Women’s Rights under Egyptian Law

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Introduction

The role played by women in Egypt goes back to the Pharaonic era when she enjoyed an equal status with man and engaged in politics and government. Egyptian women in the Pharaonic history had access to various jobs and access to high public positions.

During the latest decades, women in modern Egypt have proven significant role and importance in all aspects of life and were one of the direct generators for the development in the Egyptian society.

Under Egyptian law, women are granted a wide range of rights and protective provisions in many aspects. This report will give an overview of the main rights confirmed to women under the various Egyptian laws and regulations.

Women under the Egyptian Constitution

The Egyptian Constitution, as amended in 2014, confirmed that women are equal to men in all civil, political, economic, social, and cultural rights. The Constitution obliges the state to take all necessary measures to ensure the appropriate representation of women in the councils of representatives.

The state shall also guarantee women’s right to occupy public and senior administrative positions and to be appointed in the judicial bodies and authorities without discrimination. The state is required to protect women against all forms of violence, to enable them to balance between family duties and work requirements, and to provide due care and protection of motherhood and childhood, elderly women, breadwinners and vulnerable women.

Women and Freedom of Movement

Egyptian Passports Law no. 97 of 1959 states that, passports shall be issued to the applicants who enjoy Egyptian nationality, without any differentiation between man and woman. I.e. an Egyptian woman has the right to have a passport and travel without any further approval being taken in advance.

It worth mentioning that, there was an applicable restriction on the grant of a passport to a married woman (that granting her the passport was depending upon the written approval of her husband), however, in 2000 the Constitutional Court issued its decision whereby this restriction was cancelled (Judgment no. 243 of 21 on 2000).
Women and Nationality

The Egyptian Nationality Law no. 26 of 1975 was amended in 2010 to allow Egyptian women married to foreigners, regardless of their nationality, to pass on their Egyptian citizenship to their children.

Woman and Property

Egyptian women are legally entitled to administer and deal with property. There are no restrictions on the rights of a woman to administer and deal with property independently of her husband or male relatives. A woman can also open a bank account and operate it independently.

Woman and Contracting

The Egyptian law does not differentiate between man and women with respect to the right to enter into all types of contracts or undertake commercial activities. All related Laws only require the legal capacity of the contracting party that is satisfied when a person attains the age of maturity, which is 21 years old or 18 years old in specific commercial cases. I.e. every person is eligible for contracting unless its capacity was denied or restricted.³

Women and the Right to Work

Under the Egyptian Labor Law no. 12 of 2003, Egyptian women are not prevented or restricted from getting or pursuing a specific career or job. The Egyptian woman’s right to get a job is not limited to this stage, but also the law prevents any discrimination in the salaries or work conditions due to sex, origin, language, religion, or belief.⁴

Egyptian woman enjoys those extra rights dictated by its physical nature, i.e. granted only to women, including, but not limited to; leaves for maternity and childcare, breaks for breastfeeding which are included as fully paid working hours.⁵ One of the guarantees enjoyed by a working woman is that, an employer could not dismiss her during her maternity leave.⁶

A woman during the maternity leave preserves her financial and labor position. Nevertheless, a working woman has the right to terminate the employment contract for marriage, pregnancy or maternity with all her rights preserved.⁷

There are number of jobs which are not permitted to be occupied by women due to the fact that they are not fit with women’s physical nature. These jobs include, but not limited to, working in subsurface mining, squibs industry, asphalt industry and its derivatives, loading and discharging goods, soldering works.⁸ Furthermore, there are a number of rules regulating women night work in industrial establishments.⁹

In practice, few public authorities do not hire women, although their regulating laws do not preclude hiring women. These include the Egyptian Public Prosecution, the State Council, and the military.
**Woman and Personal Status Matters**

Generally speaking, the principles of Islamic shari’a are governing the personal status matters for Muslims, and all laws in this regard are derived from Islamic principles.

**Alimony rights**
Under the Personal Status Law no. 25 of 1920, a married woman has the right to take the alimony from her husband even she was wealthy. The divorced woman also acquires the same right. A husband could be forced to fulfill these obligations as the woman has a preferential claim on the due amounts, and have the priority upon all other creditors.

**Wills**
An Egyptian woman has the right to bequeath. The only stated condition by the Egyptian Will Law no. 71 of 1946 is that, a person must enjoy the donation capacity by Law (that is being 21 years old, otherwise there are some conditions stated by the Law to have a valid will from those do not have the legal donation capacity).

