



# Universal Periodic Review

## The Status of Women's Rights in Egypt

From 2010 to 2013

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## Introduction

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The position of women in Egypt has been in a state of flux over the past four years. Whilst women gained some rights, these rights quickly evaporated or were under threat, with calls for women to return to their role as wives and mothers after taking part in the 2011 Revolution.

Looking back to pre-Revolutionary 2010, we see there was a glimmer of hope surrounding the political participation of women and the proper representation of women in Parliament. A quota system was adopted for the 2010 Parliamentary elections and for the first time, women were represented by 65 female members of Parliament, i.e. 12% of the 2010 Parliament were women. However, soon after these elections, the Revolution of 25 January 2011 swept the country and in its wake the quota system was abolished. The Parliamentary elections of 2011 were held without any safeguards over the participation of women in political life. The inclusion of at least one woman on each electoral list, without specifying her position on that list, satisfied Parliamentary laws with the result that fielding female candidates was seen as a legal compulsion rather than a belief in the need for women to participate in political life. Actual nominations for women in the 2011 elections proved as false claims by some political forces that Egyptian society rejects the idea of nominating women candidates: the 2011 elections saw some progress regarding women's candidacy in the Governorates of Upper Egypt, Egypt's conservative south, over and above that of the capital, Cairo. Nonetheless, despite such progress, the proportion of female representatives in the 2011 Parliament did not exceed 2%, the same proportion won by women in the Parliamentary elections of 1956 when women first gained their political right to stand for Parliament.

This fluctuation in women's political rights over the last four years was mirrored in women's economic and social rights.

The last four years also saw a rise in levels of violence against women in both the public and private spheres, culminating in the systematic sexual harassment of women taking part in anniversary celebrations marking the 2011 Revolution and the targeting of female political activists. Egypt also witnessed an attack on women's rights laws after the 2011 Revolution, in particular their personal status rights, with claims that these laws dated back to the old regime of Mubarak.

## Political and Civil Rights

Progress has been made during the last three years in getting women to participate in political life with more and more women aspiring to reach the positions where decisions are made by standing for Parliament. Indeed, the 2010 elections are seen as a milestone in the history of women's participation in Parliamentary life with the adoption of a quota system after law No. 38/1972 on the People's Assembly was amended. The amendment mandated the division of electoral districts in such a way as to create an additional 64 seats for female candidates in the mixed electoral system: 456 female candidates in total contested the elections with 380 standing on party lists and 76 as independents. As a result, 64 women were elected to Parliament, i.e. 12% of the 2010 Parliament were women, the largest proportion of female representatives in Parliament since women gained their political right to stand as candidates for election in 1956.

After the Revolution, the 2011 elections were held with no safeguards over the political participation of women since legislation on the formation of the People's Assembly and Shura Council<sup>1</sup> abolished quotas for women, whilst stipulating that every party-list should include at least one woman. This was contrary to many of the demands from women's civil society organisations and the National Council for Human Rights. In spite of these demands, new legislation did not allocate a specific place for women at the top of party lists in line with the Constitutional Declaration. However, despite

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<sup>1</sup> Egypt's Upper and Lower Houses of Parliament

these circumstances and the lack of safeguards over women's participation, together with the complex safety issues surrounding women during this tumultuous time, Egyptian women clung to their right to stand for elections in relatively large numbers – the total number of women candidates standing for election to the People's Assembly over the 3 rounds of voting was 984, double the number of female candidates in the previous election when more safeguards over women's participation were in place: 351 women stood as independents and 633 stood on party-lists. But due to the lack of real safeguards over women's representation in Parliament, only 9 women from the party-lists won seats whilst no women standing as independents won any seats. 2 women were appointed to Parliament so that in all, the number of female representatives in the People's Assembly was 11 out of a total of 508 members, i.e. no more than 2% of Parliamentary representatives were women, despite the significant role women had played in the Egyptian Revolution.

It is worth mentioning that decision-makers over previous years have always claimed that Egyptian society rejects the idea of women participating in politics but reports from electoral observers with a gender perspective working out in the field refute these claims<sup>2</sup>. The 2011 elections were witness to several positive indicators including:

- Support for women was given by Governorates in Egypt's conservative south and the 'tribal' Governorates of the border areas, where the proportion of female candidates put forward under the party-list system was the highest: the Governorates of North Sinai and Aswan fielded the most with 28.8% and 28% women candidates respectively, followed by the border area Governorate of New Valley with its tribal allegiances which fielded 27% women candidates. As for Greater Cairo which covers the 3 Governorates of Cairo, Giza and Qalyubia, the most densely populated areas of Egypt, female nominations on party-lists reached 13% in Cairo, 13% in Giza and 17.7% in Qalyubia. This demolishes claims that Egyptian society rejects the idea of nominating women candidates.
- The issue of women runs along ideological lines and is hijacked by misinterpretations of reality. Women always place their hopes on the progressive and liberal forces being supportive of their cause. But these forces are hijacked by misconceptions about the culture of voters so that the progressive attitude of these forces towards women differs little in practice from that of the conservative forces in society. In practice, nominations by political forces converged as far as women were concerned and in the minds of male and female voters, no political ideology or movement gave any clear sign that they would deal with women's issues any differently from the other political forces. For example, nominations for female candidates on party-lists by the Coalition for the Revolution Continues were 16%, and despite their clear liberal orientations, the electoral alliance, the Egyptian Bloc, had 15.8% female candidates on their lists whilst the liberal Wafd Party had 13.7%, not much different from the Freedom and Justice Party of the Muslim Brotherhood which fielded 13.6% women candidates and likewise the Nour Salafi Party, dubbing the nomination of female candidates 'the forced fielding', put forward 13.2% women on its party-lists. Some parties recorded higher rates of participation by women: the Human Rights and Citizenship Party had a 30% rate of female participation on its party-lists, whilst for the Union Party (Egypt), female

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<sup>2</sup> 'Parliamentary Elections Monitoring Report: What Women Have Lost, What Egypt Has Lost', ECWR.

participation reached 27.5%, followed by the Justice and Development Party (Egypt), the Liberal Party and the Liberal Socialists Party, all with 25%.

### **Decision Making and Participation in Amending the Constitution**

The last three years have witnessed two Revolutions in Egypt: the first on 25 January 2011 to oust the Mubarak regime; the second on 30 June 2013 to oust President Morsi. Since then, the Constitution has been amended twice: once in 2011 and again in 2013/2014. However, women were excluded from the process of amending the Constitution on both occasions. In 2011 the proportion of women representatives on the Constituent Assembly, dominated by the Muslim Brotherhood, was no more than 7%, and in 2013 their numbers only reached 10% on the Committee of 50<sup>3</sup>, an increase of just 3% and a shocking state of affairs, considering women had joined the Revolution of 30 June 2013 to protest against Muslim Brotherhood practices of excluding women from political and public life.

The 2012 Constitution made no mention of women, except in Articles 10 and 61. Article 10 pertains to the state guaranteeing services for motherhood and childhood and reconciling the duties of a woman to her family with those of her working life. It is striking that women were referred to in the same breath as motherhood and childhood, as if reproduction is a woman's sole role in life. Also, the phrase, 'the State and society shall be committed to the inherent nature of the Egyptian family', opened the door for numerous hard-line religious groups to attack the freedoms of others on the pretext of preserving Egyptian customs, traditions and family life. The 2012 Constitution made no mention of rights for women at all, neither her political, social or economic rights.

The 2014 Constitution is considered a paradigm shift in women's rights in Egypt since:

- Women married to foreign men can pass on their nationality to their children. This lessens many of the problems experienced by women married to foreigners.
- As well as the Constitution stipulating full equality between men and women in all political, social, economic and cultural spheres, the State endeavours to eliminate any form of discrimination against women and guarantees the proper representation of women in Parliament.
- In addition to giving women the right to hold public office and to be appointed to the judiciary, the issue of the lack of recognition for women in the judiciary has been brought to a close with a favourable outcome for women.
- The State is obligated to provide care and protection for elderly women, women who are the main or sole providers for their families and women most in need.
- Stipulating a quota for women in local Councils of 25% is considered an important step forward for the political participation of women.
- Making education compulsory till the end of secondary school will result in a decrease in the number early marriages to young girls whose parents have no choice but to marry off their daughters at an early age.
- The State is committed to eliminating all forms of discrimination against women and even to establishing a Commission to tackle discrimination in all its forms.
- Human trafficking, an activity to which women always fall victim, is prohibited.
- The state is bound by all the human rights Charters it has ratified. This will give effect in domestic law to those Charters concerning women's rights.

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<sup>3</sup> the body tasked with amending the Constitution

## Economic and Social Rights

Women's economic and social rights in Egypt have been in a state of high volatility over the last three years. Work by the Equal Opportunities Commissions was suspended in 2011 across all Ministries in Egypt. These Commissions were tasked with investigating instances of discrimination against women in the workplace and when hiring and firing women. Their suspension has increased the scope to marginalise women and to put pressure on female workers in Egypt.

