legal capacity of women
- Regulating and documenting marriage and divorce legally to resolve the problems and consequently determine the spouses' rights
- Addressing the problems and procedural aspects of family issues

General issues with procedural aspects that the National Council for Women adheres to in the proposed Family Laws:

- The need to provide solutions to the procedural aspects of family issues resolves many of the current problems, such as the implementation of provisions for the handover of children, estimating, paying and proving alimony, the long duration of the litigation procedures, the burden of proving harm, judicial declarations, and the execution of judgments and decisions issued by family courts by the executive authorities. Among the proposed solutions to address procedural problems the following provision:

- Family dispute resolution by amicable means and determination of the aspects of disagreement in family cases in a single judicial file to issue a single ruling.
- Setting deadlines for adjudicating cases and implementing judicial rulings as soon as possible and obligating the competent court to adjudicate the dispute within a specified period and obligating the executive to complete it within a specified period.
- Judgments and decisions issued to hand over a child or see him/her with alimonies, wages, expenses are enforceable by force of law and without bail. The authority entrusted with the execution shall initiate this as long as it is aware of the judgment or decision, or upon the request of the concerned parties, within a maximum period of one week of the date of the official notice or request thereof.
- Implementing the decisions and provisions of children hand over in one stage and not in two stages to prevent the children from being concealed.
- Providing advanced means for judicial declarations using available technologies, such as completing declarations on email or phone messages, and so on, whenever possible for facilitation.
- Organizing and confirming the implementation of the provisional alimony judgments on the legally specified date.
- Facilitating the procedures for investigating the income and seeking the assistance of the Public Prosecution to complete it and obligating the public and private sector agencies to implement the courts' decisions in family cases, whether in favor of the person convicted or the competent executing agencies, and imposing fines in case of delay.
- Allowing imprisonment sentence for all financial rights of women, including Mut'a and Mu'akhar.
- Inclusion of the sentences for the frozen alimony on the database computers of the executing agencies.
- Determining safe places to implement the contact (ru'ya) order and the presence of security agencies affiliated with the Ministry of the Interior

General issues with substantive aspects that the National Council for Women adheres to in the proposed Family Laws:

- The necessity of respecting the legal age of marriage in the engagement and its consequences in order to prevent circumvention of the legal age of marriage. The matter is not related to the consequences, but rather to

ensuring the real will of the two parties to the engagement, and not as a promise that must be kept by those who are qualified for it, as well as the consequent responsibility in the event of the consequences of the engagement disputes.

- The importance of defining marriage as a consensual "contract" that facilitates the common life between them to form a family and its continuation under the care of the spouses, and that gives rise to reciprocal rights and duties."
- Explicitly stipulating, as presented in the Draft Law prohibiting Child Marriage, that the legal age for marriage is 18 years for both men and women.
- In addition to the marriage certificate, some data that will speed up the disputes resolution regarding determining the marital home and its nature, the husband's income, a checklist for special conditions and other data that make the document one of the strong elements for family dispute resolution.
- The use of definitions and terminologies: the need to use a modern language that suits the social, economic, political and cultural developments that society is exposed to, and emphasizes that families are based on affection (mawaddah), mercy (rahma), and partnership in taking decisions and responsibilities, as a reflection of reality, and identifying and unifying the terms and expressions used in any draft of the law, in order to determine and consolidate a disciplined legal culture, resolve disputes and help stabilize family relationships, such as stipulating definitions for the conditions of health, the differentiation, the causes of annulment or nullity and their consequences, corrupt and invalid marriages and their consequences... etc.
- Stipulating the right to Kad w Sa'aya and confirmation of the independent financial disclosure of the spouses, as the regulation of this right is an interpretation of the efforts made for the sake of family development. An

article is proposed in this regard, taking into consideration those rules as follows “Stipulating the independent financial disclosure of the spouses and it shall be agreed within the framework of managing the funds and efforts that are gained during the marriage to invest and distribute them. The agreement can be stipulated in the contract of marriage and divorce as well as referring to the general rules of evidence to assess these efforts if an agreement is not reached.¹

