



## **Women's Rights in the Aftermath of Egypt's Revolution**

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## INTRODUCTION

Addressing the issue of “women’s rights” in Egypt may seem like an easy topic from a purely legal standpoint, but the most enlightening way to do so is to adopt a holistic approach by understanding the political, social, cultural and class effects of this issue.

Since 1952, people in Egypt have looked at “women’s rights” as a purely state matter, one characterised mainly by legal reforms. Until 2011, women’s rights were manipulated via a top-down approach by making changes in some policies and laws. Since 2011, with the emergence of the question of social movements, tackling women’s rights has been transformed via the use of certain tools and different perspectives. This is clearly manifested in the vast mobilisation that took place in governorates outside Cairo, which featured the use of artistic tools such as graffiti, story-telling performances, the production of feminist songs, open-microphone sessions, etc., in addition to the extensive use of social media and online campaigning to mainstream feminist ideologies and highlight violations experienced by women.

Before 2011, the public space in Egypt was limited to citizens, political groups and civil society for employing legal approaches such as litigations and policy changes by direct pressure on authorities. The 2011 revolution opened the public space to the use of new tools that are not limited to protests and sit-ins, but also new media windows and new political forces who carried the question of certain rights in their agendas as well as the accessibility of different governmental actors.

This paper will highlight different topics around women’s rights and gender issues in Egypt after 2011.

This paper will review different gender issues after 2011, including the targeting of women in public spaces, women’s representation in decision-making bodies, legal reform, economic and social rights, and sexual and reproductive rights. It will also investigate how the feminist movement has changed and evolved since 2011, and to what degree women's issues and feminism can be analysed in a multidisciplinary way.

## THE PRIORITISATION OF GENDER ISSUES AFTER 2011

After January 2011, the question of reform in Egypt and of democratisation and citizenship have been placed firmly on the agenda. Feminist and women's rights groups mostly relied on mobilisation and legal tools, ranging from demonstrations for the right to equality and constitutional reform to ensure equality and the criminalisation of violence against women, to more representation in decision-making positions and elected bodies (parliament and local councils). Many political actors limited the influence of these claims by adopting either a patriarchal or Islamic conservative rhetoric. However, many women and feminist groups claimed their spaces.

Feminist and women's rights groups have changed after 2011 in different ways. One of the changes was the emergence of new groups, and other groups began to use new tools such as new media, direct interventions and new policy approaches. The relationship between women's situation in public and private spaces has been increasingly linked in different discourses and actions. Different groups have continued working on the rights of women in private spaces, especially with the attention of some political groups on the importance of changing laws granted to women before 2011. These calls made some women's groups focus on the importance of these laws, suggesting new amendments for these laws and tackling approaches such as the Islamic feminist question of the compatibility of women's rights and Islamic Shari'a.

## TARGETING WOMEN IN THE PUBLIC SPACE

Since 2011, due to the higher number of women in the public space, violence against women and women human rights defenders (WHRDs) has increased. In March 2011, army officers beat, detained and electrocuted 17 women. Among them, seven were strip-searched, threatened with prostitution charges, and forced to undergo "virginity tests". Other sexual harassments, sexual assaults and brutal beatings by army and police officers have been documented, within a climate of rampant impunity. All these crimes have been committed from 2011 until today in 2015 by different state actors. Sexual violence and gang rapes have been reported since June 2012 and continued and increased in both number and degree of violence up to the day of the inauguration of the current Egyptian president, Abdel Fattah El Sisi, in June 2014. However, due to the absence of mass demonstrations, it is true that gang rapes and mob sexual assaults are not reported anymore, yet mob sexual assaults take place in celebratory venues and highly crowded places such as metro stations, in front of movie theatres during feasts and Islamic Eids, in addition to pop concerts. Moreover, sexual harassment on the street

continues to be a daily struggle for women, and groups providing legal, psychological and medical support to survivors of sexual violence receive calls from survivors in individual rape cases or sexual assault. (Since then they have magically decreased. Can one explain the correlation? )

To reiterate, sexual violence against women in the public space continues to be a grave problem. A national strategy to combat violence against women has been announced and published on 7 May 2015, yet it is important to monitor its implementation. Meanwhile, articles relating to crimes of rape, sexual assault and harassment in the Penal Code (Articles 267, 268, 269 and 289) are currently inadequate in nature and do not address the epidemic of sexual assault as well as rape. They also fail to address the rights of survivors and their protection when submitting reports. While the Penal Code recently defined and addressed sexual harassment in the new amendment to Article 306, the amendment is insufficient in its scope and limited in nature, and only considers a crime to be sexual harassment if the intent is proven to be related to obtaining sexual benefits. With the exception of the Tahrir mob sexual assaults and gang rapes in June 2014 during the inauguration of President Abdel Fattah El Sisi, no one has been held accountable for mob sexual assaults and gang rapes committed since November 2012. Eventually, a police staff member was sentenced to life imprisonment on 24 May 2015 and held accountable for sexually assaulting a mentally disabled minor in a police station in August 2014. This highlights the importance of holding all state actors accountable for crimes of sexual violence.

