

# **National Women Machineries**

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**April 2012**

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ACRONYMS	
BPA	Beijing Platform for Action
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
ICT	Information, Communication Technology
NWM	National Women Machinery
NCW	National Council for Women
NGOs	Non-governmental organizations
e-network	Electronic network
UNESCWA	United Nations Economic and Social Commission of Western Asia

## Chapter 1

# NATIONAL WOMEN MACHINERY OF EGYPT

## INTRODUCTION

In mid 1970's, discussion around the role of institutional mechanism for the advancement of women and the need for such mechanisms started. The first world conference on women held in Mexico city and which marked the international women's year, gave clear indication to governments on the importance of this mechanism. The following world conferences on women and the decade for women (1976-1985) addressed this issue clearly. However, it was Beijing platform of action which was adopted in the fourth world conference on women, which put the issue of institutional mechanisms in the forefront as one of the critical areas of the platform.

The earlier documents on National Women Machineries put an emphasis on only women's specific issues. The Beijing Platform for Action brought about a new perspective, enlarging the scope of action of such mechanism and giving a new meaning to their role and functions, as catalysts for significant political change.

According to Beijing Platform, national mechanisms are more than just agencies for the implementation of specific policies for the advancement of women; their main task is to support government wide mainstreaming of a gender equality perspective in all policy areas.

Beijing Declaration and Platform for Action defines "National machinery for the advancement of women or national mechanisms for the promotion of gender equality and women's empowerment" as central policy-coordinating structures inside government machinery, whose main task is to support government-wide mainstreaming of a gender equality perspective in all policy areas.

The necessary conditions for their effective functioning, according to the PFA include:

- a) Their position at the highest possible level of government, under the responsibility of a cabinet minister;
- b) Decentralized planning, implementation and monitoring, involving non-governmental and community organizations;
- c) Adequate human and financial resources;
- d) The possibility of influencing development of all government policies;

The definition of the "National machinery or National institutional mechanisms for the promotion of gender equality and women's empowerment" as being the government structure within the government machinery" has led to different interpretations in different member states. All countries acknowledge the fact that the government structure set up for this particular purpose should have a lead mandate to coordinate, facilitate and monitor policy formulation and implementation to ensure that gender equality and women empowerment perspectives filter through all national policy formulation, reviews, and programme development. The components of the national machineries should be inclusive to include all institutions and structures that are key players in influencing policy changes and transformation processes to enable gender equality and women's empowerment to be realized Some member states that have conceptualized the definition to incorporate the different structures, their national policies have categorically elaborated the components of the national machinery. The national machinery is a comprehensive structure which consists of structures in the executive, legislative, independent bodies set up by statutory law, non-governmental organizations. The role played by the NGOs and civil society institutions is also defined as part of the national

mechanism for the promotion of gender equality and empowerment of women. Most member states acknowledge the contribution made by the other non-governmental institutional structures, yet structured relationships on how they coordinate and link are not established in most cases. As a result coordination to involve such structures is on an ad hoc basis. And it is also not clear whether they are part of the components of the national machinery or not.

### **Types of National Women Machineries:**

There is a diversity of institutional mechanisms with regard to status, structure, authority and means of action, in terms of both human and financial resources. With reference to status and location, the great majority of mechanisms consist of departments, units or committees within ministries, mostly those responsible for labour and social affairs like in Botswana or Finland. Other areas associated with women and equality issues, though less often, are family, youth, health, justice, and culture.

There are few national women machineries which are located at the highest level of government machinery mainly at the President office.

In some cases, the mechanisms come under the Prime Minister. An interesting case was that of New Zealand, where the Prime Minister, a woman appointed in 1997 retained the women's affairs portfolio. There is also the case of Japan, where the Prime Minister himself is the head of the national machinery.

In both cases, such position gives it the political authority needed for fulfilling their mandate of coordinating the mainstreaming process across all ministries, including cross-portfolio work.

A few countries have independent ministries or ministers with the gender equality or women's affairs portfolio. For some this is already a tradition, while for others it is a new practice, justified by the increasing political importance of equality matters following the Beijing conference. There are fully fledged ministries responsible for gender equality or women's affairs with additional responsibilities to coordinate other policy issues. It could be a State ministry on Women's Promotion and Development Ministry like in Angola. It could be like in the majority of cases a Ministry of Women's Affairs and other issues such as Family or children or social development like in Congo, Morocco, Tunisia or a Ministry of Gender, youth and sports like in Lesotho or Ministry of Gender and Community Services like in Malawi. National Women Machineries can also take the form of Councils or Commissions. In several African and Arab countries, first ladies headed these mechanisms.

Another type of institutional mechanism is that which has a status independent from the government, like the case of Ombudsperson or equality agencies with specific mandates. The Ombudsperson model, which is typical of Nordic countries is finding acceptance elsewhere, e.g. in Lithuania, where an Ombudsperson for equality of opportunities between men and women was appointed in 1999.

Women mechanism can also exist at parliamentary level- committees and subcommittees. They exist in such case in western countries and in central and east European countries and less so in countries of the Arab region.

There is a movement towards multiplication and decentralization of mechanisms both at horizontal level, i.e. creation of structures in various departments such as gender focal units in the different ministries and at vertical one, i.e. creation of structures at various

levels: provincial, regional, and local particularly in countries with a longer tradition in equality matters.

Another trend is the growing awareness of the importance of cooperation with civil society, women's NGOs and other community organizations, as meaningful channels for mainstreaming and as privileged partners of political power in society. In several equality structures, the place of NGOs is recognized and mechanisms of institutionalized cooperation have been created in consultative councils or commissions.

### **Mandate and Functions of National Women Machineries:**

Gender experts have always emphasized that a clear mandate is necessary for the efficient functioning of national machineries. The national machinery at the governmental level is always looked at as a catalyst for gender mainstreaming, not an agency for policy implementation. It may, however, choose to be involved in particular projects mainly model projects. These experts stress that its mandate should include:

- 1) Development of policies (in collaboration with appropriate ministries)
- 2) Policy advocacy
- 3) Coordinating policy
- 4) Monitoring policy for gender impact, in particular, monitoring all cabinet submissions
- 5) Reviewing legislative and policy proposals from all ministries to ensure inclusion of a gender perspective
- 6) Initiating reforms to create more gender sensitive legal systems
- 7) Coordinating a gender audit of implementation of policies
- 8) Ensuring that constitutional and other framework debates include a gender perspective

Experts have also suggested the following functions of National Women Machineries :

- 1) Ensuring appropriate gender training for top-level government management
- 2) Encouraging gender training at all levels of government
- 3) Developing methods and tools for gender mainstreaming such as gender impact assessment,
- 4) guidelines for gender training, and for gender audit across all government activities
- 5) Collecting and disseminating of best practice models of gender mainstreaming
- 6) Coordinating the development and regular updating of national action plans to implement the Beijing Platform for Action and reporting on their implementation to parliaments and international bodies
- 7) Cooperating with the mass media to mobilize public opinion on gender issues

### **Weaknesses of National Women Machineries:**

Some of the drawbacks of National Women Machineries include:

#### **1) Lack of a strong mandate and unclear roles:**

Several of NWMs suffer from lack of a strong mandate. This often results from the lack of a high-level commitment or a strong internal constituency and also a dependence on external funding. In many cases the mandate is so wide showing no priorities and hence it is difficult to measure any impact of such machineries. With regard to unclear roles, it is generally recognized that direct involvement in project implementation is not a crucial component of NWM activity,

however NWMs continue to use projects as a way of gaining visibility for their work. In general, the experience of projects and programmes implemented by NWMs reflects in many cases a predominance of traditional welfare-oriented activities (e.g. mother and child health care) or income generation projects. However, the implementation of innovative demonstration projects in some cases in areas where other ministries are not working or do not have the expertise, has worked successfully in some countries. Where NWMs do implement projects, these should be in conjunction with the relevant specialized ministries. Experience has also shown that NWMs have to be careful of a schism between central advocacy work, informed by a feminist agenda and field-level operations which tend to be more welfare-oriented.

### 2) **Instability of NWMs:**

In cases when first ladies preside or chair NWMs, if there is a change in a political regime, NWM risks being dismantled or completely changed. All achievements of the NWM even if some of them are positive, are totally attacked and referred to as negative imposition of the former first ladies. This is true for several African and Arab countries.

### 3) **Underfunding of NWMs:**

The experience of several NWMs showed that they are underfunded in some cases and vulnerable to arbitrary budget cuts in others, the latter particularly during times of economic and political restructuring and reform. This is indicative of a lack of priority given to gender issues in the bureaucracy, with a direct impact on staffing levels and quality (which tends to be low, inexperienced and lacking in specialist skills) and on the scope of activities. NWMs cope by diversifying

activities, which tend to be skewed in favour of highly-visible projects of a relatively short-term nature, rather than the less visible work of long-term capacity building or developing advocacy capacity.

### 4) **Insufficient links with NGOs:**

In many cases, National Women Machineries have had to compete with NGOs for limited donor funding. Civil society organisations consider many national women machineries to be undemocratic, whereas NWMs have questioned the representativeness and integrity of NGOs. NGOs have tended to carry out their work without much interaction with NWMs particularly in situations where there is a history of government cooption and repression. However NGOs need to take NWMs seriously as they themselves do not have a great deal of power which NWMs enjoy. NWMs are part of the broader issues of governance and participation that is increasingly concerning civil society

### 5) **Inadequate human resources:**

National Women Machineries frequently face the problem of inadequate human resources. They often have very few staff or staff who has little motivation or knowledge of gender issues. In cases when NWMs are headed by first ladies, appointments of their friends and those whom they trust get the important jobs in such machineries in spite of their lack of expertise and commitment to gender equality.