- Despite the fact that the original marriage should be with one wife, then polygamy must be regulated by the judge verifying the requirement of the wife’s knowledge of the husband’s desire to marry another woman and her consent and ensuring justice between them, and empowering the judge to authorize the second marriage after fulfilling the conditions with the aim of achieving family stability and ensuring the rights of the children and the wife. The text regulating polygamy does not conflict with the man’s right to polygamy and does not contradict Sharia, but is rather a regulatory measure to preserve the rights of both parties and not deviate in the use of the polygamy license.
- Explicitly stipulating the right of an adult woman to contract her own marriage, and a text may be proposed as follows: “Explicitly stipulating the right of an adult woman to contract her own marriage. The text of the article: “Guardianship is the right of the adult woman according to her choice and interest, and she may contract her own marriage or delegate it to her father or one of her relatives.”
- Stipulating that the testimony of women is on an equal basis with men and emphasizing that, as it happens in the criminal and civil procedures.
- Guided by some provisions related to alimony to settle disputes relating thereto, such as the following text:

¹The National Council for Women submitted a draft law in this regard and it was sent to the Council of Ministers to take appropriate measures to study it

- Estimating a legally determined percentage of the income of the person obligated to pay alimony, on the basis of which alimonies are imposed.
- A legal increase in a specified percentage of alimonies and wages due annually without the need for a new ruling.
- Obligating the father to pay the expenses of education and treatment, and penalizing him if he refrains from doing so, as long as he is able to pay.
- Abolishing of the provisions of obedience (Ta'a), clarifying the benefits of contracts concluded prior to the issuance of any proposal in this regard, and determining the scope of its applicability to prevent any confusion, such as referring to articles related to their consequences in terms of procedures related to the regulation of alimony or litigation and those related to obedience lawsuits that have been initiated under the current law.
- Regulating the marriage of people with mental disabilities and not leaving it to the general rules to control the relevant procedures under the provisions of the Law on the Protection of Persons with Disabilities and the Convention on the Rights of Persons with Disabilities, to which Egypt is a party. Article 23 (1) (a) of the Convention stipulates "The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized."
- Regulating lineage and all its provisions in legal texts and imposing sanctions against those who refrain from registering a minor or proving their lineage.
- Establishing an organizational mechanism to follow up on and monitor the enforcement of provisions and decisions, especially with regard to children in conflicting families, and establishing a judicial system to supervise implementation as followed in the child courts, with the power to amend the prescribed measures of contact (ru'ya), dates and locations, accepting excuses, and following up on the implementation through periodic reports prepared by Family Dispute Resolution Offices.
- It must be stipulated that the guardian's authority to request the annulment of incompetence for those aged between 18 to 21 years shall be the same,

male or female, as the competence criteria applies to both men and women. Same reasons can apply to either of them before the age 21 for choosing an incompetent person.

- Emphasizing the woman's right to work and not considering it a reason for the loss of alimony, as the text of the proposal could be as follows: "The wife's work is her inherent right, and her work is not considered one of the reasons for the termination of legally prescribed alimony."
- Adhering to not violating the provisions of criminal responsibility in matters of marital property disputes
- Permission to inspect the husband's bank accounts, taking into account the confidentiality of the data, and that the income elements include all types, categories and sources of income despite their diversity in the articles related to alimony to show the real income of the husband or the divorcer.
- Regulating the wife's authorization to divorce under the contract or its appendices and clarifying the ruling in this case as it is an irrevocable divorce in which there is no right of return.
- Regulating divorce and bringing it before the judge or notary to determine the rights deriving therefrom and to face the wife or send her an official notice, in order to confront oral divorce.
- The wife requires the husband not to marry another woman in the marriage contract, is a proof of the occurrence of the harm unless she was unaware of it and consented to her approval or the expiration of a specific period, and the court orders her to divorce with an irrevocable divorce without the need to prove harm.
- The khul' article shall be as prescribed by law and the khul' ruling shall not be amended as it is an irrevocable divorce and not an annulment of the marriage contract
- Taking into account the best interest of the child regarding custody as it shall not be invalid for the widow and widower, as well as in the case of the guardian/mother's marriage to another man - unless the judge decides otherwise in the interest of the child and any other reasons he deems

appropriate - and in accordance with social and psychological reports and regulation, the guardian shall not be supported with housing and custody expenses in these conditions.

