



Empowering Women to Claim their Inheritance Rights

"WIN"

Post-Project Impact Analysis



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List of Acronyms

ACDA	Assiut Childhood and Development Association
CAPMAS	Central Agency for Public Mobilization and Statistics
COLIBE	Committee for Individual Freedoms and Equality
CSO	Civil Society Organization
CEWLA	Center for Egyptian Women Legal Assistance
EGP	Egyptian Pound
IO	Intermediary organization
HDEA	Human Development Egyptian Association
MENA	Middle East and North Africa
NCCM	National Council for Childhood and Motherhood
NCW	National Council for Women
NGO	Non- Governmental Organization



Executive Summary

Background

Between January 2013 to June 2016, CARE International Egypt implemented a project addressing “Empowering women to claim Inheritance Rights (WIN)”. This project was funded by the European Commission under the Gender Equality Programme and aimed to strengthen the access of women particularly those in Upper Egypt to gain access and control over their economic rights, resources and opportunities through their lawful inheritance.

The project worked at both local and national level. At local level the project strengthened the role of local civil society organizations to effectively work together at community level to facilitate women's access to inheritance rights and to enabled them to better manage their property and assets At national level the project organizing the civil society actors through a network composed of women rights organizations advocated successfully for the amendments to the existing inheritance law. The advocacy work was successful. The Egyptian Parliament successfully amended the Inheritance Law in December 2017 introducing criminalization of denial of inheritance and setting penalties to the crime.

Objectives

The objectives of this impact evaluation was to:

1. Quantify the Impact achieved as the result of the Amended Inheritance Law in terms of people whose rights to a life free from (economic) violence is being fulfilled to a greater degree than before the amended Inheritance law.
2. Assess and analyse if/how the introduction of criminalization and penalties in the Inheritance Law have enhanced the application of the amended Inheritance Law to date and provide recommendations on how its application can be further improved/strengthened.
3. Identify and analyse non intended effects both positive or negative, of the Amended Inheritance Law with regards to women property rights through inheritance.

Methods

The current evaluation was conducted using a non-experimental, mixed method design, including primary and secondary data analysis, to allow for triangulation and validation of the findings. Primary data was collected through quantitative surveys as well as through qualitative in-depth interviews with various stakeholders from governmental and civil society representatives. The quantitative data was used to assess and quantify the impact, in terms of people whose rights to a life free from (economic) violence is being fulfilled to a greater degree than before this change of the law every year using the formula:

$$A * (B * (C - D))$$

Where

[A] = Number of people who die in a particular year (Census or Estimated Number of Deaths reported by CAPMAS)

[B] = % of those who would have property/assets to pass on to their children (assuming on average at least one would be a women)

[C] = % of women who receive their inheritance after passage of the amendment

[D] = % of women who receive their inheritance before passage of the amendment

Findings

Extrapolating the model to the published data on vital statistics, agricultural statistics and income expenditure published by the Central Agency for Public Mobilization and Statistics of 2016 through 2019 reveals that the application of the new amendment of the law potentially results in nearly 34,000 more women who can have access to their inheritance annually.

Based on feedback from women's' activists interviewed, the effect of COVID-19 and the closure of courts on the number of women affected was believed to be negligible. Many of these cases are extremely complex and usually take many years in courts and hence would not be significantly affected by this delay.

As inferred from the feedback of key informants, it is too early to identify positive impacts of the law amendment, however, they highlighted some threats that might hinder the achievement of the desired impact of the law amendment.

- *The long duration of the legal dispute and associated legal costs*
- *Procedural pitfalls:* Feedback from legal experts confirmed the fact that the law amendment did not alter the legal procedures associated with inheritance dispute cases and they highlighted some pitfalls in the procedures that might adversely affect the verdict in the case.
- *Socio cultural barriers:* although the law amendment might be of value for women who decide to follow the legal route for claiming their inheritance, it is worth noting that only 57% of women who are deprived of their inheritance rights decide to actively seek the legal route due to cultural and social norms which consider filing lawsuits against a family member as a social crime and sin that brings disgrace and stigma to the woman for her whole life.

Conclusion

Although legislation is important in empowering women to have access to their inheritance, it should be noted that it is only one single element. Creation of an enabling environment is much more important through awareness raising and community mobilization to overcome the social norms barriers.

Recommendations

At the Local/Community Level

- Providing women with legal support in the form of legal representation to submit their cases of disputed inheritance.
- Work on community mobilization to ensure an enabling environment for women who would like to access their legal inheritance through gradual cultural and social norms modification to ensure a dispute between a woman and her male relatives withholding the inheritance is not viewed as a stigma to women in the community.
- Involvement of religious leaders in advocating for the rights of women in the inheritance.
- Involvement of community leaders and forming committees can work on negotiating and solving inheritance issues at the local community level.
- Both local grass root initiatives and national initiatives such as the ' Tarq al abwab Initiative ' or ' Knocking on Doors' implemented by the NCW that tackled inheritance issues must develop platforms and committees to allow for information sharing particularly on best practices and successes but also on challenges and limitations that women still struggle with.
- Care international can play an important role in maximizing the impact of the law modification through supporting the local grass root NGOs in working on the community mobilization and the establishment of the local conflict resolution committees involved in solving disputes about inheritance at the village level.

At Governorate level

Conducting field studies in the Governorates of Upper Egypt level to assess the impact of the law amendment directly on women and understand the social and cultural factors that form part of the underlying problem of withholding women's inheritance to be able to develop a wide community mobilization plan.

At the National Level

More advocacy needs to be done to induce further changes in the law particularly the procedural issues to ensure the judicial process would be much simpler and more affordable for women.



Background

Women and Inheritance rights

Gender inequality and discrimination against women still exists on many levels including their right to equal inheritance. Men are still perceived as the main breadwinners of the family, which entitles them under Islamic Law to inherit double the share of a woman. Most Arab countries continue to abide by Islamic Law on the matter of inheritance, and national laws in many countries do not grant equal inheritance for women and men¹. This not only deprives women of the right to inherit equally to their male siblings or relatives², but in many instances puts women in situations of economic disempowerment forcing them to abandon their legal share of the inheritance³.

Ownership of financial assets is integral to exercising agency and to ensuring a basic sense of human security that allows individuals to be able to live free of need, insecurity and indignity. This is particularly important in societies where land assets and other natural resources are a vital source of livelihood instrumental to the financial, physical, and psychological wellbeing of its owners. Women in many regions across the world including the Middle East and North Africa (MENA) continue to suffer from the gender gap in land ownership. In many countries including Egypt most females, regardless of their education or socio-economic status are landless. This is due to a predetermined set of gender-based norms and inequalities that are deep rooted in societal and cultural attitudes and practices that give license to patterns of discrimination against female family members⁴.

