

Submission by: Nazra for Feminist Studies

Related to: Egypt

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General summary of issues facing women and WHRDs in Egypt

1. Nazra for Feminist Studies (Nazra) is gravely concerned by the ongoing rise in the level of sexual violence faced by women and women human rights defenders (WHRDs) in Egypt. Women activists, WHRDs and individual women who criticize government policies or express dissent or a diverging opinion to those of the authorities are subjected to sexual violence, arbitrary arrest and lengthy detention and prolonged and unfair trials. The government continues to fail to persecute the perpetrators of sexual violence whether the perpetrator is a normal citizen, policeman or soldiers.
2. Women continue to be marginalized in the political sphere in a country where the quota system does not favour the equal participation of women.

Epidemic level of sexual violence: virginity tests, rape and sexual harassment

3. Following its 2010 UPR, Egypt agreed to recommendation no. 32 and 41, which read as follows:
“32. Further intensify its efforts to promote gender equality, to combat violence against women and girls, sexual harassment and abuse, and recognize the important role of non-governmental organizations in this field (Finland).
41. Consider elaborating an integrated national strategy to address the different forms of violence against women (Palestine).”
4. However, four years later, no significant progress has been made in regards to combating violence, sexual harassment, assault and abuse. Women, as well as women’s rights activists and women human rights defenders (WHRDs), continue to be survivors of rape, sexual assault and abduction, especially the period after February 2011. The government continues to fail to prosecute perpetrators of these crimes or hold them accountable in any way, shape or form, whether the perpetrator is a normal citizen, policeman or soldiers.
5. On 9 March 2011, the armed forces dispersed demonstrators’ encampment in Tahrir Square and arrested at least 190 demonstrators. On 10 March 2011, according to statements of the survivors, virginity tests were conducted systematically on 7 detained female protesters. Since all crimes related to the armed forces fall within the jurisdiction of the military courts, the cases were subsequently referred to them. However, while the Court of Administrative Justice issued a ruling calling on the military to cease such illegal testing on December 27 2011, the military dismissed this ruling. In continuing to deny redress to any of the survivors and to investigate the violation, a military court acquitted the army doctor Ahmed Adel on 11 March 2012.¹
6. During demonstrations on 25 January 2013, assaults on women and women human rights defenders reached its crowning point. Nazra for Feminist Studies (Nazra) documented² 19 cases of gang rape in Tahrir Square and its surroundings alone, including two cases of rape using sharp objects. The authorities’ reaction constituted a statement by the Human Rights Committee of the Shura Council (the upper body of Parliament), which condemned women for “choosing to go to areas where there is a lot of

¹ For more information on violations under the SCAF’s rule, see Nazra for Feminist Studies, ‘Year of Impunity: violations committed against human rights defenders in Egypt from August to December 2011’ (September 2012).

² Nazra for Feminist Studies, ‘Sexual Violence against women and the high rates of mass rape in Tahrir Square and surrounding areas’, Research Paper (February 4, 2013). Available at: <http://nazra.org/node/196>[Arabic only].

prostitution.” This measly reaction was exceptionally alarming as the Shura Council constituted the only legislative authority at the time, as the People’s Assembly was dissolved according to court order.³

7. By mid-2013, sexual violence, including assault and rape, was evident in Tahrir square and its vicinity during the demonstrations demanding the removal of Morsi, where 186 cases of sexual violence was reported to have occurred between 28 June and 7 July 2013.⁴ The state of impunity as well as the social epidemic of sexual violence has led to the escalation of these crimes. There have been no impartial or independent investigations carried out into these incidents and perpetrators were not brought to justice by the authorities. This renders the authorities complicit in vehemently increasing the rate of sexual violence, especially assault and rape. Furthermore, the authorities have failed to provide immediate legal and medical support to survivors, nor have they ensured effective and proper procedures in medical facilities in dealing with survivors.
8. Most recently on the third anniversary of the 25 January Revolution on 25 January 2014, there were three cases of sexual assault documented. Two cases of sexual assault were documented in Tahrir Square, one of which was a girl under 18 years of age. Meanwhile, a third case was documented in which the survivor required an urgent surgical intervention.
9. While a new special unit of female police officers was also formed by the Ministry of Interior to combat violence against women and provide psychological help to them in May 2013, protection remains virtually non-existent. Moreover, the inner workings of the unit remain nebulous, unclear and unknown. During the signing of the protocol with the National Council of Women, Ambassador Mervat Tellawi, spokesperson of the concerned council stated that security is not just the responsibility of the Ministry of Interior, which indicates a continuing pattern of the state downplaying its responsibility in addressing crimes of violence against women.
10. While the unit is a welcome response to the issue of sexual violence, it also takes away the attention from much-needed reforms and restructuring in the police. Moreover, the male-dominated police force does not encourage women to report cases of sexual violence in fear of how the police would respond to reported abuse. Meanwhile, without the much needed and urgent police reform and accountability, the recruitment of more female officers will remain irrelevant and ineffective.
11. The national independent fact finding committee issued by presidential decree no. 698/2013 by the interim president Adly Mansour to investigate events accompanying June 30th 2013 and after remains largely ineffective. The Fact Finding Committee is under no obligation to make its findings public and its recommendations remain advisory not binding. Furthermore there is no real guarantee (even though it was stated verbally) that a gender perspective will be integrated into the investigations, particularly regarding sexual violence.⁵
12. Impunity is further entrenched due to the definition of crimes of sexual violence in the Egyptian penal code. The current law circumscribes crimes of sexual violence as either an act “against morality” or an “indecent violation”, rather than classify them as crimes against the survivors themselves. The law neglects to denominate crimes for what they are according to international human rights conventions and does not employ the term “sexual assault”, which is rather labelled as “indecent violation”. Meanwhile, “sexual harassment” is not mentioned or defined. Rape for instance is mentioned, however it is defined only as penile penetration and it does not recognize anal penetration or oral rape (whether the survivor is male or female), regardless of whether tools, sharp objects or fingers were used.

