

# EGYPT

## CHECKLIST TO COMBAT SEXUAL AND GENDER-BASED VIOLENCE

15 March 2013

Women in Egypt continue to suffer sexual and gender-based violence, as well as discrimination in law and practice. Instead of securing a means for providing an effective remedy to women, including prosecution of perpetrators and protection from crime, the authorities have often done little to stop or investigate such abuses, and in some cases have been responsible for them. In this document, Amnesty International sets out the key measures the Egyptian authorities need to take to ensure that the security forces respect, protect and fulfil women's human rights, and, more broadly, to implement policies that would better protect the rights of women.

As a first priority, Amnesty International is urging the Egyptian authorities to break with practices that resulted in women being targeted by the security forces. During the 17-month rule of the Supreme Council of the Armed Forces (the SCAF), women protesters were beaten in the streets by security forces and the army. Women were also subjected to sexual and gender-based violence in detention, including forced "virginity tests" and threats of rape. Despite promises of accountability, investigations by the army and Public Prosecution have failed to hold the perpetrators responsible. The rampant impunity enjoyed by security officers led to a climate where sexual and gender-based violence became pervasive and was committed with the perpetrators' knowledge they would not be held accountable. Action is needed to ensure that the perpetrators are brought to justice, and to ensure the rights of women in custody are respected. Clear procedures must also be put in place to ensure that public order policing does not result in the use of excessive and unnecessary force.

The security forces must also take action to stop widespread sexual harassment. The police have reportedly often failed to intervene in cases where they have witnessed harassment in the streets. Women are often reluctant to report incidents of harassment to the security forces because of social attitudes and pressures, and in some cases those who do have received little support. The problem may be compounded by the fact that women police officers face a number of restrictions in the roles they can assume, and are only able to specialize in areas such as passports, medical services, public relations, prisons and juvenile care.

The problem has been brought to public attention in recent months, following a series of horrific sexual attacks on women in Cairo's iconic Tahrir Square. Women activists have been separated from their friends and colleagues and then dragged away by groups of men, who sexually assaulted them and in some cases raped them, apparently in an effort to stop women from attending protests. Yet some women who have tried to report the violence have said they were treated dismissively by the police.

Steps are also needed to bring the legal framework in line with international law and standards. Egypt is a state party to a number of international human rights treaties which protect women's rights, including the International Covenant on Civil and Political Rights (ICCPR); the Convention on the



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Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). However, Egyptian law continues to discriminate against women and impunity facilitates sexual and gender-based violence. Legislation on personal status discriminates against women in marriage, divorce and custody. The Penal Code does not adequately protect women from domestic violence, marital rape or “honour killings”. Furthermore, legislation regulating the criminal justice system and prisons provides only limited measures to address the specific needs of women as victims of criminal offences and in detention.

The problem is compounded by a new Constitution, adopted after a rushed referendum in December 2012, that sidelines the rights of women. The document refers to women only in their capacity as homemakers and dependents, and does not explicitly prohibit discrimination against them. Instead, provisions enshrining Shari’a law are likely to be used as a justification by the authorities to maintain discriminatory laws.

Above all, what is needed is for the authorities to show the political will to combat sexual and gender-based violence in all its forms, both when committed at the hands of state officials, as well as by non-state actors in the streets, the workplaces and the home. There must be no mixed signals, but an unambiguous condemnation of sexual violence.

Amnesty International calls on the Egyptian authorities to:

## 1. CONDEMN SEXUAL AND GENDER-BASED VIOLENCE

It is vital that President Morsi demonstrates that his administration has the political will to tackle gender-based violence. As a first step, he must condemn without reservation sexual and gender-based violence.

Members of Egypt's upper house of parliament, the Shura Council, have blamed women for recent sexual violence in Tahrir Square. The members stated that the women should not have been mixing with "thugs". The comments revealed deep-seated discriminatory attitudes that have undermined the authorities' standing on combating sexual violence.

Beyond President Morsi all political leaders should condemn this abhorrent phenomenon and commit to combating sexual and gender-based violence.

A clear and unambiguous message is now needed that women are not responsible for sexual violence, and that they have the rights to be free from violence and to freedom of expression and assembly.

Amnesty International urges the Egyptian authorities to:

- Publicly condemn all forms of sexual harassment and gender-based violence, including when committed against anti-government protesters, and restate their commitment to protect the bodily integrity of women and respect freedom of expression and assembly.