Despite the fact that the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), guarantees equal inheritance rights for women and is recognised by countries including Egypt, Jordan, Morocco and Tunisia, yet Tunisia is the only country in North Africa to have a ratified protocol that guarantees a woman's equal rights. Tunisia, the Committee for Individual Freedoms and Equality (COLIBE) report was created in 2017 to put forward proposals in prioritizing individual freedoms and equality in the constitution and Tunisia's international human rights commitments including gender equality in inheritance. Despite the significant support to ratify the articles of this report a recent change in government has delayed the process. Nonetheless, the report has been able to raise awareness on several issues of inequality in the MENA region⁵.

¹ Changing Laws and Breaking Barriers for Women's Economic Empowerment in Egypt, Jordan, Morocco and Tunisia, Competitiveness and Private Sector Development, 2020, OECD Publishing, Paris.

² Egyptian women get inheritance rights, 2017, Al-Monitor, Egypt.

³ Equality in inheritance stirs controversy in Egypt, 2018, Egypt Today, Egypt.

⁴ Kandeel, A., 2020. Let justice be done: Respect for female land rights in the Middle East and North Africa. [online] Middle East Institute. Available at: <<https://www.mei.edu/publications/let-justice-be-done-respect-female-land-rights-middle-east-and-north-africa>>

⁵ Equality in inheritance stirs controversy in Egypt, 2018, Egypt Today, Egypt.

In many Middle East and North African countries despite legal rights to inheritance, many women are unable or unlikely to risk taking their relatives to court to fight for their inheritance. This may be interpreted as a declaration of war against the family damaging relationships and ties that may lead to them disowning her⁶. Women also face numerous issues if they decide to take court action. These factors include biased judges, difficulty reaching courts due to access especially those living in rural areas, inability to pay court fees⁷, and the risk of lack of enforcement if the court favours women⁸.

These discriminatory attitudes do not take into account the moral and ethical considerations that further create and reinforce inequalities. In many instances the father is commonly the customary head, who has the authority to make decisions on land inheritance to different members of his family. It is not uncommon that women are restricted from accessing ownership to land. This discrimination in resource ownership can have significant and far-reaching consequences of these women and their families⁹.

Inheritance rights in Egypt

Islamic law is followed in Egyptian law, granting men double the inheritance of what women receive. Despite this, women continue to struggle to receive even this share. According to a study conducted in 2009 by Salwa Al Mahdy in Souhag and Quena governorates in Egypt, only 40.5% of women receive their inheritance without asking for it while 59.5% of the women were completely deprived of their inheritance. The study revealed that only 57% of those 59.5% who were deprived of their inheritance requested their inheritance and only 18% finally received access to their full inheritance¹⁰.

The study revealed that 38% of women who did not ask for their rightful share of inheritance believed it was impossible to receive their share, 29% said family customs prevented them from asking for inheritance, 23% refused to ask to avoid family conflict, three women said asking for inheritance was not right, and five women discovered their father would give all his belongings to the men of the family¹¹.

Amended Inheritance Law in Egypt

On December 5, 2017, the inheritance law in Egypt was finally amended, taking into account Upper Egypt, where cultural norms were ingrained even more so in society and culture¹². The legislations, Law No. 77/1943 on inheritance and Law No. 71/1946 on wills apply to all religious communities in Egypt, despite its influence by Shari'a Islamic inheritance law. The law where women can only inherit half of what men inherit has been changing, with the proposal of legal reforms challenging inequalities to amend the existing law. The majority of women in border governorates and Upper Egypt are deprived of their inheritance rights, specifically land rights this leads to not only deprivation of their legal rights but a further disempowerment of their economic rights as well^{13,14}.

⁶Kandeel, A., 2020. Let justice be done: Respect for female land rights in the Middle East and North Africa. [online] Middle East Institute. Available at: <<https://www.mei.edu/publications/let-justice-be-done-respect-female-land-rights-middle-east-and-north-africa>>

⁷El Zein, F., 2013. Women's Access to Justice in The Middle East: Challenges and recommendations - Oxfam Policy & Practice. [online] Oxfam Policy & Practice. Available at: <<https://policy-practice.oxfam.org/resources/womens-access-to-justice-in-the-middle-east-challenges-and-recommendations-606565/>>

⁸Women's Inheritance Rights in Africa: The Need to Integrate Cultural Understanding and Legal Reforms, 2004, Human Rights Brief 11, United States.

⁹Kandeel, A., 2020. Let justice be done: Respect for female land rights in the Middle East and North Africa. [online] Middle East Institute. Available at: <<https://www.mei.edu/publications/let-justice-be-done-respect-female-land-rights-middle-east-and-north-africa>>

¹⁰Talal, O., 2016. «الرضوى بدلاً من القانون إعلاميون من أجل صحافة استقصائية عربية (أريج)». [online] Arij.net. Available at: <<https://arij.net/investigation/%D8%A7%D9%84%D8%B1%D8%B6%D9%88%D9%89-%D8%A8%D8%AF%D9%84%D8%A7%D9%8B-%D9%85%D9%86-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86/>>.

¹¹Ibid

¹²Equality in inheritance stirs controversy in Egypt, 2018, Egypt Today, Egypt.

¹³Changing Laws and Breaking Barriers for Women's Economic Empowerment in Egypt, Jordan, Morocco and Tunisia, Competitiveness and Private Sector Development, 2020, OECD Publishing, Paris.

¹⁴Gender Justice & The Law, 2018, UNDP.

These efforts to amend the inheritance law rather than change it altogether were implemented as it would have been almost impossible to change the law due to the fact that it based on Islamic law. Thus, reforming the existing law was the only possible way to target inequalities related to this matter. The National Council for Women (NCW), civil society organisations (CSOs) and bills submitted by members of the Egyptian parliament launched the National Strategy for the Empowerment of Egyptian Women 2030 in 2017¹⁵; supported by President Abdel Fattah El Sisi. The strategy pushed for women to stop being dispossessed of their legal inheritance rights. As a result, the Inheritance Law No. 77 of 1943 was amended by Law No. 219 of 2017. The law imposes monetary penalties on those who intentionally deprive an heir of their inheritance rights. These penalties include a three-year prison sentence, along with a fine ranging from EGP 20,000 to 100,000. Anyone who intentionally hides documents proving legal inheritance rights will be sentenced to at least six months in prison and fined between EGP 10,000 to 50,000¹⁶.

Prior to the amendment of the inheritance law, there were no penalties in place if a female family member was denied or prevented from receiving their inheritance¹⁷. A study found that men denied women their rightful share of the inheritance because of “traditional or cultural beliefs” as well as the absence of a written law that penalized seizing inheritance rights from women and no formal obligation to distribute inheritance rights¹⁸.

Controversy of the Amended Inheritance Law

Despite fines and punishments put in place the amended law is still not being imposed. Traditional cultural norms and a patriarchal society deeply embedded in Egyptian society have led men feeling that accepting the penalties rather than abiding by the law is a more acceptable option than breaking with the traditions they were brought up with. In addition, there is yet to be any real change since the amendment has only addressed the legal implications but has not tackled the social and cultural barriers that are still quite deeply ingrained within these societies¹⁹. The majority of women also still need to be made fully aware of the legal rights they are entitled to, especially those living in remote areas where access to services and information may be limited²⁰. There is also a substantial risk to many women who are under threat of disownment by their families and even the risk of death.

