

2012-08-27

## Fråga-svar

### **Egypten. Myndighetsskydd. Heder. Par som har en sexuell relation utan att vara gifta. Urfi-äktenskap**

#### **Fråga**

Vilket myndighetsskydd kan man allmänt förväntas erhålla i Egypten? Hur är rättsväsendet organiserat?

Hur vanligt är det med hedersmord? Vad riskerar ett par som har en sexuell relation utan att vara gifta med varandra? Är även mannen utsatt?

Vilket skydd kan en person som är hotad på grund av hedersrelaterade skäl räkna med att få av myndigheterna?

Vad menas med s.k. urfi-äktenskap eller ”hemliga äktenskap”?

#### **Svar**

##### **1. Myndighetsskydd/rättsväsen/rättssäkerhet**

UD (2012) ang. rättsväsende/rättssäkerhet i Egypten:

Det ordinarie rättssystemet för tviste- och brottmål, som har tre instanser, kännetecknas av ett visst mått av självständighet i förhållande till den lagstiftande respektive verkställande makten. Den som lagförs inom detta kan räkna med en någorlunda korrekt behandling, även om korruption och politisk påverkan förekommer. Den verkställande makten har dock inflytande över rättsväsendet, till exempel genom att utse och omplacera domare och åklagare. Rätten till juridiskt ombud för åtalade tillhandahålls på domstolarnas bekostnad.

Rättsväsendet lider dock av knappa resurser och omfattande byråkrati. Rättsprocesser är ofta långa och kostsamma. Säkerheten i rättssalarna har varit ett bekymmer under året. En överväldigande majoritet inom domarkåren och säkerhetssektorn är män. (s. 6)

Carnegie Endowment for International Peace rapporterar om det egyptiska rättsväsendet:

*Egypt's Judges in a Revolutionary Age*, 2012-02-01. Lifos 27959

US Department of State beskriver i sin MR-rapport för 2011 rättsväsendet och vilka möjligheter som finns att få en rättssäker behandling. Se stycket *e. Denial of Fair Public Trial (s. 9-11) i 2011 Country Reports on Human Rights Practices – Egypt*, 2012-05-24. Lifos 27706

## **2. Förekomst av hedersmord. Ogifta par som har en sexuell relation. Risk för mannen**

US Department of State (2012) ang. hedersbrott:

The law does not specifically address honor crimes. There were no reliable statistics regarding the incidence of honor crimes, but observers said such killings occurred during the year, particularly in rural areas. (s. 26)

UD skriver om hedersbrott. Bl.a. behandlas frågan om risk för män att drabbas, vilket skydd man kan få av myndigheterna och vilka möjligheter som finns till medling. Relevanta avsnitt ur strafflagen har bifogats rapporten.

*Ambassadsvår om hedersvåld/blodshämnd i Egypten*, 2009-12-10. Lifos 22009

Australiens Refugee Review Tribunal (2011) har sammanställt information om vilka konsekvenserna kan bli för ett par som lever tillsammans utan att vara gifta. Situationen för mannen i relationen berörs specifikt. Fallet där en person inte accepterar att ingå i ett av föräldrarna arrangerat äktenskap behandlas också.

*Consequences of non-compliance with an arranged marriage and living in a de facto relationship*

No specific information was located on the consequences of an Egyptian Muslim man not complying with his family's request for an arranged marriage. However, family honour is very important in Egyptian society and a

“perceived violation of social norms”, such as a son going against his family’s wish for him to enter an arranged marriage and his cohabitation with a woman, could be perceived as bringing shame upon the family.<sup>5</sup>

In terms of a family threatening to kill a son because he is living with a woman outside of wedlock, such a living situation may be perceived to be conducive to sexual relations outside of marriage, which are considered “immoral” and a social crime in Egypt.<sup>6</sup>

In practice, the consequences for damaging family honour are different for men and women and no reports were located where a man had been killed by his family, in a so-called “honour crime”, for non-compliance with an arranged marriage or for cohabitating with a woman outside of wedlock.<sup>7</sup>

The 2010 Egypt Human Development Report by the Egyptian Institute of Planning states that “prohibition of sexual freedom and the extreme punishment for it is...an Islamic tradition that equally treats both males and females”.<sup>8</sup> But Sonbol explains that in the context of shaming one’s family by engaging in “promiscuous” behaviour, the consequences are different for Egyptian men and women:

*Promiscuity is considered unacceptable behaviour for both genders within Egyptian culture. However, while men or boys may be reprimanded, women or girls may be severely punished, or in extreme cases, killed for “dishonourable” acts.*<sup>9</sup>

Similarly:

*Extramarital sex is just as prohibited for males as for females; however, the culture does not frown on male’s extramarital sex but considers the same action by a female often deserving of no less than death.*<sup>10</sup>

Although no information was found on the consequences of a man living in a de facto relationship with a woman that his family have not chosen for him, it would be highly unusual for an unmarried Muslim couple to live together in Egypt – due to religious reasons, men and women tend to live with their parents until they are married.<sup>11</sup> Additionally, sexual relations outside of wedlock, known as zinah (also spelt zina), are “illicit in Islamic law, a sin and socially considered a crime”.<sup>12</sup> Therefore, it is likely that a conservative Egyptian Muslim male’s family would not approve of the woman he is living with as they would perceive her to be violating Islamic beliefs and practices. (s. 2-3)

Refugee Review Tribunal (2011) redovisar även vilket myndighetsskydd som en person (kvinna eller man) hotad av hedersrelaterade skäl kan förväntas erhålla.

