



## Egyptian women's right to elections

### حق المرأة المصرية في الانتخاب

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Egyptian Women's Right to Vote

#### **Abstract:**

The right of women to vote has been and continues to be one of the controversial rights of jurists, Jurists differed in determining the legal nature of electoral participation, Egyptian women are the oldest parliamentary experience in the Arab region, Parliamentary life began under the 1956 Constitution, which recognized the right to vote and nominate Egyptian women, In order to be able to be familiar with all aspects of the content of women's right to electoral participation, it is necessary to examine what electoral participation is by indicating the conditions necessary to meet them to enjoy and exercise electoral participation as well, As well as the definition of election and the statement of its types.

In accordance with the above, we will study what electoral participation is and learn about how Egyptian women obtain the right to participate in electoral participation within two sections, the first section is what the election is, and the second section is how Egyptian women get the right to vote.

**Keywords:** candidacy; election; electoral parliament; participation.

#### **المخلص**

إن حق المرأة في الانتخاب كان وما زال من الحقوق التي تثير جدل الفقهاء القانونيين، وقد اختلف فقهاء القانون في تحديد الطبيعة القانونية للمشاركة الانتخابية، وتعتبر المرأة المصرية صاحبة أقدم تجربة برلمانية في المنطقة العربية، إذ بدأت الحياة البرلمانية بموجب دستور 1956 الذي أقر حق الانتخاب والترشيح للمرأة المصرية، ولكي نتمكن من الإلمام بكل جوانب مضمون حق المرأة في المشاركة الانتخابية لابد من البحث في ماهية للمشاركة الانتخابية من خلال بيان الشروط اللازم توافرها للتمتع بالمشاركة الانتخابية وممارستها أيضاً، وكذلك تعريف الانتخاب وبيان أنواعه.

ووفقاً لما تقدم سوف نقوم بدراسة ماهية المشاركة الانتخابية والتعرف على كيفية حصول المرأة المصرية على الحق في المشاركة الانتخابية ضمن مبحثين، المبحث الأول ماهية الانتخاب، والمبحث الثاني كيفية حصول المرأة المصرية على حق الانتخاب.

الكلمات المفتاحية: الانتخاب؛ البرلمان؛ الترشح؛ التصويت؛ المشاركة الانتخابية.

## **Introduction**

Women around the world are underrepresented at all political levels, as well as within political parties, although women typically make up between 40 and 50 % of members, women currently represent 22% of parliamentarians worldwide,

In Egypt the percentage of women's representation in the 2020 elections was the highest percentage of female parliamentarians in the history of Egypt, this percentage creates new opportunities to address some of the persistent gender inequalities in parliament, and more broadly in society.

The purpose of this study is to explore the challenges facing women politicians in Egypt and to highlight ways in which they can be addressed most effectively.

The first section provides a definition of the election and clarify its types, characteristics, conditions and stages, The second section is based on the Egyptian experience, and sheds light on how to enable Egyptian women to participate in elections over seventy years, With the aim of increasing the presence of women and their influence in politics, which leads to more policies that promote gender equality, and to identify the most important challenges facing women in the election.

### **The problem of the study**

The problem of the research lies in clarifying the importance of women's participation in electoral participation, and the problem of the study also comes in answering an important question, which is to what extent Egyptian women were able to participate in the election?

### **The importance of the study**

The importance of any study or research carried out by the researcher depends on the apparent value he studies, and its scientific essence, and what he aspires to achieve from the results that can be benefited from, The main objective of our research is, expand our knowledge in the field of women's participation in elections, and enrich our library with such studies; for students to see it, take a simple idea about the subject, and provide a documented study on women's electoral participation.

The importance of this research is due to the monitoring and analysis of some important points, including:

- 1- Definition of election.
- 2- Types of election.
- 3- Conditions of election.
- 4- Stages of election.
- 5- Characteristics of the election.
- 6- Participation of Egyptian women in the election.

## 7- Challenges faced by current Egyptian female parliamentarians.

The researcher hopes that this study will be a scientific addition to the research in this field.