Positive outcomes of amendment of the Inheritance Law

The ratified amendment brings light to inequality and discrimination against women, especially with regard to inheritance. It is also the first time there has been a stipulation of penalties against those who prevent women from receiving their legitimate share of inheritance, appropriately criminalizing those who refuse to abide by the law. The amendment of the inheritance law also attempts to bring about societal awareness to change the perceptions of rights, equality and economic empowerment for women, particularly those living in rural areas, who may have many more barriers to access, information and rights²¹.

¹⁵ Equality in inheritance stirs controversy in Egypt, 2018, Egypt Today, Egypt.

¹⁶ Gender Justice & The Law, 2018, UNDP.

¹⁷ Parliament Amends Inheritance Laws to Tackle Gender Discrimination, 2018, Egyptian Streets.

¹⁸ Talal, O., 2016. «الرضوى بدلاً من القانون إعلاميون من أجل صحافة استقصائية عربية (أريج)». [online] Arij.net. Available at:

<[https://arij.net/investigation/%D8%A7%D9%84%D8%B1%D8%B6%D9%88%D9%89-%D8%A8%D8%AF%D9%84%D8%A7%D9%8B-%D9%85%D9%86-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86/>](https://arij.net/investigation/%D8%A7%D9%84%D8%B1%D8%B6%D9%88%D9%89-%D8%A8%D8%AF%D9%84%D8%A7%D9%8B-%D9%85%D9%86-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86/).

¹⁹ Changing Laws and Breaking Barriers for Women's Economic Empowerment in Egypt, Jordan, Morocco and Tunisia, Competitiveness and Private Sector Development, 2020, OECD Publishing, Paris.

²⁰ Egyptian women get inheritance rights, 2017, Al-Monitor, Egypt.

²¹ Badr Association leads a political dialogue in Cairo to strengthen the enforcement of the inheritance law, 2019, Euro-Mediterranean Women's Foundation.

The Project

In the period from January 2013 to June 2016, CARE International Egypt successfully implemented a project addressing “Empowering women to claim Inheritance Rights (WIN)”, this project was funded by the European Commission under the Gender Equality Programme and aimed to strengthen the access of women particularly those in Upper Egypt to gain access and control over their economic rights, resources and opportunities through their lawful inheritance. Many women were at a serious economic, as well as social disadvantage due to their inability to gain access to control over land and property they are legally entitled to which put them at a significant disadvantage. The project thereby aimed to promote women’s equal access to these resources and opportunities by advocating for the amendment of the inheritance law as well as strengthening it by also introducing an article of penalty if the law is not implemented or enforced.

The project addressed these points through working at both local and national level. At local level the project strengthened the role of local civil society organizations to effectively work together at community level and coordinate with intermediary organizations at the governorate level to facilitate women's access to inheritance rights and to enabled them to better manage their property and assets in Assiut and Sohag Governorates. At the same time empowering women to claim, seek support and claim their inheritance rights. At local level the project worked with 6 Civil Society Organizations (CSO's) directly reaching 38,814 beneficiaries. The implementation was led by CARE and its partners and intermediary organizations (IOs) ACDA (Assiut Childhood and Development Association) and HDEA (the Human Development Egyptian Association) in Sohag. The Centre for Lawyers for Justice and Peace (LJP) was also an important technical partner.

At national level the project organizing the civil society actors through a network composed of women rights organizations advocated successfully for the amendments to the existing inheritance law, introducing for the first-time penalties in cases when women right to inheritance under the law was denied. At national level the project addressed the gaps in than existing Egyptian Inheritance Law which merely dictated how inheritance should be distributed, lacking any kind of penalty for denying women their inheritance. To address this important gap in the Inheritance Law, CARE partnered with the Center for Egyptian Women Legal Assistance (CEWLA) which led the formation of a Legal Committee composed of representatives from women rights organisations, CSOs project partners at local level and legal experts. The legal committee purpose was to build the case, mobilize public and legislative support from the Egyptian parliament and National Council for Women to amend the Egypt Inheritance Law to include in more significant substance criminalizing the denial of inheritance and setting penalties to the crime.

In order to achieve the above CARE supported the Legal Committee established by the project to develop their advocacy plan, build the case by conducting a legal gap analysis of the existing Egyptian Inheritance Law; provided support to drafting the law amendment; coordinated work to collect 5,989 signatures to support the proposed amendment; CARE engaged and influenced the National Council of Women and Egyptian parliamentarians to support the law amendment. The advocacy work was successful. The Egyptian Parliament successfully amended the Inheritance Law in December 2017 introducing criminalization of denial of inheritance and setting penalties to the crime. The amendment of the Inheritance Law is considered a significant advocacy win for women in Egypt whose inheritance rights were denied consistently.

Objectives/Research Questions

This is a post-project evaluation, focused on measuring the impact of the amended Inheritance Law since December 2017 as the result of the advocacy lead by CARE in Egypt. It will aim to:

- Quantify the Impact achieved as the result of the Amended Inheritance Law in terms of people whose rights to a life free from (economic) violence is being fulfilled to a greater degree than before the amended Inheritance law.
- Assess and analyse if/how the introduction of criminalization and penalties in the Inheritance Law have enhanced the application of the amended Inheritance Law to date and provide recommendations on how its application can be further improved/strengthened.
- Identify and analyse non intended effects both positive or negative, of the Amended Inheritance Law with regards to women property rights through inheritance.

Key questions to be answered by the study

The impact evaluation will address the following research questions:

1. What is the number of women each year whose rights to inheritance are actually not being violated since the passing of the law in December 2017, compared to those whose rights to inherit were not being violated before the law passed?
2. Are any unintended effects—positive or negative—with regards to women management of economic assets and property rights as the result of the application of the Amended Inheritance Law?
3. What are some good practices, innovations, initiatives, opportunities, and threats that have emerged with regards to women rights to inheritance and access to economic assets since the passing of the amended Inheritance Law in December 2017?
4. What are key learning and recommendations that can be used in strengthening the application of the amended Inheritance Law?

Methodology

The current evaluation was based on a mixed method of primary and secondary data collection and analysis, both qualitative and quantitative to allow for triangulation and validation of the findings. Primary data was collected through qualitative in-depth interviews with various stakeholders from relevant Governmental Agencies, Civil Society and Gender Rights Activists.

Quantitative methods

Secondary data analysis

This impact analysis was entirely based on the compilation of official statistics published by the HDEA (CAPMAS), the source of most of the official statistics in Egypt. Population size, based on census conducted every 10 years and official population size estimates in between census years was used, also the total and disaggregated number of actual deaths registered annually was obtained. Other sources of data from CAPMAS includes the agricultural statistics from the Statistical Year Book 2020 which entailed the ownership of agricultural properties including agricultural land in Egypt was used. Finally, data from the latest income, expenditure and consumption study conducted by CAPMAS in 2017/2018 and published in 2019 was used in this study.