### **Good practice of NWM:**

The National Women Machinery in South Africa demonstrates one of the best practices in terms of inter-relationships between the different components of the national government. South Africa has

structured relationships between the Office of the Status of Women and the other structures. The office has a clear calendar of events on when they convene planning and monitoring meetings, how they operate, and when consultative meetings are held at the different levels. The role of the Office of the Status of Women in coordination and monitoring is clearly visible. This structure coordinates all stakeholders meetings that convene for planning and monitoring purposes. The annual gender audits the office undertakes is an exercise in monitoring progress made by its stakeholders in addressing the assigned responsibilities, and tasks undertaken.

The relevant departments and even some of private sector firms are taking the processes of mainstreaming gender seriously. Most government departments have developed gender policies to enable gender mainstreaming to happen within their respective departments. The gender focal points are appointed at very senior level and include at director, deputy director or assistant director levels. In some of the departments, they have established structures that are provided with more than one staff member to coordinate gender mainstreaming and women's empowerment programmes.

The NWM in South Africa is able to influence policy decision making processes at all levels, in cabinet, national parliament and provincial levels. It is also able to present comprehensive and detailed national progress reports on the implementation of the various gender equality instruments. These include ensuring the roles and responsibilities of the gender structures are clearly defined to include: facilitation, coordination and monitoring. They facilitate exchange and sharing of experiences, information and best practices amongst stakeholders, facilitate development of gender competency of stakeholders to influence engendering of policies, programs and projects, monitor progress made by all stakeholders in meeting targets on gender

equality and equity and lobby for increased measures to address gender equality agenda.

### **History of the National Women Machinery in Egypt:**

Egypt has had National Women Machinery in place since the 1970's. It started with a small weak department within the Ministry of Social Affairs called Women's Affairs Department, then it became a National Women's Committee attached to the National Council for Childhood and Motherhood in 1994 with the wife of the former President as the head of its consultative committee. Stronger machinery which is the National Council for Women was established in 2000 by a Presidential decree. The Council had a board of thirty members comprised of female and male public figures and experts from different fields. The board was presided over by the wife of the former President, and the later appointed a secretary general that remained in power for over ten years. The terms of the board membership was three years.

In order to fulfill its mission, the National Council of Women was entrusted with a broad mandate including:

- Policy Analysis and Upstream Advocacy
- Gender Planning, Mainstreaming and Monitoring
- Networking and Partnerships
- Communication and Awareness Raising
- Capacity Building and Training
- Research, Documentation and Dissemination
- Pilot Activities

The establishment of women's machineries in Egypt as it is in many developing countries was characterized by a number of dualisms that have shaped and defined this process. These dualisms are:



international versus national motivation, secularism versus religion, and top-down state tradition versus bottom up democratization.

The first dualism points to the fact that the obligation to establish national women's machineries (NWM) originated at the global level when the call for their establishment was initiated by the UN in the 1970s. Egypt established, in the 1970s, a Women's Affairs Directorate inside the Ministry of Social Affairs. However, this department did not contribute much to the advancement of women due to its lack of authority and power. In 1993, following an encouragement by the UN to establish stronger mechanisms, a National Committee for Women was established within the National Council for Childhood and Motherhood. This was changed to a stronger mechanism called the National Council for Women (NCW) in 2000. This latter mechanism was granted more authority through a wider mandate and was allocated regular periodic funds from the government's budget.

The second dualism stems from whether women are considered first and foremost as individuals in their own right or as family members and mothers whose main task is to take care of children and other family members. The Women's Committee in Egypt was first placed under the National Council for Childhood and Motherhood. This reflected a desire to tone down traditional elements by showing that women were more valued as mothers and gatekeepers of families. The situation changed in 2000, when women's issues were divided between two different councils: the National Council for Childhood and Motherhood and the National Council for Women. The first council taking care of women as mothers and the second one taking care of women in their own right.

The third dualism is about the top down and bottom down approaches. Like other established machineries in the Arab countries, the

established Egyptian national women's machinery, shows strong signs of a top down state feminism approach. The decisions to establish these machineries were taken by a few important public figures, often by first ladies supported by their close trusted associates without much participation from women's groups or NGOs. The initiatives reflected a desire to improve the countries' external image, in addition to genuine political will of wives of presidents to champion the promotion of the status of women, although not necessarily representing the interests of the wider women groups.

In spite of these inherent obstacles, the National Council for Women was able to make some achievements. It was able to influence some legislative changes that have benefited several groups of women. The call for such legislative reform was first championed by women activists and feminist NGOs for several decades. When the wife of ex-president showed herself as the only one who can push for such legislative reform in the Egyptian parliament, women's groups resorted to her to push for such reform.

The Council also succeeded in initiating the establishment of equal opportunity units in most ministries to look at issues of gender equality in recruitment, promotion, and training. However, these units lack commitment to gender equality, power or authority, and lack adequate funds. The Council also established an Ombudsperson Office for Gender Equality in 2002. However, the office had no legal power to implement its decisions after investigating women's complaints and hence its sustainability and its effectiveness were always at stake.

The Council's ability to influence government policies was affected by its organizational weakness, a lack of national consensus on gender policies and its inability to represent all groups of Egyptian

women. In addition the patriarchy existing within the state weakens the implementation of many of the Council's directives regarding the advancement of women.

The Council's was much more involved in implementation of activities and small projects that would have been better undertaken by NGOs. It distanced itself from developing a systematic approach with regard to making transformation in gender relations through strongly addressing strategic interests of women in a clear manner.

The Council attempted to invite NGOs to some of its events but failed in establishing a systemic collaborative equal relationship with them.

Finally, the failure of the council was due to the fact that it alone cannot do miracles without other institutions and legislation in place, such as a strong Gender Equality Act as well as a strong Ombudsperson for gender equality, a parliamentary commission for gender equality, gender focal points in all governmental institutions and in the different governorates and a consultative commission on gender equality for the preparation of development plans.

### **The NWM post-revolution:**

The Egyptian revolution took place following an uprising that began on 25 January 2011. One of the main reasons behind the revolution was the wide spread corruption that was prevalent in public and private institutions. The Egyptian regime that was overthrown by January revolution was a symbol of corruption, nepotism and lack of transparency and accountability.

The National Council for Women which was established in 2000 and

headed by the wife of the former President was paralyzed and inactive since the revolution. Half of its board members have resigned and it is not clear whether it will be totally dismantled or restructured. In spite of several appeals made by feminist groups in Egypt to the Prime-Minister asking him that they should be engaged in all discussions concerning the restructuring of the Council, he has not responded to any of these yet.

### **Newly structured National Women Machinery in Egypt:**

Following the 25th January revolution in which both men and women equally participated, Egyptian authorities need rapidly consider the restructure of the National Council for Women to become a strong and effective national women machinery or to establish a new machinery that adopts another perspective and is formulated in a way that reflects what the Egyptian revolution has called for in terms of social justice and equal opportunities. The Egyptian revolution was characterized by a very active participation of Egyptian women who are insisting on participating in building a democratic Egypt. They are seizing this crucial opportunity to institutionalize their rights as part of a new Egypt.

In the transitional phase that Egypt is undergoing, the achievement of gender equality and respect of women's human rights are essential components for the establishment of good governance. There are several women and gender related issues that need to be addressed like women's political representation, women's economic empowerment and social justice as well as female unemployment, poverty alleviation, illiteracy, social protection...etc. The newly structured National Women Machinery should be in a position to address all these issues through its cooperation and collaboration

with other entities in the country and through inclusion of women's groups and activism in shaping its programs and directives.

### **Characteristics of the newly structured National Women Machinery:**

- 1) The NWM should be a small bureaucracy staffed with a small number of experienced and qualified gender experts.
- 2) The NWM should be one entity of several entities that all work harmoniously to achieve gender equality through gender mainstreaming. These entities include a gender equality committee at the parliament, an Ombudsperson Office for gender equality, Gender Equality Units in the different ministries and in the different governorates and media watch/observatory.
- 3) The NWM should be independent from any political party
- 4) The NWM should be inclusive of women activists and feminist groups/NGOs of Egypt

### **Vision of the NWM of Egypt:**

Women of all ages will be able to enjoy equal access to services, control of resources and equal opportunity to participate fully in the Egyptian national development and Egypt's transition to democracy. They will be able to enjoy protection against all forms of discrimination and violence.

### **Mission of the NWM:**

To create an enabling environment to facilitate, advocate, coordinate and monitor policies and programs that promote the status of women and to help achieve gender equality.

### **Goals of the NWM:**

- 1) To facilitate the participation of half of Egyptian human resources, i.e. women, in effectively building a democratic Egypt.
- 2) To activate the State's interest in the affairs of women and their participation in development and decision-making processes by means of mainstreaming women's' needs and concerns in government policies

### **Mandate of NWM:**

#### **The mandate should cover the following spheres of interventions:**

- 1) Developing a national strategy and plan of action on women empowerment and gender equality and monitor its implementation
- 2) Collaborating with the different legislative and executive organs of the state to ensure that women are enjoying equal opportunities and that gender equality is being safeguarded and promoted
- 3) Assessing all legislation from a gender perspective
- 4) Drafting a Gender Equality Act with the different groups of women and presenting it to parliament
- 5) Educating and informing the public on gender equality issues
- 6) Redressing all forms of discrimination against women
- 7) Representing Egyptian women in international and regional forums

### **Functions and Roles of the National Women Machinery:**

- 1) Developing a national strategy for the advancement of women in cooperation with the different Ministries and updating it every five years and monitoring its implementation

- 2) Providing technical assistance to all government Ministries to mainstream women's needs in their plans and programs.
- 3) Providing technical assistance to government Ministries in the development of gender responsive budgets for marginalized groups while viewing social financing from a more comprehensive manner.
- 4) Conducting research and studies on women's needs necessary to mainstream a gender perspective, and which may be required by the various Ministries.
- 5) Compiling international reports on women required by international committees of international conventions ratified by Egypt.
- 6) Submitting draft laws and resolutions to ensure gender equality and the development of a proposed Gender Equality Act.
- 7) Ensuring that all statistics collected by various government agencies are sex disaggregated in order to provide a clear basis for developing plans that ensure equality in the provision of services to women and men.
- 8) Cooperating with civil society organizations, the media and with men in general to highlight the positive image of women and the importance of their contribution in the different areas of life and thus help create a public opinion supportive of women's issues.
- 9) Giving particular attention, in coordination with the Government, civil society and women's federations and coalitions, towards the elimination of illiteracy among women within a period of 3 years at most.
- 10) Enhancing the representation of Egyptian women in international and regional forums.
- 11) Coordinating between the various bodies that work for the advancement of women.

