

**WOMEN DEMAND
EQUALITY
IN SHAPING
NEW EGYPT**

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“There’s a problem... and it needs to be dealt with now because if not, we will be entering a phase where women are not involved in public life, in society, in politics and their roles will diminish if we don’t demand for them.”

Female Egyptian lawyer and human rights activist

Egyptian women were instrumental in the “25 January Revolution” that overthrew the repressive regime of President Hosni Mubarak in early 2011. Yet the hopes raised in those heady days for women’s rights have not been fulfilled – and women are still being largely excluded from taking part in shaping their country’s future.

It is crucial that the experiences, needs and views of women are integral to the process of change. Women’s voices must be heard and their full and equal participation allowed and supported to ensure that systemic and endemic gender-based discrimination and violence against women are tackled as a matter of priority, and that women are on an equal footing with men.

On paper, Egypt’s Constitutions have long guaranteed equal rights for women and men. The 1956 Constitution was considered advanced in the region because it guaranteed women the right to vote and run for office. The 1971 Constitution guaranteed equality for women in political, social and economic life as long as this did not violate Shari’a (Islamic law), the interpretation of which has at times been discriminatory against women.

In reality, however, the level of participation of women in political affairs has been extremely low. Only nine of the 454 seats in parliament were held by women after the 2005 elections, with five of the nine appointed by President Mubarak. The number only increased in the 2010 elections because a quota system was introduced, although all the seats were eventually won by women from the ruling National Democratic Party (NDP), now disbanded.

Governments are obliged under international law to take all measures necessary to eliminate discrimination against women in political and public life (see box on page 6). This means that they must ensure that women can participate fully in power structures and decision-making on the same basis as men.

The March 2011 constitutional referendum was widely seen as the first democratic vote in Egypt since 1952, as unprecedented numbers of women and men took part. Action needs to be taken now to ensure that women participate freely and in large numbers in the parliamentary elections scheduled for November 2011.

So what are the obstacles preventing women’s equal participation in Egypt?

□ Lack of political awareness

Relatively high levels of illiteracy and a lack of knowledge about the political process have hampered women’s ability to participate in politics. Misguided views about women’s ability or right to be involved in politics are also prevalent, especially in rural areas. Several women NGOs are now holding workshops to inform women of their political rights and to explain how they can participate before and during the November elections.

□ Voting without harassment and coercion

Before the “25 January Revolution”, fraud and violence marred elections in Egypt, affecting both men and women. Some women were also reported to have been assaulted while trying to vote, or were coerced to vote for a particular person or party. The NDP is believed to have hired groups of women to coerce and assault



Women protesting against President Mubarak, Cairo, 28 January 2011.



DISCRIMINATION AGAINST WOMEN IN EGYPT

Women and girls in Egypt face a wide range of discriminatory provisions and practices:

- The Egyptian Penal Code does not fully protect women from domestic violence, including marital rape. It also allows for leniency towards men who commit murder in “honour crimes”.

- Sexual harassment of women is common. Women are often reluctant to report it because of social attitudes and pressures, and those who do receive little support from police officers and judiciary.

- Articles 260-263 of the Penal Code criminalize abortions in all cases, including for survivors of rape and incest, and when pregnancies threaten a woman’s health.

- Female genital mutilation is still widely practiced, especially in rural areas, and the law continues to permit such procedures for “medical reasons”.

- The Personal Status Law discriminates against women in marriage, divorce and custody rights. A woman is required to be obedient to her husband by law. Men can divorce their wives by repudiation, while women must go to court and ask for a divorce. Although divorced women now have longer custody of their children, they often do not receive alimony from their former husbands.

- Women, regardless of their religion, are only entitled to half the inheritance of men when both have the same relationship to the deceased, as decreed in the Inheritance Act 77/1943. In practice, many women, especially in rural areas, do not claim any of their inheritance.

- Egyptian women cannot pass their nationality to non-Egyptian spouses. Women married to Palestinian men cannot pass their nationality to their children.

- Women continue to face discrimination in the workplace in terms of pay and position. The vast majority of women working in the informal sector are not protected by the Labour Law.

other women during elections. In other cases, candidates and parties exploited impoverished or illiterate women by buying their votes.

□ Attacks on women candidates

Women who decided to run in the 2010 parliamentary elections said that they suffered violence and intimidation. Female candidates were harassed, their posters were torn down and their supporters were threatened. Smear campaigns were organized against them in the run-up to the elections, with media attacking their reputations and accusing them of infidelity – accusations that are especially damaging for women in Egypt. Smear campaigns were run against male candidates, but not of a sexual nature. Given these circumstances, few women have stood in elections and even fewer have won seats.

□ Barriers to holding public office

No laws in Egypt bar women from standing for public office, but social attitudes have



Women protesting against President Mubarak, Cairo, 1 April, 2011.

proved an effective barrier to their equal participation and representation. The previous 32-strong cabinet, appointed by presidential decree, had only three women. Only one woman is in the current cabinet. Regrettably, she has become known for her attacks on independent civil society organizations. No woman has ever been appointed as a governor. In the two reshuffles of governors since February 2011, women were not even considered for the positions.

Women have also faced discrimination in the judiciary. A law banning female judges was lifted in 2007 by the Special Council, the body governing the State Council. This was followed by the appointment of 31 female judges to family courts by presidential decrees. Until then, there had been only one female judge in the Supreme Constitutional Court, also appointed by presidential decree.