Data compilation and Analysis

The quantitative data was used to model the estimated impact of the new law, in terms of people whose rights to a life free from (economic) violence is being fulfilled to a greater degree than before this change of the law every year using the formula:

$$A * (B * (C - D))$$

Where

[A] = Number of people who die in a particular year (Census or Estimated Number of Deaths reported by CAPMAS)

[B] = % of those who would have property/assets to pass on to their children (assuming on average at least one would be a women)

[C] = % of women who receive their inheritance after passage of the amendment

[D] = % of women who receive their inheritance before passage of the amendment [the AIIR tool says: "Another study claims that about 59.5% of women are deprived of their inheritance", so 1 - E% would be 40.5%]

Qualitative methods

In-depth interviews (IDIs)

In depth interviews were conducted with various stakeholders and key informants including. Four Human and women's rights activists, lawyers one women's rights activist and journalist as well as three representatives of relevant Governmental bodies (National Council for Women) and seven representatives of civil society organization working on women's rights in Cairo, Assiut and Souhag (See Annex for full list).

Limitations

In the absence of primary quantitative data collected from a sufficient representative sample, it was not possible to use linear regression methods to build a statistical model for accurate estimation of the number of women who benefited from the law amendment and reached complete access to their full inheritance based on significant independent predictors. This would have been the best approach to an accurate impact quantification.

A simple statistical model based on estimates provided by the CAPMAS statistics to identify the percentage of deceased individuals who own property or land that they intend to pass on to their heirs, as well as a study conducted in two Governorates in Upper Egypt to estimate the number of women who had full access to their inheritance before and after the amendment of the law. In the absence of more studies addressing the same research question, it was not possible to conduct a systematic review and meta-analysis which would have been the most appropriate was to extract more accurate and precise estimates.

The initial plan was to establish a platform for dialogue and information sharing through cooperation with the Ministry of Justice. This would have included the acquiring of primary data on filed inheritance cases. This process however took more time than we had and given the tight deadline of finalizing and submitting this report, it was not possible to wait.

In the absence of the primary data, it was not possible to calculate standard errors of the estimates.

Ethical Considerations

Consultar for management services and training® made all possible measures to ensure the data collection processes was:

- Fair and inclusive:

Through seeking the views of various stakeholders and be able to identify and address any potential conflicts of interest.

- Based on rights and ethics:

Consultar for management services and training® ensured respecting the rights and dignity of participants as well as compliance with relevant ethical standards and Care International Protection Policy and Code of Conduct. The research ensured appropriate, safe, non-discriminatory participation, a process of free and un-coerced consent and withdrawal and confidentiality and anonymity of participants²². The informed consent of each person participating in the study was taken.

Consultar for management services and training® did not have any declarable conflict of interest or potential biases, including bias towards any of the stakeholders, target groups, types of research methodologies or approach, and social, political or religious prejudice.

²² Confidentiality and anonymity can never be 100% assured to participants, especially when working with children. If children disclose a need for protection by revealing alleged historical child abuse, current child abuse or the abuse of other children, action must be taken, even if this means breaching confidentiality. These limits of confidentiality must be clearly communicated to the participants before starting the data collection process.

Findings

The evaluation focused on addressing the following key questions:

Estimated number of women who benefited from the amendment of the law (whose rights to inheritance are actually not being violated since the passing of the law in December 2017, compared to those whose rights to inherit were not being violated before the law passed)

Population Size, Mortality and Annual Number of Deaths

The size of the population in Egypt has markedly increased between 2016 and 2020 as shown in the following graph

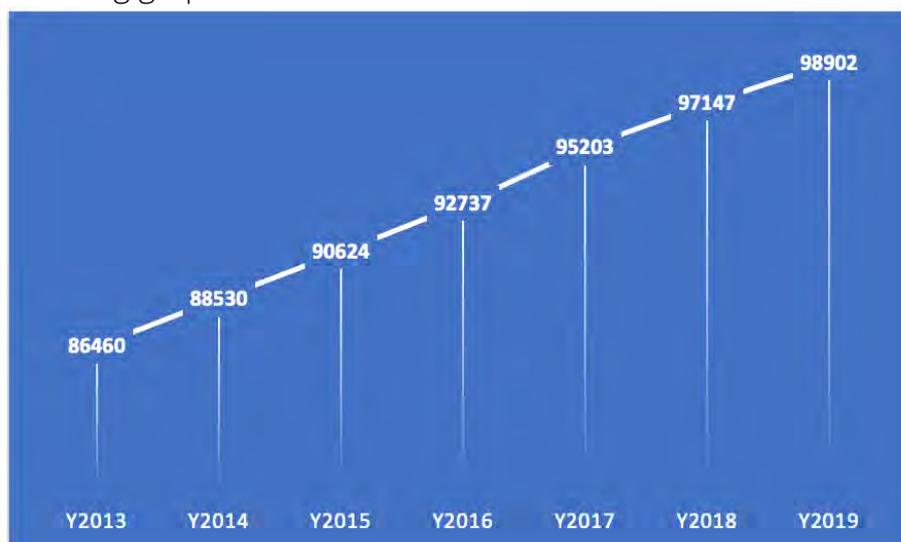


Figure 1 Egypt Population Size (in 1000) from 2013 -2019 adopted from CAPMAS - Egypt Statistical Year Book, 2020

Table 1 Population Size (in 1000) from 2013 -2019 Distributed by Governorate

	2013	2014	2015	2016	2017	2018	2019
Cairo	9,198	9,365	9,469	9,690	9,570	9,717	9,841
Giza	7,449	7,634	7,810	7,992	8,666	8,832	8,982
Sharkia	6,378	6,528	6,680	6,836	7,192	7,332	7,459
Dakahlia	5,873	5,997	6,103	6,245	6,516	6,626	6,725
Behera	5,684	5,834	6,002	6,141	6,200	6,337	6,461
Kalyoubia	5,033	5,144	5,241	5,363	5,648	5,744	5,830
Menia	5,037	5,177	5,356	5,481	5,527	5,674	5,809
Alexandria	4,759	4,854	4,917	5,032	5,179	5,260	5,328
Suhag	4,500	4,626	4,775	4,887	995	5,128	5,255
Gharbia	4,692	4,791	4,876	4,989	5,019	5,105	5,182
Asyout	4,151	4,264	4,398	4,500	4,407	4,528	4,639
Menoufia	3,881	3,966	4,059	4,153	4,319	4,401	4,474
Fayoum	3,087	3,180	3,298	3,375	3,615	3,705	3,785
Kafr-ElSheikh	3,121	3,194	3,270	3,346	3,377	3,445	3,507
Qena	2,981	3,061	3,154	3,228	3,182	3,264	3,340
Beni-Suef	2,787	2,868	2,971	3,040	3,171	3,249	3,322
Damietta	1,313	1,341	1,367	1,398	1,502	1,527	1,549
Aswan	1,405	1,440	1,476	1,511	1,481	1,516	1,546
Ismailia	1,153	1,184	1,218	1,247	1,309	1,338	1,364
Luxor	1,129	1,155	1,181	1,209	1,256	1,283	1,309
Port-Said	660	673	680	696	751	760	768
Suez	612	627	640	655	731	743	755
Matrouh	426	446	476	487	429	451	471
North Sinai	425	437	448	459	452	460	467
Red Sea	340	348	357	365	361	369	376
El Wadi El Gidid	221	227	232	237	242	247	251
South Sinai	167	169	170	174	103	105	107
Total	86,462	88,530	90,624	92,736	91,200	97,146	98,902

The estimated number of deaths has not shown a similar increase over this period which partially explains the marked population growth and natural increase. The following table adopted from CAPMAS, Statistical Year Book , 2020 shows the number of deaths registered in Egypt from 2016 to 2019 Distributed by governorate.

