

# WOMEN OF EGYPT

Why Empowerment Requires Changes in Social Norms As Well As Laws

*By Miwa Kato*

Egypt's women today are represented through two rather contradictory images. There are the powerful images of numerous women participating in the Tahrir Square uprising that ended decades of despotic rule. Their presence and contribution to the social upheaval demanding freedom and respect for rights during and after the Arab Spring were unmistakable. On the other hand, there are the other images from Tahrir Square, of women protesters publicly assaulted in gender-based violence.

Streets and squares represent public space where citizens go to express their disagreement or support, their joy or anger. It is also a symbol of what can be closed off to the population by those holding power under a declared state of emergency. During the Arab Spring, public space also became a place representing violence against women—the penalization of women for having taken to the streets alongside men.

During the eighteen days of mass mobilization in Egypt beginning on January 25, 2011, women faced no threats in public space due to gender. Media carried images of women and girls of all ages, social classes, religious beliefs, and dress codes, demanding change side-by-side with men and boys in Tahrir Square and in governorates across the country. These images carried around the world seemed to symbolize the positive changes occurring in the Middle East. The square was devoid of discrimination or oppression, with respect to gender as well as other differences that normally divide the population; instead, it was filled with a genuine call for change, expressing the value of universal citizenship. An outpouring of triumph and hope occurred as

Egypt had not witnessed in a very long time. This phase of social cohesion and collaboration ended on February 11, 2011 when President Hosni Mubarak resigned after three decades in power.

And then came a sudden turn with the emergence of haunting images of women being sexually assaulted in

▷ Demonstration on  
International Women's  
Day, Cairo, March 8,  
2013. *Romain Beurrier/  
Wostok Press/Newscom*



Tahrir Square and other public places. The assault on reporter Lara Logan from the CBS television network made headlines around the world and the gang rape and mob sexual assault perpetrated against Egyptian women became an enduring feature of the Tahrir protests. The gender-based violence cast a pall on political developments to follow, and shaped some of the current of change in Egypt.

As the Mubarak regime collapsed, the Supreme Council of the Armed Forces (SCAF) suspended the 1971 constitution, dissolved parliament, and put itself in power for a transitional period. Egyptian women fared poorly during this time. SCAF appointed no women to the committee responsible for drafting a new constitution, a decision that ignored the role women had played to bring about change. With protests escalating into violence with increasing frequency, women became visible targets for sexual harassment and even rape, as well as abuses committed even by Egyptian security forces. Notorious episodes of security forces subjecting detained protesters to “virginity tests” underscored the mistreatment of women—a far cry from revolutionary ideals. Some of the victims took the state to court over the tests, but justice was not served. While the practice of mandatory examinations of detainees was banned by an administrative court in late 2011, a military court in 2012 acquitted a military doctor of allegedly performing the tests on a group of female activists detained at a Tahrir Square protest in March 2011.

To be sure, there is a longstanding prevalence of sexual harassment against women in public space in Egypt. Successive regimes including those of Gamal Abdel Nasser and Anwar Sadat were criticized for not addressing the problem of violence against women. But with the breakdown of police and law enforcement following the overthrow of Mubarak, a culture of perceived or real impunity emerged that unleashed attacks against women in public space. On International Women’s Day less than a month after the regime’s fall, women marchers found themselves surrounded by men chanting “the people want to bring down women”—a clear echo of the slogan of the January 25 revolt, “the people want to bring down the regime.” The double standard of welcoming the support of women in the revolution but denying their demand for women’s rights seemed prevalent among Egyptians.

The public sexual violence became more disturbing against the backdrop of continuing demonstrations and street clashes. One in particular, widely referred to as the “blue bra incident,” when a veiled young woman was dragged and beaten by Egyptian security forces as her underwear was exposed in public, captured the world’s attention. In response, thousands of Egyptian women of all ages and backgrounds marched in the streets of Cairo chanting “Egyptian women are a red line” and demanding an end to military rule and its mistreatment of women. During a protest on the second anniversary of the January 25 revolution, nineteen women and girls were reported to have been sexually assaulted in Tahrir Square. At a massive demonstration calling for



the removal of President Mohammed Morsi, a leading figure of the Muslim Brotherhood, forty-six mob sexual assaults were recorded in Tahrir Square including the gang rape of a 22-year-old Dutch journalist.

