

Gender, Citizenship & Nationality Programme

“Arab Women & the Denial of Citizenship:
A Regional Programme on Gender and Nationality”

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Nationality Campaign

Brief Narrative Report to POGAR
January – September 2006

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Prologue

Since its launch, "My Nationality is a right for me and my family" campaign is focusing efforts on ensuring full and equal citizenship rights for Arab women. The right to nationality has been identified as a key area of legal, administrative and attitudinal discrimination against women and as a major obstacle towards achieving full and equal citizenship.

As such, the key strategy endorsed by the campaign in 2006 is lobbying and campaigning to amend the nationality laws that discriminate among women in most Arab countries, especially those which present the most politically charged and challenging context (e.g. Lebanon).

The campaign also monitored the interpretation and implementation of amended laws in Egypt and Algeria and identified blockages hindering women's access to justice and to their full citizenship rights.

In countries where law petitions were presented by the campaign partners, close follow-up and lobbying was carried by out to ensure that the proposed amendments is duly approved by the various public and governance instances namely the Ministries of Justice, House of Parliaments, etc... This was especially the case of Syria and Morocco.

Overview of the objectives of Phase II of the Gender, Citizenship and Nationality programme

1. Launch regional and country based policy dialogues on gender and nationality with key decision makers and stakeholders
2. Raise public awareness on nationality as a case in point for engendering citizenship in the Arab world
3. Launch country specific legal reform initiatives related to Arab nationality Laws
4. Identify and address country-based challenges which may obstruct legal reforms

Overview of achievements and challenges

The Arab Women's Right to Nationality Campaign is an accrued and dynamic process. As such, it is important to review, albeit briefly, the key opportunities and challenges during 2005 in order to tease out the main achievements in 2006.

The nationality campaign regional network undertook a series of review and evaluation meetings during which, an analysis of challenges and opportunities was undertaken in 2005. This analysis indicated the following:

Main challenges:

1. A politically charged context and a number of political and security setbacks
2. The intimate albeit irrational linkage between nationality and the socio-demographic politics of the region (sectarianism, the status of Palestinian refugees, etc...)

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3. The overwhelmingly gender discriminatory legal frameworks and the non-compliance with CEDAW
4. A gendered understanding and practice of citizenship and a critical gender gap in existing citizenship rights and entitlements

Key opportunities:

1. The high profile of the nationality campaign and the sustained interest of and coverage by the media
2. The mobilisation of various key stakeholders namely Arab women married to non-nationals in the form of interest groups
3. Concrete indications of ways in which gender, citizenship and nationality have been included on the agenda of various public instances and civil society organisations
4. The international dimension taken up by the nationality campaign
5. The gains made in both Egypt and Algeria

In 2006, the Nationality Campaign has gained further impetus. It is now acknowledged as a key innovative campaign active at the regional level carried out by a network of civil society organisations with various forms of activities and ramifications. It has also become known internationally as CRTD.A is allocating considerable time and effort to communication and networking in order to support and strengthen the lobbying and advocacy aspects of the campaign.

Overall, the key developments in the life of the nationality campaign in 2006 can be summarised as follows:

- A high and sustained media profiling and coverage
- A larger circle of supporters and stakeholders (media, NGOs/CSOs, local and international women's groups, MPs, women married to non-nationals, lawyers, jurists, clergy, academics, etc...)
- A contribution to knowledge in the form of papers, studies, articles, etc...
- Empowerment through making the personal public: Unprecedented public testimonials and hearings where Arab women married to non-nationals spoke out for the first time about the denial of citizenship rights
- Stepping up advocacy work through various public actions
- Campaigning parliamentarians, clergy people, ministers and other public officials

Notwithstanding the overall achievements of the campaign, the situation in each country is now markedly different thus necessitating a review of strategies and types of intervention as well as additional effort to maintain the regional cohesion and significance of the campaign.

Indeed, the changes in the letter of the law in both Algeria and Egypt have provoked a turning point in the campaign strategy. As such, the campaign in these two countries is focusing on lobbying for an egalitarian interpretation and implementation of the law as well as the putting in place of accessible and friendly implementation mechanisms. More importantly, the changes witnessed in these two countries have been extensively used as wedges to inspire and provoke changes in the other countries included in the campaign.