Table 2 Estimated Number of Deaths by Governorate (2016-2019)

Governorate	2016	2017	2018	2019
Cairo	85,681	85,708	88,938	91,358
Giza	45,661	45,229	47,282	48,635
Alexandria	40,946	40,114	41,051	42,774
Dakahlia	39,084	37,941	38,788	39,517
Sharkia	37,254	36,346	37,393	37,690
Gharbia	31,421	30,153	30,465	30,818
Behera	31,504	30,382	30,773	30,765
Kalyoubia	27,366	26,949	28,152	28,337
Asyout	26,526	26,257	26,914	27,361
Menia	27,053	26,680	26,741	26,739
Suhag	25,867	24,923	25,488	25,882
Menoufia	24,330	23,661	24,330	24,507
Qena	16,937	16,709	17,332	17,544
Kafr El Sheikh	17,644	17,299	17,306	17,405
Beni-Suef	15,823	15,762	15,586	15,693
Fayoum	15,265	15,295	14,482	15,306
Damietta	9,222	9,207	9,334	9,505
Aswan	7,686	7,682	8,279	8,631
Ismailia	7,494	7,576	7,907	7,866
Luxor	7,082	7,118	7,280	7,557
Port-Said	4,442	4,506	4,683	4,626
Suez	4,041	3,805	3,780	4,054
Matrouh	2,329	1,962	2,642	2,559
Red Sea	1,578	1,771	1,810	1,873
North Sinai	2,274	2,496	1,750	1,720
El Wadi El Gidid	1,004	1,026	1,135	1,088
South Sinai	634	651	687	770
Total	556,148	547,208	560,308	570,580

Proportion of people who die and have property/assets to pass to family members.

Based on CAPMAS research on income expense and consumption conducted in on a national representative sample of 26000 households revealed that 61.1% of Egyptians live in a house that they own. This percent shows a wide variation between urban and rural households where 81.6% of rural households own their house as opposed to only 38% of urban households.

With an average household size of 4.04 as per the 2017 population Census, and assuming the house ownership by the head of the household, according to the income expenditure and consumption research, 61.1% of household heads have ownership of their houses.

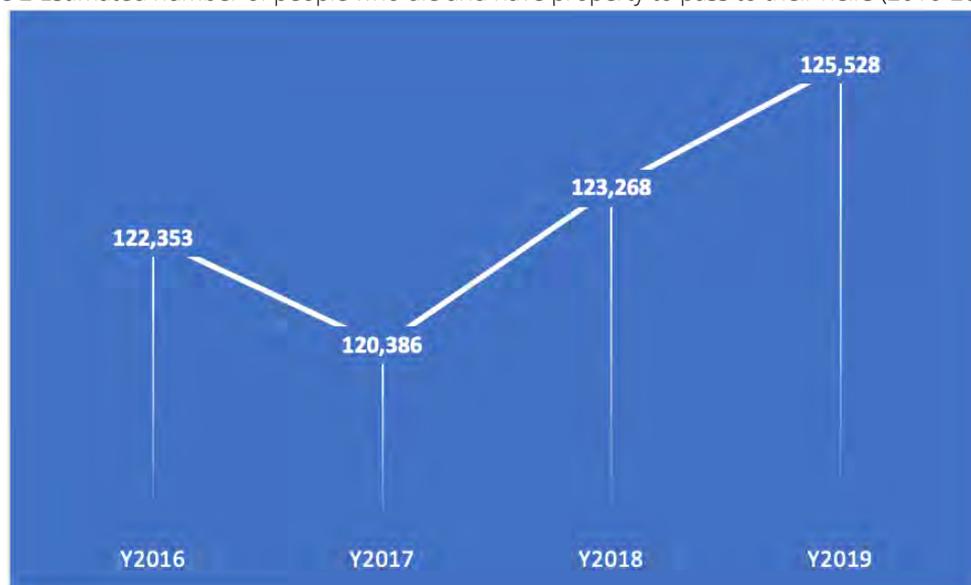
To estimate the proportion of the total population who owns at least a residential house, the population size is divided by 4.04 (the average household size) to get an estimation of the number of heads of household, and the resulting number is multiplied by 61.1%. For facilitation, this equation can be simplified by multiplying the total population size by 15.1% (61.1/4.04).

It can be deduced that at least 15.1% of the population have ownership of real estate (i.e. the house in which the family resides)

Similarly, the statistical yearbook revealed that the agricultural property ownership recorded in 2010 was 5,404, 395 (6.94% of the population as per 2010 population estimate) those include both land plots and other agricultural properties as well as livestock.

Working to those assumptions on the number of recorded deaths/years from 2016 -2019 we can estimate the number of people who die every year and have property/assets to pass to their families (22% of Deaths).

Figure 2 Estimated number of people who die and have property to pass to their heirs (2016-2019)



How many women were deprived of their inheritance rights before the law amendment?

According to a study conducted in 2009 by Salwa Al Mahdy in Souhag and Quena Governorates in Egypt, 59.5% of the women were deprived of their inheritance. The study revealed that only 57% of those 59.5% who were deprived of their inheritance requested their inheritance only 18% could reclaim their inheritance. Extrapolation of the results of this study may allow the estimation of the number of women who may have access to their inheritance before the amendment of the inheritance law and based on the recorded number of deaths annually based on CAPMAS published data for 2016-2019.

With the assumption that 22% of the deaths will involve inherited property (house or agricultural property) and assuming at least one of the heirs in each case will be a woman, the number of women who receive their inheritance (estimated at 40.5%) and those deprived of their inheritance (59.5%) can be calculated for each year.

With the assumption that 57% of deprived women will actually request their inheritance and file lawsuits the number of women who try to access their inheritance prior to the passage of the amendment can also be calculated. Those who succeed in getting access to their inheritance can be estimated as 18% of those who requesting it. The total

number of women who have access to their inheritance can be calculated as the sum of those who receive their inheritance without asking for it or filing a lawsuit, and those who succeed in accessing their inheritance after filing a lawsuit.