The disturbing trend continued during Abdel Fattah El-Sisi's inauguration as president in June 2014, when a 19-year-old Egyptian girl was sexually assaulted in Tahrir Square and video distribution of the incident on social media provoked outrage. Afterwards, in his first days as president, El-Sisi paid a highly publicized visit to the girl in the hospital to check on her wellbeing. With more than five hundred reported cases of sexual violence since the 2011 uprising, El-Sisi's move was seen by many as an effort to address the deteriorating conditions for women in post-revolutionary Egypt.

### **First Lady Phenomenon**

The sharply contrasting images of Egyptian women today, and the dramatic deterioration of their rights and status after the January 25 uprising, can be explained partly by the way women's rights were framed during the Mubarak era.

Since the year 2000, when the Mubarak government declared the importance of promoting women's rights to meet the international legal obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and set up the National Council for Women (NCW), women's rights were significantly advanced on legal terms, supported by what some observers call "state feminism" led by First Lady Suzanne Mubarak. The substantive progress made through the state-sponsored push for advancing women's rights laid a critical foundation for improving the lives of Egyptian women and girls. But the effort was tainted by perceptions held by some that an authoritarian regime that suppressed freedom and social justice was instrumentalizing women's rights in the name of modernization and to gain regime acceptance from Western partners and the international community at large.

Egypt's recent history shows the importance of pushing a cause as important as gender equality and women's empowerment with a movement supported by a large segment of the citizenry. Social transformation needs to evolve as a part of a wider social aspiration, growing beyond what is often referred to as the First Lady Syndrome. In Egypt, the limiting of the voice of civil society and of ordinary women prevented women's rights from taking root in transforming the society. Top-down legislative action and policy development driven by the clout of the First Lady failed to sufficiently change the social norms and perceptions of ordinary citizens. This left the progress of the Mubarak years vulnerable to a regressive backlash.

Thus, when the first post-Mubarak elections brought conservative Islamist forces into government for the first time in Egypt's history, the close association of the women's rights movement with the Mubarak regime placed its accomplishments in a highly

precarious position. The breakdown of law and order in the immediate aftermath of the uprising created the opportunity for a violent backlash against women seeking equal engagement in civic life. The shocking sexual assaults on women in the streets were manifestations of deep-rooted societal norms and perceptions about women's right to choose and assert in public settings.

### **“Women Should Not Mingle with Men”**

The first post-Mubarak parliamentary elections, in December 2011 and January 2012, gave the Muslim Brotherhood's Freedom and Justice Party (FJP) and the ultra-conservative Salafists—groups that favored traditional roles for Egyptian women—a strong majority in parliament. Women's representation comprised a mere 2 percent in the lower house and 2.8 percent in the upper house. Six months later Morsi narrowly won election as Egypt's president on a platform showing no support for the empowerment of women. Morsi's program of sixty-four promises to achieve in his first one hundred days in office included no reference to women's rights or the societal barriers faced by women. Where women's issues were mentioned, they focused on the family and women's roles as mothers, not as citizens with equal rights and duties.

When the upper house of parliament took up a proposal to combat the violence against women, some suggested segregating them from men during public demonstrations. “Women should not mingle with men during protests,” Reda Al-Hefnawy, an MP of the FJP, declared. “How can the Ministry of Interior be tasked with protecting a lady who stands among a group of men?” While such comments reflected the mindset of some in positions of authority at the time, they also sparked a vibrant public debate that made ordinary women speak out against the curtailing of rights that women had won during the Mubarak era.

Especially in the last decade of his rule, Mubarak had overseen legislation that resulted in greater rights for women, particularly within the family domain. The most important and controversial among them was Law 1 of 2000, which guarantees women the right to file for divorce without the consent of the husband (known as the *Khula* Law), and the right to file for divorce in the case of unregistered marriages. Other measures included the adoption of a standard marriage contract permitting stipulations and allowing women to apply for a passport and thus to travel without spousal consent. Law 10 of 2004 introduced the system of family courts and Law 11 of 2004 established the Family Insurance Fund, a mechanism through which female litigants could collect court-ordered alimony and child support. Further, in 2008, the Child Law was amended to raise the minimum legal age of marriage to 18, criminalize female genital mutilation through the penal code, and grant children whose paternity is not proven the right to adopt their mother's family name. Legislative amendments were made to extend the

mother's legal custody of children until they reach the age of 15. The amendment of the Egyptian Nationality Law No. 154 in 2004 gave children of Egyptian mothers married to a foreign national equal citizenship rights as children of Egyptian fathers.