In 2010, the Special Council voted to suspend hiring female graduates in entry-level judicial positions following renewed debates about female judges in the State Council's General Assembly. Prevailing

perceptions have meant that female jurists, unlike their male counterparts, are not chosen or promoted to become judges and district attorneys, regardless of their merit.

□ Exclusion of women as policy-makers

So far, women have been grossly under-represented in the bodies shaping the new Egypt. Not one woman was included in the constitutional amendments committee appointed in March 2011, and virtually no women are in high-ranking and decision-making positions.

The parliament to be elected in November will draft a new constitution – a constitution that must enshrine the principles of equality and non-discrimination, and promote the equal participation of all sectors of society. The principle of equality in the previous Constitution was undermined by Article 11, which stated that women were guaranteed equal political, social and economic rights only so far as this did not interfere with their duties at home or conflict with Islamic law.

“We’re seeing all of a sudden women being put aside after the ‘revolution’. It’s happening again, they’re putting women aside as we see all these figures turning to run in elections. The youth coalition, for example, who claims to talk in the name of the ‘revolution’, has only one woman out of 15 members.”

Female Egyptian political activist

Right: A woman collects water in one of Cairo's slums. Millions of women live in poverty in Egypt's many informal settlements. Their voices should be heard and their rights respected in the new Egypt.

Far right: Women demonstrating in Cairo's Tahrir Square, 11 March 2011.



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EGYPT'S OBLIGATIONS TO ENSURE GENDER EQUALITY

Egypt is a state party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the African Charter on Human and Peoples' Rights (ACHPR). This means that the Egyptian authorities are obliged to abide by them – and all of them guarantee gender equality and non-discrimination.

■ Article 3 of CEDAW: States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

■ Article 7 of CEDAW: States parties shall take all appropriate measures to eliminate

discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

■ Article 2 of the ICCPR: Each state party... undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

■ Article 3 of the ICESCR: States parties... undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

■ Article 2 of the ACHPR: Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

■ The UN Committee on the Elimination of Discrimination against Women, in its concluding observations in February 2010, called on Egypt "to adopt temporary special measures... in order to accelerate the full and equal participation of women in public life... [and] to take the necessary measures to secure the participation of women in the various phases of the electoral process"; and "to modify, or repeal, without delay and within a clear time frame, discriminatory legislation".



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In August 2011 a coalition of women's organizations wrote to the Deputy Prime Minister requesting that women be included in the committee appointed to draft the new constitution.

□ Women sidelined in political parties and trade unions

Egypt's political parties have in general sidelined women. In the 2010 Shura (upper house) elections, only three of the 24 political parties nominated female candidates. The NDP nominated one woman out of 76 candidates. In the 2010 parliamentary elections, the NDP delayed announcing its female candidates and many felt they were attacked and undermined from within the party. The Labour Party has had a female president, but women in other parties have not held high-ranking positions.

Women have also been under-represented in the government-controlled trade unions. In 2006, of 18,292 members elected to the country's trade union executive committee, only 104 were women. The same year, just 32 of the 481 members elected to high-

ranking positions in the Egyptian Trade Union Federation were women. Several independent trade unions have been formed since February, but the number of female representatives on their executive boards is also low.

□ Ineffective quota systems

A quota system was used in the 2010 parliamentary elections in an attempt to increase women's participation. The system, which guaranteed 64 seats (12 per cent) for women, was meant to be used for two five-year legislative terms. Many women activists welcomed this in principle, but were disappointed with its implementation. All the reserved seats went to women from the ruling NDP.

In July 2011, Egypt's military authorities amended the electoral law to remove the quota system, but said that all political parties had to have at least one woman on their list of candidates. However, it did not require that women were placed high on the lists, so women may still not win more seats. This is a token measure that fails to ensure women's full political participation.

“The women who came out in strikes and demonstrations did not do it for better wages only but also against corruption and discrimination in their fields of work and at management and administration levels. They were demanding real change and all those women should be part of the decision-making process.”

Egyptian women's rights activist

For further information on the demands of Egyptian women, a document produced by the Arab Alliance for Women with a coalition of Egyptian NGOs can be found at: www.unwomen.org/2011/06/egypt-womens-charter-released-calling-for-a-democratic-transition/

ACT NOW

Call on the Egyptian authorities to ensure that women are central to shaping the new Egypt and that equality and non-discrimination are central to the reform process. In particular, urge them to:

- Ensure that women can vote in all elections and referendums on an equal basis with men and without facing restrictions, harassment or coercion.
- Ensure that women know about political processes and have access to information about standing in elections and voting, and about political parties and candidates.
- Enable and encourage women to hold public office; women should be entitled to run for all public offices and to hold positions on the same basis as men.
- Protect women from violence, harassment and threats during elections and ensure the personal safety of women candidates and elected public officials.
- Ensure that women can participate in the formulation of government policy, including constitutional and legal frameworks.
- Ensure that organizations such as political parties and trade unions do not discriminate against women and respect the principles of women's equal participation.
- Ensure that the removal of the quota system and other special temporary measures does not have a detrimental effect on women's participation, and that alternatives offered guarantee women's equal representation.

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Above: Demonstrators in Cairo's Tahrir Square mark International Women's Day, 8 March 2011. They called for gender equality and women's rights in Egypt.

Front cover: Women at a polling station in Mansura, 120km north of Cairo, waiting to vote in the referendum on constitutional changes, 19 March 2011.

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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