As a reminder, **Algeria** remains the only country that has radically amended its nationality laws granting equal rights to women and men citizens. **Egypt** for its part has partially amended its nationality laws granting women the rights to pass on their nationality to their children only and without retroactive effect. (*c.f. CRTD.A's annual programme report for 2005*)

In **Bahrain**, and following intensive lobbying from the part of the BWS, the BWS proposed a reform bill which the campaign deemed to be insufficient, inappropriate and acts to further discriminate against Bahraini women. At the time of writing this report, the Bahraini King granted Bahraini nationality to more than 300 children. Whilst this move was deemed encouraging, our partner in Bahrain criticized the move on the grounds that nationality should be a right to all women and as such, should not be granted as an individual favour. Our partner reiterated their demand for a radical review of article number 4 of the nationality law to become "shall be deemed Bahraini, all children born of Bahraini fathers OR mothers".

In **Morocco**, King Mohammed VI requested that the parliament carefully revises the nationality laws in such a way that it is in line with the changes brought about in the family laws almost 3 years ago. After an initial period which brought high expectations, the campaign partners issued a communiqué requesting the parliament to observe the key principle of gender equality when revising the law. A few month later when it was obvious that the parliament had failed to take this issue seriously on board, the campaign issued a strong worded document warning of the increasing hardship suffered by women as a result of protracted negotiations and requested an immediate action on this matter. In July 2006, a sit in was organised in order to mobilise serious action for reforming the law.

In **Syria**, the petition for the new nationality law developed by the campaign partner has made headways and appears to have moved considerably within the complex official labyrinth. After a period of uncertainty and lull in the official position on this matter, the campaign partner sent out a letter to the president requesting a speedy action on this matter.

In **Lebanon**, the year 2006 marked an increased awareness and concern with the reform of the nationality law. Probably as a direct result of stepping up the activities of the campaign, the increased circle of stakeholders, and the sustained and extensive media coverage, a number of politicians have taken interest in the issue. Whilst some have declared their support for some form of reform, others have been adamant in their opposition to any form of reform based on political and socio-demographic arguments which have been refuted by the empirical evidence of the research carried out by CRTD.A more than 2 years ago.

Country Updates

Bahrain

In Bahrain, the Nationality campaign seeks to amend Article (4) of the current Nationality Act of 1963 to become: *“Shall be deemed Bahraini all children born in or outside Bahrain and from a Bahraini father or Bahraini mother at the time of birth”*.

The campaign stepped up its effort in Bahrain in order to address a number of challenges namely:

1. Women’s high expectation for an immediate change in the law
2. The issue of “political (sectarian) naturalisation”
3. The predominantly racist attitudes vis-à-vis Bahrainis of South Asian origins

The campaign’s partner in Bahrain, the Bahraini Women Society, developed a comprehensive campaign file with the necessary legal, constitutional, rights-based and humanitarian argumentations for prompting the government and the King to finally take action on this matter.

The campaign in Bahrain was particularly successful in:

- Mobilising more than 1500 Bahraini women married to non-Bahrainis as well as their children
- Ensuring a sustained and in depth media coverage throughout the year (c.f. attached media file)
- Organise regular meetings and encounters with members of parliaments, officials at the Ministry of Interior, civil society organisations, politicians, members of political parties as well as public and key figures.
- Expand the scope of the campaign to other gulf cooperation countries and mobilise women to organise around gender and citizenship issues.

As a result, the BWS developed a proposal for a reform of the nationality code based on the principle of gender equality. This proposal challenged a law petition put forward by the Ministry of Interior and which was later referred to the Council of Ministers (held on 5/03/2006) and then to the Parliament for discussion. BWS strongly challenged the proposal put forward by the Ministry of Interior on the grounds that it remains discriminatory and has failed to go through a transparent consultative process with civil society organisations. In fact, the new petition states in Article VI item 1 the right of the King of Bahrain to grant Bahraini nationality on an individual basis. BWS deemed this new proposal to be in contradiction of basic and universal human rights and entitlements.

In a daring move, BWS called for a meeting with the National Security Council and the Supreme Council for Women to protest against this petition.