## **Composition and structure of the NWM:**

The National Women Machinery will have a Minister, Deputy Minister, and will be composed of a Board headed by the Prime Minister and different departments headed by professional gender experts.

### **Members of the Board of the National Women Machinery:**

The Board of the NWM under the Chairmanship of the Prime Minister will be comprised of fifteen members as follows:

Minister of Women Affairs  
Minister of Health  
Minister of Education  
Minister of Higher Education  
Minister of Solidarity and Social justice  
Minister of Finance  
Minister of Justice  
Minister of Local Administration

Three representatives from women's civil society associations who are elected by the different associations. Their representation will be on rotational basis every two years Four public figures concerned with women's issues.

The Board of the National Women Machinery shall meet once every three months during which the Minister of Women will submit to the Board a full report on the achievements as well as a quarterly plan for the work planned to be implemented during the subsequent three months.

### **Departments of the National Women Machinery:**

- Department of Policies, Planning and Monitoring
- Department of Research and Evaluation
- Department of Training
- Department of Information and Awareness-raising
- Department of Coordination
- Department of Financial and Administrative Affairs

It is proposed that each unit will have a general manager and a small number of staff of professional specialists who have previous experience in gender related subjects.

### **Department of Policies, Planning and Monitoring:**

The department task is to develop plans and strategies aiming at women's empowerment and gender equality that are able to influence national policies and make them responsive to women's issues and gender equality. The department should be able to develop, in a participatory manner, a national strategy for the advancement of women every 5 years coupled with a work plan that is detailed in terms of specific tasks, responsibilities, time-frame and suggested budget. This national strategy can be used in mainstreaming gender in Egypt's development plans. A monitoring system should be also developed with quantitative and qualitative indicators that are able to measure the advancement made in achieving the goals and objectives of the national strategy. This department will be responsible also for coordinating the planning activities of the NWM and the donor agencies support. It will also have reporting responsibilities, will collect and analyze statistics to contribute to policy development.

### **Department of Research and Evaluation:**

The NWM can play a pivotal role in deciding on major research issues related to the advancement of women and of gender equality that need to be researched. Cairo University is in the process of establishing Gender Studies Center which can be entrusted along with other research institutions in Egypt to undertake such research. This department will be entrusted with monitoring and evaluation tasks of the different programs. It will also undertake gender Assessments, gender audits and gender impact studies.

The department should also be able to produce in participatory fashion Egypt's periodic international reports such as the periodic ones of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the periodic reports on the implementation of Beijing Platform for Action (BPA).

### **Department of Training:**

The department of training should be able to have or access the most qualified gender trainers in the country and elsewhere to build the capacity of gender analysis and planning of the staff of NWM as well as the staff of other mechanisms cooperating with the NWM. These mechanisms include the women's committee in the parliament and the gender focal units in the ministries and governorates. The training will also cover gender responsive budgeting.

### **Department of Information and Awareness raising:**

The department will strengthen the capacity of the NWM to systematically use ICT to disseminate national and local data on

gender issues among all ministries and civil society partners. This will strengthen advocacy and will mobilize the general public to support gender equality and women's empowerment. It will also help in sharing experiences, good practices and develop and participate in a regional e-network of Arab national women machineries. It will plan activities with the civil society organizations aiming at raising awareness of the general public on women's participation and on gender equality issues.

### **Department of Coordination:**

The department is concerned with the coordination tasks with the other machineries involved in promoting the role of women and in achieving gender equality such as the Ombudsperson for gender equality, the Parliament committee on women/or Gender and the different gender focal points/units in the different ministries and the different governorates

### **Department of administrative and financial matters:**

The department will be concerned with all administrative and financial matters including human resource management.

Terms of reference of the positions of the heads of these units and the staff will be developed by a specialized committee and will be advertised in the newspapers. Another committee of gender experts from Egypt will interview and select the qualified staff from the applicants.

### **Collaborating Mechanisms:**

In order to ensure that women's issues are addressed in the legislative

and executive branches, the new NWM will assist in creating gender related mechanisms inside the two branches and will coordinate with them to achieve equal opportunities and gender equality in legislation and in executive bodies so that the task of mainstreaming gender and ensuring the participation of women in all spheres of life becomes part of the main tasks and concerns of the different agencies and institutions rather than being in the hands of only one body. These mechanisms include the Women/Equal Opportunity Parliamentary Committee, the Office of the Ombudsperson for Gender Equality and the Gender Focal Units/Equal Opportunity Units in the various Ministries and Governorates as well as the media observatory.

#### **(1) Women/ Equal Opportunities Committee in the Parliament:**

It consists of 10-15 male and female members of Parliament and undertakes the following:

- Review of draft legislations from the perspective of women's needs and from a gender-equality and equal opportunities perspective.
- Suggest and submit new draft laws to protect the rights of women
- Monitor and evaluate government performance as submitted by the government to the Parliament from a gender perspective and equal opportunities perspective.
- Requesting the attendance of members of the government in meetings to discuss women's issues, equal opportunities and gender equality and request them to comment and to respond to them.
- Hold public meetings with women's associations for consultation
- Coordinate with the NWM in many areas such as sharing statistics, studies and research, and inviting the Women's Minister to attend Parliamentary sessions.

## (2) Ombudsperson for Gender Equality

This office is to be attached to the NWM and will undertake the following:

- Monitor the implementation of the new Gender Equality Act.
- Receive complaints about non compliance to equal opportunities and gender equality.
- Investigate such complaints and suggest the way to settle disputes.
- Present an annual report to the parliament on such complaints and how they were settled

## (3) Equal Opportunity Units in the different Ministries:

- Work to mainstream gender and equal opportunities perspective in Ministerial plans and programs.
- Support in monitoring and evaluating progress in achieving equal opportunities in the programs of each Ministry.
- Conduct training workshops for Ministry staff on gender planning and gender mainstreaming as well as gender responsive budgeting.
- Cooperate with the Office of the Ombudsperson in the NWM in investigating and resolving complaints related to discrimination against women.

## (4) Equal Opportunity Units in the Governorates:

- Work to mainstream gender and equal opportunities perspective in Governorate plans
- Support in monitoring and evaluating progress in achieving equal opportunities in the programs and projects of each Governorate
- Conduct training workshops for Governorate staff on gender

planning, gender mainstreaming and gender responsive budgeting.

- Cooperate with Equal Opportunity Units in the different Ministries to investigate and resolve complaints related to discrimination against women.

## (5) Media watch and observatory on gender equality issues:

Television in Egypt still perpetuates traditional gender stereotypes because it reflects dominant social values. It does not only reflect them but also reinforces them by presenting them as 'natural'. Due to the absence of clear gender equality policy of Egyptian television, it consciously or unconsciously reproduces a traditional 'masculine' perspective, perpetuating dominant gender stereotypes. Many narratives on TV are still implicitly designed to be interpreted from a masculine perspective. Viewers are frequently invited to identify with male characters and to objectify females. This has been called 'the male gaze'. This mode of viewing is an invisible and largely unquestioned bias - the masculine perspective is the 'norm'.

As women activists and feminist groups in Egypt are calling for the necessity to seriously address the conservative and conventional gender relations that prevailed during the past regime and contributed to gender discrimination against women, there is a dire need to use the media which is reachable to majority of Egyptian men and women in changing these gender stereotypes.

To this end, the newly structured National Women Machinery can set up a media watch or observatory to undertake content analysis and provide basic data about the prevalence of gender images on TV. Following the January 2011 revolution it has been apparent that the number of women shown on TV is far smaller than the

number of men. Men outnumber women in general TV talk shows and dialogue forums and women are seldom invited to participate in various types of programs. If they are, they are invited, they are requested to speak about women's issues. This in spite of the fact that Egypt has many qualified professional women who are active in the different fields and can eloquently discuss politics, economics, social issues, environmental issues...etc. Soap operas also perpetuate stereotype gender roles for both men and women. TV does not reflect observable demographic realities, although it may well reflect the current distribution of power, and the values of those who hold it. In television advertisements, gender stereotyping tends to be at its strongest. In advertisement, with age men seem to gain authority, whilst women seem to disappear.

Still in many cases, men tend to be portrayed as more autonomous than women. They are shown in more occupations than women; women are shown mainly as housewives and mothers. Men are more likely to be shown advertising cars or business products; women are mostly advertising domestic products. Men are portrayed outdoors or in business settings; women in domestic settings. Men are more often portrayed as authorities. Mass media acts as important agent of socialization, together with the family and peers, contributing to the shaping of gender roles.

A media watch/observatory attached to the National Women Machinery will be able to influence the Television and radio policies and ensure that there is no negative perpetuation to the stereotypical image of women.