## **WOMEN'S REPRESENTATION IN THE EGYPTIAN DECISION-MAKING SYSTEM**

For years, women's rights groups and feminists have asked for fair representation in decision-making positions. Since 2011, the trend continued to be that of low representation for women; for instance, the Supreme Council of Armed Forces (SCAF) appointed an all-male committee to draft constitutional principles for a March referendum in 2011; no women were appointed ministers in the first post-2011 cabinet; no woman has ever become a governor; and women have been able to become judges only since 2003, and no woman is a public prosecutor. Moreover, there is no national strategy for gender equality.

From 2012 to 2014, there was a struggle to reform the Egyptian constitution. Egypt drafted one constitution in 2013 and amended it in 2014. Women's rights and feminist groups struggled to enshrine women's rights in the new text. The first constitutional committee had neither women representatives nor did it portray fair rights. The second drafting process had five women on the committee and established some rights regarding equality between women and men, criminalizing

violence against women and establishing a commission against discrimination and for the fair representation for women in different governmental and judicial bodies.

Regarding women's representation in parliament, in the November 2011-January 2012 elections for the new Egyptian parliament, only eight women (1.8 %) were elected. SCAF appointed an additional 10 MPs, two of whom are women, bringing women's overall share to 2.2 %. In the new electoral system, parties are obliged to nominate at least one woman as part of their district candidate lists, which they have to submit for the 46 districts electing 332 seats contested through a PR system. Until May 2015, Egypt did not have a new parliament and the law regulating elections was still not passed. Moreover, according to the 2014 amended constitution, women gain 10 seats by the president's nomination without going through elections, and 56 seats by one of the quotas mentioned in the constitution. According to the constitution, women and young people have a quota of 25 % reserved seats on the local councils.

## LEGAL REFORM OF THE FAMILY CODE AND PERSONAL STATUS CODE

Over the last decade, the battle for women's rights in Egypt has centred on Personal Status Laws (PSLs), which govern marriage, divorce and child custody issues based on prevailing interpretations of Shar'ia (Coptic Church law determines PSLs for Christians). A series of laws passed by the parliament in 2000 allowed for some progress. For example, the new guidelines created a form of divorce, the “Khula”, which gave women the power to request a divorce without having to prove maltreatment. The legislation also gave mothers custody of their children until the age of 15, replacing earlier laws that awarded them custody of sons until the age of 10 and daughters until 12. It granted women the ability to obtain birth certificates for their children and permitted mothers who had custody of children after a divorce to make educational decisions for them. In several ways, for the first time these laws granted mothers similar parental rights to fathers.

There are main substantive laws regarding personal status law: Decree - Law No. 25 of 1920 regarding Maintenance and Some Questions of Personal Status, as amended; Decree - Law No. 25 of 1929 regarding Certain Personal Status Provisions, as amended; Law No. 100 of 1985 amending Decree - Laws No. 25 of 1920 and 1929; Law No. 77 of 1943 on Inheritance; Law No. 71 of 1946 concerning Testamentary Bequests; Law No. 62 of 1976 amending certain rules concerning Maintenance; and Law No. 4 of 2005 amending Article 20 of Decree - Law No. 25 of 1920 (raising the age of custody) Procedural Laws.

Different articles were amended to criminalise sexual harassment in the penal code in 2014 and a national strategy to combat violence against women was approved on 7 May 2015. However, honour killings are still widespread and remain unpunished. “If a married man catches his wife red-handed in the crime, and kills her and her partner, he does not face intentional murder charges or even manslaughter, he only gets a sentence as short as 24 hours.”

