

Recommendations

Egyptian Woman in the Constitution Roundtable Discussion:

Women's Demands from the Constitution of 2013

Date: 19/9/2013, 10:30 AM

Place: Rondin Hall – Ramada Hotel – Alexandria

1. The necessity to set the preamble of the Constitution as an integral part of the Constitutional document. Besides, the State and the people must abide by it in accordance with what is Stated in the Constitution in terms of rights and duties as (every right is accompanied by a duty).
2. The necessity to provide in the Constitution the word "female citizens" wherever the word "citizens" is mentioned is due to the social culture, which is still dominated by men and misdirected by some groups falsely claiming Islam; thus, the word 'citizens' cannot be interpreted as men only or as per the social harmonization which contributed in women's delay to take over judicial positions.
3. **Article (11):** the Sate shall safeguard and protect motherhood and childhood, shall harmonize between women's duties towards their families and their work in the society and shall treat men and women with equality on political, social, cultural and economic fields, without prejudice to Islamic Sharia; to be amended as follows:

Proposed amendment: To emphasize that family welfare is a joint responsibility of spouses, the Sate shall safeguard and protect motherhood and childhood, shall harmonize between family welfare, as a joint responsibility of the man and the woman, and women's work in the society. Furthermore, the State shall provide special protections for female breadwinners, divorced women, and widows.

4. **Article (12):** work is a right, duty and honor guaranteed by the State. There shall be no work imposed forcibly against citizens except in cases stipulated under a law and in cases where the public good requires and with just compensation; to be amended as follows:

Proposed amendment: There shall be no work imposed forcibly against citizens (except in cases under a law and where the public good requires) so that mockery, exploitation and human trafficking are prevented.

5. **Article (13):** Public offices are a right for citizens, and all workers therein are entrusted with serving the people. The State shall guarantee their rights, protection and ability to perform their duties to serve the public good. Such workers may not be dismissed, if not through a disciplinary way, except for the cases stipulated by the Law; to be amended as follows:

Proposed amendment : Equal chances for men and women in taking over public offices (Public offices are a right for citizens and female citizens; the State shall provide equal chances for both men and women according to efficiency....)

6. **Article (17):** the State shall provide all citizens with health care, and shall allocate sufficient funds for such health care from the Overall budget. The State shall provide health insurance services to be free of charge for those who are unable to pay. Refraining from providing various forms of treatment for each citizen in cases of emergency or life danger is prohibited. All health facilities are subject to State supervision and control in accordance with the Law; to be amended as follows:

Proposed amendment : The State shall provide every citizen with good health care, shall allocate sufficient funds for such health care from the Overall budget, and shall guarantee and maintain the quality of Health Insurance for all citizens and female citizens...).

7. **Article (18):** every citizen has the right to receive education in accordance with the quality standards. This education is obligatory in the primary stage and free of charge in its different stages, within all educational institutions of the State. The State shall expand educational obligatory education to include other stages. The State shall supervise education with all its branches, and shall allocate sufficient funds for it from the Overall budget. All public and private educational institutions of the State shall comply with the educational plan and objectives of the State, so as to achieve the link between education and the society needs and production; to be amended as:

Proposed amendment : (Every citizen has the right to receive good education, learning, training, and vocational qualification to labor market.....)

8. **Article (25):** the People owns the State's natural wealth and resources and is entitled to its returns. The State commits itself to safeguarding this wealth and resources and its proper use and to observing the rights of future generations. The public properties of the State may not be alienable. Any concession or obligation granting the utilization of such wealth and resources shall be attached as an appendix to a law and shall be for a limited period. The Law shall specify the provisions of utilization of the private properties of the State, and shall set rules and procedures regulating this; to be amended as follows:

Proposed amendment : (...and to observing the rights of the poor and future generations to benefit therefrom.....)

9. **Article (37):** Dignity is the right of every human being, which right may not be prejudiced, and it is the State's obligation to respect and safeguard it; to be amended as:

Proposed amendment : (Human dignity is the right of every human being, which right may not be prejudiced, and it is the State's obligation to respect and safeguard it in accordance with the international stipulated usages, international treaties and conventions ratified by Egypt). We also see it is necessary that the State should announce the acceptance of the jurisdiction of the international mechanisms for human rights protection, provided by virtue of international treaties conventions regulated and ratified by Egypt, to look into individuals' complaints.