In conclusion, the success of the work of the NWM depends on the existence of supportive tools, such as an effective law for

gender equality and equal opportunities in addition to a number of other mechanisms such as the Office of the Ombudsperson, the Parliamentary Women's Committee, and the Equal Opportunity Units in the Ministries and Governorates.

Success depends also on mutual consultation with non-governmental organizations concerned with women and with women's movements. This is of paramount importance for the development of a National Action Program that endeavour to achieve gender equality, and to build a consensus around it.

#### **Human Resources:**

The NWM can function better if good governance is ensured in its composition and work. The NWM should not depend on hiring a staff whose members are bureaucratically inclined and keen only to safeguard their own jobs, but it should choose staff whose members are well aware of, and endorse, equality and equal opportunity issues and are committed to this area of work. They should also have prior experience in gender related subjects. They should also have the necessary skills to influence those in the legislative and executive branches so that they become more aware of women's issues, and adopt programs that will ensure gender equal opportunities in all spheres of life.

#### **Financial Resources**

As much as it is necessary to have skilled human resources, sufficient material resources for the NWM need to be available so that it can perform its daily functions. Financial resources can be secured from donors to supplement the resources from the State Budget in order



to ensure sustainability of the Ministry of State. Full transparency in financial matters must be ensured, and it is preferable that these be presented to the Board on a periodic basis.

### **Arab e-network for National Women Machineries:**

Establishing an Arab e-network for national women machineries is also recommended. By encouraging the establishment of such a network the Egyptian NWM can achieve the following:

- 1) Enhance knowledge management and communication strategies of national machineries
- 2) Enhance the capacity of national machineries to utilize ICT to implement their roles as advocates and catalysts of the achievement of gender equality
- 3) Directly link national machineries to information on and processes connected to important regional bodies such as the League of Arab States, United Nations Economic and Social Commission of Western Asia (UNESCWA) and UN WOMEN

Further to this, the E-network for National Machineries should include an Information Portal and will act as the central hub of the e-network so NWM can share and access relevant information and resources.

- (1) Information Portal: can be the central hub of the e-network so that NWMs can share and access relevant information and resources. NWMs will be the primary contributors to the portal and are expected to submit resources, case studies, news, events....etc.
- (2) Discussion list for national machineries which is an electronic method for a group of people to share information and discuss issues such as challenges and good practices within an area of

common interest. This is an electronic mailing list that offers the opportunity for members of post information, make suggestions or post questions to a large number of people at the same time through the use of a group email address. NWMs can use the discussion lists to share information, raise questions with other national machineries and exchange ideas. It can also be used to galvanize national gender machineries around a particular theme such as the preparation of regional reports...etc.

Access to the discussion list is e-mail based and participants can send and receive messages directly from existing e-mail accounts. A web-based version of the discussion list can be accessed via a link on the information portal.

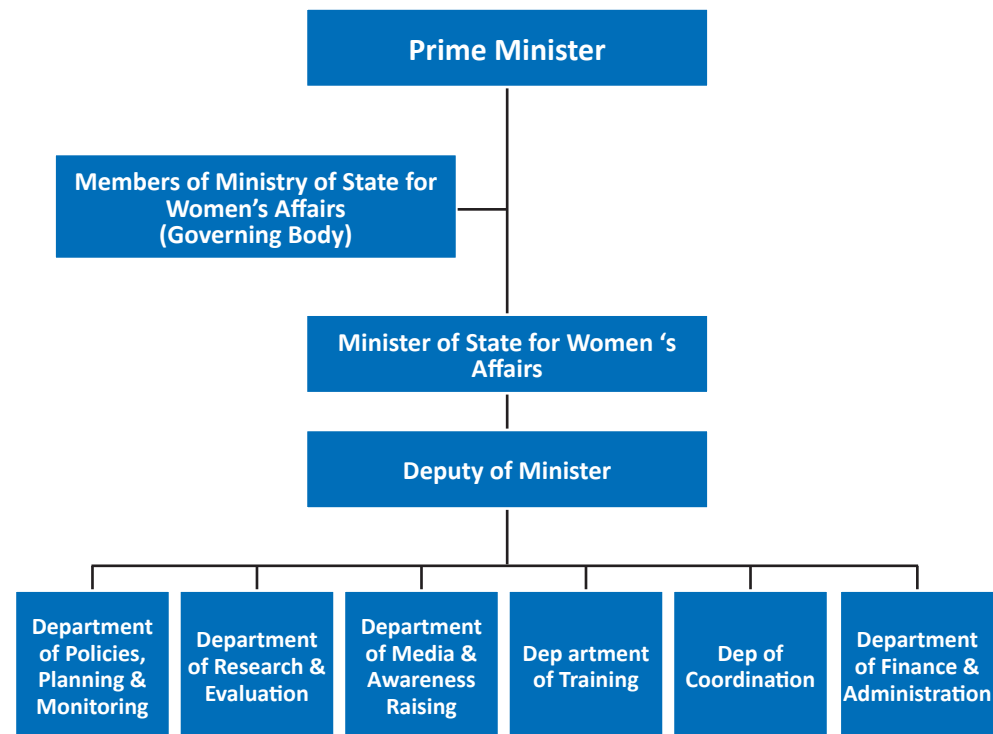
These discussion lists will be open only to staff members of NWMs and the relevant staff members of League of Arab States, UNESCWA and UN WOMEN.

Thematic e-discussion: is an e-discussion aimed at promoting and stimulating debates on a particular topic. It is a tool for a group of people in a geographic location, to exchange ideas and resources and is particularly useful for advocacy, understanding of key issues, sharing methodologies and good practices, and identifying common objectives and challenges.

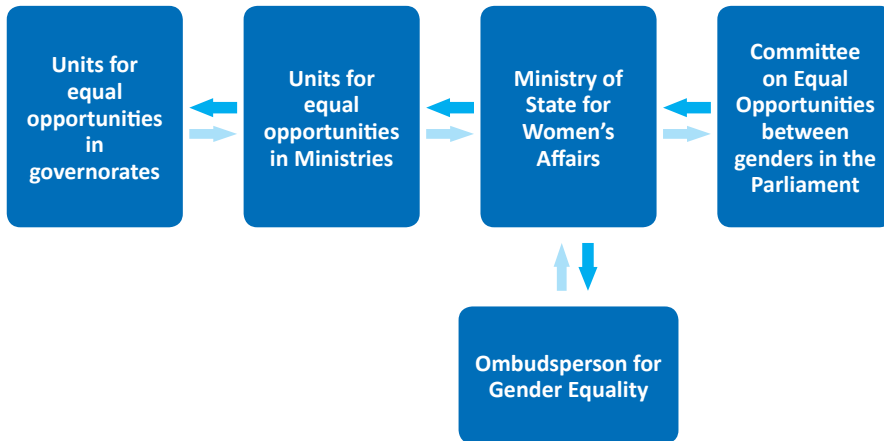
E-discussions are guided by a moderator who provides an outline of a specific topic and questions for discussion on a regular basis. The participants in the e-discussion receive questions and can respond with their ideas and thoughts. At the end of a discussion a summary is produced that highlights some of the major findings and conclusions of the discussion.

The e-discussion for the e-network of NWMs can be held every four months for duration of six weeks, on the relevant topics identified by national machineries. They are open to all stakeholders including national machineries, line ministries, NGOs, donors, academics. This will promote collaboration and cooperation and encourage a vibrant and informed debate. The thematic e-discussion can be accessed through both an existing email accounts and also through a web-based version via a link on information portal.

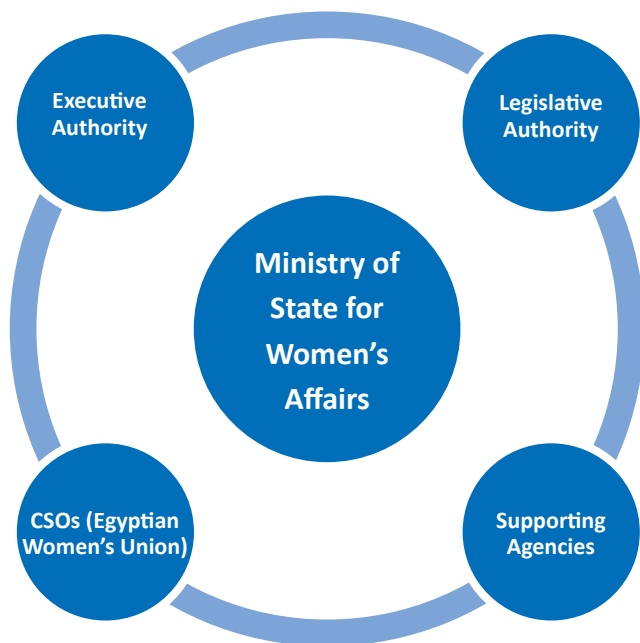
## A. Organizational Structure



## Entities that Support and Cooperate with Ministry of State for Women's Affairs



## Cooperation with Structures, Authorities and other entities



## Chapter 2

# GENDER EQUALITY OMBUDSPERSON FOR EGYPT

## INTRODUCTION

The word 'Ombudsman' is Scandinavian and was adopted into the English language and means "agent or representative of the people, or group of people." It dates back to 1809 when the Swedish constitution stated that there was a need to oversee the parliament and supervise public administration in government. An Ombudsman or, to be gender neutral, Ombudsperson, deals with complaints from the public regarding decisions, actions or the failure to act by public administrative authorities. An Ombudsperson is independent of local and national administration and the Office of the Ombudsperson is sometimes required to propose amendments of laws, regulations and procedures that seek to improve the situation for the groups with which they are concerned.