The following table shows the estimations of the number of women who gained access to their inheritance prior to the amendment of the law with only 18% of success of filed lawsuits in empowering women to have full access to their inheritance.

Table 3 An Estimation of the Number of Women who would have Received their Inheritance before Passage of the New Amendment of the Law

	2016	2017	2018	2019
Total number of deaths	556,148	547,208	560,308	570,580
Total number of deaths who pass inheritance (22% of deaths)	122,353	120,386	123,268	125,528
Deprived of inheritance (59.5%)	72,800	71,630	73,344	74,689
Receive inheritance (40.5%)	49,553	48,756	49,923	50,839
Request inheritance (57% of those deprived)	41,496	40,829	41,806	42,573
Receive inheritance (18% of those who request inheritance)	7,469	7,349	7,525	7,663
Total who receive inheritance	57,022	56,105	57,449	58,502

Interviews with representatives from community-based organizations (CBOs) from both Assiut and Sohag explained that during the project, a number of awareness raising efforts were conducted across several villages through a number of different platforms including info-sessions, house to house awareness campaigns, interactive theatre etc. These targeted both men and women and aimed to raise awareness on issues regarding woman's right to their inheritance. These were done through teams of 'Rewad Taghyeer' or agents of change. If a woman is struggling with siblings or family members on an issue of her inheritance rights, representatives from the CBO will call upon a Mediation Committee (Lagnet el wasata). This committee includes a number of community leaders including the village chief (Omda), a high-ranking religious leader (Muslim or Christian) and any other relevant senior village members that have influence. The CBO representatives all agreed that the religious leader is the most influential member of the committee.

“The sheikh or religious leader has a significant influence on everyone in the village, and people are very receptive to anything that he tells them especially if this is what God ordered us to do
 الشيخ أو راجل الدين له تأثير كبير على الناس فى القرية والناس بتسمع كلامه خصوصا لو ده كلام ربنا
 Representative of a partner CBO-Assiut Governorate

According to all the CBO representatives once the Mediation Committee intervenes, the issue is usually resolved quickly without having to take any legal action which could explain the vast differences in the numbers who request inheritance and those who actually receive it.

Compliance with the Amended Law

If we were to apply the same model after the amendment of the law, It is worth mentioning that women who opt not to claim their inheritance right or file a lawsuit in case they are deprived of their inheritance, do so because of cultural and social norms prevalent in their communities particularly in Upper Egypt. Many also believe that a dispute with their male siblings over inheritance would be stigmatized within their wider families and local communities and disgrace them. Accordingly, the estimation of the number of women who would actively claim their inheritance after the law amendment will not significantly change, given the fact that the prevalent cultural and social norms remain the same.

With the assumption that with the application of the new amendment of the inheritance law, it can be assumed however that all 57% of women who will opt to claim their inheritance will be fully empowered to reclaim it.

With this assumption the number of women who will have full access to their inheritance can be calculated based on the following model:

Table 4 Estimation of the Number of Women who would Get Access to their Inheritance following the Amendment of the New Law(2016-2019)

	2016	2017	2018	2019
Total number of deaths	556,148	547,208	560,308	570,580
Total number of deaths who pass inheritance (22% of Deaths) same as before the amendment	122,353	120,386	123,268	125,528
Deprived of inheritance (59.5%) same as before the amendment	72,800	71,630	73,344	74,689
Receive inheritance (40.5%) same as before the amendment	49,553	48,756	49,923	50,839
Request inheritance (57% of those deprived) same as before the amendment	41,496	40,829	41,806	42,573
Receive inheritance (100% of those who request inheritance) changed after the amendment	41,496	40,829	41,806	42,573
Total receive inheritance	91,049	89,585	91,730	93,411

Similar to the previous point, unlike the information identified in the desk review, feedback from the community identified that in most instances families were usually very receptive when the Mediation committee approached them regarding an inheritance dispute within the family. They were particularly influenced by the opinion of the religious leader, and this had a significant influence on the outcomes achieved. It also facilitated the maintenance of positive family relationships between the disputing parties and encouraged them to resolve the matter without having to resort to legal routes.

They were aware however that the amendment of the law was a significant driving force behind cases being resolved in favour of the women. Contrary again to the information identified in the desk review, in almost every case handled by the interviewed CBOs

there was not a single person who was willing to go to prison to avoid handing over the disputed inheritance. The amended law also empowered women to take the step to demand their inheritance when it was not being offered willingly without being afraid of alienating their families

“ Women wouldn’t dare talk about their inheritance with their families, they were afraid. Many of them felt like they would rather leave the inheritance to their siblings and family members so that they would be able to maintain a relationship with them
 الستات زمان ماكانتش تجرؤ تتكلم في قصة الورث كانوا يخافوا. كتير منهم كان ممكن يتنازل عن حقه علشان اھاليھم متقاطعھمش
 Representative of a Mediation Team -Sohag Governorate ”

Estimation of the number of women who might benefit from the law amendment

Table 5 Estimation of the Number of Women who Could have Potentially Benefited from the Law Amendment (2016-2019)

	2016	2017	2018	2019
Total number of deaths	556,148	547,208	560,308	570,580
Total number of deaths who pass inheritance (22% of Deaths)	122,353	120,386	123,268	125,528
Number of women who accessed inheritance before the amendment	57,022	56,105	57,449	58,502
Number of women who would access inheritance after the amendment	91,049	89,585	91,730	93,411
	34,027	33,480	34,281	34,909

Extrapolating the model to the published data of 2016 through 2019 reveals that the application of the new amendment of the law potentially results in nearly 34,000 more women who can have access to their inheritance annually.

