

## Children of rape of refugee women, and statelessness, in Egypt

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**The facilitation of birth registration procedures for children born from rape – particularly of refugee women – is necessary in order to prevent statelessness.**

In Egyptian civil law the birth certificate is the only legal document that proves the existence of a human being, and the validation of other identity documents relies on the birth certificate. The birth certificate is the document that identifies the nationality of the person and his or her parentage.

Registration of children born from rape is one of the hardest matters facing refugee women who are victims of rape either inside the country of asylum or en route to that country. Both in the Convention on the Rights of the Child and in Egyptian law, birth registration is deemed a right of all children, including children born outside marriage; nonetheless, in practice there are many obstacles hindering the implementation of this right. In Egypt the Civil Registry Office has responsibility for recording children born to both citizens and non-citizens. In the case of children born outside marriage, the mother has the right to have her child's birth registered and to be granted a birth certificate with the mother's name.

Under the Egyptian Personal Status Law, doctors and midwives must issue a certificate with the name of the mother, date of birth and sex of the child. Despite this and the legal entitlement to a birth certificate, in practice the focus turns to the nature of the relationship that produced the child rather than the child's rights. One of the main obstacles confronting rape victims is the lack of knowledge among officials with regard to the procedures for issuing this sort of certificate, partly due to the fact that issuance of birth certificates for children born outside marriage is not common in Egyptian society, and social attitudes regarding this matter make the officials unwilling to provide this service. In the case of a child who is the product of rape and is

born in Egypt, the registration procedure depends on whether the mother was raped and the father was unknown, whether the father denied his fatherhood or disappeared from the life of the mother, and whether the rape occurred inside or outside Egypt.

The first obstacle that confronts a victim of rape is the type of identity documents she carries. If the victim is an immigrant, her passport will confirm her identity. But if the victim carries an asylum seeker or refugee identity card she is likely to be refused registration for her child as registration staff in Egypt have limited knowledge about the validity of such identity documents. Further, there may be no evidence of rape such as a police record.

These are some of the difficulties faced by women refugees or migrant women in documenting the birth of children resulting from rape. The consequence of depriving a child of a birth certificate is that the child becomes a stateless person. In cases where the mother decides to leave Egypt (to move on or to return to her country of origin), without a birth certificate the mother cannot obtain a travel document for her child and is forced to leave the stateless child behind.

Facilitating birth registration procedures for children resulting from rape is vital to prevent all of these consequences. In order to reduce the risk of statelessness, the Egyptian authorities should implement the legal requirement to register each birth from rape or outside marriage even if the alleged father denies paternity, including identifying the mother as the mother of the child and its sex.

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