**Inheritance**
There are certain binding rules under the Islamic Shari’a and the Inheritance Law no. 77 of 1943 by which a Muslim woman has specified rights in terms of a determined percentage (or shares) of the heritage. According to the Shari’a law, men are entitled to the double what the women are entitled to.

**Guardianship**
The Guardianship Law no. 119 of 1952 does not differentiate between man and woman in the eligibility of guardianship. But there are some restrictions stated by the Islamic Shari’a and the other applicable laws regarding minors for protection purposes. Moreover, the child custody shall remain with the mother or the grandmother in case of divorce till the child reaches 15 year old.

**Personal Status Matters of the Non-Muslims**
The Egyptian Constitution puts a general rule whereby personal status matters and the religious affairs of the Egyptian Christians and Jews shall be governed by the principles of their religions.

**Woman and the right to Sue**
The applicable laws regulating litigation procedures do not differentiate between man and woman regarding the right to initiate a lawsuit and follow its proceedings. Also in testimony, the Egyptian Evidence Law no. 25 of 1968 does not make any difference between the testimony of a man and that of a woman. As the conditions stated therein are only going around the age and the mental state of the witness. However, in personal status matters such as marriage and adultery, the testimony of a man is equal to the testimony of two women as per the Islamic Shari’a.
**Woman in International Conventions**

Egypt is a member to a number of international instruments regarding the preservation of the rights of Egyptian woman which confirm the equality between man and woman in all aspects, including, political, economic, labor, social ... etc.

**International Labor Organization’s Convention for Equal Remuneration no. 100 of 1951**

Egypt undertakes under this Convention to promote and ensure equal remuneration for men and women workers.

**International Labor Organization’s Convention regarding Discrimination (Employment and Occupation) no. 111 of 1958**

Under this Convention, Egypt, and all member states, undertakes to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

The term discrimination includes; any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

**United Nations Convention of the Elimination of All Forms of Discrimination against Woman**

Under this Convention, Egypt undertakes to condemn discrimination against women in all forms, agrees to pursue by all appropriate means, and without delay, a policy to eliminate discrimination against women.

Moreover, Egypt is a party to other regional and international conventions setting forth the same principles, such as the Arab Charter of Human Rights, Universal Declaration of Human Rights, and International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child and Convention against Discrimination in Education, Paris, 14 December 1960.

**Egyptian Woman in Real Life**

The status of the Egyptian women is developing whether on the level of the legislations or in practice. Egyptian women are heading companies’ boards, occupying seats in the parliament and becoming ministers.
On the political level, the Egyptian woman has done a significant role in the 2011 and 2013 uprisings. She did so also in the several referendums and elections held during the past five years, to the extent that the woman's participation percentage in some elections was greater than men's one.

On the social level, we could see nowadays, that Egyptian woman became a taxi driver, carpenter, plumber and many other jobs that the Egyptian society could not imagine a woman could exercise regardless the social perception as an eastern community.

We can however, summarize the nowadays problems suffered by the Egyptian woman in the lower level of the Egyptian conscious and the absence of authoritative application of the prevailing laws and regulations, especially in Upper Egypt. These practical problems shall be defeated by focusing on the development of educational and cultural levels of the society. Schools, universities and eradication of illiteracy programs shall have the principal role in this regard.
References

1 Art 11 of the Constitution.

2 Art 7 of the Egyptian Passport Law.

3 Art 109 of the Civil Law.

4 Art 35 and 88 of the Labor Law.

5 Art 91, 93, 94 and 96 of the Labor Law.

6 Art 92 of the Labor Law.

7 Art 128 of the Labor Law.

8 For the full list of prohibited work, please refer to Ministerial Decree no. 155 of 2003.

9 Please refer to Ministerial Decree no. 183 of 2003.

10 Art 1 of the Personal Status Law.

11 Art 2 of the Personal Status Law.

12 Art 5 of the Will Law.

13 Art 6 of the Inheritance Law.

14 Art 1 of that Money Guardianship Law.

15 Art 20 of the Law no. 25 of 1929.

16 Art 3 of the Egyptian Constitution.

17 Egypt became a party to this convention by virtue of Presidential Decree no. 498 of 1960.

18 Egypt became a party to this convention by virtue of the Presidential Decree no. 434 of 1981.