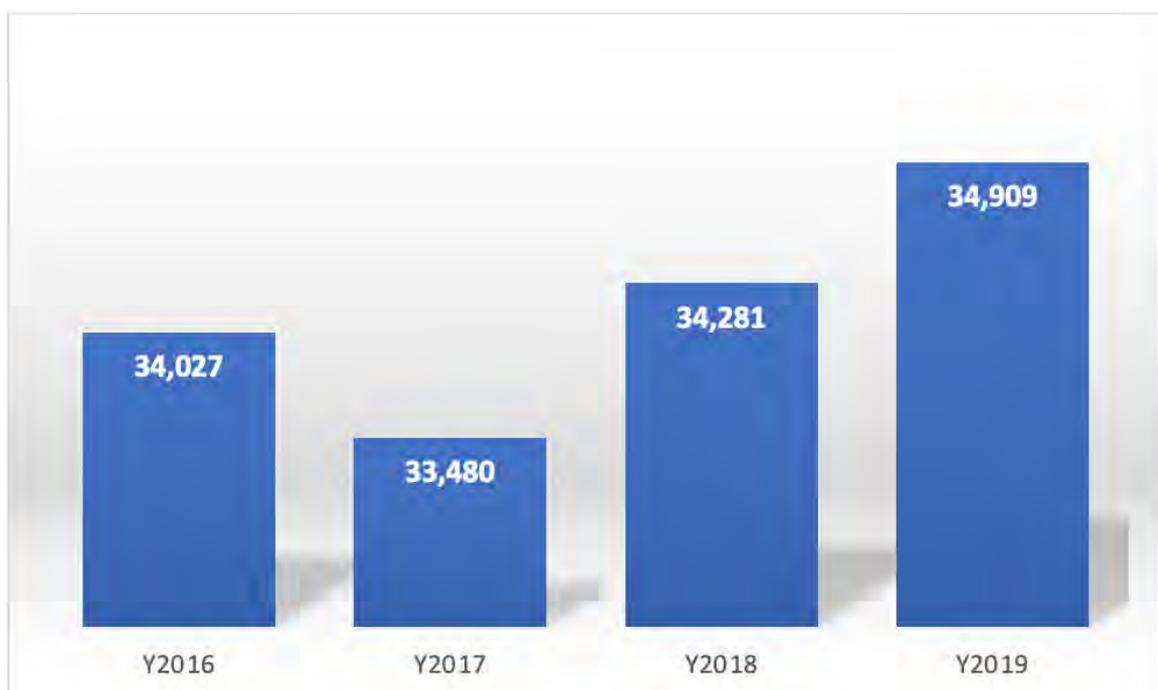


Figure 3 Estimated Number of Women who would Have Benefited from the Law Amendment (2016-2019)

Effect of COVID-19 pandemic

The first case of COVID-19 was confirmed in Egypt on the 4th of February 2020 which triggered a series of measures taken by the government of Egypt to contain the pandemic including a total lockdown that started on the 25th of March 2020 until the 27th of June 2020. Following this, the government introduced de-confinement measures and a phased plan to reopen the economy²³. Courts stopped examining cases and judges stopped hearing cases as of the 15th of March 2020²⁴. Courts returned to work in full capacity as of the 27th of June 2020^{25, 26}. This period had an impact on the congestion of the judicial system which hears around 6 million cases annually²⁷.

It is expected that this might have had some effect on filed cases to reclaim inheritance rights, however, based on feedback from women's' activists interviewed the effect was negligible as many of these cases are extremely complex and usually take many years in courts and hence would not be significantly affected by this delay. According to a human rights lawyer:

“

The cases of inheritance claiming are mostly complicated cases that might take years in court, so the closure of courts did not significantly impacted them.

قضايا الميراث عادة بتبقا معقدة وبتاخذ سنين في المحاكم فغلق المحاكم كام شهر مكانش له تأثير كبير

”

Since no official data could be obtained from the Ministry of Justice about the number of cases filed before, and after the COVID-19 pandemic lockdown, it was not possible to quantify the impact of the pandemic on the number of cases.

²³ Case Report: COVID-19 on the Nile: Review on the Management and Outcomes of the COVID-19 Pandemic in the Arab Republic of Egypt from February to August 2020 Gaye1, ,*and El Okaely: El Int. J. Environ. Res. Public Health 2021, 18, 1588.

²⁴ <https://doi.org/10.3390/ijerph18041588><https://www.mdpi.com/journal/ijerph>

²⁵ <https://www.almasryalyoum.com/news/details/1627076>

²⁶ <https://www.youm7.com/story/2020/6/24/%D9%88%D8%B2%D9%8A%D8%B1-%D8%A7%D9%84%D8%B9%D8%AF%D9%84-%D9%82%D8%B1-%D8%B9%D9%88%D8%AF%D8%A9-%D8%A7%D9%84%D8%B9%D9%85%D9%84-%D8%A8%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85-%D9%88%D8%A7%D9%84%D8%B4%D9%87%D8%B1-%D8%A7%D9%84%D8%B9%D9%82%D8%A7%D8%B1%D9%89-%D8%A8%D9%83%D8%A7%D9%85%D9%84-%D8%B7%D8%A7%D9%82%D8%AA%D9%87%D8%A7/4841985>

²⁷ <https://almaalnews.com/%D8%AA%D9%83%D8%AF%D8%B3-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D9%8A%D8%A7-%D9%8A%D8%AF%D9%81%D8%B9-%D9%86%D9%88%D8%A7%D8%A8-%D8%A7%D9%84%D8%A8%D8%B1%D9%84%D9%85%D8%A7%D9%86-%D9%84%D9%84%D9%85%D8%B7%D8%A7/>

Were there any unintended effects on women managing economic assets and property rights as the result of the application of the Amended Inheritance Law?

Although the law amendment was a successful step on the path of empowering women to acquire their inheritance and manage their economic assets, the road to achievement of this impact is still very long. According to a woman's rights lawyer and activist:

“It is still too early to evaluate the impact of the new amendment, the cases filed in courts may take years to reach a verdict and cases filed after the amendment, are still in courts now

لسة بدري أوي على إنا نشوف الأثر بتاع التعديلات في القانون لأن القضايا ممكن تاخذ سنين في المحاكم و القضايا اللي إترفعت بعد التعديل لسة مظورة في المحاك

This feedback was also backed up by the feedback from the legal consultant technical assistant of NCW president who stated:

“It is still too early to measure impact now, inheritance cases are far from being simple or straightforward, they usually take lots of back and forth based on the complexity of the case

لسة بدري اننا نقيس المردود دلوقتي - قضايا الميراث ابعده ما تكون عن انها قضايا بسيطة وواضحة و عادة بيكون فيها كتير من الأخذ و الرد بين محامي المدعي و المدعي عليه على حسب تعقيد الحالة

Another lawyer stated that currently most cases of disputed inheritance filed according to the amendment are still in court, so it is not possible to assess the effect of accessing financial assets on women.

Good practices, innovations, initiatives, opportunities, and threats

As it was inferred from the feedback of key informants it is too early to identify positive impacts of the law amendment, however it is obvious that in many instances many of the women affected had positive success stories after they were able to receive their inheritance.

Amal (not her real name) was a widow with 4 young children. She did not even have roof over head but despite this her brothers were adamant that she should not get any part of their inheritance. The mediation committee intervened on her behalf and in with the help of the religious leader in particular were able to resolve the issue, her brothers finally conceded and gave her some land. She was able to build a house on part of it and now farms the rest to support her children.

On the other hand some of the highlighted challenges and threats that might hinder the achievement of the desired impact of the law amendment were;

The long duration of the legal dispute and associated legal costs

Although the new amendment criminalized and imposed strict penalties on whoever withholds the inheritance and prevents access of the legal heirs to their lawful inheritance, the amendment did not address in any means the lengthy processes of legal disputes in an already congested judicial system. As it was clear from the feedback of specialized lawyers, inheritance cases usually take a long time in court. A woman activist lawyer stated that some cases might take 3 years and other may take up to 10 or 15 years in courts.

The long duration of the legal disputes deters many women to proceed with the court route. One lawyer stated:

“Many women do not file cases because they know the court route might take too long
ستات كثير مبترفعش قضايا لانهم عارفين ان سكة المحاكم طويلة”

Another lawyer also highlighted the financial burden of the lengthy procedures of the disputes on women. He explained that the longer the procedures are the higher the legal fees of the lawyer. Many women cannot cope with the legal expenses especially if the case might last years.