There is no one definition of an Ombudsperson and his/her role. One example is the definition proposed by the International Bar Association, which states the Office of the Ombudsperson is:

"An office provided for by the Constitution or by action of the Legislature or Parliament and headed by an independent, high-level public official who is responsible to the Legislature or Parliament, who receives complaints from aggrieved persons against government agencies, officials and employees, or who acts on his own motion, and who has the power to investigate, recommend corrective action, and issue reports."

In many cases, the Office of the Ombudsperson does not exclusively handle complaints, but is also empowered to initiate investigations like the case of the Danish Ombudsperson.

The Ombudsperson office is not a judicial body and it typically has

only limited, if any, power to enforce orders or reverse administrative action. Rather, the ombudsperson's principal approach is to seek solutions to problems through investigation and reconciliation. The authority and influence of the office derives from its basis in law, its mandate to report to one of the principal organs of the state (usually the parliament or chief executive), and its power to publicize findings and reports on administrative actions and procedures.

Generally speaking, the Ombudsperson exists to make the bureaucratic world under the authority of the state a better place for ordinary people to conduct their affairs. Citizens approach the Ombudsperson if they are unhappy with the way a government institution has treated them (e.g. if they believe a decision against them was unfair or procedures used to make the decision were inappropriate).

## **BENEFITS OF AN OMBUDSMAN INSTITUTION**

The rise of the modern bureaucratic state has increased government involvement in the lives of citizens, introducing more complex administrative structures that individuals must navigate. In this environment, it is important to provide citizens with the means to challenge arbitrary or unfair administrative action. An Ombudsperson institution provides individuals with a vehicle for making complaints and obtaining possible remedies for inappropriate or unjust state action. When the government acts unjustly, mishandles a situation, or denies citizens their rights or benefits the Ombudsperson provides a forum for people to express their grievances and defend their rights.

There are several benefits of an Ombudsperson institution that make it desirable for both citizens and governments. The Office of the Ombudsperson promotes and protects individual rights, encourages efficient public administration, provides a cost-effective dispute

resolution mechanism, bridges the gap between the government and the public, promotes cooperation instead of litigation, and allows for increased citizen access to dispute resolution.

The Office of the Ombudsperson not only enhances the protection of individual rights, it also contributes to efficient public administration. Amongst government institutions, the Ombudsperson is uniquely positioned to identify and address structural problems within public administration. The technical expertise of the office, which is acquired by investigating and analyzing individual complaints, coupled with its record tracking and classification abilities, enables the Ombudsperson to identify possible systemic causes of maladministration. Because a well-functioning Office of the Ombudsperson cultivates a strong working relationship with other government institutions, and usually has a reputation for impartiality and neutrality, public officials are likely to recognize the importance of the Ombudsperson's recommendations regarding administrative practices.

In many instances, government agencies proactively seek the guidance of the Ombudsperson to ensure fairness in the development and implementation of administrative policies.

Furthermore, the financial gains for citizens are significant because such services are usually offered free of charge. Savings accrue due to the quick and informal resolution of complaints rather than costly and protracted litigation.

The benefits to the government are due largely to its unique structure of the Office of the Ombudsperson and the use of informal problem solving methods, which minimize the need for a large staff and consequently reduce overhead costs.

The existence of an impartial and independent investigator can contribute significantly to the public's sense of security and trust in government action. This is especially helpful in a transitional society like Egypt that has moved from an authoritarian political system to one that is more open and based on democratic norms. Following an investigation of an individual's complaint, the Office of the Ombudsperson is in a position to explain the government's actions to the citizen. Depending on the findings in the case, it may also be in a position to recommend that a government decision be changed or revoked.

The Ombudsperson serves to bridge the gap between the government and citizens by promoting a "people-sensitive" approach to government. The Ombudsperson office uses investigation and mediation techniques to find solutions to underlying problems that are acceptable to both citizens and the government. Unlike a legal advocate, the Office of the Ombudsperson Office takes a neutral role and is impartial upon reviewing cases.

As a final point, the Office of the Ombudsperson provides an inexpensive, speedy, and flexible extra-judicial mechanism for resolving disputes. Ordinary individuals can turn to the Ombudsperson as an accessible safeguard against government abuse of power. This is especially important given that legal recourse against administrative mistreatment is largely unavailable due to high costs, prolonged duration of adjudication and/or because there is no legal remedy.

## **OMBUDSPERSONS FOR GENDER EQUALITY**

**Many countries in the world have general Ombudspersons functioning within the judicial and political systems, though few have one that focuses on gender equality. Of the few examples that**

**exist, the cases of Croatia and Finland will be highlighted below:**

**Croatia:**

**In 2003, the first Gender Equality Ombudsperson was appointed by the Croatian Parliament in accordance with the Gender Equality Law adopted in that same year. As a follow up to this, in 2008 the Croatian Parliament adopted a new Gender Equality Law by which the Gender Equality Ombudsperson was called on to perform the tasks of an independent body in combating discrimination related to gender equality.**

The responsibilities of the Ombudsperson for gender equality include:

1. Receiving complaints from any natural persons or legal entities regarding discrimination in the area of gender equality;
2. Providing assistance to natural and legal persons who filed a complaint of sexual discrimination when instituting legal proceedings;
3. Taking steps to investigate individual complaints prior to legal proceedings;
4. Conducting, with consent of the parties involved, a mediation process with the possibility to reach an out-of court settlement;
5. Collecting and analyzing statistical data on cases of sexual discrimination;
6. Conducting independent surveys concerning discrimination, publishing independent reports and exchanging available information with relevant bodies.

The Gender Equality Ombudsperson acts in an independent manner, monitors the enforcement of the Gender Equality Law and other regulations on gender equality and reports to the Croatian Parliament at least once a year.

The Gender Equality Ombudsperson investigates cases of infringement on the principle of gender equality, cases of discrimination against individuals or groups of individuals by public bodies, units of local or regional self-government or other bodies with public authority, by employees of these bodies or other legal or natural persons.

Every citizen has the right to address the Gender Equality Ombudsperson on account of any infringement of the Gender Equality Law regardless of whether he or she suffered direct injury from such infringement, or is filing a complaint in somebody's name (this is providing that the injured party is not expressly opposed).

#### **Finland**

**In Finland, the duties of the Ombudsperson for Equality are spelled out in the Act of Equality between Women and Men, and the Office of the Equality Ombudsperson is a unit within the Ministry of Social Affairs and Health. The Ombudsperson operates in conjunction with the Ministry of Social Affairs and Health as an independent authority supervising the implementation of relevant legislation and attends to tasks assigned to the Ombudsperson by law.**

The Ombudsperson for Equality in Finland:

- Supervises compliance with the Act on Equality between Women and Men, in particular the prohibition on discrimination and discriminatory job advertising;
- Promotes the purposes of the Equality Act by means of initiatives, advice and counseling;
- Gives information about the Equality Act and its application;
- Monitors the implementation of equality between women and men in various sectors of society.

The Ombudsperson for Equality may assist persons discriminated against in safeguarding their rights. She/he can be requested to issue an opinion on whether discrimination has occurred in a given case or give advice regarding equality planning and application of the quota provision. The Ombudsperson, with assistance from his/her office, can initiate action and give advice, instructions and prepare statements for cases in contravention of the Equality Act. The Ombudsperson has wide authority to gather information from authorities, employers and citizens, along with the additional right to inspect workplaces if the employer appears to have acted against the Act on Equality or its obligations.

The Ombudsperson may assist a person who has been subjected to discrimination in the protection of his/her rights and, if necessary, assist the said person in judicial proceedings relating to indemnification or compensation. This is especially true if the Ombudsperson considers the matter to be of considerable importance with regard to the application of equality. The decisions of the Ombudsperson are legally binding.

The Ombudsperson for gender equality in Finland handles about 200 written discrimination cases annually. Half of the cases concern working life issues while the other half cover other areas of ---public and private life. Men bring forth around 30% of cases, while women submit upwards of 70%. Advice and statements are free of charge. In addition to private citizens, the County Administrative Courts, trade unions and various associations can also ask for statements and advice.

The Office of the Ombudsperson publishes reports, research findings, brochures and bulletins. It has a wide reference and press library.

## THE GENDER EQUALITY OMBUDS OFFICE FOR EGYPT

An Ombudsperson for gender equality was established by the National Council of Women in 2002. It marked the establishment of the first Office of the Ombudsperson in Egypt and constituted a fundamental step for ensuring equality between men and women. It meant to ensure the voice of women was heard by decision makers by opening up effective channels of communication. Aside from using a referral system to Egyptian women face regarding gender discrimination, it supported a wider call for redressing gender discriminatory legislations. The office; however, did not have investigation or inspection authorities and it relied solely on its political influence. There is much work to be done in reforming the existing Office of the Ombudsperson to make it more effective. Ultimately, it should be an independent, non-political office that is restructured according to the framework outlined below.

### Mission of the office

The mission of the Office of the Ombudsman includes consulting, investigating and settling civil petitions related to gender discrimination; making recommendations for corrective measures when investigations reveal unlawful or unreasonable administrative procedures that result in gender discrimination; stating opinions or making recommendations for improvement of administrative systems and their operations to guarantee gender equality, and requiring relevant administrative agencies provide notification of settlements that are conducted as a result of recommendations or opinions conveyed.

In this context, discrimination on the grounds of gender is defined as all juridical or effective, directly or indirectly distinctive, privilege,

exclusion or restriction on the grounds of gender as a result of which the recognition, exercise or enjoyment of a person's human rights and freedoms in the political, educations, economic, social, cultural, sports, civil and all other domains of public life are denied or curtailed.