*4. Is there state protection for such people, or are the authorities dysfunctional or unwilling to interfere in matters relating to honour or religious matters? Please provide information on state protection in such cases (specifically for men if possible).*

It is unclear how the Egyptian authorities would respond to a case in which a Muslim male was threatened with death for dishonouring his family. No reports were found where a Muslim male was provided with state protection because of a death threat from his family. Reports concerning domestic abuse and honour killings in Egypt focus on female victims.

However, sources indicate that the Egyptian authorities consider matters that they perceive as relating to honour, such as domestic abuse, as private family issues that do not warrant interference.<sup>17</sup> In February 2010, Aida Nur Eddin, General Coordinator of the non-governmental organisation Hand in Hand to Fight Violence against Women and Children, told The Egyptian Gazette that “although domestic violence is punishable under Egyptian law, the police are reluctant to intervene in something that is considered a private matter”.<sup>18</sup> Additionally, a 2009 Human Rights Watch report states that “police are routinely unsympathetic to the concerns of battered women and girls”.<sup>19</sup> In terms of honour killings, reports state that such incidents do occur in Egypt in a variety of circumstances, although such incidents appear to be rare and there are no reliable statistics to determine any figures.<sup>20</sup>

Sources state that Egyptian police are generally unwilling to intervene or even acknowledge instances of honour killings.<sup>21</sup> However, as discussed in Question One, no reports were located where a man had been killed by his family, in a so-called “honour crime”, for non-compliance with an arranged marriage or for cohabitating with a woman outside of wedlock. (s. 4-5)

Refugee Review Tribunal (2012) ang. förekomst av hedersmord i Egypten samt vilka möjligheter som finns att få skydd från polisen:

In 2010, Robert Fisk writing for The Independent newspaper in London noted that honour killings are

under-reported in Egypt; victims of honour killings are instead officially categorised as suicides or accidents.<sup>20</sup> Fisk quotes Egyptian women's rights campaigner Azza Suleiman<sup>21</sup> stating that this attitude is especially prevalent in Upper Egypt.

[...]

*4. Would the police provide protection in such circumstances?*

Sources stated that Egyptian police are generally unwilling to intervene or even acknowledge instances of honour killings. As noted above, there is a tendency for police to falsely categorise honour killings as suicides or accidents. In 2010, Azza Suleiman who spoke with senior police in Upper Egypt commented:

*But we found that in their books, they transfer 'honour' killings into suicides. They think that by doing this, they are helping the victim's family – even though the family was responsible for the murder. So in these cases, the police have become accomplices of the killers.<sup>24</sup>*

Suleiman also claimed that in instances where a girl or woman escaped from family members threatening violence, the police were more likely to return her to the family than offer protection.<sup>25</sup> (s. 4-5)

Rapporten citerad ovan hänvisar bl.a. till en artikel i The Independent av Robert Fisk. Se den artikeln i sin helhet för mer information. (<http://www.independent.co.uk/opinion/commentators/fisk/robert-fisk-the-lie-behind-mass-suicides-of-egypts-young-women-2074229.html>. Länken kontrollerad 2012-08-24)

Reuters (2012) rapporterar att en man knivhöggs till döds av några islamister när han var ute och promenerade med sin fästmö. Orsaken till dådet är inte känd, men oro finns för en ökad islamisering i samhället. Samtidigt är det dock vanligt att ogifta par ses komma och gå hand i hand i Egypten.

The fatal stabbing by men identified as Islamists of a young man as he walked with his fiancée has stirred fears among some Egyptians that zealots emboldened by the Muslim Brotherhood's rise to power will seek to impose their customs on society.

The couple were out in the port city of Suez, known as a bastion of hardline Islamism, when Ahmed Eid 20, was

set upon and stabbed on June 25, dying later of his wounds.

Although the exact circumstances of his killing are unclear, the stabbing has fed concern about the increased scope for vigilantism since Islamists moved to the heart of political life in the 17 months since Hosni Mubarak was deposed.

Religious piety is common in Egypt but couples will often be seen holding hands in public even before marriage, bars are tolerated and tourists can peacefully visit beaches.

The Muslim Brotherhood and more hardline Salafi parties have also voiced strong opposition to religious coercion or violence.

The three men identified as Islamists were arrested in the early hours of Thursday on suspicion of carrying out the attack, security sources in Suez said, adding they had shaved off their beards in an attempt to lie low.