- The name of the child shall not be changed or he/she shall not travel outside the country except with the parental consent document. If this is not possible, the matter shall be referred to the head of the family court and the concerned authorities shall be notified of this without delay, while taking into account the regulation of the guardian's right to travel abroad in some cases for the best interests unless otherwise agreed.
- Recent decisions issued by the Public Prosecution regarding disputes over the guardianship residence by emphasizing in court that the wife/divorced mother and the child in custody (ward) continue to live in the custody residence without the need to submit an application as the best interest of the child is the standard, that the guardian mother continues living with the child in the marital home. If the husband requests to enable him to obtain the marital home, in case it is owned by him, he shall provide the divorcee and the ward with a suitable home. In case the marital home is rented and the rental contract expires, or in the case of administrative housing, the husband shall provide another suitable home for the guardian and the ward, and the actual housing must be written in the marriage contract and shall not be changed except with a written agreement.
- Stipulating the establishment of a specific legal regulation for the problem of a divorced woman without work, breadwinner or home, who was harmed by divorce after a long marital period that can reach more than 20 years, by deciding on compensation and housing wages
- Stipulating the status of women in the financial and legal transactions of their children and grant guardianship and supervision to the mother in urgent cases by the judge of provisional matters to facilitate matters related to the minor, such as undergoing surgeries, extracting official papers and supervising the management of his/her money for his/her benefit and in the cases determined by the judge, in addition to the rules of guardianship over money

as the text of which states that the mother has the right to dispose of the minor's money as her own money.

- The necessity of regulating the implementation of the contact (ru'ya) order and its loss, especially if a non-custodial parent refuses, and setting appropriate penalties and measures for this, and taking into account the actions of the non-custodial parent in terms of alimony and other duties related to the child.
- Implementing the proposed draft law submitted by the government regarding the establishment of the Family Support and Development Fund, which replaces Nasser Social Bank, and taking into account that the Fund shall be affiliated with the Council of Ministers. Its formation and competencies shall be by a decision of the Prime Minister.
- With regard to any proposal for hosting, corresponding legislative amendments must be introduced in the procedural part that relates to non-implementation of the provisions for the handover of children, and taking into account the strict penalties related to hosting in case of violation. Controls, guarantees, and standards must be set while taking into account the following:

Define controls:

- Provide an integrated regulating system that ensures that children are not subjected to abduction and return to the guardian, strict procedures, controls and clear and binding mechanisms and tasks for the official authorities in the state (the Ministries of Foreign Affairs, Justice, Interior and Public Prosecution) to determine the implementation and follow up of the continued and multiple handover processes for young children and their return again to the custodial party.
- Obtaining the permission and approval of the guardian and taking into account the opinion of the child after reaching 10 years in the case of hosting.
- Not expanding the scope of the hosting rule, as it does not include all relatives at the same time.

Guarantees and standards:

- Fulfilling all financial obligations, including alimonies and school fees
- No ongoing disputes between the two parties
- Guarantees related to a fixed, known and permanent job for the non-custodial party and a known place of residence and any other guarantees that must be stipulated in the law
- Traveling and not changing the names of children except with the consent of both parties or a documented agreement
- Enforcing judgments, especially in cases of child custody and cases of child abduction/failure to handover the child
- Taking into account the appropriate place for the child and providing the necessary care during the hosting period
- The non-custodial party shall have no criminal record
- Do not mistreat mothers and children at the present or previous time
- The non-custodial party shall not have psychological and mental problems
- The role of psychologists and sociology experts and the importance of the case study reports issued by them

NATIONAL COUNCIL FOR WOMEN