Restriction on freedom of assembly/forced dispersal

13. The violent dispersal of protests has become common practice as peaceful protests are consistently met with the excessive use of force, water cannons, rubber truncheons, tear gas and live ammunition. Below

³ For more information on violations under the SCAF’s rule: One Year of Impunity: Violations against Women Human Rights Defenders in Egypt from August to December 2011 - Nazra for Feminist Studies – September 2012 - <http://nazra.org/en/node/142>.

⁴ Brutal Sexual Assaults in the Vicinity of Tahrir Square and an Unprecedentedly Shameful Reaction from the Egyptian Authorities: 101 Incidents of Sexual Assaults during the Events of June 30th 2013 - Joint Statement (July 2013) - <http://nazra.org/en/node/244>.

⁵ Recommendations to the Independent Fact-Finding Committee Tasked with Investigating the Events that Accompanied 30 June to Ensure its Success and Effectiveness - Nazra Feminist Studies - February 2014 - <http://nazra.org/en/node/285>.

is a selection of cases of attacks against WHRDs. In all these cases, no proper investigation was carried out.

14. On 14 August 2013, police forces, protected by the army, started to disperse the sit-in in Rab'aa Al-Adaweya in the district of Nasr City, and the sit-in in Nahda Square in Giza. Nazra researchers were able to confirm 19 deaths among women during the dispersal of the Rab'aa sit-in. Testimonies of the female sit-inners, in addition to paramedics who were carrying the injured and dead bodies in Rab'aa show that the use of live bullets was prevalent, as most deaths were the result of the use of live ammunition in the upper part of the body (head – neck - chest), while the provision of safe exits did not take place.
15. The recently passed demonstration law (Law 107 of 2013 on the Right to Public Meetings, Processions, and Peaceful Demonstrations), issued by interim President Adly Mansour on 24 November 2013, and severely restricts freedom of assembly. Consequently, protests at the Shura Council, protesting Military Trials of Civilians and the new protest law on 26 November 2013, were met with excessive force, violent dispersal and the use of water cannons and rubber truncheons. Over 50 activists and human rights defenders were arrested, 26 of which were women activists and WHRDs. During their short detention, the female detainees and WHRDs were assaulted, beaten and sexually harassed.

Targeting of Women Human Rights Defenders

16. Following its 2010 UPR, Egypt also agreed to recommendation no. 48, which read as follows:

“48. Better disseminate the Declaration on Human Rights Defenders and ensure its full observance (Norway).”

However, WHRDs continue to face impediments in their everyday activism and are neither protected nor enabled to carry out their peaceful and legitimate work. The policy of targeting WHRDs is part of attempts by those currently and previously in charge of the country, the various security agencies, and the remnants of the former regime to expel women from the public sphere. The documented violations committed against WHRDs include arbitrary detention, beatings and kicks, at times with military boots, dragging, attempted choking, sexual harassment and violence including attempts to strip women, rape threats during detention, insults of a sexual nature, and all manner of degrading, inhumane treatment, as well as the temporary confiscation of personal property.

17. On 2 January 2014, WHRD Mahinour El Masry was sentenced to two years in prison and 50,000 EGP in fines for demonstrating in front of the Alexandria Criminal Court in March 2013 in violation of the protest law during the hearing of the trial of accused of killing Khaled Said. Mahinour El Masry is currently under the threat of being arrested at any time.
18. In an effort to intimidate and silence Mona Seif, on 5 January 2014, the North Giza Criminal Court sentenced WHRD Mona Seif along with 2 other HRDs to a suspended sentence of one year in prison on trumped up charges of participating in the attack on the campaign headquarters of former presidential candidate, Mr. Ahmed Shafiq, on May 28, 2012. Since the sentence is suspended for three years, if Mona Seif is found to be guilty of any other charges in the meantime, this one-year term would be added onto any subsequent sentences.