Egypt

Since the entry into force of the new nationality law in July 2004, CRTD.A's partner in Egypt, the Forum of Women in Development (FWID) is working to inform women on changes in the law and to ensure that women have access to justice. Simultaneously, FWID has declared that it deems these changes to be insufficient and discriminatory. Indeed, FWID has engaged in systematic monitoring of the implementation of the law and has documented flaws in this process which it has disseminated and publicised. FWID has noted that not only is the implementation system deficient, but it is also insidiously discriminating against specific nationalities and against poor and resourceless women.

Based on the above, FWID worked on both the legal, political and activist levels during the period under review. FWID issued a number of communiqués denouncing the protracted, costly and complex procedures as well as the direct and indirect exclusionary procedures.

FWID maintains that despite the reform of the nationality law, it fails to be implemented automatically. FWID has recorded a substantial number of cases where registration was refused or indefinitely stalled.

In conjunction with its regular monitoring, FWID took test cases to court in an effort to create precedents, facilitate future access to justice and pressure the Ministry of Interior to implement the new law fully and unconditionally. This process was maintained despite threats received by individual FWID members.

During the period under review, FWID addressed a number of challenges, namely:

1. The fact that the Ministry of Interior, through its civil servants, refused to issue applications for granting nationality to many women
2. Discrimination against specific nationalities, namely Sudanese and Palestinians
3. The poor implementation mechanisms put in place by the government
4. The challenges faced in monitoring the law implementation process

Lebanon

CRTD.A set up an alliance of women and civil society organizations that have become increasingly active in implementing the campaign in Lebanon. The Lebanon alliance is active on several fronts, notably intensifying campaign's presence in the media, and the organization of women concerned in a non-governmental association, and holding lobbying MPs as well as sensitizing institutions and civil society organizations to join the campaign.

The alliance has been quite important in challenging the political obstacles to the campaign and in succeeding in putting this demand on the political agenda.

During the period under review, the nationality campaign in Lebanon succeeded in raising community and public awareness, mobilising media coverage and prompting various politicians to take a public stand on this issue.

Morocco

In Morocco, and after an initial period which brought high hopes following promises made by King Mohammed VI, the campaign faced a serious challenge when the promised reform of the nationality law seemed to have disappeared into oblivion! This has prompted the local campaign partner, ADFM, to issue a series of communiqué reminding the parliament to meet its promises and ensure that the reform is duly approved without further delays whilst putting in place appropriate and accessible implementation mechanisms. As result, massive sit-ins were organised in front of the seat of the government and house of parliament with the participation of hundreds of Moroccan women married to non-nationals.

Since then, a special committee was formed within the Ministry of Justice with the mandate to prepare the new law.

Once ready, this new law is expected to be discussed during forthcoming parliamentary sessions.

The campaign partner is nevertheless keeping a watch on the reform which will be suggested by the newly set up committee to ensure that these are framed within a framework of gender equality.

ADFM was hoping that this process would be completed by the summer of 2006. With the continuous official procrastination, ADFM plans to organise regular sit-ins in front of the Ministry of Justice as part of the campaign's activities in Morocco.

Syria

The Syrian campaign partner, SWL (Syrian Women's League), pursued its local campaigning and lobbying initiatives all over the Syrian territory and thus gaining further ground and allies.

Overall, the following was noted in Syria (and as a direct result of the campaign intervention):

- The nationality campaign has become a well known initiative in Syria as well as the subject of discussions and debate amongst civil society entities and groups as well as amongst governmental and quasi-governmental instances.

- Syrian women married to non-nationals have become increasingly willing to come forward and take active part on the campaign (as campaigners, to give testimonials, to demand change, etc...).
- For the first time, a law petition has been developed by a women organisation, endorsed by MPs, stakeholders and other CSO actors, discussed with the media, and defended by various stakeholders. This law petition has circulated extensively along the customary administrative and legal channels and has been thus far duly endorsed by the constitutional council, the Ministry of Justice and the Awqaf Council.
- This law proposal has also been the subject of political debates especially after the SWL addressed a letter directly to the president of the republic requesting clarification as to why its endorsement in parliament is taking so much time.
- The list of signatories on the campaign petition keeps growing with the increasing popular endorsement for the reform of the nationality law in Syria.