Discrimination can be direct or indirect. Direct discrimination on the grounds of gender occurs when a person has been, is, or may be treated less favourably on the grounds of gender than another in the same, or a similar, situation.

Indirect discrimination on the grounds of gender occurs when supposedly neutral legal standards, criteria or practices that are equal for all have the effect of leaving a person from one sex disadvantaged by comparison with a person from the other sex.

### Criteria of selection of the Ombudsperson

The Ombudsperson should be a citizen known for his/her knowledge of the law and exemplary probity. The specification of legal knowledge means that the Ombudsperson should have had legal training or a law degree that qualifies the holder of the post to deal with complaints from a legal perspective.

The Ombudsperson for Gender Equality should also be an expert in gender equality related issues. She/he should additionally have previous experience as a team leader and in office management.

### Term of the Ombudsperson

A reasonable term of the Ombudsperson is up to four years with the possibility to renew for one additional term only.



## Independence of the Ombudsperson

The Office of the Ombudsperson is a state entity that relies on public funds and that needs to maintain political support for continued funding. This means the office is in a special – and somewhat precarious position – given that it launches investigations against the government while also relying on it for resources. Perhaps the most important requirement for an effective Ombudsperson and his/her office is that it is independent from other branches of government. It is crucial that there is no government interference with the investigation and recommendation process. Autonomy is essential for maintaining public, as well as taking on the role of an impartial investigator without political motivations. Current legislation should define the method of appointment and state clearly the terms of employment—reference for the Ombudsperson. Methods of appointment include: nomination by a parliamentary committee and subsequent approval by Parliament, or an executive nomination with the support and consent of Parliament. Legislation should also address an Ombudsperson's term in office, determining the duration and the possibility of serving for more than one term; and it should also state if reappointment of the Ombudsperson is permitted.

The Office of the Ombudsperson does not normally have the power to enforce recommendations it makes to the government. At first glance, this lack of enforcement power leads many to believe that the office lacks power and is dependent on the government agency that has been accused of inappropriate conduct. This is true in that the Ombudsperson, unlike a court, cannot force an agency to act. However, an Ombudsperson's office that has undertaken a comprehensive investigation of a case, and has done so in an impartial and neutral manner, generally has the persuasive authority to elicit compliance with the recommended course of action.

## Structure of the office

In determining the structure of the office, the following issues need to be addressed: funding, administrative tradition, level of cooperation, technology required to document complaints, systems of analysis, and systems of complaint management. Additionally, the office's policies and procedures should be well documented.

### Sufficient funding

Legislation should include a requirement that the office is sufficiently funded for it to function properly. The Ombudsperson is to submit a proposed annual budget directly to Parliament for its approval, without executive intervention. To promote accountability, audit requirements should be established via enabling legislation.

It is essential that the Office of the Ombudsperson be capable of meeting the expectations of the public regarding what cases it can take and resolve. Recent global trends indicate a tendency to expand the jurisdiction of the Ombudsperson office to include cases dealing with human rights abuses and government corruption. This expansion of jurisdiction is unlikely to produce strong results unless it is accompanied by a corresponding expansion of resources. Every time an Ombudsperson tells a citizen that assistance cannot be provided due to lack of resources or limited jurisdiction, the standing of the office is diminished.

### Staff structure

The office should be vertically structured and flexible enough to work through teams and collaborative arrangements. Members of the office should be able to utilize their own initiative while also

observe the need for consistency. It is difficult to determine the ideal, or a standard “good” size for the office, though it is accepted as best practice that the office should be relatively small for the sake of efficiency and because this sets good standards for agencies under its purview. Skeletal staff structures should be avoided given that the work of the Ombudsperson is labor-intensive and salaries tend to account for a substantial part of the office’s budget.

The office should be organized into departments that encourage specialization in different work areas. This is particularly crucial if the office has an obvious ) multifunctional mandate. The office could be organized by using departments that reflect its parallel focus on poor administrative practices that result in gender discrimination, abuse of human rights and gender based violence. In such cases, each department is headed by a full-time senior professional officer who reports to the Ombudsperson or his/her Deputy.

Given Egypt’s reasonable use of technology and fairly well-established administrative culture, the Office of the Gender Equality Ombudsperson could have about 25 professionals on staff to handle an annual workload of roughly 4,000 complaints. The situation may be compounded if there is a recurrent need for formal and system-wide investigations. In terms of staff, the following positions would be required in the Ombudsperson’s office:

- Investigators
- Legal Counsel/Advisor
- Legal Researchers
- Public Relations Officers
- Financial Officers/Accountants
- Record Managers
- Computer/Information Systems Experts

In addition to full-time staff, most legislation empowers the Ombudsperson to contract experts on a temporary basis. This is indispensable when the Ombudsperson conducts highly specialized investigations that go beyond the normal demands of the office. The Office of the Ombudsperson can rely on expertise available in sister offices, other branches of government and from professional networks and associations for such expertise.

The most remarkable area of institutional cooperation has been in staff training and development. Training a staff member in Ombudsperson work is still largely ad-hoc and is evolving, as there are no established curricula and most training is carried out through short-term orientations or is done on-site. Institutional collaboration has proved helpful in this regard. It becomes especially useful when newly established or structured offices receive support from older Ombudsperson institutions. Such efforts are increasingly complemented by the work of NGOs and other governmental organizations. Pre-service and in-service training are essential for all staff employed by Ombudsperson offices.

An office’s staff structure would naturally vary according to a country’s individual needs and the mandate of the Office of the Ombudsperson.

### **General rules governing the Gender Equality Ombudsperson in Egypt**

The Ombudsperson works to promote gender equality and in the sphere of working life, he/she shall promote equal treatment based on gender.

The Ombudsperson shall monitor and contribute to ensuring compliance with provision of the Gender Equality Act. He/she monitors the observance of equal opportunities for women and men, for termination of equal rights violations and for redressing inflicted violations. The Ombudsperson decides the main thrust of its activities and he/she is to issue regulations concerning the conduct of business and the allocation of cases to the Ombudsperson. The Ombudsperson should answer directly to a higher office, such as Parliament or the Prime Minister. The Gender Equality Ombudsperson should be guided in all its work by a new Gender Equality Act, which is also suggested in a separate document. The Ombudsperson is appointed by the Prime Minister or Parliament for a period of four years, which can be extended for one additional term only.

### **Government Cooperation with the Ombudsperson Office**

A strong working relationship with other government institutions is critical to the success or failure of the Office of the Ombudsperson, and its effectiveness requires it to be independent from any executive and/or administrative agencies. However, since the Ombudsperson lacks independent enforcement powers, it must work closely with these institutions and encourage them to act on the office's recommendations. Without acceptance of, and cooperation with, the Ombudsperson by other government bodies, the office cannot effectively carry out its duties. Additionally, the office may depend on the executive and the legislative branches for resource allocation. If a strong relationship is not cultivated, and if little recognition is given to the Ombudsperson, it is unlikely to earmark the necessary resources.

Enabling laws of the Ombudsperson offices include provisions that require the government cooperate with investigations undertaken by the office. In particular, these laws tend to empower the office to request the production of documents and records relevant to the investigation, require any person to testify or produce evidence relevant to the investigation, and obtain access to agency premises for inspection. Provisions should give the Ombudsperson discretion to keep matters confidential, such as the identities of witnesses, which is important in maintaining the integrity of the investigations.

### **Functions of the Gender Equality Ombudsperson**

The Ombudsperson shall receive, investigate, inspect and recommend redress of gender discrimination as found in complaints presented to the office. The following functions to be undertaken:

- Monitor compliance with the requirements of the Gender Equality Act;
- Accept applications from persons and provide opinions concerning possible cases of discrimination;
- Analyse the effect of Acts on the situation of men and women in society;
- Make proposals to the government and administrative agencies for amendments of legislation;
- Advise and inform government and local government agencies on issues relating to the implementation of this Act;
- The Ombudsperson can contribute to remedying deficiencies in legislation. If, during the course of her/his supervisory activities, reason is given to question of amendment of legislation or of some other measure by the State, the Ombudsperson may then make such representations to Parliament or government.

The Ombudsperson should not investigate circumstances that are older than two years, unless there are particular reasons for doing so. Disciplinary sanctions against misconduct cannot be invoked against an employee after a period of two years. The Ombudsperson does not customarily intervene while a case is in progress, or before the period of appeal has expired. An Ombudsperson; however, can, at any time, look into a complaint concerning the procedure itself. Such an examples include when a case has been pending without action or notification of judgement, or a decision, did not take place within a reasonable frame.

## **Powers of office**

### **Receiving complaints**

Complaints on gender discrimination should be made in writing. If necessary, there is usually someone in the Ombudsperson's secretariat who can provide a complainant with unpaid help in formulating his/her own written complaint. Anonymous letters cannot be dealt with as complaints, . However the contents of an anonymous letter can result in action even if the letter has not been registered as a complaint.

Anyone, even citizens of other countries or people who do not live in the country, can file a complaint to the Ombudsperson.

Complaints can be dismissed on the grounds that they are based on a misunderstanding that has resulted from the complainant's failure to understand what an authority has written or dissatisfaction with the outcome of a case that has, in fact, been dealt with lawfully.

All complaints made to the Office of the Gender Equality

Ombudsperson are dealt with secrecy and utmost privacy. No information is disclosed without the permission of the complainant.

### **Inspection:**

Inspection of the complaints can be undertaken through notifying the concerned agency against which the complaint is made in order to review files and other documents. Meetings and discussions with officials of the authority being inspected can also be organized.

