**QUESTIONNAIRE**

**“NON-DISCRIMINATION AND EQUALITY WITH REGARD TO THE RIGHT TO HEALTH AND SAFETY”**

In accordance with its mandate, the UN Working Group on the issue of discrimination against women in law and practice (hereinafter “the Working Group”) has developed this questionnaire to gather information on how laws and practices discriminate against women with regard to the right to health and to safety. Additionally, this questionnaire has the objective of highlighting good practices and lessons learned in advancing equality between women and men with regard to the right to health and safety.

The questionnaire focuses on the prevention of gender discrimination in the enjoyment of the right to health and safety (I), on diagnosing and counteracting possible gender discrimination in practice in the area of health and safety (II) and on good practices in these areas (III).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes the State obligation to take “all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning” as well as to “ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation”. [[1]](#footnote-1) It also establishes the obligation to ensure on an equal basis for men and women “the right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction”. [[2]](#footnote-2)

Recognizing the broad scope covered by the concept of safety, the Working Group intends to focus particularly on the impact of safety in the context of women’s health, both physical and mental. This may include violence against women in the public space and in closed institutions as well as women’s access to justice to secure their right to health and security.

The Working Group wishes to thank all stakeholders for responding to this questionnaire **by 15 August 2015.**

**Questionnaire**

1. **Prevention of sex discrimination in the enjoyment of the right to health and safety**
2. ***Health***
3. **Does your country have regulations (in the Constitution, legislation or in other legal codes) that guarantee:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) the right to equal access for women and men to all forms of healthcare, at the highest available level, including access to alternative health provisions such as homeopathy, naturopathy, etc.

(Yes) access to sexual and reproductive health services

(No) women’s rights to make autonomous decisions regarding their sexual and reproductive lives

1. **Are medical services related to women’s sexual and reproductive life and/or violence against women covered by universal health coverage?**

Yes ( ) No ( \* )

**If yes, what kind of medical services are free of charge?**

*(Please specify)*

**Are women’s rights to health, including sexual and reproductive health, autonomy and health insurance, applied also to girls under 18?**

Yes ( ) No ( \* )

*If “yes”, please indicate the legislation regulating these and indicate enforcement mechanisms.*

1. **Are there any provisions which restrict women’s access to health services? In particular which:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) require the consent of a male relative/husband for a married woman’s medical examination or treatment or access to contraceptives or abortion, it also requires the consent of a doctor based on the woman’s health condition for only married women.

Abortion is illegal according to Articles 261 and 262 of the Egyptian Penal Code.

(Yes) require parental consent in case of adolescents’ access to contraceptives or abortion;

(No) allow medical practitioners to refuse provision of a legal medical service on grounds of conscientious objection

(Yes) prohibit certain medical services, or require that they be authorized by a physician, even where no medical procedure is required; in particular:

(No) IUDs (intrauterine devices) or hormonal contraceptives

(No) Emergency contraceptives, including the morning-after pill,

(No) Sterilization on request (please also include information regarding whether non-therapeutically indicated sterilization is allowed for men);

(Yes) Early abortion (in first trimester of pregnancy) at the pregnant woman’s request

(No) Medically assisted reproduction (e.g., in vitro fertilization)

*If yes, please indicate the relevant legal regulations and indicate the sources.*

As explained above regarding abortion being illegal.

1. **Are the following acts criminalized?**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) transmission of HIV or other venereal diseases by women only

It is considered a crime for both women and men

(Yes) female genital mutilation

(Yes) child marriage

(No) home births with an obstetrician or midwife

(Yes) abortion

**If yes, are there any exceptions to these prohibitions and under what circumstances do exceptions apply?**

*Please give legal references and provisions.*

**And who is criminally responsible?** *(Please circle the appropriate answer)*

**The woman, the doctor, other persons directly or indirectly related with the pregnancy and/or the abortion.**

*Please give legal references.*

*Regarding Abortion:*

Articles 261 and 262 (bis)

*The only exception is under Article 264 where if pregnancy is dangerous and jeopardizes the mother's life.*

*Regarding FGM: Article 242 (bis) with no exception*

Regarding child marriage: Article 17 of Law No. 1 for the Year 2000 where marital contracts are not accepted for wives who are under 16 years of age and husbands who are under 18 years of age.

And article 31 (bis) of Law 143 for the year 1994 which states that no marital contract should be ratified for those (both sexes) who are under 18 years of age, and they both need to undergo medical examination to make sure they do not have diseases that affect the life or health of either of them or their offspring, and they need to be notified of the results of this examination, and diseases need to be specified in addition to examination methods, and entities entitled to conduct them according to the decision of the Minister of Health in agreement with the Ministry of Justice, and those who violate this law are punished according to the regulations of this article.