### **Objectives of the study**

Determining the objectives of the research is one of the basic steps in order to reach integrated and correct results, The general objective to this research is to identify the extent of participation of Egyptian women in the election, This research also seeks to achieve a set of objectives, specifically we will focus on the following points:

- 1- Identify what election is.
- 2- Identify the types of election.
- 3- Knowing the conditions that must be met by voters.
- 4- Know the stages of the elections.
- 5- How Egyptian women obtain the right to vote.
- 6- Identify the challenges faced by current Egyptian female parliamentarians.

### **Study Methodology**

The curriculum is a set of procedures followed in the study of the phenomenon and the research problem to explore the facts associated with it, and answers the questions raised by the problem, therefore, it is necessary to use the researcher the method to reach a certain conclusion.

Research methods vary according to the topics of study and the problem at hand, each phenomenon or problem has characteristics that distinguish it from the other, in this study we tended to adopt the descriptive approach, which is based on an accurate and detailed description of the subject of the study.

### **The structure of the study**

After the initial reading of everything related to the subject of the research, the collection of scientific material from its sources & legal references, to arrange it according to serve its purpose, In compliance with the approved methodology, it opened with an introduction through which it showed the importance of the topic, the problem & reasons for choosing it, the objectives it aims to achieve, and the approved research methodology, Accordingly, the research was divided into two sections, the first section: the nature of the election, the second section: how Egyptian women obtained the right to vote.

#### **The first topic The nature of the election**

The idea of elections is one of the ancient human ideas, the ancient Romans knew the elections in their selection of leaders to assume positions and tasks in the state, It is also known in Islam when the Companions choose a caliph for the Muslims by consensus, States have adopted the idea of elections as one of the foundations of their constitution, and their legal legislation, to ensure the application of democratic thought, which calls for choosing the right person in the right place based on the

opinion of members of the people, This led to the elections being considered a right and even a duty for individuals to implement it to ensure the activation of their positive role in the political life of their country.

### **First: Definition of Election**

#### **Linguistic meaning of election**

The term election in its linguistic origin is due to the verb elect and toast, elect the thing: that is, choose and select, choose it by giving him his vote in the election, including the elite, which is a group that chooses from men and is taken from them the elite(Ibn Manzur, p. 4373).

The El Moheat dictionary was mentioned in the section of toast, toast: taking his elites: chosen and selected that is, chosen by giving him his vote in the election (al-Fayrouzabadi, p.122), Election: a legal procedure whose system, time and place are specified in a constitution or regulation according to which one or more persons are chosen to head a council or syndicate or for its membership (Farahidi, 2004, p 813), The elected is the one who has the right to Candidacy for elections, or who received the most votes, so he was the chosen one (almuejam alwasit p908).

In the Oxford Dictionary, the term (Elect) means the election of a member of Parliament, while in the French language, the term (election) means election, selection, while the term (electif) is imitated by the election(cham seddine, 2005, p.221).

#### **Idiomatic meaning of election**

There are a number of definitions of the term election, which we review in the following lines:

- A. Some of the French jurisprudence went to define the election as: "the exercise of the right to choose in a way that races the wills qualified for that exercise".
- B. While others defined it as: "a set of legal actions multi stages under which the determination of the supreme governing bodies in the state (Charany, 1965, p.2).
- C. Dr. Majed Ragheb Al-Helou defined election as: "The voters choose one or more people from among a number of candidates to represent them in governing the country(Al-Helou, 2004, p. 103).
- D. Dr. Saleh Jawad Kazim / Dr. Ali Ghaleb Al-Ani defined the election as: "Enabling citizens who meet the legal conditions to contribute to the selection of the ruler according to what they deem fit for them(Kazem & Ani, 1991, p.35).
- E. It is also defined as: "a set of legal principles consisting of a legislative system; the aim of which is to regulate the election process so that it results in the application of a new law, the amendment of an existing law, the victory of a candidate for elections, or other constitutional events directly related to the elections"(Ali, 1998, p. 128)
- F. Elections are defined as: "The process in which people are formally selected to hold public office, or reject or accept a political decision by voting on it" (Badawi, 1972, p. 227)

- G. Elections are the democratic process that allows any citizen over the age of eighteen to elect a representative of himself and his interests at the local and international levels (Metwally, 2013, p. 319)