In short, the first half of 2006 witnessed a stepping up of both awareness raising, communication and lobbying activities aiming at widening the circle of supporters and sustaining a pressure and a popular demand for change in the nationality laws.

In fact, the memorandum addressed by the President of the Republic has prompted the latter to refer the law proposal directly to the Ministry of Justice for their perusal. The Ministry of Justice endorsed the proposal as a result as forwarded it to the Legislative Council. At this stage, the SWL is lobbying the said Council for speeding up the endorsement.

This is indeed an unprecedented example where a local women's group has actively mobilised its constituency and other stakeholders around a key gender equality and citizenship demand. As a result of the persisting efforts of the campaign, it succeeded in carving a pace for women's voices to be heard and in establishing an interface with the government.

This is one of the key achievements of the nationality campaign in Syria.

Algeria

The reformed nationality code in Algeria remains the absolute model for CRTD.A's regional campaign notwithstanding the fact that we are still monitoring its interpretation and implementation.

A reminder that the new Algerian nationality law recognizes the right of children to have the nationality of their mothers and of non-nationals to have the nationality of their spouses. This reform is also a model as it is effective of a retroactive basis and includes non-Moslem spouses (the latter having required a change in the Constitution).

In short, the gender and citizenship, and nationality programme operates at three distinct, yet inter-related levels, namely:

- a) Seeking a **reform in the letter of the law**
- b) Contributing to an egalitarian **interpretation of the reform**
- c) Ensuring that appropriate and accessible **implementation mechanisms** are in place

Annex: Rundown of Activities in 2006

Lebanon

Communicating with and lobbying decision makers – As of January 06

A comprehensive campaign file about the nationality campaign in Lebanon was sent to *the Women and Children's Right Parliamentary Commission* on January the 17th. The file included the law amendment proposal, the claims memorandum, and a progress report about the campaign and its related activities.

The same file was sent to Elie Khoury, Programme Manager/Parliamentary Unit in UNDP – Lebanon.

A meeting was held with MP Bahya al Hariri. The CRTD.A group included the campaign partners and 3 Lebanese women married to non-nationals. The issue of women's right to nationality was presented in details. MP Hariri pledged to give support to this issue as and when possible.

Founding an association for Lebanese women married to non-nationals (January 2006 – present)

CRTD.A is currently supporting a group of Lebanese women married to non-nationals to set up a formal interest group in the form of a local NGO. The idea is to establish an NGO which is run by the women themselves with the objective to fight for their right to pass on their nationality to their families.

Regular meetings are being held to bring the group of women together, and to finalize administrative issues i.e. agreeing on the founding members, discussing objectives of the foundation, agreeing on a name for the association, agreeing the by-laws, etc.

The main objectives of the association:

- a. Ensure full citizenship for Lebanese women and their families (spouse and children)
- b. Ensure equality in rights
- c. Applying the international human rights agreements especially those related to children's rights.
- d. Eliminate government's reservations on article 9 of CEDAW convention.
- e. Lobby policy makers to pass a nationality law that ensure full citizenship for men and women alike.

Strengthening Collaborative work amongst partner women NGOs in Lebanon/ January 2006 – June 2006

Regular fortnightly meetings were held with active Lebanese Women NGOs partners in the nationality campaign in order to discuss and evaluate the progress made and to agree upon major steps to be taken in campaigning for Lebanese women's rights to nationality.

These meetings also contributed to identifying the nationality campaign's position in regards to the counter campaign launched by the National Gathering, as well as planning for an action plan to be implemented during 2006.

After setting a draft action plan, a meeting with partner women NGOs was held in April, where an action plan targeting CSOs, NGOs, women concerned, and MPs in different regions was discussed and endorsed.

Subsequently, small follow-up meetings were held individually with potential coordinators of each regional activity. Meeting with the women council was held on May 3rd to agree upon some action points on organizing the seminar. Another one was held with the coordinator of the south activity on May 9.

Organizing media conference– Feb 15th

A press conference about CRTD.A's campaign "my nationality is a right for me and my family" was co-organized by CRTD.A and its partner organizations in Lebanon and in the Machreq/Maghreb region, on Wednesday Feb 15th at the Crown Plaza hotel.