Restrictions on women's political participation

19. Egypt agreed to the following 2010 UPR review recommendations regarding women's political participation:

“60. Continue its efforts to promote the political participation of women at all levels (Palestine)

33. Consider further steps to ensure a high number of women in decision-making positions (Norway)”

Despite the commitment made by Egypt to implement the recommendations pertaining to political participation, there are clear flaws within the current government's approach to enabling women's political participation. One of the problematic policies taken up by the government is the current quota system for women. The quota system was adopted for the first time in 1979, by reserving 30 seats for

women. This quota system was applied once more in 2010, by reserving 64 seats from 518 seats in the parliament – additional seats in excess of the original seats.

20. This procedure was far more advantageous for the ruling party, which stood to benefit the most by winning the most seats in the parliament. Women belonging to the ruling National Democratic Party were the only ones who benefited from the seats specified for women in year 2010; in the first round of the election they won 100% of the reserved seats, they benefited from the large size of the constituencies specified for the quota seats. Moreover, election violence and forged results for the candidates of the ruling party was a feature of previous elections. This demonstrates that Egyptian quota experience in 2010 was not successful and did not lead to an increase in women's political roles in parties
21. After the 25 January Revolution in 2011, an elective quota for women was mandated in the parliamentary elections law, requiring a nomination of at least one woman in each partisan list. This was a regression in the percentage of women's representation, as the law specified only one woman on each list and did not specify an obligatory order on the lists.
22. The possibility of the use of the individual seat system will pose an impediment to the increase of women's participation in the political sphere. The individual seat system- which is also called first-past-the-post- is based on having candidates compete for one seat in each constituency, which is why it is referred to as the single- member constituency, a type of majority-based systems in elections.⁶
23. In the case this particular system being used, Nazra for Feminist Studies has its reservations as it will inevitably further exclude women from participation in parliament and political life. Therefore, Nazra alternatively proposes the proportional lists system as a preferred alternative for 100% of the seats, which will be contested in the next elections. The proportional lists system promotes a more effective form of political participation for women as it becomes necessary to place female candidates on advanced positions on the proportional lists, and obliges the parties to do so. This will push political parties to pay attention to female members and build the capacities of female candidates.
24. Furthermore, sexual violence against women participating in the political sphere and those involved in the political process also poses a challenge to women's political participation.

⁶ For more on this electoral system: <http://www.electoral-reform.org.uk/first-past-the-post/>

Recommendations

25. Nazra for Feminist Studies calls on the State Party (Egypt) to:

1. Design, introduce and implement a government national strategy for combating violence against women in consultation with women's groups in Egypt, in addition to be conducted in cooperation with the ministries of interior, health and justice in order to improve the delivery of medical services for survivors of rape; as well as train Forensic Medicine Administration staff, physicians and nurses at public and private hospitals on protecting evidence of sexual assault and rape.
2. Guarantee the right of women and women human rights defenders to engage in human rights work and take measures to ensure their protection before the law and in society.
3. Take the necessary steps to prosecute the perpetrators, including members of the military and police force, of sexual violence and harassment faced by women protesters and women human rights defenders.
4. Conduct a comprehensive and independent investigation into complaints and reports of sexual violence faced by women protesters and women human rights defenders.
5. Provide effective remedies including reparation to survivors of sexual violence.
6. Introduce legislation aimed at eliminating all forms of discrimination and violence against women in private as well as in public spheres.
7. Repeal the 'Demonstration Law' (Law 107 of 2013 on the Right to Public Meetings, Processions, and Peaceful Demonstrations) and protect the rights to freedom of peaceful assembly and of association.
8. Amend the Egyptian Penal Code to include definitions for sexual assault and harassment, as well as amend the definition of rape to include rape with tools, fingers and sharp objects, in addition to anal and oral rape (Articles 267, 268 and 269 of the penal code, which must be ratified by the upcoming parliament).
9. Release the findings of the independent fact finding committee investigating events that accompanied and followed 30 June 2013 and ensure the recommendations of the committee are binding.
10. Incorporate a closed proportional list system within the new electoral law, this proportional list system should be for 50% of the next parliament. These lists should be based on the zebra model i.e there should be an equal number of both sexes on each list in a consecutive manner. The lists should include men and women equally.
11. In the case of the first-past-the-post system being applied for the next parliament, the State party should ensure that the next Parliament features 50% of the seats for women.