"Investigations are still going on with the three accused. They are Islamists but so far no organizational links have been uncovered," one of the sources said. The killing appeared not to have been premeditated, they said, adding that Eid was stabbed after an argument escalated into violence.

Since Mubarak was toppled, reports have often circulated of Islamist-inspired morality campaigns.

Artikel från BBC ang. attityden i Kairo till personer som har sexuella relationer utan att vara gifta:

*Cairo youth break sex taboos*, 2005-08-03

[http://news.bbc.co.uk/2/hi/middle\\_east/4708461.stm](http://news.bbc.co.uk/2/hi/middle_east/4708461.stm)

(Hämtad 2012-08-24)

Immigration and Refugee Board of Canada (2007) skriver om situationen där en ung kvinna har blivit gravid och mannen inte accepteras av kvinnans familj.

The consequences for a young woman from a traditional Muslim family who becomes pregnant vary from region to region. For example, southern Egypt is more conservative and such a situation would be considered extremely problematic: the family could even go so far as

to kill the young woman and the father of the unborn child.

Nedan information ang. ”hemliga äktenskap” (urfi):

UN Development Programme (2010) redovisar statistik ang. förekomsten av relationer där paren inte är gifta. Även statistik över hur vanligt det är med ”hemliga äktenskap”, s.k. urfi, ges.<sup>1</sup>

Relationships outside of an official marriage appear to be on the rise, with a third of males and a quarter of females reporting such relationships, and 13% of males and 3% of females reporting knowing someone whose relationship involved sexual relations. Secret, or urfi, marriages (undeclared, unregistered) were found to be subject to social stigmatization. Nevertheless, 4% of youth had a secret marriage, with the figure rising to 6% of university students. This phenomenon is often found to be a compromise solution to the financial impediments to marriage as well as to the religious and cultural stigma of sex before marriage. (s. 190)

Mer om ”urfi marriages” från BBC News (2010):

In the leafy grounds of Cairo University there are many dating couples among the crowds of students. Some sit close together in shady corners and hold hands.

Religious customs and ideas of social propriety in Egypt do not permit them to take their relationships much further.

However there is a way of bending the rules - urfi marriage.

Young Egyptians are said to be opting for these informal marriages in record numbers, often as a way of getting around religious strictures against premarital sex.

"It's a secret marriage between a boy and girl which even their parents don't know about," explains a 20-year-old archaeology student. "They don't announce it publicly."

"From what I hear there are a lot of students in this university who have urfi marriages," adds his companion, Dina.

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<sup>1</sup> UNDP beskriver vad som menas med ett ”urfi marriage” på s. 95 ff.

A urfi marriage is literally a "traditional" or "customary" marriage which does not need an official contract. Some students sign a hand-written document or come to a verbal agreement.

Others buy an unofficial marriage contract for about US \$20 and sign it in front of two witnesses to try to meet Islamic requirements of a public declaration.

### Konsulterade källor

Sökning har gjorts i följande databaser och söktjänster:

Lifos

Ecoi.net<sup>2</sup>

Refworld<sup>3</sup>

Dow Jones Factiva<sup>4</sup>

Google

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Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

### Källförteckning

BBC News, *The perils of young Egyptians' secret marriages*, 2010-01-19

[http://news.bbc.co.uk/2/hi/middle\\_east/8466188.stm](http://news.bbc.co.uk/2/hi/middle_east/8466188.stm)

(Hämtad 2012-08-24)

Immigration and Refugee Board of Canada, *Egypt: What happens when a young woman from a traditional Muslim family becomes pregnant by a young man who is not accepted by the family; whether abortion is a solution; situation of children born outside a marriage*, 2007-02-28

[http://www.irb-cisr.gc.ca:8080/RIR\\_RDI/RIR\\_RDI.aspx?l=e&id=451216](http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?l=e&id=451216)

(Hämtad 2012-08-24)

Reuters, *Morality killing triggers fears and debate in Egypt*, 2012-07-05

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<sup>2</sup> <http://www.ecoi.net/about>

<sup>3</sup> <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

<sup>4</sup> <http://www.dowjones.com/factiva/index.asp>

<http://news.yahoo.com/morality-killing-triggers-fears-debate-egypt-174736668.html>

(Hämtad 2012-08-24)

Refugee Review Tribunal (Australien), *Egypt –arranged marriage – relocation – state protection*, 2011-11-28. Lifos 28230

Refugee Review Tribunal (Australien), *Egypt - Coptic Church - Marriage between Copts and other Christians - Arranged Marriages - Police attitude to Honour Killings*, 2012-03-22. Lifos 27841

UD, *Mänskliga rättigheter i Egypten 2011*, 2012-06-30. Lifos 27951

UN Development Programme, *Egypt Human Development Report 2010. Youth in Egypt: Building our Future*

[http://www.ecoi.net/file\\_upload/1788\\_1293012420\\_egypt-2010-en.pdf](http://www.ecoi.net/file_upload/1788_1293012420_egypt-2010-en.pdf)

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US Department of State, *2011 Country Reports on Human Rights Practices – Egypt*, 2012-05-24. Lifos 27706