

September 2013

Refugee Documentation Centre

Country Marriage Pack

Egypt

Disclaimer

Country Marriage Packs (CMPs) are prepared by researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. CMPs contain a selection of representative links to and excerpts from sources under a number of categories for use as Country of Origin Information. Please note that CMPs are not, and do not purport to be, exhaustive with regard to conditions in the countries surveyed or conclusive as to the merit of any particular claim to refugee status or protection.

1. Types of Marriage

Civil Marriage

The United States Department of State's website Travel.State.Gov states:

"In Egypt, marriage laws are based on Sharia law. Under Egyptian law, there are three conditions for a valid civil marriage contract. First, the parties must both agree to the marriage and its conditions. Second, the couple must meet the proper age requirements (minimum age for men and women is 18). Finally, the marriage contract must be announced, notarized, and signed by two witnesses. However, there are other types of marriage contracts that are commonly used such as Urfi, Mot'aa and Misyar marriages, not all of which are recognized as valid. In an Urfi marriage, a man and woman sign a contract in front of a judge without any witnesses. This is not considered a legal marriage in Egypt and does not allow for spousal inheritance. The Mot'aa and Misyar marriages are temporary marriages, usually for a few weeks. This type of "marriage" is basically a form of legal prostitution and does not allow for spousal inheritance either. Egypt does not have a specific law banning forced marriage." (United States Department of State (Undated) *Forced Marriage Information Flyer – Egypt*)

Please also see Religious Marriage.

Religious Marriage

The United States Department of State reports:

"The constitution permits Christians and Jews to refer to their religious laws in matters pertaining to personal status issues, religious practices, and the

selection of their spiritual leaders. In family law, the government only recognizes the legal principles of Islam, Christianity, and Judaism. When family law disputes involve a marriage between a Christian woman and a Muslim man, courts apply Islamic law. The government recognizes only the marriages of Christians, Jews, and Muslims. Non-Muslim men must convert to Islam to marry Muslim women, although non-Muslim women need not convert to marry Muslim men. A non-Muslim woman who converts to Islam, however, must divorce if her husband is not Muslim and he is unwilling to convert. Custody of children is then awarded to the mother.

Both Islamic and Coptic Orthodox religious laws prevent Coptic men and Muslim women from marrying each other and prevent a marriage outside the country between such individuals from being legally recognized." (United States Department of State (20 May 2013) 2012 Report on International Religious Freedom – Egypt)

According to a report by the *United States Department of State* Egypt Reciprocity Schedule:

"Available. Foreigners of the same religious denomination (all Christians are considered of the same denomination) and same nationality may receive their certificates from the ecclesiastical authority performing the marriage, without regard to the local authorities. Egyptians and all other couples having different religious denominations must apply to the Office of the Shahr el Akari, 14 Sharia Mahdy, Exbekieh, Cairo for a marriage certificate, either by mail or personally." (United States Department of State (Undated) Reciprocity Schedule Egypt)

The United States Commission on International Religious Freedom state:

"Baha'is who are married still cannot get identity cards, which makes it impossible to conduct everyday transactions such as banking, registering for school, and owning a car, among other things. Unmarried Baha'is can put a dash on ID cards in the space for religion." (United States Commission on International Religious Freedom (30 April 2013) USCIRF Annual Report 2013 - Countries of Particular Concern: Egypt)

Traditional/Other Marriages

A report by the UN Committee on the Elimination of Discrimination Against Women states:

"The personal status law still permits polygamy, the right of the husband to divorce his wife verbally and to evade compensating her financially for the sudden divorce" (UN Committee on the Elimination of Discrimination Against Women (December 2009) Shadow NGO Report on Egypt's fourth and fifth Combined Periodic Report to the Committee on the Elimination of Discrimination against women; For submission to the CEDAW Session)

Proxy Marriage

The United Kingdom Border Agency states:

"An Egyptian man living outside Egypt may appoint a proxy to act on his behalf in Egypt, although the proxy should be appointed through the Egyptian Consul in the country concerned." (United Kingdom Border Agency (Undated) *Marriage*)

2. Formalities of Marriage (Consent, Minimum Age and Registration of Marriage)

A report by the Middle East Review of International Affairs:

"There is no strictly civil marriage law in Egypt. Rather, "standard" marriage procedures are "religious" and "civilian" at the same time. The authorized priest, for Christians, or the *ma'zoun*, for Muslims (literally "the authorized" imam), performs a religious ceremony and also acts as an agent for the state. The *ma'zoun* or priest issues a formal Act of Marriage and also completes a state register, which provides detailed information and lists witnesses. It is this formal registration that is of importance to the state, whereas the religious ceremony is considered a personal matter." (Middle East Review of International Affairs (September 2007) *Family Status Issues Among Egypt's Copts: A Brief Overview*)

The same report also states:

"Beyond these "standard" procedures, other practices have become increasingly common. The most widely talked about practice is the urfi marriage (literally, "nominal" or "traditional"). While other marriage procedures require both registration and for it to be a public act, the urfi marriage only requires a single document (a "piece of paper") be signed by the two partners in complete secrecy. Much debate has been generated in the media regarding the legitimacy of this practice (it is acceptable according to Islamic law, or Shari'a) and its increasing prevalence (although there are no figures available, its increasing popularity among youth and especially among university students has been reported). It is interesting to note that the media has repeatedly cited the existence of this phenomenon among Copts--even if it is rare. In the eyes of the Church, such a practice is considered adultery.

A restricted form of civil marriage, in the presence of a public notary, would be possible in the following circumstances: 1) Both partners are foreigners; 2) A foreigner marrying an Egyptian, though an Egyptian Muslim woman cannot marry a non-Muslim; or 3) An Egyptian Muslim man marrying a non-Muslim Egyptian woman.

The matter of legal marriage age in Egypt is somewhat confusing. According to Article 44-2 of the Civil Law, the age of majority is 21 years. Article 2 of Child's Law #1996-12, however, stipulates that a person is considered a child until the completion of 18 years. The Family Status Law sets the minimum marriage age at 18 for men and 16 for women. For those who have reached the minimum marriage age but have not yet reached the majority age, marriage is allowed with consent of the guardian. On the other hand, the Islamic religious authorities (al-Azhar) consider the age of maturity to be 16 years (for both sexes), and in some cases younger, since according to the Shari'a it is the age of puberty that is of importance (and this varies). While this might not appear to be a major issue, indeed it is one of the most serious loopholes in the case of "forced conversions" of young women." (Ibid)

A report by *Emory Law* states:

"Marriage Age: 18 for males and 16 for females (lunar calendar)" (Emory Law (Date Unknown) *Egypt*)

It also states:

"obligatory registration a legal requirement though it does not determine validity of marriage, thus judges shall not hear cases in which parties have not reached minimum marriage age or in which matrimony is denied and parties have no documentation" (Ibid)

IRIN News reports:

"Most Bedouins from Egypt's Sinai Peninsula never think to register their marriages. A palm leaf from the father of the bride to the groom is enough to mark the union; families and tribal elders stand witness to the ceremony." (IRIN News (18 July 2012) *Egypt: No ID, no government services*)

Human Rights Watch state:

"On the negative side, the party's MPs have not condemned excessive use of force by the military against demonstrators, and on women's rights its response has been weak and worrying. It has failed to condemn proposals to repeal the right of women to initiate no-fault divorce or to amend the 2008 child law to decriminalise female genital mutilation, to lower the marriage age from 18 to 15 and to reduce women's custody rights over their children after divorce because these laws conflict with Sharia — a worrying echo of the Mubarak era." (Human Rights Watch (25 May 2012) *A free Egypt's first task is to rein in the army*)

Human Rights Watch state:

"By law, marriage in Egypt is considered a contract concluded by mutually consenting parties of marriageable age. The minimum age of marriage is set at eighteen for males and sixteen for females. Upon entering into marriage, a groom must pay the bride an advance portion of the dowry (muqaddam) before the consummation of the marriage. The remaining portion of the dowry (the deferred dowry or mu'akhar) is payable upon divorce or death.