The National Council for Women drafted a law to combat violence against women. Different feminist and women’s groups have drafted laws to reform personal status law, such as the Centre for Egyptian Women's Legal Assistance (CEWLA). Others have drafted a law criminalizing violence against women in the private sphere, including the El Nadeem Centre for Treatment and Rehabilitation of Victims of Violence and Torture. Another group drafted articles to be added as a new section in the penal code to criminalise sexual violence in the public sphere. Personal Status Laws in Egypt have been amended for years to include more rights for women, but the amendments lack a holistic approach and their implementation is still insufficient. Nevertheless, by 2004, Egypt witnessed the establishment of Family Courts. The National Council for Women has prepared in May 2015 documents to fill the legal gaps in personal status laws to gain more rights for women.

## ECONOMIC AND SOCIAL RIGHTS FOR WOMEN

There is an economic gender gap in Egypt. Women are participating in the economic sector, with a 20.2 % female workforce. Most employed women are in the education and health sectors. Women are represented in only 31.2 % of management positions. Women are receiving a low income in comparison to men. There is a consistent gap between women’s wages and compensation in the public and private sector, with the latter lagging far behind the former (Said 2015, Assaad and el-Hamidi, 2009), with the consequence that women tend to opt for employment in public rather than private bodies (Barsoum, 2015). Moreover, in the public sector the average daily working hours are seven compared to 8.9 in the private sectors, which makes government jobs more compatible with household tasks. In addition, women are facing gender-based violence in the employment sector. After 2011, workers obtained the right to establish independents workers’ unions, which helped them organise themselves to gain more rights. Most of the articles relating to women's situation in work need amendments to include more rights for those women, and the addition of their gender rights such as in relation to pregnancy and child care for different sectors of women workers, for example female domestic workers.

## SEXUAL AND REPRODUCTIVE HEALTH RIGHTS

Issues of sexual and reproductive health and rights (SRHR) in Egypt are problematic, either due to a lack of accurate national data concerning these issues, or due to the illegality of some practices, such as abortion, or persistent social stigma, as with HIV/AIDS. Abortion is illegal, and universal access to family planning methods and contraceptives is far from guaranteed. Maternal mortality hits rural, uneducated and non-working women disproportionately; while reproductive cancers are overlooked and never prioritised by health sectors. Sexual rights, too, are stigmatised in Egypt and authorities tend to engage in denial when it comes to sexually transmitted infections, HIV/AIDS and youth sexual behaviour, or resort to open moral charges, as Egyptians in general tend to perceive HIV as a punishment from God and the personal responsibility of the infected party. Most of the time, cultural relativism is used to justify the non-provision of comprehensive sexuality education and reproductive and sexual health services to young people. Furthermore, homosexuality is not criminalised in the Egyptian legal system, but different crackdowns on homosexuals or others based on gender identity have occurred in Egypt, and these crackdowns are increasing. Men suspected of having consensual sex with other men, as well as transgender people, face arrest and prosecution on prostitution and public morality charges under the Law on Debauchery (Law No. 10 of 1961). The authorities have subjected some to forcible anal examinations, which violate the prohibition on torture and other ill-treatment.

## CONCLUSION

After reviewing some laws and practices and the implementation of some gender and women's rights issues after 2011, it becomes clear that there are several points that need to be highlighted. Women's rights and the situation of gender inequality and continuous violations are an epidemic in Egyptian society, and have continued to be so for years. The difference after 2011 is the new creation of public space after the revolution, the hope for deep changes and the rise of new social, women's rights and feminist groups calling for more rights and the end of violence against women. State and non-state actors are committing violations and harming women's equality and gender rights, but there is a state responsibility to protect citizens, to ensure equality and to not commit violations of rights or violence against women. It is hard to foresee achievement in women's rights and gender issues outside of a holistic, democratic and safe public space with the implementation of basic human rights standards. It is evident that there are violations of human rights of organizing, rights of assembly, torture and

others aspects affecting women's rights in general and their implementation. The increase in the number of women in jail and the spread of sexual harassment and violence by state actors in police stations and other police spaces is violating the basic rights of women as citizens to express their citizenship rights. The spread of the phenomenon of sexual harassment, sexual violence and rape in the public sphere renders the sphere itself one that is not safe for women's existence, which results in their inability to express other rights, such as political participation or work. Amending articles of laws without the creation of a holistic approach or philosophy for amending laws predicated on equality is not enough. The political will of the state to end human rights violations, gender inequality or violence against women is towards implementing national strategies on these issues with accountability and the monitoring of the implementation of these aspects. Gender issues and national strategies need gender budgeting to ensure implementation and application.

In gender and women's rights, it is impossible to segregate the public and private spheres. The private affects the existence of the public; violence in the private sphere affects women's existence in the public one. The effect and pressure of ordinary social circles such as families is a huge part of women's existence and presence.