### **Second: Conditions to be met by voters**

- A. **Moral eligibility condition:** Constitutions and electoral laws stipulate that for the exercise of political rights -including the right to vote- the individual must have moral capacity, that is not to be one of those who have lost his esteem & honor by committing a specific crime that violates honor, such as theft, bribery, embezzlement, The issuance of judicial rulings of conviction shall deprive the convicted person of the exercise of all his political rights, and a distinction should be made between the types of crimes committed, If the judgments issued in felonies result in eternal deprivation of political rights, but if the judgments are related to misdemeanors, the deprivation is temporary for a specific period, and with regard to violations, the judgments issued therein do not result in deprivation of the exercise of political rights, (Al-Dibs, 2010, p. 203)<sup>(1)</sup>.
- B. **B. Mental capacity condition:** Most electoral laws in contemporary political systems require that the voter have his mental powers, so those who do not enjoy civil capacity are deprived of exercising the right to vote, because those who cannot manage their own affairs cannot participate in the management of public affairs that result from the exercise of the right to vote, Accordingly, young people are temporarily deprived until they reach the age specified in the electoral laws from exercising the right to vote, Everyone who is mentally insane or has been quarantined is denied voting until they recover.
- C. **Gender condition:** In the nineteenth century, the prevailing rule in almost the majority of countries of the world was to deprive women of political rights including the right to vote, The deprivation of women of the right to vote has been justified by many arguments, the most important of which is that women are less than men materially and mentally, and it was said that women's place is at home, while political jobs are exercised by men, as they need competence and experience that cannot be available in women, and it was said that women do not perform military service, so they cannot exercise the right to vote, but then the majority of the world's constitutions at the present time tended to give women the right to vote equally with men (Saber, 2010, p. 202).
- D. **Nationality condition:** The majority of countries require in parliamentary elections that the voter be one of their nationals, i.e. enjoy their nationality, Many countries differentiate between the authentic patriot and the naturalized patriot - who acquired citizenship in his life and not since his birth - requiring naturalized citizens to spend a certain period on their naturalization in order to enjoy political rights, including the right to vote, There are other countries that do not require this condition to enjoy the

right to vote, such as the current Lebanese electoral law (Metwally, 2013, p. 319).

- E. **Age condition:** Most constitutions use the age required to determine civil capacity & political rights, In order to expand the electorate, which leads to an increase in the number of voters who have the right to vote, In Egypt, the Law Regulating the Exercise of Political Rights No. (45) of 2014 specified in its first article: "Every Egyptian man and woman who has reached eighteen Gregorian years shall exercise the following political rights himself: Election of each of (1- President of the Republic, 2- Members of the People's Assembly, 3- Members of the Shura Council, 4- Members of Local People's Councils) (Badawi, 2005, p. 98).
- F. **Military condition:** Many countries of the world have deprived the military in exercising the right to vote, to avoid involving the army in controversy and political conflict that may lead to chaos and tearing its ranks, Fear that leaders will pressure subordinates to vote for a particular group or direction, which will affect the freedom of voters to cast their votes, and thus distort the integrity of the election (Al-Khatib, 2006, p65).

### Third: Types of Election

- 1- **Compulsory and optional election:** Some consider that the election is a duty and not a right, while there are those who consider the election optional, so the owner may not use it, , and some countries, such as Belgium and Australia, have constitutions provided for compulsory elections.
- 2- **Openly and secretly elected:** The choice between the secrecy of the election and its publicity is linked to democracy, because publicity makes the voter show his civil courage and responsibility, and includes publicity risks that affect the will of the voter and make him vulnerable to bribery and threats, Especially in authoritarian regimes, the publicity of elections may lead to a high percentage of abstentions, so most electoral laws tend to be secret elections.
- 3- **Individual election and list election:** The election is individual when the state is divided into several electoral districts for the number of deputies to be elected, and each electoral district has one deputy, and voters may not elect more than one candidate, The election by list is the allocation of a number of deputies are elected in the list of names of candidates according to the number determined by the electoral law, and can be the closed list where the vote on the whole list without change or modification, There are electoral laws that give the voter the right to form his list from names chosen from several lists.
- 4- **Direct and indirect election:** Direct election is when voters directly elect deputies from among the candidates, Election is called one-tier, while indirect election is two-tiered, where the voter elects delegates whose task is to elect members of parliament or governors.
- 5- **Restricted and general election:** Restricted election means the system that requires the voter to have a certain amount of wealth or educational

attainment, so he is deprived of election who does not have it, As for the general election, the voter does not require the availability of a certain percentage of money and education, but rather decides equality between voters, and this is widespread in most current electoral systems, and achieves the principle of the rule of the people as well as guarantees the freedom of voters(Bassiouni, 2004, p. 288)