***B. Safety***

1. **Does your country have regulations (in the constitution, legislation or in other legal codes) that guarantee:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) Special protection against gender based violence

There is one in the constitution against violence against women and violence is criminalized,women are using articles criminalizing violence in the penal code and some court cases can consider violence against women as purpose of divorce of harm but there is no specific law that criminalizes violence against women in the private sphere.

(Yes) Equal access for women to criminal justice

1. **Are the following acts criminalized?**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No ) adultery

It is criminalized between married couples only, otherwise, it is not criminalized.

(Yes) prostitution

(If yes, who is criminally responsible – please circle the appropriate answer: the sex **worker**, **the procurer** and/or the customer)

It is stated by the constitution that all forms of prostitution are considered trafficking. Clients or men are not criminally responsible, if they stated that they paid for women. But those who manage sex workers are criminalized. Moreover,gay men or trans people are generally criminalized by prostitution.

(No) sexual orientation and gender identity (homosexuality, lesbianism, transgender, etc.)

There is no law stipulation that criminalizes homosexuality, however it penalizes commercial sexual relations or group ones. In addition, charges of debauchery have been used against homosexuals and they are targeted and arrested.

(Yes) violations of modesty or indecent assault (e.g. not following dress code)

*Please give legal references and provisions.*

*Indecent Act: Article 278 (bis) of the penal code, Article 279 and Law No. 1 for the year 1961 regarding Prostitution*

1. **Are there any provision in criminal law that treat women and men unequally with regard to:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(No) Procedure for collecting evidence

(Yes) Sentencing for the same offence, especially capital punishment, stoning, lashing, imprisonment, etc.

(Yes) So called “honor crimes” (are they tolerated in order for the perpetrator to avoid prosecution or to be less severely punished if the woman is killed?)

1. **Diagnosing and counteracting possible sex discrimination in practice in the area of health and safety**
2. ***Health***
3. **Are there legal obligations to provide health education in school?**

Yes ( ) No ( \* )

If yes, does it cover: *(Please specify in the space provided for this purpose "yes" or "no")*

(No) prevention of sexually transmitted diseases

(No) prevention of unwanted pregnancies

(No) promotion of a healthy lifestyle, including prevention of dietary disorders of teenage girls, including anorexia and bulimia

(No) psychological/psychiatric training on self-control of aggression, including sexual aggression

*Please indicate any relevant legal regulation or programs regarding to the above mentions.*

1. **Are there any statistical data disaggregated by age and/or sex (collected over the last 5 years) regarding :**

*(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) malnutrition

(Yes) maternal mortality

(Yes) maternal morbidity, including obstetric fistula

(Yes) adolescent childbearing (Report by National Council for Childhood and Motherhood, covering child marriage: http://www.nccm.gov.eg/sites/default/files/eng.pdf)

(No) health consequences of physical, psychological, sexual and economical gender-based violence

(Yes) incidence of HIV/AIDS and sexually transmitted deceases (HIV by UNICEF: http://www.unicef.org/infobycountry/egypt\_statistics.html)

(No) drug abuse

(No) alcohol addiction

(No) legal abortions

(No) death resulting from legal abortions

(No) illegal abortions

(No) death resulting from illegal abortions

(Yes) use of contraceptives, including mechanical and hormonal (including emergency contraceptives)

(No) sterilization on request

*If “yes”, please provide for data and sources.*

*The last national report (Demographic and Health Survey Report) that contained some of these statistics was issued in 2014: http://dhsprogram.com/pubs/pdf/PR54/PR54.pdf.*

1. **Are there any statistical data and/or estimations regarding the number of reported and/or unreported cases and convictions for :**

*(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) female genital mutilation

(No) illegal voluntary abortion

(No) forced abortions

(No) forced sterilizations

(No) malpractices in cosmetic medicine

(No) obstetric violence

*If “yes”, please give further references.*

*UNFPA: http://egypt.unfpa.org/Arabic/fgmStaticpages/6c880d27-5d6f-4707-8c75-b37e41928b6b/Egypt\_Prevalence\_rate\_and\_Prospects.aspx*

*Report by National Council for Childhood and Motherhood and UNICEF (News Coverage with Statistics): http://www.almasryalyoum.com/news/details/655973) and Report itself: http://www.nccm.gov.eg/sites/default/files/eng.pdf*

