

## **Anfragebeantwortung zu Ägypten: Möglichkeiten für geschiedene Mutter, das gesetzliche Recht auf finanzielle Unterstützung vom Vater rechtlich effektiv durchzusetzen [a-11393-2 (11394)]**

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Es konnten nur wenige aktuelle Informationen zu dieser Fragestellung gefunden werden.

Promotion of Women's Rights Project, ein von der deutschen Gesellschaft für internationale Zusammenarbeit gefördertes und in Partnerschaft mit zwei ägyptischen Ministerien durchgeführtes Projekt zur Entwicklung von Frauenrechten in Ägypten, veröffentlicht im März 2010 eine Übersicht zu Bestimmungen der ägyptischen Personenstandsgesetze. Es werden die finanziellen Verpflichtungen eines Mannes gegenüber seinen Kindern erklärt als auch die finanziellen Ansprüche einer geschiedenen Frau. In der Praxis hätten viele geschiedene Frauen Schwierigkeiten, den Unterhalt von ihren Ex-Männern ausgezahlt zu bekommen:

„5. What are the Financial Obligations of the Father towards his Children?

The father has a personal obligation to provide his minor children with maintenance if they have no personal resources. Maintenance is due by the father until the boy reaches the age of 15 and until the girl marries or is able to earn an income sufficient for her expenses. The term can also be extended if the boy is incapable of earning due to a physical or mental handicap or is a student. Since 1985, maintenance is due retroactively from the day the father refused to provide for his child and not as was the case previously from the date of the ruling condemning him to pay. Maintenance must be provided according to the father's means and the child's needs. However, if the child has personal resources, he must cover his own needs.“ (Promotion of Women's Rights Project, März 2010, S. 20)

„4. What are the Financial Rights of a Divorced Wife?

After the dissolution of the marriage, the divorced wife shall introduce a separate legal action before the courts to collect her alimony and that of her children. She is entitled to maintenance (nafaqa al-'idda) during her 'idda (waiting period) for a period between three months and a year after the divorce and to compensation (mut'a) if the marriage has been consummated and if the divorce occurred without her agreement and was not due to any cause on her part. The amount of the compensation should not be less than two years of maintenance and is evaluated according to the husband's financial means, the circumstances of the divorce and the length of the marriage. The judge will decide whether the woman is entitled to compensation and will fix the amount according to the circumstances of each case. Fathers also have to support their minor children after divorce as they did during marriage, except if they have their own resources. In practice, many divorced women face difficulties in getting payment of their alimonies by their former husbands." (Promotion of Women's Rights Project, März 2010, S. 20)

In einem im April 2008 in der Zeitschrift *Hawwa* zu Frauen im Nahen Osten und in der islamischen Welt veröffentlichten Artikel der ForscherInnen Nathalie Bernard-Maugiron und Baudouin Dupret geht es um die ägyptische Gesetzgebung zur Scheidung. Es wird erwähnt, dass Väter sich oft weigern würden, Kindesunterhalt zu zahlen, obwohl ein 1985 erlassenes Gesetz dies von ihnen verlange. Viele Ex-Männer würden keinen Unterhalt zahlen und der Rechtsstreit ziehe sich über viele Jahre hin:

„Besides, quite often the fathers abstain from providing maintenance to their children. According to the law of 1985, they have to keep covering the needs of their minor children who are entrusted to their mother's custody, if they have no personal resources. In practice, few fathers pay off their financial obligation and the mothers have to provide for their children's needs from their own resources, when many can hardly recover their own alimony. A great number of ex-husbands do not pay alimonies and litigations raised against them linger for years. Most women do not have any independent source of income and will depend on the generosity of their family and friends to survive. The most crucial problem for most of them is probably to find a place where to live, especially in big cities like Cairo. The law of 1985 attributes the matrimonial domicile to the wife if she has children's custody, but custody ends at the age of fifteen. Besides, not all women have children or children in custody age. Some of them are women whose children are grown up and who find themselves resourceless when their husband decides to repudiate them to marry a younger wife. Moreover, in practice, women do not always manage to get the court decision entitling her to the spousal home implemented; especially if such a decision is delivered years after the divorce claim." (Bernard-Maugiron/Dupret, April 2008, S. 16-17)

Die internationale Menschenrechtsorganisation Human Rights Watch (HRW) berichtet im Dezember 2004, dass ägyptische Gerichte oft nicht in der Lage seien, ihre Urteile zu Unterhalt und Kindesunterhalt durchzusetzen. Wenn eine Frau die Adresse ihres Ex-Mannes nicht wüsste und an den Gerichtsvollzieher weitergeben könne, so werde ihr einfach das Geld verweigert, das ihr im Urteil zuerkannt worden sei. RechtsanwältInnen hätten HRW mehrfach berichtet, das GerichtsvollzieherInnen, deren Aufgabe es sei, den Ehemann zu finden und ihn vom Unterhaltsurteil in Kenntnis zu setzen, oft Bestechungsgelder entgegennehmen und dann ihren

Verpflichtungen nicht mit Nachdruck nachgehen würden. Die Unterlassung der Zahlung von Kindesunterhalt sei weiterhin ein akutes Problem in Ägypten trotz eines 1985 verabschiedeten Gesetzes, das eine Haftstrafe für Männer vorsehe, die nicht innerhalb von 30 Tagen nach einem ergangenen Urteil Kindesunterhalt zahlen würden:

„The legal and bureaucratic nightmare of obtaining either a fault-based or no-fault divorce does not end once a divorce is finally granted. For many Egyptian women, a divorce is tantamount to destitution because of the government’s failure to enforce court rulings for alimony and child support. The Egyptian government’s attempt to remedy this problem through the establishment of a specialized alimony and child support fund is a step in the right direction. However, the fund should not be a substitute for more aggressive enforcement of court rulings.” (HRW, 1. Dezember 2004, S. 2)

„Many divorced women find themselves destitute because of the government’s failure to enforce these rulings. Fayza Kamal, fifty-nine, a victim of such poor enforcement standards, explained her situation to Human Rights Watch: I can’t work. I have rheumatism. My daughter was three when we first went to the court to ask for maintenance. She’s seven now. The final [accumulated] maintenance totaled 4800 Egyptian pounds [US\$780], but he won’t pay it. He’s supposed to go to jail, but he hasn’t. I had to withdraw the youngest girl from school because I can’t pay the fees.... It’s been a month since I’ve been able to buy my medicine. I can either buy medicine or spend money on my daughter. So I spend on her. Women can spend several years trying to track down their ex-husbands in order to enforce court rulings. Once an ex-husband is deemed missing, they are provided with little assistance from the police or any other government authority. If a woman does not know her husband’s exact address to forward to the bailiff (the court official responsible for announcing and implementing court orders relating to a case), she is simply denied the money she was awarded in the court ruling. Attorneys repeatedly told Human Rights Watch that bailiffs assigned to notify a husband of a court session or an alimony ruling often take bribes in return for neglecting these duties. In return for a bribe, a bailiff will inform the court that he could not locate the person. ‘It is easy for a husband to run away and it is easy for a husband to pay bribes. The government does not prioritize the implementation of court rulings. It prioritizes national security and not civil security,’ said attorney Yasir `Abd al-Gawad. One judge Human Rights Watch interviewed, who requested that he not be named, told us that bailiffs were a ‘cancer’ that undermined the whole judicial process. The problem is so acute that another attorney told Human Rights Watch: Some people are told ‘make sure you go to an enforcement attorney.’ They ask ‘who’s that?’ They’re told ‘that’s the type of attorney who is able to enforce [court] rulings.’ (HRW, 1. Dezember 2004, S. 33)

„Non-payment of alimony and child support continues to be an acute problem in Egypt, despite a law passed in 1985 that calls for the imprisonment of men who do not pay child support within thirty days of a court ruling. The government’s inability to enforce court rulings for alimony and child support was the catalyst behind its decision to outsource the responsibility of collecting these payments. In the past, Nasser Social Bank, a government entity, distributed alimony and child support to women who were unable to have judgments enforced, and later collected it from ex-husbands. The bank eventually stopped distributing

these funds to women because it was having too much trouble collecting the necessary funds from husbands, particularly those who work in the private or informal sector." (HRW, 1. Dezember 2004, S. 51)

Die unabhängige ägyptische Onlinezeitung Mada Masr schreibt im Dezember 2016, dass laut einer im Jahr 2013 durchgeführten Umfrage der Organisation „Association for the Development and Enhancement of Women“ (ADEW) 90 Prozent der Ex-Männer der befragten Frauen keinen Unterhalt für ihre Kinder zahlen:

„Another way in which mothers are ill-served by the personal status law is the extent to which the father is invested with the power to make decisions about affairs relating to his children’s education and finances, regardless of his level of involvement in their lives. In addition, many fathers do not pay the alimony agreed upon. ADEW’s survey [Association for the Development and Enhancement of Women] found that 90 percent of the ex-husbands of the women interviewed do not pay the financial expenses of their children. ‘I agreed with my ex-husband that he would pay a total of LE1,000 monthly for my son,’ Amer complains. ‘Do you think that this is enough for his expenses? Let alone his education? I’m the one who is spending on my son’s education. I’m the one who is going to take out a loan to get him into a good school. But his father can interrupt this at any time and decide what school he will go to.’” (Mada Masr, 28. Dezember 2016)

Das ägyptische Nachrichten- und Kulturmagazin Egyptian Streets berichtet im Oktober 2019 über den Fall einer Frau, deren Ex-Mann sein Gehalt falsch deklariert habe und daher nur eine geringe Summe an Kindesunterhalt bezahlen müsse. Obwohl es ein Gerichtsurteil gebe, das den Mann dazu verpflichte, Kindesunterhalt zu zahlen, sei es für die Mutter sehr schwer, das Geld auch regelmäßig zu bekommen, ohne ihm persönlich hinterherzulaufen:

„Upon separating, Samia\* filed for child support for her son and moved back into her parents’ home. In Egypt, child support is calculated based on the father’s net income. Her ex-husband fabricated his income statement, claiming that his monthly income is EGP 2,350 [Egyptian Pounds], when in reality, his income as a sales manager at a reputable company is somewhere between EGP 10,000 to EGP 16,000 per month, according to Samia\*. “He was angry that I filed for child support,” she says. Based on the false income statement, the court granted Samia\* and her son EGP 500 each, a meager sum, unsuitable for the cost of living in Egypt. Providing women with insufficient financial assistance is a tactic of retaliation fathers often use to force women to stay in unwanted marriages. [...]

Conversely, while Samia\* awaits the court’s decision on the newborn’s child support, she is finding it difficult to make ends meet. Even though there is a court order that requires her husband to pay his financial dues, it is still difficult for her to receive it consistently without chasing him.” (Egyptian Streets, 1. Oktober 2019)

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Quellen: (Zugriff auf alle Quellen am 02.11.2020)

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