#### **Fourth: Stages of Elections**

These stages must be adhered to by individuals in order to achieve effective participation and correct elections:

- 1- Completion of the legal age for voting, eighteen years in most countries of the world.
- 2- Register all personal information at the polling center.
- 3- Waiting in the voters' turn until reaching the ballot box.
- 4- Obtaining a copy of the electoral paper from the committee supervising the elections.
- 5- Go to the secret election room to fill out the required data in the form.
- 6- Putting the electoral paper in the ballot box, and leaving the polling center(Shiha, p. 273).

#### **Fifth: Characteristics of Elections**

Elections are characterized by the following legal characteristics:

- 1- **Secrecy**, as no one has the right to see how each voter conducts the election, or the procedures related to the electoral process.
- 2- **General**, every citizen within the legal age has the right to vote, provided that he fulfills all electoral conditions in order to cast his vote in the elections.
- 3- **Directly**, every citizen votes in his personal capacity without the presence of another person in the polling room, unless he suffers from a health problem or a special need that prevents him from carrying out the electoral process, which makes the Elections Committee choose one members to accompany the voter to the secret room to help him cast his vote with his voice(Baz, 2007, p.76).

Through the above, it is clear to us the importance of elections in contributing effectively to the process of democratic governance that takes place through the representatives of the people, and one of the positive aspects of the elections is that they reveal in advance the future plans of parties and candidates, and give the people the opportunity to see and discuss them.

### **The second topic How Egyptian women obtain the right to vote.**

The idea of election emerged in modern times with the development of legal systems and democracy, to enable people who meet the legal conditions to contribute to the selection of rulers according to what they deem fit for them, Election is a personal right of every individual in society, man or woman,the Supreme Committee takes measures that encourage women to exercise their electoral rights & form women's committees to register and record the names of voters in the voters' lists,

verify their personalities when electing, within the framework of the electoral centers specified within the scope of each of the electoral districts.

### **First: Electoral participation of Egyptian women before the revolution of July 23, 1952**

Egyptian women played a major role before the July Revolution in their struggle alongside the Egyptian man against the British occupation to obtain freedom and independence, in addition to other literary and social fields, but all this did not culminate in obtaining their most basic political rights; It is the right to elect its representatives in parliament, not even its natural rights to run for office to represent its people in legislative councils.

It is strange that all the leaders of women's work in Egypt in this period - such as Hoda Shaarawy, Siza Nabarawy, Doria Shafiq, Malak Hefny Nassef and other great women of Egypt - could not obtain their political rights or even aspire to them(Hashem, 2006, p. 88).

### **Second: Electoral participation of Egyptian women after the revolution of July 23, 1952**

A comprehensive change took place in the lives of Egyptians after the revolution of July 23, 1952, and it was natural for women to get their rights and be liberated and respected, so they were granted their full rights, and we saw her as a deputy already in the 1957 parliament, The MP "Rawia Attia" was the first Egyptian deputy, then the nominations rolled and the most famous of them was Faida Kamel and Nawal Amer.

Egyptian women were able to register their national attitudes towards their homeland, where the first Egyptian election law was issued in which Egyptian women were granted the right to vote for the first time on March 3, 1956, after the revolution of July 23, 1952, The 1956 Constitution was promulgated as the first Egyptian Constitution to provide for equality between men and women in rights and duties, including political rights, and stipulated the right of women to vote and run in elections.

The parliamentary life of Egyptian women began in 1957, where six women were nominated for parliament, two of them won, and in 1962 was appointed "Hikmat Abu Zeid" the first minister in the Egyptian government, and with the declaration of the Socialist Union on July 4, 1964, the Egyptian state worked to involve women in many of its bodies, especially in the population and mass committees, and women's committees were formed in Cairo Governorate.