The civil code, however, limits a woman's ability to enter freely into marriage by requiring that she have the permission of a male guardian (wali). Although the importance of this requirement has been limited by the fact that a wali cannot prevent a marriage from taking place because the groom is not of the right socio-economic status or did not pay a sufficient dowry, walis continue to exercise enormous influence in the marriage process. Human Rights Watch interviews revealed that women's subordinate status in the family results in the exclusion of many women from the negotiation of their marriage contracts. As a result, women rely on their walis to represent their interests." (Human Rights Watch (December 2004) *Divorced from Justice: Women's Unequal Access to Divorce in Egypt*) *Gov.UK* has an online questionnaire which outlines the procedures on getting married in various countries, including Egypt.

It is available at: https://www.gov.uk/marriage-abroad

3. Divorce

A report by *Emory Law* states under the section Judicial Divorce:

"wife may obtain judicial divorce on following grounds: serious or incurable defect of the husband (unless woman married in full knowledge of such defect or defect occurred after the contract and she implicitly/explicitly accepted it), harm making cohabitation as husband and wife impossible, if harm is proved and reconciliation efforts fail, material or moral harm if husband marries polygamously and such harm makes cohabitation as husband and wife impossible (up to one year from date of her knowledge of the polygamous union), husbands absence for a year or more without reasonable justification; husbands imprisonment for three years or more, after one year of sentence has passed, non-payment of maintenance; and discord if reconciliation efforts fail, with financial settlement proportionate to allocation of blame as determined by arbitrators; wife may also obtain a divorce on the grounds of incompatibility, but will not lose all financial claims against her husband; a divorce requested by wife on the grounds of incompatibility must be granted within six months" (Emory Law (Date Unknown) *Egypt*)

The Consulate of the Arab Republic of Egypt in the UK states:

"Requirements:

1. The divorcing couple must attend in person at the Consulate, along with two witnesses

2.Valid passports of both spouses in addition to the marriage certificate, which must be legalised by the Egyptian Ministry of Foreign Affairs if the marriage took place in Egypt

3.Divorce could be reactionary (the husband is entitled to return his wife in 3 months and ten days without a dowry or a new contract), or may be a separation (the husband can only return his wife only upon her consent and with a new contract and a new dowry)

4.Fees of GBP 91

5.The Consulate can legalise divorce that took place in any of the Islamic centre's or British courts (the same previously-mentioned conditions apply) 6.Please note that the provision of witnesses is the sole responsibility of the divorcing couple and not the Consulate." (Consulate of the Arab Republic of Egypt in the UK (Undated) *Divorce or legalisation of divorce*)

The United States Department of State report:

"The law provides for "khul" divorce, which allows a Muslim woman to obtain a divorce without her husband's consent provided that she is willing to forgo all of her financial rights, including alimony, dowry, and other benefits." (United States Department of State (20 May 2013) 2012 Report on International Religious Freedom – Egypt)

Freedom House states:

"Muslim women are placed at a disadvantage by laws on divorce and other personal status issues. However, Christians are not subject to such provisions of Islamic law. (Freedom House (1 February 2013) *Freedom in the World 2013 – Egypt*)

Human Rights Watch state:

"Egypt's Sharia-based Personal Status Law – which discriminates against women in family affairs – applies only to Muslims, while Copts are governed by church regulations that prohibit them from divorcing, except in cases of adultery. Some Copts grew more vocal in their demand for a civil law that would give them the right to divorce." (Human Rights Watch (22 January 2012) *World Report 2012 – Egypt*)

Human Rights Watch state:

"...After a public outcry, proposals by Islamist members of parliament to lower the minimum age of marriage, repeal the right of a woman to initiate no-fault divorce, and decriminalize female genital mutilation (FGM) were shelved... (Human Rights Watch (31 January 2013) *World Report 2013 – Egypt*)

Human Rights Watch state:

"The signing of a marriage contract (katb al-kitab) is a critical point in an Islamic marriage, representing the only juncture at which the parties can consensually define, enhance, or limit their rights in marriage. Accordingly, this moment offers an opportunity for Egyptian women to prevent subsequent abuses of their rights, including the opportunity to condition the marriage on the equal right to divorce.

During the stage in which the marriage contract is negotiated, women can insist that certain legal conditions be included in the contract, including a right to obtain a divorce if their future husbands were to prevent them from such endeavors as finishing their education or working. While women who have included such conditions in the marriage contract are still required to get a judicial divorce through Egypt's courts, they can do so on grounds that otherwise would not automatically be recognized by the courts as sufficient. Men can also insist upon the inclusion of certain conditions in the marriage contract, including conditions that deny a woman her right to education and employment, or even specify a particular timeframe for the birth of the couple's first child.

The signing of the marriage contract is also often the only point in a couple's marital life where they can contractually agree upon the woman's equal right to divorce without resort to the courts. Where women have the right to divorce (isma) under a marriage contract, they can divorce with the same ease as men, normally by going to a Ma'zun, who registers the divorce. In principle, all of the conditions and stipulations contained in the marriage contract should be the product of mutual agreement between the couple. In

practice, the process is typically far less equal." (Human Rights Watch (December 2004) *Divorced from Justice: Women's Unequal Access to Divorce in Egypt*)

The same report also states under Divorce Initiated by Men

"Muslim Egyptian men have a unilateral and unconditional right to divorce without resort to legal proceedings (talaq). They simply need to repudiate their wives, saying "you are divorced" three times, making the divorce irrevocable (ba'in), and register the divorce within 30 days with a religious notary to make it official. A repudiated woman has to observe a waiting period (`idda) not exceeding one year, during which she is not allowed to marry another man. A divorce uttered less than three times is revocable (raji`i),meaning that the husband has the right to return the divorcee to his household during the waiting period against her will and without having to sign another marriage contract. "(Ibid)

It also states under Divorce Initiated by Women:

"Women who seek divorce in Egypt have two options, fault-based or no-fault divorce (khula). Unlike men, women can only divorce by court action (tatliq). Regardless of which system they choose, a number of government officials are involved in the process, including judges, attorneys for both parties, and arbitrators involved in compulsory mediation between the couple. Public prosecutors are also often present in divorce cases, exercising considerable influence on these proceedings and the outcome of the case. For both types of divorce initiated by women (fault-based and no-fault) described below, public prosecutors provide the judge with an advisory opinion on whether the divorce should be granted. While these advisory opinions were requested by judges on a case-by-case basis before the establishment of the new family court system in October 2004, they are now mandatory in all personal status cases heard by the new courts." (Ibid)

4. Marriage between Non Nationals and Nationals

The Embassy of the United States in Cairo, Egypt states:

"The only legal marriage for foreigners in Egypt is a civil ceremony performed at the local marriage court, which is in accordance with Islamic practice. Persons wishing a religious ceremony may arrange for one separately, but it is the civil ceremony that establishes the legal marriage. (Embassy of the United States in Cairo, Egypt (Undated) *Marriage in Egypt*)

The report goes on to give a step by step guide on foreign marriages in Egypt.