1. **Is the gender perspective included in national health-related policies:**

Yes ( \* ) No ( )

**In particular:** *(Please specify in the space provided for this purpose "yes" or "no")*

(No) in planning the distribution of resources for health care

(No) in medical research on general diseases, with proper and necessary adaptations to the different biological make-up of women and men

(No) in geriatric service provision

(No) in state custodial decisions to institutionalize children between 0-3 years old

**Explanation**: *The need for a gender-based approach to public health is connected with the necessity to identify ways in which health risks, experiences, and outcomes are different for women and men and to act accordingly in all health related policies.*

*A National Strategy to combat female genital mutilation was announced on 14 June 2015*

*A National Strategy to combat violence against women was announced on 7 May 2015*

*A Medical Protocol for Dealing with Gender Based Violence has been announced on 23 November 2014, including a guide on how to offer medical and psychological support*

1. ***Safety***
2. **Are there any national policies regarding women’s safety in public spaces?**

Yes ( \* ) No ( )

*If “yes”, please give references.*

*A national strategy to combat violence against women was recently announced by the National Council for Women on 7 May 2015.*

1. **Have there been any public opinion research polls on the fear of crime among women and men (over the last 5 years)?**

Yes ( \* ) No ( )

*If “yes”, please give references and the outcomes of such research polls.*

*http://www.endvawnow.org/uploads/browser/files/ecrw\_sexual\_harassment\_study\_english.pdf.pdf*

*Fear of crime among women mounted after the revolution according to the study referred to above*

1. **Are there any measures and programs undertaken in order to increase women’s safety e.g. in public urban spaces, in public transportation, etc.?**

Yes (\*) No ( )

*If “yes”, please give references.*

*Establishment of a unit to combat VAW in the Ministry of Interior*

*Amendment of Article 306 in the EG penal code criminalizing sexual harassment*

*Announcement of national strategy to combat VAW on 7 May 2015*

*Officers from the unit highlighted above started being active on the ground during feasts, however, there are some reservations regarding the effective of these measures.*

1. **Are there any statistics on crimes amounting to violence against women in public spaces and/or domestic violence?**

Yes ( \* ) No ( )

*If “yes”, please give references.*

*http://www.un.org/womenwatch/daw/vaw/ngocontribute/Egyptian%20Center%20for%20Women\_s%20Rights.pdf*

*https://www.fidh.org/IMG/pdf/egypt\_women\_final\_english.pdf*

*Safer World Report: Violence against Women*

1. **Is the sex of the victim reflected in the police, prosecutors and courts records?**

Yes ( \* ) No ( )

*If “yes”, please give references.*

1. ***Health and Safety***
2. **Are there any data and/or results of research on the detrimental influence of the feeling of insecurity and unsafety on women’s mental health?**

Yes ( ) No ( \* )

*If “yes”, please give references.*

1. **Are there specific health and safety protective measures for women , and/or with special provisions for mothers with young children, in “closed” institutions including in:**

*(Please specify in the space provided for this purpose "yes" or "no")*

(yes) prisons (e.g. measures similar to the Bangkok Rules),

(no) police detention cells

(yes ) psychiatric hospitals,

(no) pre-deportation centers,

(no) camps for displaced women and families (if relevant),

(no) nunneries

(yes) women’s shelters

*If “yes”, please provide any information about the protective measures established.*

*In prison, a specific area in the prison is reserved solely for those expecting, or those who have given birth, and imprisoned mothers can keep their children in prison until they are 2 years old.*

1. **Are there specific training programs for medical and legal professionals on the issue of gender-based discrimination in the area of health and safety?**

Yes ( \* ) No ( )

Do they cover: *(Please specify in the space provided for this purpose "yes" or "no") - Not Applicable*

(no) the issues connected with specific women’s needs in area of health

(yes ) specific women’s vulnerability to be victims of gender-based violence or specific crimes, covering e.g. the issues of:

(yes) the nature of gender-based violence,

(yes) its occurrences and symptoms

(no) methods of detection

(yes ) medical protocols

(yes) influence of gender based violence, in particular of sexual violence on the future behaviors of victims (post-traumatic stress symptoms etc.)

1. **Could you please indicate any legislative reform, policy or practice, that you consider “good practice” regarding health and safety for women in your country?**

**If yes, please indicate on which criteria your definition of “good practices” is based.**

As explained above in the relevant questions.

1. Article 12, UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981. [↑](#footnote-ref-1)
2. *Ibid* art. 11, (f). [↑](#footnote-ref-2)