“Not all women can handle the legal expenses for three or four years
مش كل الستات تقدر تتحمل مصاريف القضايا ثلاث اربع سنين”

This point has been further elaborated by a women's rights activist and lawyer who explained further that this factor might represent a bias in the application of the law, she stated that women who are already financially empowered and can afford the lengthy legal procedure and its associated legal fees is more likely to benefit from the law than women who are poor and cannot afford the fees.

“A woman who has the means to spend on legal fees has a better chance of getting access to her inheritance than a poor women who cannot afford it.
الست اللي عندها مقدرة مادية تصرف على القضايا عندها فرصة كبيرة انها تاخذ ميراثها من الست الفقيرة اللي مش هتقدر تستحمل المصاريف”

Another lawyer explained that the civil status laws have been amended to ensure women can file cases without the need for an attorney and do not even pay legal fees for filing the case which gave the women unprecedented access to their rights in the civil status laws.

Procedural pitfalls

Feedback from legal experts confirmed the fact that the law amendment did not alter the legal procedures associated with inheritance dispute cases and they highlighted some pitfalls in the procedures that might adversely affect the verdict in the case.

Access to supportive documents

Based on feedback from the lawyers consulted, to file a successful case, the woman must submit to the court supportive documents including

- Legitimate inheritance notification.
- A proof of ownership of the property by the deceased.
- A court order delineating the share of each of the heirs (دعوى فرز و تجنيب) in case the shares of the heirs in the inheritance whether a real state or land is not delineated.
- Supportive evidence that one of the heirs is withholding the inheritance

This might represent a problem to the female plaintiff from many aspects, first of all, in many areas of rural Upper Egypt, the deceased might not have official documentation of ownership of the plot of land or house, it is either a common law document that needs to be notarized by the court – a process that in itself might take years and cooperation of all the heirs – or even no documents at all.

A court order delineating the share of the heirs is in itself a lengthy procedure that involves the court assigning an expert to survey the property and delineate the physical part to become the property of each heir based on his share of the inheritance stated in the legitimate inheritance notification. This only adds up to the length and the costs of the legal dispute.

Socio cultural barriers

On the other hand, it is important to note that although the law amendment might be of value for women who decide to follow the legal route for claiming their inheritance, it is worth noting that based on the study conducted in Upper Egypt, only 57% of women who are deprived of their inheritance rights decide to actively seek the legal route. This is due to cultural and social norms which consider filing lawsuits against a family member as a social crime and sin that brings disgrace and stigma to the woman for her whole life.

Feedback from a representative of an NGO working in Upper Egypt stated that women in Upper Egypt perceive their relationship with male siblings as an asset that is more valuable than the value of the inheritance and filing a complaint against him is a loss even if she gains access to her share of the inheritance. Similarly, many of the women in Upper Egypt in particular were convinced that any family property should remain in the hands of the male siblings to maintain the social status of the family in the village, which will be reflected on her in the form of respect and empowerment even from the side of her husband.

What are the Key Learning Points and Recommendations that can be Used in Strengthening the Application of the Amended Inheritance Law?

According to a women's rights lawyer, the law amendment is a good step in the right direction, however more focus needs to be done on the procedures of filing the case to make it simpler and less costly for women especially those who can't afford it. She gave an example of the amendments to the civil status law procedures which enable women to file cases even without the need of an attorney and free of charge.

Women need to be more aware and informed of the current legislations as well as their rights to be able to make more informed decisions on how they wish to proceed. They must also be aware that the amendments are merely a way to put pressure on individuals who are obstructing women from receiving their legal inheritance not punish them. This is evident in the fact that once the inheritance is released the defendant is released and all charges are dropped.

Safaa (not her real name) is a widow with young daughters. Her brothers were refusing to give her any of her inheritance. The mediation committee intervened and were able to secure nearly 75% of what she was due of her inheritance. This economically empowered her and she was able to start a small business (mini-market) through which she is now able to support both herself and her children.

Although legislation is important in empowering women to have access to their inheritance, it should be noted that it is only one single element. Creation of an enabling environment is much more important through awareness raising and community mobilization to overcome the social norms barriers.

Conclusion

Although it seems too early to estimate the number of women who benefited from the law amendment due to the lengthy judicial procedures, it can be estimated that at least 100,000 women could potentially have benefited from the amendment between 2017 and 2019. To conduct a true impact assessment more time must be allowed to see results of cases that have entered the judicial system but have not yet been processed or have received a verdict.

The lengthy, costly and complicated judicial procedures represent a significant challenge to the achieving the full potential impact of the law.

Social norms specially in rural Upper Egypt are a more powerful obstacle that prevents women from accessing their legal inheritance even if they are backed by the law. While the amendment of the law was a crucial step in the process, more needs to be done by civil society and grass root organization as well as religious leaders to begin to change the socio-cultural norms and practices and people's perceptions on women's rights to inheritance.

Recommendations

At the Local/Community level

- Civil society organizations working in rural areas in particular need to work on providing women with legal support in the form of legal representation to submit their cases of disputed inheritance. This would help a significant number of women who are currently reluctant to seek legal help because they cannot afford the lengthy and costly legal procedures.
- Civil society organizations need to work on community mobilization to ensure an enabling environment for women who would like to access their legal inheritance. Changing cultural perceptions and social norms are much more important than changing the laws.
- Involvement of religious leaders in advocating for the rights of women in the inheritance is crucial at the community level given the leadership status they assume in the community.
- The Mediation Committee is an excellent example of how the involvement of community leaders and particularly Religious Leaders can work on negotiating and solving inheritance issues at the local community level. The committee is often more effective than legislation and might help solve the disputes before they get to court.
- Both local grass root initiatives and national initiatives such as the ' Tarq al abwab Initiative ' or ' Knocking on Doors ' implemented by the NCW that tackled inheritance issues must develop platforms and committees to allow for information sharing particularly on best practices and successes but also on challenges and limitations that women still struggle with.
- Since the project ended CBOs have not been able to generate funding to work at fully capacity on improving empowerment of women through the amendment of the inheritance law , CBO staff however remain highly committed to the causes they are working on and many of them continue to work when they can on a voluntary basis including the agents of change and the legal counsellors

At Governorate level

Conducting field studies in the Governorates of Upper Egypt level to assess the impact of the law amendment directly on women and understand the social and cultural factors that form part of the underlying problem of withholding women's inheritance to be able to develop a wide community mobilization plan targeting various Governorates in Upper Egypt with strategies that are appropriate for the conditions of each.

At the National Level

More advocacy needs to be done to induce further changes in the law particularly the procedural issues to ensure the judicial process would be much more simple and affordable for women. simplification of the documentation needed for filing the case, simplifying the process of filing the case and making it free of charge for women would help.

Much more needs to be done in terms of information gathering and data collection especially from the affected women themselves to better understand the obstacles or limitations they face as well as any national variations that may exist.