The Ombudsperson, in some cases, can express an opinion immediately, and inspections give rise to a great deal of analysis of the observations made and the material collected. For instance, an inspection can reveal mistakes in dealing with individual cases which prompts the Ombudsperson to initiate an inquiry. In many cases, the Ombudsperson may find cause to recommend the authority inspected improve its organisational directives and provide other instructions for officials regarding the work of the authority. Observations made during inspections can result in the Ombudsperson taking action to remedy deficiencies in legislation.

These inspections are of great value in several respects, as they give the Ombudsperson and his/her staff an opportunity to meet officials in public agencies on their own territory and to see first-hand the conditions under which gender discrimination is tolerated. It is also much easier to discover mistakes of a systematic kind in the routines of an authority during an inspection than when dealing with a complaint. Furthermore, the knowledge that each authority may, at any time, be inspected helps to keep their employers and employees alert and to not partake in action that may be considered gender discriminatory.

## Investigation

The Office of the Ombudsperson is more likely to be effective when it possesses the power to investigate, recommend corrective measures, and report publicly on administrative actions. These powers are at the heart of the Ombuds system and must be provided to enable legislation. Because many Ombudsperson offices lack the authority to make legally enforceable decisions, the effectiveness of the institution rests largely on the comprehensive nature of the office's investigative powers. Traditionally, the Ombudspersons powers of investigation were limited to instances where an individual or group of individuals submitted a written complaint alleging mistreatment or misconduct on the part of public officials. Upon receipt of such a complaint, the Office of the Ombudsperson could initiate an investigation and employ any, or all, investigative powers as set forth in the office's enabling legislation.

Recent legislation shows that Ombudsperson offices are increasingly empowered to undertake investigations *sua sponte* without the submission of an individual complaint. For instance, the New Zealand Ombudsman Act of 1975 states that each Ombudsman may make any investigation either on a complaint made to an Ombudsman by any person or of his own motion.

Effective powers to investigate and act *sua sponte*, typically include the power to request written or oral evidence related to the case, to examine any person with knowledge of the case, or to commission an expert report on issues or procedures raised by the government's action or inaction. An explicit duty on the part of a government agency to comply with reasonable requests by the Office of the Ombudsperson is an essential component of comprehensive enabling legislation. For example, legislation that supports the investigative powers of the Greek ombudsman state:

“The Ombudsperson may request from the public services any information, document or other evidence in the case, examine persons, perform autopsies and order expert reports. At the investigation of documents and other evidence, which are at the disposal of public services, their characterization as confident, may not be pleaded against, except if they concern the national defense, the state security and the international relations of the country. All the public services should facilitate the research by all means.

The non-offering of assistance by a public service during the conduct of such research may be the subject of an Ombudsperson's special report to the competent minister. The complaints should be handled in a quick and informal manner. While policymakers must ensure that the Ombudsperson office has all the tools necessary for a comprehensive investigation, care must be taken to avoid legislation that requires overly detailed or bureaucratic investigative procedures. The Ombudsperson and his/her staff should be given broad discretion in deciding how to carry out each individual investigation.”

### Power to recommend

Following an investigation, the Ombudsperson must decide whether a complaint has proven meritorious and, if so, what solution is most appropriate. The Ombudsperson must be empowered to make recommendations to the appropriate government body and comprehensive legislation explicitly provides for the recommendation powers to the Office of the Ombudsperson.

Decisions are to be notified to the parties involved in the case. There are no general provisions concerning the way in which this must be

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Of one's own will: an act of authority taken without formal prompting from another party.

done apart from the stipulation that the party concerned shall be directly notified of the final decision/outcome. The decision must be clearly and concisely explained in writing.

### **Enforcement**

An important issue in drafting Ombudsperson legislation is whether to provide the office with legal recourse and, if so, in what form. Some offices have limited enforcement powers, particularly in fledgling democracies where less traditional functions have been assigned to the Office of the Ombudsperson. The Ombudsperson offices in Ghana and Uganda, for example, can defer to a magistrate to enforce their decisions. Many Latin American and Eastern European human rights Ombudsperson offices have the power to prosecute in court those who have committed human rights violations. Such enforcement powers are exceptional, however and are not often invoked even when available. The Ghanaian Ombudsman purposefully avoids this method and resorts to the court in less than 1% of the cases handled. On the other hand, the Papua New Guinea Ombudsman office was involved in 32 lawsuits challenging decisions of the tribunal between 1995 and 1998. This is not an ideal situation, as one of the main benefits having an Ombudsperson is the ability of his/her office to carry out conflict mediation as opposed to more lengthy, confrontational, and/or expensive legal processes.

Overwhelmingly, the Office of the Ombudsperson relies on the extensive use of informal and non-adversarial methods of resolving disputes, including publicly highlighting injustices, and using novel techniques of persuasion, negotiation and mediation. When applied competently and appropriately, these methods can be highly effective.

All parties in a dispute must acknowledge the Ombudsperson office as impartial; it is neither a mouthpiece of government agencies, nor

an advocate of complainants. Legislation in the Seychelles, Sierra Leone, Mauritius, and several other countries explicitly require the Office of the Ombudsperson to ensure due process for every authority against whom a complaint is brought and who may be the subject of consequent recommendations.

### **Reporting**

In addition to having the power to recommend, comprehensive enabling legislation tends to empower the office to report on its findings and recommendations to the legislature and public. The power to report provides the office with great influence by allowing the Ombudsperson to publicize: 1) its findings; 2) recommendations made by the Ombudsperson office; and 3) government decision on whether to implement the recommendations.

The persuasive value of these reports is largely influenced by the credibility and reputation of the Office of the Ombudsperson.

### **The annual report**

Every year the Ombudsperson is required to submit a hard copy report covering the year. This report contains an account of the proposals made for changes in legal statutes, as well as other measures that arise from flaws in legislation identified by the Ombudsperson and/or his/her staff. The report also consists of detailed accounts of cases that the Ombudsperson considers to be of general interest. These are arranged according to the subject matter and are listed in order of year.

The report also contains a certain amount of statistical information including the number of inspections carried out, international contacts,

etc. The report and other documents from the Ombudsperson secretariat are examined by the Committee on Equal Opportunities which then reports to the Egyptian Parliament. The results of these examinations may give rise to plenary debates.

The Ombudsperson is charged with examining the state of the equal administration of justice, drawing attention to deficiencies in the law and statutes, and proposing ways in which they can be improved. Depending on the context it is clear that the Ombudsperson is to base his/her opinion in these matters on what has come apparent in his/her supervision of obedience/adherence to the laws and statutes when dealing with complaints and during his/her inspections and other inquiries that have arisen out of his/her supervisory activities.

#### **Effectiveness of the Office of the Gender Equality Ombudsperson**

The following is a checklist that can help external authorities and stakeholders measure the effectiveness of an Ombuds office:

- Constitutional or statutory authority;
- An effective and clear Gender Equality Act ;
- Objectivity, impartiality, and operational independence;
- Secured tenure and conditions of service for Ombudsperson;
- Wide operational and investigative powers, including self-initiated complaints;
- Prestige and personal influence of the Ombudsperson;
- Ability to use informal and flexible methods to resolve disputes;
- Proactive approach to problem solving;
- Ability to recommend and secure adequate remedial actions;
- Ability to influence compliance with recommendations;

- An office which the public can easily identify and have access to;
- Evidence of speed and promptness in handling cases;
- Credibility in the eyes of the public;
- Transparency and openness;
- High profile in the governmental hierarchy;
- Adequate resources;
- Competent and motivated staff;
- Autonomy in staffing and financial management;
- Small and manageable office;
- Modern systems of management;
- Capacity to carry out research and undertake systemic investigations;
- Visibility of office and accessibility to the public, including vulnerable populations;
- Effective and sustained programs to promote public awareness;
- Effective reporting system;
- Power to refer complaints to other bodies for necessary action;
- Ability to network with other government institutions;
- Good working relations with civil society and non-governmental organizations;
- Public accountability of the office, including through legislature.

#### **Ombudsperson Act**

An Act should be issued to guide the work of any Ombudsperson. The Act should consist of several chapters that deal with:

- 1) Appointment and dismissal of the Ombudsperson;
- 2) The jurisdiction of the Ombudsperson;
- 3) Lodging a complaint;

- 4) Initiating own initiative investigations and inspection;
- 5) Case investigation;
- 6) Assessment and reaction;
- 7) Staffing, organization and competence to act;
- 8) Coming into force as an Act.

**Conclusion:**

Ombudsperson offices for gender equality play an important role in supporting gender equality. They help in increasing the capacity and accountability of governmental institutions to fulfill gender equality commitments and women's human rights in the context of the constitutional and legal framework of the countries.

Egypt needs an efficient and effective Ombudsperson office for gender equality which can among other mechanisms decrease incidences and practices of gender discrimination in several spheres of life. In Egypt, discrimination based on gender still happens regularly without women having the opportunity or the means to complain. Such office, beside addressing complaints on gender discrimination, can send a strong message to the different governmental and private sector agencies that gender discrimination will not be tolerated and that indirect or subtle discrimination will be made obvious so that serious efforts are exerted to stop it.

## Chapter 3

# THE EGYPTIAN GENDER EQUALITY ACT



## INTRODUCTION

Egypt is transitioning towards democracy following the success of the 25th of January revolution where both men and women participated side by side. Egypt will only progress in a more positive and democratic direction when the competence, knowledge, experience and perspectives of both women and men are allowed to influence and enrich the development process. To that end, women and men should have equal rights, opportunities and obligations in all facets of life. The implementation of a gender equality act will help ensure aspired equality through:

- 1) The promotion of equality between women and men
- 2) The prevention of gender discrimination;
- 3) The improvement of the status of women and in eliminating gaps between the genders.

Such a law also gives the Ombudsperson for gender equality the jurisdiction to undertake all tasks assigned to this important position in the country.