However, as these changes were made through presidential decrees without sufficient change in the social climate, a backlash ensued from conservatives, including some members of the Egyptian judiciary. Once in power, the Muslim Brotherhood set its sights on repealing the reforms on the grounds that they violated sharia, or Islamic law. For example, Islamist member of parliament Montasser El-Zayat called for the repeal of family law legislation claiming that it had led to the breakdown of the Egyptian family. The president of the Family Appeals Court presented a draft proposal to the prime minister to amend the family law, including repealing the Khula Law, reducing maternal custody age to 7 for boys and 10 for girls, and enforcing a wife's obedience by requiring her return to the marital home and ceasing alimony payments when her disobedience persists. The constitutional changes imposed by Morsi's government in December 2012 were a further blow to women's rights (as well as to civil rights and freedom in general); they referred to women only in the context of the family rather than as independent citizens with rights and duties.

### **Committee of Fifty**

The moves to undo decades of progress in women's rights in Egypt were met with strong condemnation and opposition by various women's rights organizations and activists. The revolutionary spirit in the country combined with the growing onslaught against women during the Arab Spring years created a unique imperative for women to mobilize from the bottom up and press on for greater rights and social justice.

The renewed activism influenced the new constitution of 2014, which was drafted by the so-called Committee of Fifty after Morsi was ousted by the military amid a popular uprising against his rule in July 2013. The Committee of Fifty was more diverse than the constitution-drafting committee that operated under SCAF three years earlier. While the Committee of Fifty contained only five women (10 percent of the members), those women were highly visible and influential personalities in Egyptian society. Among them was Mervat Tallawy, the president of the National Council of Women; she had taken prominent stands against the Muslim Brotherhood's efforts to roll back women's rights, underlining their illegality under international frameworks such as CEDAW, ratified by Egypt, and various resolutions of the United Nations Commission on the Status of Women.

The overall final outcome was the most progressive constitution in Egyptian history with respect to women's rights, notwithstanding the disappointment of some liberal activists who pushed for expanded women's rights such as a quota guaranteeing

“fair” representation of women in the parliament (watered down to “appropriate” representation by the Committee of Fifty). One key achievement was to reinstitute the principle of gender equality that the 2012 constitution had removed. The constitution of 2014 explicitly states equality between men and women and stipulates the responsibility of the state to guarantee it.

Another significant victory was the provision guaranteeing the right of women to assume high positions in the state including in the judiciary, without prejudice to gender. The article on this in the constitution came after years of demanding women’s equal access to public and judicial positions. In support of the article, Grand Mufti of Egypt Shawqi Allam issued a religious ruling during the debates saying that it is permissible under sharia law for women to hold positions in the judiciary and the state. The new constitution also reaffirmed the many social rights for women introduced as decrees and amendments in the 2000s for the first time at the level of constitutional rights.

Other positive action was taken by the state in response to the wave of sexual assaults in public space. Interim President Adly Mansour issued a presidential decree to amend the penal code in 2014 to make sexual harassment a criminal act for the first time in Egyptian history. The adoption of the law was followed by efforts to strengthen police and judicial capacity in administering the provision of the law. While the Ministry of Interior as well as the judiciary struggle to secure sufficiently robust and appropriately trained staff to implement and uphold the law, there are signs that the commitment exists to move in that direction.

Beyond the state, various key social institutions also moved forward to take action to reduce violence against women. For example, anti-sexual harassment units were established at various public educational institutions. One of them is Cairo University, whose president has undergone an inspirational conversion; Gaber Nasser once blamed a female student’s attire for provoking sexual harassment, but has since become a staunch supporter of the HeForShe campaign promoted by UN Women, a global solidarity movement that calls on men and boys to become agents of change in promoting women’s rights.

Many others played their parts. HarassMap, which started a campaign to encourage Egyptians to intervene to stop sexual harassment when they see it, and Operation Anti Sexual Harassment, which mobilizes to protect and support female protesters during demonstrations, are among almost countless groups and initiatives. Some employ innovative activism through the arts, such as Women on Walls, which uses graffiti to raise awareness and contribute to the empowerment of Arab women. These and many other civil society groups and on-the-ground activists undoubtedly proved an important force that raised public consciousness and pushed Egyptian authorities toward greater progress.

## The Year of Women

The parliamentary election of 2015 brought further gains for Egyptian women: a record 14.9 percent representation in the 596-seat legislative assembly. In the balloting 75 women were elected, and another 14 were appointed to parliament by presidential prerogative.

