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# Empowering Women Economically: Unprecedented Steps

*A monthly report issued by the platform of Your Lawyer (Mo7amek) in cooperation with The Egyptian Center for Women's Rights and the Gender and Legal Expert House.*

## INTRODUCTION:

April had witnessed a number of achievements, which may be considered a "quantum leap," affirming the right of women to work, and which organize legal protection for them. Especially in fact, many occupations were conducted by women, despite legal prohibitions, rendering them without legal protection.

The Minister of Manpower issued two decrees; the first of them is Decree No. 43 of 2021 regarding specifying the jobs in which women are not permitted to work, which lifted the ban in all fields except for mines and underground work. It maintained the ban, however, for pregnant women in order to "protect children." The second is Decree No. 44 of 2021, on organizing women's work at night, which allows night work in industrial fields, with the condition that the establishments obtain a permit and that "it comes within the standards of safety requirements and the provision of safe transportation."

These decisions have paved the way for increased economic empowerment of women, by making it possible to work in all fields - except for mines. These decisions also pave the way to providing a safe work environment for all male and female workers, and to provide safe transportation for male and female workers, especially in night work.

These two decisions have confirmed the need for impact studies, which are need to determine and monitor progression, and the extent of ensuring that working women are enabled to achieve equality in all civil, political, economic, social, and cultural aspects, which was stipulated in the 2014 Constitution in Article no. (11)

It is worth noting that those decisions canceled the following decisions: Decree No. 155 of 2003, which prohibits women from working in 30 industries including glass, leather and chemicals, and Decree No. 183 of 2003, which restricted the work of women at night, except in some services only.

## APRIL 2021 STATISTICS:

1474 consultations were received by "Mo7amek" across different platforms and means. The means of her communication were as follows:

895

consultations were received on both "Hekayat Nehad" as well as "Mo7amek" on Facebook.

This made up 60.6% of the complaints.



419

consultations were received on both mobile and landline phones, making up 28.4% of the complaints.



160

consultations were received on the Mo7amek website, constituting 10.8% of the consultations.



## HUMAN RIGHTS TERMS:

### Human Trafficking:



A person who commits the crime of human trafficking shall be considered one who deals in any manner in a natural person, including: the sale, offer for sale, purchase, or promise thereof; or the use, transport, delivery, harboring, reception, or receipt, whether within the country or across its national borders; if this occurred through the use of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another having control over him; or if the purpose of the transaction was exploitation in any of its forms, including: exploitation of acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, forced labor or services, slavery or practices similar to slavery or servitude, or begging or removal of human organs, tissues or a part thereof.

Source: Law No. (64) of 2010 regarding Combating Human Trafficking

## WHAT DOES THE LAW SAY IN?... INHERITANCE:

My father died 8 years ago, and he left a large inheritance; a large house and a store. When I demanded my inheritance from my brother, I was beaten, and he refused under the pretext that our mother is still alive. My mother also passed away 8 months ago, leaving large agricultural lands that entered urban settings. When I demanded for my inheritance from my father and mother, he became very obstinate and refused to give me and my sisters our inheritance.

After several customary sessions, he was convinced that each one of us will be given two plots of land, which is far less than our true inheritance. We started hearing strange things about the inheritance of the capital. 15 years ago it was 130 thousand pounds, and so I was given 12 thousand and then it was down to 5 thousand. My brother rejects any friendly solution and I know the courts will take a long time, but he delays the matter until it is dropped, and so he can inherit alone.

### Inheritance Law:

#### Law No. 219 of 2017 amending Law No. 77 of 1943, Article 49:

Without prejudice to any stricter penalty stipulated in any other law, they shall be punished with imprisonment for a period of no less than six months and a fine of no less than twenty thousand pounds and not exceeding one hundred thousand pounds, or either of these two penalties, whoever deliberately refrains from handing over one of the heirs his or her legal share of the inheritance, or withholding a bond confirming a share for an heir, or abstaining from delivering that bond if requested by any of the legal heirs. The penalty shall be in the case of recurrence: imprisonment for a period of no less than one year. Reconciliation is permissible in the crimes stipulated in this article in any context which the case is in, even if it is after ruling. Each of the victim or their personal attorney, their heirs or their private attorney, as well as the accused, the convicted person, or their private attorney may prove reconciliation before the prosecution or the court, according to the circumstances.

As a result of reconciliation, the criminal case shall be terminated even if it was filed by way of prosecution.

### Obstacles to implementing inheritance law:

From January to April 2021, "Mo7amek" received 467 legal advice related to inheritance out of a total of 6,732 consultations for the same period, which represents 6.9% of the total incoming consultations.

Despite the introduction of an amendment to the inheritance law, which ECWR considered a step forward in women's access to their rights and inheritance, but the problem persists due to a number of obstacles that prevent the implementation of those rights. This includes:

The law stipulates a misdemeanor crime of failure to surrender the inheritance in case of:

1- Legal notification of inheritance.

2- The title deeds of the deceased specify the share of each of the heirs.

3- Proving that the refrainer is keeping inheritance.

- These are documents that are difficult to obtain, especially property documents, as they are concealed by those who refrain from handing over the inheritance.
- In addition to the great difficulty in obtaining ownership documents, if the property is not registered, which forces the inheritors to raise a lawsuit to divide and set aside to determine the share of each heir; which entails staying for very long periods in the corridors of the courts and referral to several experts to determine the share of the heirs, and sometimes the expert's report shocks the heirs, stating: "It is difficult to divide the property among the heirs and it is hoped that it will be sold by public auction." Which means staying even more years in the corridors of the courts until the property is sold.
- In many cases, the courts are required to accept that the title deeds are registered, which is sometimes impossible.
- In some cases, no inheritance information is extracted for a number of successive generations, which makes it difficult to determine the inheritors legally, and the inability to prove the abstention from handing over the inheritance by the refrainer.

## WOMEN'S GAINS IN THE CONSTITUTION:

**Article no. (11):** The state commits to achieving equality between women and men in all civil, political, economic, social, and cultural rights in accordance with the provisions of this Constitution.

The state commits to taking the necessary measures to ensure appropriate representation of women in the houses of parliament, in the manner specified by law. It grants women the right to hold public posts and high management posts in the state, and to appointment in judicial bodies and entities without discrimination.

The state commits to the protection of women against all forms of violence, and ensures women empowerment to reconcile the duties of a woman toward her family and her work requirements.

The state ensures care and protection and care for motherhood and childhood, and for breadwinning, and elderly women, and women most in need.

### This article is considered one of the most important constitutional articles that gave Egyptian women many gains:

- Equality between women and men in all political, economic and cultural fields.
- Appropriate representation of women in parliaments,
- The right of women to assume senior management positions, and to be appointed to the judicial authorities
- The state's obligation to protect women from all forms of violence.
- State guarantee to empower women to reconcile family and work duties.
- The role of the state in caring for and protecting motherhood and childhood, and the breadwinner and elderly woman.