A report by the *Egyptian Consulate in the UK* in regard to non-national marrying in Egypt states:

"Requirements for Marriage and certification of non-Egyptian marriage certificates:

1. The couple must attend in person and have their valid passports with them.

- 2. Birth certificate of each spouse
- 3. 5 photographs of each spouse.
- 4. Fees is GBP 70 plus an additional fee of GBP 8 for photocopying marriage certificate in case of dowry not being specified, in case of specified dowry, a relative fee is charged.
- 5. Foreign marriage certificates can be legalised given that the original marriage certificate is provided and legalised by the Foreign & Commonwealth Office (a photocopy legalised by the Foreign Office is also accepted.)
- 6. In case of the wife having a previous marriage, a declaration of divorce, legalized by the competent authorities should be provided.
- 7. If the wife is less than 21 years of age, her legal guardian must attend and recognize his consent to the marriage.
- 8. In case the wife is non-Egyptian, a "non-impediment certificate" issued by the authorities in her homeland must be provided.
- 9. Two witnesses must attend having their valid passports with them. Please note that the provision of witnesses is the responsibility of the couple and not the Consulate.
- 1. The couple are required to undertake the following medical tests:
 - Full medical examination and full medical history.

- obligatory lab tests (complete blood picture, random blood suger, RH factor).

- Complementary tests when needed (thalesaemia, hepatitis C virus, genitor urinary tests)

- Medical advice according to the previous tests results.

- issuing medical certificates for the applicant. (Egyptian Consulate (Undated) *Marriage and Certification of Non-Egyptian Marriage Certificates*)

The United Kingdom Foreign & Commonwealth Office state in their leaflet titled Civil Marriages in Egypt:

"MARRYING AN EGYPTIAN/NON BRITISH MAN OR WOMAN When a British citizen wishes to marry an Egyptian man or woman.

(1) The British party only needs to make a Statutory Declaration at the Embassy.

The documents required by the Consular Officer are the following:

Passports as proof of identity

• If appropriate, documentary evidence of the termination of any former marriages - decree absolute certificates and change of name deed. If appropriate, the death certificate of a deceased spouse

• The Egyptian party will also need to present his/her current Egyptian ID card and show that they are not in any existing marriage i.e. are single, widowed or divorced. In Egypt there are varying degrees or types of divorce. The only one acceptable to a Consular Officer is an irrevocable divorce. Where either party has been married more than once they must show termination of each marriage.

• Consular fees no 2(i) (Sterling £ 45.00) and 4 (Sterling £ 55.00) payable in Egyptian Pounds.

PLEASE NOTE ORIGINAL DOCUMENTS MUST BE PRODUCED PHOTOCOPIES CAN NOT BE ACCEPTED

(2) The statutory declaration has to be taken to the Ministry of Foreign Affairs at for the consular officer's signature and stamp to be legalised (the fee is approximately 22 Egyptian pounds per document).

Address: Ahmed Orabi Street, Mohandessin, Giza

Tel: 02 33033460 (opening hours from 9:00-15:00 Sunday to Thursday)

(3) The couple can then go to the Notary Public's Office at Ministry of Justice Annex for a civil marriage.

Address: Lazoghly Square, 4th Floor, Cairo

Tel: 02 27945192-27941659 (opening hours from 9:00-16:00 Sunday to Thursday)

The documents required by the Egyptian Civil Registry Office are as follows:

- Passports (The Egyptian party will also need to present his/her current Egyptian ID card)
- 5 photographs each (size 4x6 cm)
- Evidence of termination of any previous marriage or change of name
- 2 male witnesses (with proof of identity),
- A registered interpreter (the proceedings will be conducted in Arabic)

• Medical certificates for both parties from a government hospital to the effect that both parties are qualified physically for marriage

- A stamp from the post office called the family rights stamp
- 2 photocopies of all documents provided

The above proceedings may normally be completed within 2 or 3 working days (i.e. not Fridays or Saturdays or public holidays). There is no residency requirement but the parties must have valid immigration conditions in their passports." (United Kingdom Foreign & Commonwealth Office (Undated) *Civil Marriages in Egypt*)

Marriage Between Two Non Nationals

According to the Embassy of Canada to Egypt:

"A civil marriage between a Canadian male and an Egyptian female cannot be obtained in Egypt" (Embassy of Canada (5 July 2013) *Marriage*)

The same website also states:

"...A civil marriage in Egypt is issued by the Egyptian Ministry of Justice. For a civil marriage in Egypt between a Canadian female and a non-Canadian male or between two Canadian citizens or between Canadian male and a non-Egyptian female:

The following documents are requested by the Egyptian Ministry of Justice:

•Original valid Canadian passport.