10. **Article (38):** All citizens are equal before the law. They have equal rights and duties without discrimination therebetween because of sex, gender, origin, language, religion, creed, or any other reason; to be amended by addition as follows: (... and the State commits itself to eliminate all forms of discrimination and violence and to criminalize the same as well as customs and traditions, and cultural and social stereotypes that reinforce discrimination, favoritism, advocacy of hatred, rejection of others or instigate the same shall be deemed as a crime regulated by Law).
11. **Article (46):** Freedom of movement, residence and immigration shall be safeguarded. No citizen may be deported from or prevented from returning to the country. No citizen shall be prevented from leaving the country, nor placed under house arrest, nor prohibited from residing in a specific domicile, except with a causal judicial warrant, for a definite period, and unless provided by the Law; to be amended as follows:

Proposed amendment : (Freedom of movement, residence and immigration shall be safeguarded and no citizen may be deported... forcible deportation may not be allowed....)

12. **Article (47):** Freedom of belief is an inviolable right. The State shall guarantee the freedom to practice religious rites and to establish places of worship for the divine religions, as regulated by law.

Proposed amendment : Just for the sake of argument, if there was a Chinese or Hindi tourist or investor whose religion was one of the positivist religions, then, would that be an impediment preventing him/her from performing his/her religious rituals during his/her stay in the country or would that be an approach for some groups to punish this person for performing his religious rituals according to his creed? This would negatively impact the economy and tourism considered as an important resource for economic development.

13. **Article (53):** The citizens are entitled to organize public gatherings and engage in peaceful, unarmed demonstrations. This requires a notification as regulated by Law. The citizens are entitled to organize unarmed private gatherings quietly without need to a prior notification. Security personnel must not be in attendance, nor may they eavesdrop on the gatherings; to be amended as follows:

Proposed amendment: (The citizens are entitled to organize public gatherings and engage in peaceful, unarmed demonstrations as per a notification as regulated by Law, and the State must provide sufficient protection for such demonstrations)

14. **Article (56):** establishing syndicates, unions and cooperatives on a democratic basis is a right guaranteed by Law. They shall be deemed juridical personalities, operate freely, and participate in the service of community, in raising the standard of efficiency among their members, in defending their rights, in subjecting them to accountability, and in safeguarding their assets; to be amended by addition as follows: (establishing syndicates... is a right guaranteed by Law immediately after a notification).
15. **Article (63):** it is a national duty for citizens to participate in public life; every citizen is entitled to vote, run for elections, and express opinions in referendums. Law directly regulates these rights. Exemption from such a duty may be allowed in specific cases prescribed by law. The State commits itself to entering each citizen who is eligible to vote into the voters data without waiting for an application. The State also commits itself to refine this database periodically. The State guarantees the peacefulness and integrity of referenda and elections procedures as well as their neutralism and impartiality; to be amended as follows: (... and the State guarantees and commits itself to take temporary procedures and measures ensuring fair representation of women and youth in Parliament councils with a percentage of no less than 40% so as to achieve representation balance of all classes of the people). The following should also be added to this article (Security and administration bodies must not intervene whether directly or indirectly in elections and referendums. The use of places of worship in political affairs and partisan or electoral propaganda is also prohibited. It shall be deemed a crime punishable by law. Bribery in any form whatsoever and moral forgery to vote in elections or referendums are criminalized).
16. **Article (67):** rights and freedoms pertaining to the person of citizen may not be subject to disruption or detraction. No law that regulates the practice of such rights and freedoms may constrain them in a way prejudicing their origin and essence;

Proposed amendment: (... in accordance with Universal Declaration of Human Rights).

17. **Article (70):** The suspect is innocent until proven guilty in a just legal trial that grants him the right to defense. Every felony suspect must receive an attorney that defends him. The law defines the misdemeanors that necessitate legal representation for the suspect;

Proposed amendment:(...and shall be provided with legal assistance free of charge....)

