



Women's Breakthrough in the Egyptian Legal Field

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Introduction

Gender discrimination is an ever-existing issue that continues to dominate societies around the world. Whether it is improving or getting worse; nowadays, women have earned the right to be hired in prestigious legal jobs. However, there is still a huge difference between women's aspirations and the reality of the legal market in Egypt as females have fewer chances to reach leadership positions, in addition to the clear gender wage gap. The Egyptian Labor Law¹ guarantees equal pay for equal work, yet, as a result of gender-based discriminatory work practices, there is still evidence of a gap in the average wages of women compared to men. According to the Global Gender Gap Report of 2020, the income of an average man is about 3.8 times that of an average woman.² In fact, women work longer hours than men, that is besides the added societal pressure that women tend to face when it comes to the responsibility of the household.

Global Instruments Fighting Gender Discrimination

There continues to be a collective universal effort to fight against gender discrimination. The International Labor Organization, which brings together governments, employers and workers of 187 member states including Egypt, initiated the *Discrimination (Employment and Occupation) Convention* that prohibits any distinction, exclusion or preference made based on gender which has the effect of nullifying or impairing equality of opportunities or treatment in employment

¹ Article 35 of the Egyptian Labor Law.

² EPIC Equal Pay International Coalition *'What is Egypt doing to reduce the gender pay gap?'* (2018).

or occupation³. Additionally, on September 18, 1981, Egypt ratified the Convention on the Elimination of all forms of Discrimination Against Women (“**CEDAW**”) which was published in the official Gazette No. 51 dated December 17, 1981⁴.

Gender Discrimination and Sexism

Gender Discrimination is the unequal or disadvantageous treatment of an individual or group of individuals based on gender. Also, sexism is broadly defined as prejudice against a person based on their gender⁵. Both are created due to an erroneous belief that women are inferior to men leading to gender bias in hiring and promotions. This recurring idea of male superiority is not only present in Egypt, as the American Bar Association’s Commission demonstrated. It is also not only less pay and fewer promotions for women, but also female lawyers are more likely, than their male counterparts, to be interrupted, to be mistaken for non-lawyers, to do more office housework, and to have less access to prime job assignments. Naturally, all of this may factor into decisions about whether or not they should be appointed for vital roles. This is due to the assumption of lack of dedication to their jobs, caring ‘too much’ about their personal lives, being overly emotional, and therefore not rational. All these patriarchal views dismiss the fact that the women played an exceptional role in the history of the legal and political field. All these assumptions and prejudices take place despite the article in the

³ Article 1 of the [Discrimination \(Employment and Occupation\) Convention](#), International Labor Office, signed 25th of June 1958 (No. 111).

⁴ Dr. Fatouh ElChazli *‘Egypt’s Adherence to CEDAW Stems from its Own National Will’*, 2012 edition, the National Council of Women, Page 6.

⁵ Simon Blackburn *‘The Oxford Dictionary of Philosophy’*, 2nd edition.

CEDAW that explicitly states that any individual or institution that would encroach women rights under the convention will be subject to judicial review⁶.

Evolution of Women's role in Egypt

Gender bias supporters have ignored the fact that the first woman to rule a country in the history of mankind was Queen Merneith of Egypt who ruled for over ten years.⁷

After the Pharaonic era and up until the 1950s, women enrolled and actively participated in various fields, including the legal field. A perfect example of that period is Mufida Abdel Rahman, a leading female lawyer who was also the first woman to plead before the Court of Cassation. Although, despite their remarkable roles at the time, Egyptian women did not have the right to vote nor to stand for elections. This came to an end with the Egyptian Constitution promulgated in 1956 highlighting that men and women are equal in all rights and duties, including political rights, as well as women's right to vote and stand for elections.

Despite the development of societies and cultures, gender discrimination persisted. The breakthrough in the Egyptian judicial system was on January 2003, when a presidential decree was issued appointing Tahani El-Gebali Vice-President of the Egyptian Supreme Constitutional Court making her the first Egyptian female Supreme Constitutional Court judge. Tahani El-Gebli was the

⁶ Art. 2(c) of the Convention on the Elimination of All Forms of Discrimination against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force on the 3rd of September 1981.

⁷ Egyptian National Council for Women '[Merneith](#)'.

first Egyptian woman to operate the highest judicial position in the history of Egypt⁸.

As previously mentioned, women have quietly worked their way up the legal profession and showcased outstanding performance in the field. Starting with the iconic Sameha el Qalliouby who was an Egyptian lawyer in cassation, an international arbitrator, a professor of law in the faculties of commerce and political science at Cairo University, a member of the Shura council and deputy of the legislative committee⁹. Then there is Amany El-Refai who became the fifth woman to head a judicial authority to shortly after head the Administrative Prosecution Authority (APA) in 2018¹⁰. Finally, another influential woman is Amal Ammar who was appointed as a judge amongst the first thirty female judges in the Egyptian judicial system, then became president of the Qena Appeal Court along with her membership in the Egyptian National Council for Women (NCW)¹¹.

The year 2021 was a huge turning point to women's participation not only in the Egyptian society but also in the Egyptian legal field. On the 8th of March, which is the international women's day, President Abdelfattah Al-Sisi ordered the Ministry of Justice to allow Egyptian women to hold positions in the State Council and the Egyptian Public Prosecution. By October 5th, almost 100 women were sworn in before the council's chief judge becoming the first female judges to join

⁸ Egyptian Supreme Council of Culture '[Tabani Al-Gebally](#)'.

⁹ Egyptian Supreme Council of Culture '[Samiba Al-Qalliouby](#)'.

¹⁰ Today Magazine '[Egypt's 5th female judicial chief](#)' 27th of June 2018.

¹¹ Egyptian National Council for Women '[Amal Mahmoud atta Ammar](#)'.

Egypt's state council. Further, after years of legal battles and maneuvers, the Egyptian State Council and the Egyptian Public Prosecution finally announced the opening of the application process for judicial positions to female law school graduates by which women are no-more barred from becoming judges.

In conclusion, it's fair to say that the Egyptian society still suffers from patriarchal practices and gender inequality in the workplace. However, in comparison to previous years, the role of women as legal practitioners has seen major changes. Egyptian women will continue to fight and challenge any sexist regulations to achieve equal opportunities to all.

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