•Affidavit (declaration) of the Canadian citizen in both languages (English and Arabic) stating that he/she has no legal matrimonial bond still existing. This affidavit must be witnessed by an official at the Embassy of Canada. A sample of the declaration including the information requested by the Egyptian ministry of Justice is available at the consular section of the Embassy of Canada in Cairo.

•Fee of 50.00 Canadian dollars or the equivalent of 335.00 Egyptian pounds. (exact amount).

•Proof of religion (example: Baptism certificate or certificate from Al Azhar El Sharif) confirming the religion of the Canadian citizen, stamped by the Egyptian Ministry of Foreign Affairs. In case the Baptism Certificate is issued in Canada, it has to be stamped by the Egyptian Embassy in Canada or by a notary public in Canada in order to be authenticated by the Canadian Embassy.

•A divorce or death certificate authenticated by the Embassy of Canada and by the Egyptian Ministry of Foreign Affairs in case the current marital status of the Canadian citizen is not single.

•For divorced female applicants, a three-month period must be observed between a divorce and contracting a new marriage according to the Egyptian Muslim law" (Embassy of Canada (5 July 2013) *Marriage*)

The United Kingdom Foreign and Commonwealth Office state in a leaflet titled Civil Marriages in Egypt:

"BRITISH COUPLES

British couples wishing to marry in Egypt have to satisfy the Egyptian authorities that they are free to marry.

They should, therefore:

(1) Come to the Consular Section of the Embassy in Egypt to make statutory declarations, before a consular officer, that they are free to marry.

The documents required by the consular officer are the following:

Passports as proof of identity

• Documentary evidence of the termination of any former marriage(s). For example, divorce (decree absolute) certificates and change of name deed or, if appropriate the death certificate of a deceased spouse see also further advice below.

• Consular fees no 2(i) (Sterling £ 45.00) and 4 (Sterling £ 55.00) are payable in Egyptian Pounds at the current rate of exchange for each declaration.

PLEASE NOTE ORIGINAL DOCUMENTS MUST BE PRODUCED PHOTOCOPIES CANNOT BE ACCEPTED

(2) Statutory declarations have to be taken to the Ministry of Foreign Affairs, for the Consular Officer's signature and stamp to be legalised (the fee is approximately 22 Egyptian Pounds per document).

Address: Ahmed Orabi Street, Mohandessin, Giza

Tel: 02 33033460 (opening hours from 9:00-15:00 Sunday to Thursday)

(3) The couple can then go to the Notary Public's Office at Ministry of Justice Annex for a civil marriage.

Address: Lazoghly Square, 4th Floor, Cairo

Tel: 02 27945192-27941659 (opening hours from 9:00-16:00 Sunday to Thursday)

The documents required by the Notary Public Office are the following:

- Passports
- 5 photographs each (size 4x6cm)

• Evidence of termination of any previous marriage or change of name (as described above)

- 2 male witnesses (with proof of identity)
- A registered interpreter (the proceedings will be conducted in Arabic)

• Medical certificates for both parties from a government hospital to the effect that both parties are qualified physically for marriage

- A stamp from the post office called the 'family rights stamp'
- 2 photocopies of all documents provided" (United Kingdom Foreign

and Commonwealth Office (Undated) Civil Marriages in Egypt)

The United Kingdom Border Agency states:

"Foreign nationals (irrespective of their religious persuasion) cannot contract a Muslim marriage in Egypt. A civil marriage before the Marriage Notary Public is therefore the only available form of marriage for foreign nationals." (United Kingdom Border Agency (Undated) *Marriage*)

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