Egyptian women's right to vote and stand for election was first enshrined in the 1956 constitution and reaffirmed in subsequent constitutions. However, since obtaining their political rights, women's parliamentary representation has been marginal, varying between 0.5 percent and 2.6 percent, except when the quota system and the proportional list system were adopted for the 1979, 1984, and 2010 elections. Between 1979 and 1984 women occupied 9 percent of seats in the People's Assembly, and from 1984 to 1987 around 8.3 percent. In 2010, women's representation reached 12 percent. For the first post-revolution parliamentary election held in late 2011 and early 2012 the quota was cancelled and women's representation dropped to 2.2 percent. As a result, the 2013 "Women in National Parliaments" report issued by the Inter-Parliamentary Union gave Egypt a ranking of 136 among 190 countries. With women's representation in the 2015 parliament up to the historic high of 14.9 percent, Egypt's ranking is expected to rise.

However, in the World Economic Forum's Gender Gap Report in November 2015, Egypt ranked 136 among 145 states, leading to headlines deploring Egypt's position among the bottom ten countries in the world for this critical indicator of social progress. Even with the major advance of political representation factored in the 2016 ranking, Egypt ranked only slightly higher at 132 out of 144 countries. While the gender gap needs to be addressed on multiple fronts, a key challenge will be to make sure strong women's representation in the current parliament leads to concrete gains for the society (including in, but not limited to, progress in legislative provisions and policies supporting women's empowerment) and also that these gains in numbers are further translated in the elections for local councils expected in 2017, where the 2014 constitution guaranteed 25 percent women's representation (equivalent to 13,500 elected seats across the nation).

The attitude of the regime and the voice of its top leader are important in shaping public opinion. From his early days in office, President El-Sisi has been on record acknowledging the increasing levels of sexual violence against women and publicly condemning sexual harassment. While El-Sisi's many public comments commending Egyptian women initially may have been seen to be political pandering to a critical constituency, the president has taken several concrete steps toward empowering women.

Immediately following the inauguration of the Egyptian parliament in 2016, El-Sisi announced the renewal and rejuvenation of the National Council for Women,



appointing an entirely new thirty-member board. The move has made the quasi-governmental body more diverse, with such figures as Mecca Abdel Mawla from Aswan, a rural woman who became a leader of her community by helping empower women. The NCW presidency was passed on to a younger generation with the election of Maya Morsy, a renowned Egyptian women's rights advocate and a former UN Women country coordinator for Egypt and UN Development Programme regional gender practice team leader. In the context of Egypt today where women are key to solving many of the socioeconomic problems, the NCW in its new configuration could bridge various actors and harness a coalition of action including the grassroots movement of young Egyptians demanding improvement of women's lives.

El-Sisi also appointed an equal number of women and men to the twenty-eight parliamentary seats that are the Egyptian president's prerogative to fill. Among the appointed female parliamentarians was Caroline Maher, a human resources manager at a major Egyptian company, known as a leading advocate for Egyptians with disabilities (and as a local hero who became the first African and Arab woman to be inducted into the Taekwondo Hall of Fame). In a political and social environment where role models for youth and especially women are in short supply, such women in political office advance the empowerment of women by changing mindsets. El-Sisi's designation of 2017 as the Year of Women also sends the right signal and suggests that the government will adopt economic and social policies with greater sensitivity to the needs of women.

Looking back on the turbulent years since 2011, there is a silver lining for women's rights: the fight against regression brought activism to a new level of intensity, which in turn enabled the cause to become more deeply rooted in the minds of Egyptians throughout the country. Ultimate success will depend on whether women's empowerment becomes a movement owned by the people and supported by the state, rather than the other way around.

In advancing the women's empowerment agenda in the context of various social tensions, especially in non-Western, traditionalist contexts, it is worth noting that traditional feminist language and approaches may need to be recalibrated. The agenda and its ultimate goals may stand a better chance of becoming a national priority if the parlance and approaches used in advancing it are tightly tied to the local current needs and context. Progress may be best attained when the focus on women's rights is less pronounced in advocacy of rights per se but rather embedded in the sine qua non for economic growth and social progress. It is heartening to see the leaders of the Egyptian women's movement in government and in the civil society today engaged in such bigger picture thinking and navigating with sensitivity.

There is still a need to change structural and unconscious biases that limit the potential of women, and instead emphasize how women's contributions can help build

a healthy, safe, and prosperous society. While one can heave a sigh of relief that women's legal rights were reinstituted and strengthened in the 2014 Egyptian constitution, the deeply rooted social norms and perceptions that limit women's rights and allow gender-based bias never changed regardless of which side was in power. Hence, changing perceptions about women is an indispensable requirement for the social progress and economic development that Egypt so desperately needs. This should be a top priority for the government and all Egyptian citizens going forward as they aspire to build a healthy, stable, and prosperous Egypt where all its citizens can live in dignity.