The Gender Equality Act should oblige authorities and employers to promote equality between men and women in order to strengthen the legislative basis for promoting gender equality.

A legal committee should be formed to draft the gender equality act which should be ratified by the parliament at a later date.

The Gender Equality Act should clarify the terminology and definitions related to gender equality, which include explicitly prohibiting direct and indirect discrimination, and outlining relevant measures in this area. It should ensure equal treatment at work and establish a number of

obligations for employer as the “promoter” of equality. Employer will be obliged to promote equality between men and women at work and create the appropriate working conditions for that purpose. The personnel records of the employer must be such as to enable a gender-disaggregated analysis of data on recruitment, pay, promotion, training and the like.

The Gender Equality Act will guide the work of the Ombudsperson for Gender Equality and will be consistent with the Egyptian constitution and legislation that guarantee gender equality, and international human rights conventions that were ratified by Egypt. The act will cover areas such as working life, education, health, violence against women and protection and assistance for victims of violence.

The following is a suggested Gender Equality Act for Egypt.

## The Egyptian Gender Equality Act

### Article 1

#### PURPOSE OF THE LAW

The Law is to prescribe the rules organizing the activities of the Ombudsperson for gender equality. The latter will monitor and contribute to the implementation of this act

The purpose of the law is to:

- a) Ensure equal rights to women and men as outlined in the Egyptian constitution and in UN conventions ratified by Egypt.
- b) Set out measures to promote equal opportunities amongst men and women aimed at eliminating direct and indirect gender discrimination in public life.
- c) Set out responsibilities for the Egyptian administration regarding drafting policies aimed at the promotion of a gender-equal society.

This Act does not apply to the religious or private lives of citizens.

### Article 2

#### DEFINITIONS

The definitions used in this Act are as follows:

Gender is defined as the socially established role of women and men in public and private life distinct from biological attributes.

A gender-equal society is one where women and men enjoy equal opportunities to participate as partners in all activities of , to share

responsibilities and enjoy equal political, social, economic and cultural rights.

Discrimination on the grounds of gender is defined as juridical or effective, direct or indirect distinction, privilege, and exclusion or restriction. This is on the grounds of gender as a result of which the recognition, exercise or enjoyment of a person's human rights and freedoms in the political, education, economic, social, cultural, sport, civil and other domains of public life are denied or curtailed.

*Discrimination can be direct or indirect:*

Direct discrimination on the grounds of gender occurs when a person has been, is, or may be treated less favourably (due to their gender) than another in the same, or a similar, situation

Indirect discrimination occurs when neutral legal standards, criteria or practices that are equal for all wind up leaving a person from one sex disadvantaged in comparison with a person of the other sex.

The introduction of special measures designed to promote the equal treatment of the sexes and to eliminate existing inequalities, or to protect the sexes on the grounds of biological attributes, is permitted.

Gender based violence is any act that causes physical, mental, sexual or economic harm or suffering to an individual. It also includes threats of such acts that seriously impede a person's ability to enjoy his or her rights and freedoms on the grounds of the equal treatment of the sexes in the public and private spheres. This includes trafficking in human beings , and constraints on or the arbitrary deprivation of freedom.

Harassment is any situation where inappropriate behaviour, related to gender, arises that has the intent to, and effect of, inflict injury on the dignity of a person or gives rise to intimidation, hostility, or results in demeaning, threatening or similar situations.

Sexual harassment is any behavior that through word, action or psychological is of sexual nature in its intent, inflicts injury on the dignity of a person or gives rise to intimidation and hostility, or demeaning, threatening or similar situations. This behaviour is motivated by the perpetrator belonging to another gender and the victim is subject to inappropriate physical, verbal, suggestive or other behavior.

- Sexual harassment is any behavior that in word, action or psychological effect of a sexual nature in intent or effect inflicts injury on the dignity of a person or gives rise to intimidation, hostility, or demeaning, threatening or similar situations and which is motivated by belonging to another gender and which to the victim represents inappropriate physical, verbal, suggestive or other behavior.

Employer, employee, worker shall have access to the definition of these terms through the laws that govern the areas of labour and employment.

### **Article 3**

#### **EDUCATION**

Educational institutions may not discriminate on the grounds of gender in relation to:

- Terms of admission;
- Refusal of admission;
- Access to services, facilities, training and benefits;
- Exclusion from the education process;
- Assessment of results achieved during education;
- Equal career opportunities and vocational specialization, training and the acquisition of diplomas and degrees;
- Other extraneous circumstances.

Educational institutions will ensure their plans and methodology provide for the establishment of a system that will guarantee to eliminate elements of the curriculum that contain stereotypical social roles for men and women, and that result in gender discrimination and inequality.

Contents that promote the equal treatment of the sexes shall be integrated as an integral part of the curriculum at all education levels.

Educational institutions shall provide effective mechanisms to protect against discrimination and sexual harassment and shall take no disciplinary or punitive measures against a person who has brought forth proceedings for discrimination, harassment and/or sexual harassment, or has given evidence in relation to a discrimination, harassment or sexual harassment case.

## Article 4

### EMPLOYMENT, WORK AND ACCESS TO RESOURCES

Any gender based discrimination in employment offers, public vacancy notices, job allocations, contracts and termination of contracts, shall

be in violation of this Law. Prohibited gender discrimination in the labor and employment sector includes:

- Exclusion of one sex in job advertisements.
- Failure to pay equal wages and other benefits to an individual for the same work or work of equal value.
- Failure to ensure promotion at work on equal terms.
- Failure to provide equal opportunities for education, training and professional qualifications.
- Failure by an employer to provide suitable work premises, ancillary facilities and equipment appropriate for the biological and physical needs of employees from both sexes.
- Different treatment on the grounds of pregnancy, childbirth or exercising the right to maternity leave including failure to enable an employee to return to the same job or another job of the same seniority with equal pay after the expiry of maternity leave.
- Any unfavourable treatment of a parent or guardian in balancing their commitments in family and professional life.
- Organizing work, the allocation of tasks or other conditions of work or dismissal from work on the grounds of gender or marital status so an employee is in a less favourable position than other employees.

The employer shall undertake effective measures to prevent harassment, sexual harassment or gender based discrimination at work or in contracts, and shall undertake no punitive measures against an employee who files, or complains about, a harassment, sexual harassment or gender discrimination case.

Everyone shall have equal rights of access to economic affairs, irrespective of sex, which includes equal treatment in access to economic resources, access and utilization of loans and other forms

of financial assistance, including the conditions for obtaining them, as well as business permits and registration and the conditions for obtaining them.

Equal treatment and opportunities and the elimination of discrimination shall also be ensured for women in rural areas, in order to guarantee their economic subsistence and that of their families.

## **Article 5**

### **SOCIAL WELFARE**

Everyone shall enjoy equal rights to social welfare, irrespective of sex. Gender based discrimination in the enjoyment of all forms of social welfare rights as enshrined in this Law is prohibited, and particularly in the cases of:

- Filing any request for enjoyment of any right in the field of social welfare;
- Any procedure of determination and utilization of social rights and benefits as established;
- Termination of the enjoyment of rights as previously outlined.

Competent authorities shall ensure that laws and other acts and mechanisms related to access and utilization of social welfare do not discriminate on the grounds of sex, either directly or indirectly.

## **Article 6**

### **HEALTH CARE**

Everyone shall have the same right to health care, including accessibility of health services and family planning.

Health institutions shall undertake all necessary measures to prevent gender discrimination in all forms of health care.

Competent authorities shall undertake special measures aimed at protecting and promoting the reproductive health of women.

## **Article 7**

### **SPORTS AND CULTURE**

Everyone shall have equal rights and possibilities to participate in sports and cultural life irrespective of sex.

Competent authorities, institutions and organizations shall undertake measures to prevent gender discrimination that is aimed at ensuring equal possibilities within:

- Any sport or branch of culture;
- Development support to any area of sport or branch of culture;
- The dissemination of public awards for outstanding achievement in a given sport or branch of culture.

## Article 8

### PUBLIC LIFE

Bodies of the state and local self-governance, managerial bodies of companies, political parties and other non-profit organizations shall ensure and promote balanced representation of men and women as much as possible.

In order to achieve this, competent authorities shall undertake any interim measure to be used to improve gender misbalance in government bodies of all levels, and these measures shall be revised periodically.

Women should be allowed to occupy any position in public life and no government entity has the right to deprive any woman from occupying a job she is qualified to occupy.

## Article 9

### THE MEDIA

Everyone shall have equal right of access to the media irrespective of sex.

No person, irrespective of sex, shall be publicly presented in an offensive, humiliating or degrading way.

Through their programming, the media shall be responsible for developing gender equality awareness.

## Article 10

### PREVENTION OF VIOLENCE

All forms of gender based violence in public life are prohibited. Concerned authorities shall undertake all appropriate measures to eliminate and prevent gender based violence in public life and shall provide instruments of protection, assistance and compensation to the victims.

Concerned authorities shall also develop measures of protection of gender based violence, especially in education, in order to eliminate bias, customs and all other practices based on the idea of inferiority or superiority of either sex, as well as stereotypical roles of men and women. This includes, but is not limited to, education and raising awareness among civil servants, the general public, and other groups of individuals.

## Article 11

### BURDEN OF PROOF

If a person decides that he or she has been discriminated against on the bases of this Act he/she should submit a complaint to the Ombudsperson for Gender Equality or initiate proceedings before the concerned courts in accordance with relevant Egyptian laws.

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Chapter 2 : References

## Chapter 1 : Bibliography

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United Nations Entity for Gender Equality  
and the Empowerment of Women

**Printed with the support of the United Nations Entity for Gender  
Equality and the Empowerment of Women (UN Women)  
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