

A verdict for women

Female magistrates will finally be allowed to pound the gavel, writes [Reem Leila](#)

Fatma Lasheen's dream of one day becoming a magistrate could finally come true. The 43-year-old lawyer had initially studied law to become a judge, but being a female hampered her plan. As a step towards sitting on the bench, Lasheen applied for the position of assistant prosecutor with the General Prosecutor's Office 15 years ago, but she was turned down. "It was because I'm a woman, even though I had all the qualifications for the post," she told *Al-Ahram Weekly*.

For a long time, Lasheen shared the same fate as tens of other females who aspired for that unattainable goal. But no longer. On 14 March, the Supreme Judicial Council (SJC) approved the appointment of 31 females as judges, making them the first of their kind in the country's judicial history. And with this step, Egypt has joined the ranks of other Arab countries, such as Sudan, Tunisia and Morocco who already have female magistrates.

The newly-appointed Judge Hanan Abdel-Aziz told the *Weekly* that "this latest victory for women simply means that everyone's beginning to recognise women's rights and women's potential. Our respected judges eventually realised how vital it is to have female chiefs of justice in our society," Abdel-Aziz asserted. She added that it also shows that women in Egypt are suffering far less discrimination these days. "My appointment shows that our leadership respects people for what they are," believes Abdel-Aziz.

The fresh magistrate is optimistic that society will soon start witnessing more and more support for women's rights. "Of course there remain a few who totally oppose the move, but things are bound to improve in the near future because Egyptian men appreciate and respect the role of women." Abdel-Aziz concedes that a lot depends on how she herself performs as a judge. "We [women judges] must live up to this new responsibility. One indication that I have succeeded will be if I manage to encourage Egyptian women to demand more rights," she concluded.

The first woman to pave the way for female magistrates was attorney Tahani El-Gebali, who in 2003 was named a constitutional court judge. As a member of the Supreme Court, however, El-Gebali was not a trial judge and hence could not hold hearings, while the newly-appointed 31 magistrates will be able to do so. "The appointments are historic in Egypt," El-Gebali told the *Weekly*. "Being the first Arab country to guarantee full political rights to women in 1956, Egypt has since lagged behind many other Arab countries." According to El-Gebali, the move is expected to boost President Hosni Mubarak's political and social reforms that have been widely criticised as too restricted.

But others believe the move still falls short of providing women equal opportunities. SJC Chairman Moqbel Shaker said in a press release that the 31 women were selected according to written and oral examinations taken by 124 applicants. Only those who were previously state prosecutors were allowed to take the test, while employees at state-affiliated judicial bodies and defense attorneys were turned down. Thus, Lasheen described the move as cosmetic because the applicants were exclusively state prosecutors. She further contended that the new appointees are more likely to be assigned to family courts and not criminal trials. "The

government should open the post for all women, not a select few of its choice," stated Lasheen.

By all measures, however, the new appointments are viewed as real progress for the judiciary, especially that women's rights advocates had been pushing for the move for decades. "I believe the government had previously refused out of fear of an angry reaction from conservative Muslims who believe it would be un-Islamic," opined Lasheen. Some hard-liners suggest that Shaker's decision contradicts an article in the Constitution which states that the principal source of legislation is Islamic law. They base their argument on a tenet in the Qur'an which holds that two women are equal to one man if they are called as witnesses in a court. A woman, they argue, cannot be a judge if she cannot be a sole witness.

Yehia Ragheb Daqrouri, chairman of the State Council Judges' Club, vehemently opposes the notion of female magistrates. "Women must not sit as magistrates because it would be against Islamic Shari'a [law] since they would spend time alone with men in chambers," Daqruri argued. But the Grand Imam of Al-Azhar Sheikh Mohamed Sayed Tantawi, affirmed that there is nothing in the Qur'an which bans women from becoming chiefs of justice.

Counsellor Hassan Badrawy, deputy chief justice of the Court of Cassation, attributed the lack of women judges in the past to the fact that historically women were denied access to education. Since only men were educated, they were the only ones qualified to fill the posts, while women's illiteracy rates grew minimising their chances to challenge men for these positions. Badrawy denied that these appointments have anything to do with increasing pressure from women's groups and NGOs, or any outside pressure.