In 1971, a new constitution was promulgated, which stipulated in its eighth article the principle of equal opportunities for all citizens without distinction as to sex(Article 8 of the Egyptian Constitution of 1971), Article 40 stipulates that: "Citizens are equal before the law and are equal in rights& duties, there is no distinction between them for any reason(Article 40 of the Egyptian Constitution of 1971), Article 62 stipulates that: "All citizens in the State have the right to vote, run for election & express their opinion in the referendum in accordance with the provisions of the law (Article 62 of the Egyptian Constitution of 1971).



In May 1971, 1309 women became members of the basic units of the Socialist Union(The website of the State Information Service), The formation of the women's organization of the Socialist Union was decided on September 7, 1975.

It is clear from the above that the year 1957 is what characterized the first entry of women in parliament with the presence of 8 women competing as candidates, and in 1964 the number of women winning seats in parliament increased to only eight, and in 1979 the quota system was used and a presidential decision was approved on a minimum quota of 30 seats for women, and the minimum was increased in 1983 to reach 31 seats, One seat for each constituency, and men were not allowed under this system to compete with women's seats, but women were allowed to compete with men in other seats, and this encouraged 200 women to run for elections in 1979, and they won thirty seats in addition to three seats, and two women were appointed by presidential decision, bringing their total number to 35 female parliamentarians, and in 1984 the list system was used to ensure the involvement of the marginalized, including women, and the number of female members of parliament became 36 members(Al-Sharqawi, 2016, p16).

### **Third: Representation of women in parliament in accordance with the 2012 constitution**

The 2012 constitution was devoid of the participation of women representing various segments of Egyptian society in the founding committee of the constitution, and the participation rate did not exceed 6%, most of whom were members of the Freedom and Justice Party of the banned Brotherhood, and the constitution was issued at that time with one article concerning women, which is Article 10, and dealt with it only as a mother and a member of the family without considering it a basic partner in society(Rashid and Khedirofaraj, 2021, p. 110).

### **Fourth: Representation of women in parliament in accordance with the 2014 Constitution and its amendments**

According to the Egyptian Women's Guide to the 2020 Parliamentary Elections issued by the Egyptian Observatory, women's participation rates in parliament varied, as the first parliamentary elections after the June 30 revolution witnessed a noticeable increase in the percentage of Women who wanted to run in the electoral battle, estimated at 17.19%, and 949 candidates out of 5518 contested the electoral battle.

This is due to the fact that the constitution largely guaranteed women the right to represent them by 15%, as the number of female deputies in the House of Representatives in 2015 reached about 90 deputies, including 76 elected in addition to 14 appointed women, and women competed in free and fair elections, winning the confidence of voters, and the percentage of women and girls voters reached 55%, according to the State Information Service.

The 2014 constitution included more than 20 articles only on women and their rights, the most prominent of which was the state's taking adequate measures to ensure the appropriate representation of women in parliaments as determined by law, and this was translated into reality by setting a quota for women of at least 15% in the

House of Representatives, in addition to allocating a quarter of the seats to women in local elections.

Under the 2019 constitutional amendments, 25% of the seats in the House of Representatives were permanently reserved for women, which was widely accepted as a constitutional guarantee for the adequate representation of women as essential partners in society (Laila and Dina Wafaa, 2013, p. 62).

### **Fifth: Women's Participation in the 2020 House of Representatives Elections**

Law No. 140 of 2020 was issued amending some provisions of the Law Regulating the Exercise of Political Rights promulgated by Law No. 45 of 2014, the House of Representatives Law promulgated by Law No. 46 of 2014, and Law No. 198 of 2017 regarding the National Elections Authority.

The draft law of the House of Representatives included the number of elected members 568 members, of which 25% are allocated to women, i.e. 142 seats, and 4 constituencies are allocated for election by list system for two constituencies of 42 seats each, provided that women are allocated at least 21 seats, and two other constituencies 100 seats each, allocated to women at least 50 seats.

The percentage of women's candidacy on the four constituencies of the list system was about 607 women out of a total of 1136 candidates, representing approximately 53.3%, by 331 women on the basic lists, compared to 276 women on the reserve lists, while the number of candidates in the individual system was about 344 women, by approximately 9% of the total number of candidates on individual seats, and the researcher had the honor of running in these elections for the seventh constituency, Gharbia Governorate, Zefta and Santa centers.