18. **Article (97):** The Overall Budget of the State must include all revenue and expenditure without exception. The draft Overall Budget shall be submitted to the House of Representatives at least 90 days before the beginning of the fiscal year. It shall not be considered in effect unless approved thereby, and shall be put to vote on a chapter-by-chapter basis. The House of Representatives may modify the expenditures in the draft Budget, except those proposed to honor a specific liability. Should the modification result in an increase in total expenditure, the House of Representatives shall agree with the government on means to secure revenue resources to achieve the balance between revenues and expenditures. The Budget shall be issued in a law, which may include modification in any existing law to the extent necessary to realize such balance. In all cases, Budget Law may not include any provision that would burden citizens with new encumbrances. The specifics of the fiscal year, the method of budget preparation, the provisions of the budgets of institutions, public bodies, and their accounts, shall be defined by virtue of a law. The approval of the House of Representatives is necessary for any expenditure

not included in the Overall Budget or in excess of its estimates. Such approval is issued by virtue of a law. The transfer of any funds from one chapter of the Budget to another shall be in accordance with a law;

Proposed amendment: (... provided that the State commits itself to observe the needs of the Gender in preparing the Overall Budget of the State).

19. **Article (116):** A presidential candidate must be an Egyptian citizen born to Egyptian parents, must have carried no other citizenship, must have civil and political rights, cannot be married to a non-Egyptian, and at the time of nomination cannot be younger than 40 Gregorian years. The laws specifies the other terms of candidacy;:

Proposed amendment: none of the parents has carried another citizenship, and none of the children can hold another citizenship).

20. **Article (186):** Provisions stipulated by laws and regulations prior to the proclamation of this Constitution shall remain valid and in force. They may not be amended or repealed except in accordance with the regulations and procedures prescribed in the Constitution; to be amended as follows:

Proposed amendment: regulations, conventions and treaties endorsed by the State prior to the proclamation of this Constitution shall remain valid and in force)

21. **Article (190):** Elections of the House of Representatives and local councils, following the date the Constitution enters into effect, shall be held in accordance with the system of individual candidacy:

Proposed amendment: (Elections of the House of Representatives and local councils, following the date the Constitution enters into effect, shall be held in accordance with the system of individual candidacy and a list-based system) due to the fact that the individual system will constitute an obstacle for women and young people to stand as candidates particularly as women are extremely poor and political eagerness is spread all over the electoral process.

22. The necessity to shed light on female breadwinners' role, especially those who work for a big non-governmental sector, in Egypt's economic development.

23. Regarding the article of the child:

Version of Article (60) by the Committee of 10	Version of The Egyptian Coalition on Children's Rights (ECCR)
Every child, from the moment of birth, is entitled to a proper name, family care, basic nutrition, shelter, health services, and religious, emotional and intellectual development. The State shall take care of and protect the child. The State also	The State guarantees for every child of age below eighteen Gregorian years all rights without discrimination because of sex, religion, disability or any other reasons. The State safeguards the child right to citizenship, family welfare or alternative care, health care, safe basic nutrition, shelter, and religious, emotional and intellectual development. The State also safeguards the rights of disabled children to early detection of disabilities, rehabilitation and

safeguards the rights of disabled children, and their rehabilitation and integration into society.

Child labor is prohibited before passing the age of obligatory education.

A child may only be detained for a specified period, must be provided with legal assistance, and be held in a convenient location away from places of adult detention.

integration into society.

The State commits itself to observe the child best interest in all resolutions and procedures, and his/her right to participation, to listen to him/her, and to protect him/her from all forms of violence, insult, maltreatment, sexual and commercial abuse, and harmful traditional practices, including female genital mutilation and early marriage. The Law criminalizes this. Child labor is prohibited before passing the age of obligatory education. Children employment to the worst forms of child labor is prohibited.

The State commits itself to establish a judicial system competent with the child, so that its cases are reviewed only before judges, prosecutors and special courts dedicated to children. Children may only be detained, after depletion of all other measures, for a specified period, and in a place away from places of adult detention. They shall also be provided with legal assistance throughout all investigation stages.

Finally, neither development nor democracy nor social justice nor equality can be achieved without women. Egypt will only be built up once again through women's participation.

In addition to the foregoing:

1. Obliging the State to allocate a percentage of the budget to scientific research.
2. Canceling Article (219).
3. Bringing development to education and scientific research.
4. Establishing no party on the basis of religious background.