Women's rights also came under fierce attack after the 2011 Revolution. The most blatant attack came as a call to change personal status laws, the law on child custody and visiting rights and the law on divorce instigated by the wife, on the grounds that these were the laws of First Lady Suzanne Mubarak and that they sullied Egyptian family values and had caused an increase in divorce rates. This was a clear attempt to wrest from women the rights they had fought for over many years. The attack was supported by the media in the form of organised media campaigns and was multipronged since a number of fathers adversely affected by the personal status law set up Facebook pages campaigning to change these laws. However, numerous protest vigils opposing the changes culminating in demonstrations in front of al-Azhar, the Islamic Research Academy and the Prime Minister's residence resulted in the law on child custody and visiting rights plus its 2007 amendments remaining unchanged.

Women's education in Egypt also deteriorated with Egypt coming 108<sup>th</sup> out of 136 countries for access to education, according to the World Economic Forum's Gender Gap Index Report 2013. Education curricula began to deliberately undermine and alter the image of women in an attempt to stereotype the role of women in Egyptian society and reflect the view of women held by the Muslim Brotherhood. There were also many incidences of discrimination and racism committed by teachers in schools against female students based on political convictions.

The economic situation of women over the last three years has seen further deterioration with Egypt ranked 121<sup>st</sup> for women's economic participation and access to opportunities out of 134 countries, according to the report by the World Economic Forum on Gender Equality 2010. The situation worsened in 2013 when Egypt came 125<sup>th</sup> out 136 countries<sup>4</sup> for availability of opportunities and economic participation.

## Violence against Women

The last three years have also seen an increase in violence against women, whether the systematic sexual harassment suffered by women at the 1<sup>st</sup> and 2<sup>nd</sup> Revolution Anniversaries, particularly by female political activists, in what looks like a desire to muffle the voice of Egyptian women, or the pervasive hostility towards women in general during the time an Islamist group were both in and being ousted from power. When President Morsi was in office, there were many pretexts to diminish the rights of women. For instance, the statement by a female presidential Advisor that female circumcision is a part of the Islamic faith, a denial of her own knowledge and experience; the discussions by the Human Rights Commission of the Shura Council on female circumcision and one representative calling for it to be practised in Egypt in order to achieve equality between men and women, even though the practice is rejected by Islamic scholars and doctors.

Women were also used as human shields during the Muslim Brotherhood demonstrations and marches after President Morsi was deposed on 30 June 2013. Women were placed in the front lines of marches and demonstrations, even though in this position they were exposed to and experienced attacks, since the Muslim Brotherhood were trading in women's blood, knowing some women would be killed.

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<sup>4</sup> the Gender Gap Report 2013, issued by the World Economic Forum

## Recommendations

### The Political Front

- Highlighting the need for the electoral system to ensure that the representation of women is no less than 35% (whether selected through the list-system or the individual-system) of every elected assembly to ensure a fair representation of women.
- Empowering women in political parties, though not just on the Committees or in the Secretariat. Parties should take action to ensure genuine and effective participation of women on all levels in the Party. Parties should be obligated to field women candidates selected from no less than 35% of its membership for elected assemblies.

### The Economic Front

- Eliminating discrimination against women in the labour market and by providing job opportunities and training based on equality.
- Focusing on women who are heads of households, empowering them through small enterprises and by considering equal tax breaks for men and women.
- Providing social services, such as nurseries, to help working women, protecting their reproductive role in society.

### The Education Front

- Purging the education curricula of all discrimination against women to ensure the image of women is improved and respected in society.
- Striving to wipe out illiteracy amongst Egyptian women, imposing fines on the drop-outs.
- The need to include gender studies in education curricula and to highlight good role models of women participating in public life

### The Legal Front

- Cleaning up all laws that enshrine violence and discrimination against women.
- Toughening the sanctions for violent crime in all its forms, especially rape, sexual harassment and domestic violence.

### The Media Front

- Devising a strategy on women's issues to change Egypt's discriminatory culture and perceptions of the inferiority of women in the media and society by improving the image of women in the media, including in dramas and other media portrayals.
- Breaking down stereotypes of women and drawing attention to the real image of women and their presence in society as experts, politicians or jurists, to impress on society the mental image of women being a forceful presence and active participants.

### The Religious Front

- Emphasizing the role of modern religious discourse in addressing questions about our treatment of others, ethics and social relations and in embedding values and principles of human rights and respect for difference.
- Disseminating and strengthening positive values and religious ethics based on respect for the other in society.
- Reforming religious discourse concerning women.

### Egyptian Women Living Abroad

- Engaging Embassies and Consulates to protect Egyptians abroad, especially women.
- Equipping women with the skills needed to work abroad, making sure they have work contracts and that they will be working under safe conditions.