During the conference, the progress of the nationality campaign and the achievements in Egypt, Algeria, Bahrain and Lebanon were presented. The press conference focused on countries where the law has indeed been reformed namely Egypt and Algeria. 30 – 35 media people representing different Lebanese newspapers (Annahar, Assafir, Daily Star, L'Orient Le Jour, Al-Mustakbal, and others) attended the Press Conference which was moderated by CRTD.A's colleague from RDFL. Discussions focused on the challenges facing the campaign in Lebanon (e.g. socio-demographic and confessional concerns, the question if the Palestinian refugees, etc...)

CRTD.A put together a detailed contact list of media staff presents at the conference. CRTD.A is now seeking to establish these as a media support group to be contacted on a regular basis to cover the campaign activities in Lebanon.

Nationality Campaign in the Media

"My nationality is a right for me and my family campaign" is attracting significant media attention in Lebanon, Bahrain, Egypt and Syria.

CRTD.A is regularly hosting the visit of representative of local, regional and international media (including MBC and Reuters) and provides them with detailed briefs on the campaign as well as first hand meetings and interviews with women married to non-nationals.

A full page article on the campaign was featured in Annahar Newspaper on March 8th, and an investigative report was featured on MBC television on late Feb.

The nationality campaign has also witnessed a remarkable momentum during March/ April 06. Several Lebanese newspapers, and international agencies were interested in the campaign where online articles were released highlighting the campaign issues and activities.

A selected list of the media coverage includes the following:

Annahar newspaper – Saturday, April 8th 2006 “Hiba Otman and Josephine Saadeh sufferings shed light on the problematic issue: right of Lebanese women to pass on their nationalities to their children”.

The Daily Star – Thursday, March 9, 2006 “Women’s Day underscores citizenship rights proposal” http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=1&article_id=22809

The Daily Star – Wednesday, March 8, 2006 “Law doesn’t recognize children of Lebanese females”

Assafir – Tuesday, March 7, 2006 “Feminist actions during the International Women’s Day”

Annahar – Saturday, March 4, 2006, my nationality is a right for me and my family

Campaigning in Lebanese Universities (March – June 06)

In celebration of International Women’s Day, the Nationality Campaign set up stands and organized panel discussions in a number of Lebanese universities (American University in Beirut March 6-8), the Lebanese University – Beirut (March 20-22), Lebanese University – Zahle (5 June 06) the University of Balamand (March 28-29) and Lebanese American University – Beirut (March 29-30), and Byblos campus (23 - 24 May). Those activities aimed at raising students’ awareness about the campaign, and putting women’s sufferings and the discriminatory laws under the spotlight.

A total of 2464 signatures were gathered in support of the campaign. (a comprehensive report about each activity is annexed).

Contacting Lebanese NGOs working with local communities

The Nationality team has contacted a number of Lebanese NGOs working with local communities in poor and deprived areas, especially in service provision sector. The objective was to gather information on Lebanese women married to non-Lebanese men in those areas.

Accordingly, meetings were held with Borj Hammoud Social Center, Najdeh Association, and Learning Center for the Deaf as well as several other local NGOs to find out ways of coordination and collaboration in campaigning for women’s rights.

Students' Gathering – May 2nd, 2006

As part of the campaign's action plan, CRTD.A called on university students from Lebanese Universities (AUB, LAU, Balamand, LU) to gather and discuss their concerns about the right of Lebanese women to pass on their nationalities to their children and spouses. This gathering took place at CRTD.A's premises, on Tuesday, May 2nd at 5:30 p.m.

The meeting aimed at creating a consistent group of interested people, and identifying potential contribution from the students to meet the campaign's objectives.

Minutes are available.

Nationality Campaign at Na-am lilhiwar

CRTD.A was invited to present the nationality campaign in "na-am lilhiwar" dialogue session. The session was organized on April 24, at 20:00 pm, at Club 43 – Gemayze. CRTD.A nationality team presented the campaign goals, objectives, and activities. Debate was initiated focusing on major challenges facing the campaign (mainly the demographic/sectarian issue as well as the Palestinian refugee's situation).