### **Sixth: Challenges Faced by Current Egyptian Women Parliamentarians**

- 1- **Culture of Service Parliamentarians:** Citizens expect MPs to provide more services than to assume their main roles in government oversight and lawmaking.
- 2- **Need for more technical assistance, capacity and accurate information:** Technical and research support helps MPs carry out their roles more effectively, ensuring that they do not rely too heavily on the party or personal assistance.
- 3- **Poor representation of women in parliamentary leadership positions:** Many women were frustrated to run for the same position in committees, which led to the fragmentation of votes that would have voted for one female deputy, but this is a challenge that can be easily overcome in coordination with those concerned and interested in this topic or with those wishing to organize the issue so that there is a greater representation of women or both together.
- 4- **Lack of plenary parliamentary sessions and reliance on media coverage:** Broadcasting sessions is one way to present the work of MPs in parliament on behalf of their constituents, because it is the only source through which they can know the activities of parliament and its deputies.
- 5- **Lack of financial resources:** This is a challenge faced by female parliamentarians when running in parliamentary elections, the lack of

individual financial resources and the management of political financial resources by parties that tend to support male candidates more for investment, which represents a major challenge for women candidates for parliament.

- 6- **The official power structure inherited within the parliament:** There are usually multiple layers of the formal power structure of the parliament and it is often inherited from previous regimes, there was an example of one woman who managed to reach senior positions, which is MP Nawal Amer from the 1964 parliament and remained a deputy for six periods until she became the first deputy speaker of the Council, and no woman then assumed this position (Abu Al-Qumsan, 2016).

## Conclusion

At the end of this research paper, which bears the title "The right of Egyptian women to elections", which was divided into two sections, we dealt in the first section with the definition of election along with its types, how to elections and its stages, we dealt in the second section how Egyptian women obtain the right to elections, we reached a set of proposals that we hope will be put into practice by specialists, with the need to take measures and policies that contribute to enhancing women's electoral participation, including:

- 1- Activating the constitutional and legal factors by urging the national legislator to stipulate the principle of gender equality with regard to political rights, in a way that guarantees women the right to run and vote without restrictions.
- 2- Working diligently through community organizations to activate the constitutional texts so that they do not remain mere texts that can be pretended to be non-discriminatory texts in the constitutions of democratic countries.
- 3- Confronting the prevailing thought in most Arab countries that perpetuates a stereotyped image of women and their role in society, to limit the activation of their political participation.
- 4- Women must exploit all their cultural, economic and scientific capabilities to overcome societal obstacles that will inevitably serve women's issues.
- 5- Creating women's blocs within parliaments that include female representatives from all walks of life to demand women's rights and raise their financial and moral standards.

In the end, what can be said is that whatever the information and data provided and the tools used in the analysis, it is only an effort that always remains subject to criticism and improvement, and then any shortcoming contained in this work would be a starting point for other studies more deep, and more accurate analysis, and for all degrees of what they worked, and God is the guardian of success.

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1- The Egyptian Law Regulating Political Rights No. 45 of 2014 stipulates in Article (2/II and III) that: "Second: Whoever has been sentenced for committing the crime of evading tax payment or for committing the crime stipulated in Article (132) of the Income Tax Law promulgated by Law No. (91) of 2005, Third: Whoever has been issued any judicial rulings shall be deprivation for a period of five years from the date of issuance of the judgment, and deprivation shall not apply if the person is rehabilitated or suspended the execution of the penalty, taking into account the provisions contained in Chapter Eight of Book One of the Penal Code on suspending the implementation of judgments on the condition(Article 2 of the Egyptian Political Rights Regulation Law No. 45 of 2014) Article (2) of the Law Regulating the Exercise of Political Rights stipulates in Article (2) that: "The following categories shall be temporarily deprived of exercising political rights: First: The interdicted person during the period of quarantine, who suffers from a psychological or mental disorder, During the period of his mandatory detention in a mental health facility in accordance with the provisions of the Law on the Care of the Psychiatric Patient promulgated by Law No. (71) of 2009