The Nationality campaign tours the five Mohafazat of Lebanon

The nationality campaign organized five regional seminars/ panel discussions in Tripoli (June 9), Mount Lebanon (June 16), Baalbek (June 25), Beirut (July 5) and Kham (July 9).

These panels aimed at bringing CSOs activists, women concerned, lawyers, practitioners, and parliament members together, to put the women's sufferings and the discriminatory laws under the spot light.

More than 800 signatures of CSOs representatives, MPs, and women concerned were gathered in support of the campaign.

Syria

The most prominent developments of the Nationality Campaign in Syria during 2006 were the following:

1. Organizing a press conference/public hearing to inform the public on the progress and challenges of the campaign (Damascus 17/05/2006)
2. Addressing a memorandum to the president of the republic, the speaker of the house and the prime minister asking for speedy action on the reform of the nationality law

3. Scaling up communication and issuing a special regional issue of "Noun el Nisswa" covering news and updates about the Nationality Campaign on both regional and national levels.

The press conference/public hearing

The Syrian Women's League held a press conference/public hearing in the Syrian Social Forum in Damascus on Tuesday, May 16, 2006. This public event was attended by media representatives from local and regional newspapers and magazines in Syria. The event aimed at informing the public of the outcome of the nationality campaign and provide a space for Syrian women married to non-nationals to present their testimonials and their demand for a law reform.

The campaign team members presented an detailed overview of the progress of the campaign. a discussion of the law proposal followed as well as an agreement over the subsequent steps. A press release was drafted following the event.

As a result, a collective petition was agreed and was later submitted to the president of the republic, the speaker of the house and the prime minister. The petition demanded that speedy action be taken on processing the law petition especially in view of the suffering and hardship caused on Syrian women married to non-nationals. This petition was accompanied by thousands of signatures collected by the SWL and which represent the support of broad sectors of the Syrian people regarding the right of women to pass on their nationality to their children.

The Syrian Women's League closely monitored the path followed by the law proposal which was approved by the Ministry of Justice and is now being perused by the Legislative Council. SWL continues to hold meetings with the Legislative Council which has thus far responded positively to the requested amendment.

A "Noun El Nisswa" special issue

The Syrian women's League had published a "Noun El Nisswa" special number, in April 2006 with in depth local and regional highlights. This output is now the main communication material used by the campaign in Syria.

Bahrain

During 2006, the local nationality alliance set up by the BWS was actively campaigning for Bahraini women's rights to nationality.

Activities were undertaken on a monthly basis. These included:

- 1) Meeting with and lobbying political parties, MPs, and key government officials
- 2) Lobbying the national women's council
- 3) Extensive media coverage

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- 4) Major public events such as outdoor workshops for children of Bahraini mothers
- 5) Widening the outreach of the campaign to reach the Gulf countries

Egypt

Update on the implementation of the law

The new amended nationality law in Egypt not only institutionalizes gender inequality between men and women as it deprives women from practicing their full citizenship rights, but it discriminates among children of Egyptian mother and non-national fathers as well. For instance, children of Palestinian or Sudanese fathers can't easily get hold of the Egyptian nationality due to administrative procedures, even if they meet the entire requirements. These requirements entail a proof of consistent residency in Egypt for at least ten years, and/or his/her birth after the enforcement of the law.

Based on that, CRTD.A partners in Egypt, Forum for Women in Development "FWID", engaged in campaigning for women's right to full citizenship through working on different levels.

FWID mobilized against the period needed to enact the law, as it hinders children's access to their social entitlements, and against the protracted administrative procedures and payments Egyptian women should undergo to grant their children their nationalities.

FWID then continued their lobbying efforts to include children born before the enforcement of the law to grant them their citizenship rights.

FWID was also engaged in monitoring the situation of the cases who applied for getting the Egyptian nationalities, but their applications were rejected by the government, and thus monitoring the way the law is being applied, and the reservations being proved and against which nationalities.

In parallel to its monitoring efforts on how the new amended law is being applied, FWID actively engaged in targeting the jurisdiction field, to enforce the Ministry of Interior to implement court decisions according to the Egyptian laws.