## 2. ENSURE WOMEN ARE ABLE TO SERVE IN ALL AREAS OF THE SECURITY FORCES

Egypt's Police College trains officers with university degrees to work in specialized areas, according to the needs of the Ministry of Interior. However, women university graduates can only apply to specialize in areas such as passports, medical services, public relations, prisons and juvenile care. The blanket exclusion of women from certain posts in the police is contrary to Egypt's obligations under international human rights law to prohibit discrimination and promote women's rights – including their right to work (Article 11 of the CEDAW). Egypt is a state party to the International Covenant on Economic, Social and Cultural Rights, which enshrines the right to work without discrimination on the basis of gender (Article 7(i) and (c)). It may also place additional obstacles for women victims of sexual and gender-based violence to obtain an adequate remedy. The Police Act, which regulates the Police Department in its work to maintain order and public security, contains no measures to prevent discriminatory practices and to ensure that women are able to serve at all levels of the force.

Amnesty International is urging the Egyptian authorities to:

- Ensure that law enforcement agencies do not discriminate against women in recruitment; hiring; training; assignment; promotion; salary; or other career and administrative matters.
- Recruit sufficient numbers of women to ensure fair community representation, and the protection of the rights of female suspects, arrestees and detainees, as well as of victims of gender-based and sexual violence.

## WOMEN IN PUBLIC ASSEMBLIES

Women have the equal right to express their opinion in public assemblies as men. They must therefore not be punished or discriminated against for participating in public assemblies.

Procedures must be put in place to ensure that public order policing is proportionate, legal, accountable and necessary. It is particularly important for security forces to consider the following when planning operations which may result in the use of force being authorized:

- What is the objective of the proposed action? What is the legal basis for the proposed action? Force should never be used as a means of punishment for the participation in a demonstration, or for discriminatory purposes.
- Is the action necessary and proportionate? Is there a less intrusive alternative? Force should not be used against demonstrators, women or men, who do not present any form of resistance or threat. Where the lawful use of force is contemplated, it should not go beyond what is reasonably necessary in the circumstances, with due consideration to the physical strength and level of violence of the person encountered, in particular when force is exercised against women.
- Lethal force should only be used in order to protect life, but not for the sole purpose to disperse an assembly or to intimidate protestors or to protect property.
- Measures should be taken to ensure comprehensive recording and reporting whenever there was use of a firearm or where the use of force resulted in death or injury.

## 3. ENSURE THAT WOMEN CAN PARTICIPATE EQUALLY IN PUBLIC ASSEMBLIES AND DO NOT AS A RESULT SUFFER FROM ANY FORM OF DISCRIMINATION, PUNISHMENT OR VIOLENCE

International law is clear that women must not suffer discrimination, and shall be protected from all forms of violence or exploitation.<sup>1</sup> As a state party to the CEDAW, Egypt is obliged to take measures to end violence against women. Article 2 of the CEDAW states that states must condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

Article 21 of the ICCPR further states that “the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

As a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Egypt is also obliged to take steps to eradicate torture. However, during the rule of the SCAF, the army and security forces specifically targeted women during demonstrations, resorted to excessive and unnecessary use of force, arrested and detained them and subjected the women they had detained to abuse on a number of occasions, including sexual and gender-based violence.

On 9 March 2011, soldiers took 18 women protesters into military detention in Cairo. Seventeen of them were held for four days, some of whom told Amnesty International that male soldiers had beaten and strip-searched them and given them electric shocks. The women were then forced to undergo highly invasive “virginity tests”.

In December 2011, members of the armed forces targeted women protesters while suppressing a demonstration outside the Egyptian Cabinet offices. Soldiers were filmed beating one woman while she was lying prone, and pulling at her clothing to expose her body. On 17 December, a number of women protesters were detained by the armed forces and reportedly subjected to sexual and gender-based violence.

Women protesters have also been subjected to sexual harassment and assault including rape during opposition protests by mobs of unidentified men. The authorities not only failed to protect women from such attacks; but have also failed to adequately investigate them and bring perpetrators to justice.

Amnesty International is urging the Egyptian authorities to:

- Ensure that police and other state agencies that exercise law enforcement functions adhere to the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, by giving clear instructions that force may only be used when strictly necessary and

only to the extent required for performance of their duty, and that lethal force may only be used when strictly unavoidable in order to protect their lives or the lives of others.

- Review all policies and guidelines in place relating to use of force, violence and sexual misconduct by staff in when dealing with public assemblies and in detention centres, to ensure compliance with international law and especially the Bangkok Rules, with the aim of providing maximum protection to women prisoners.<sup>2</sup> All forms of torture and ill-treatment, including, rape of prisoners and sexual touching should be criminalized to make it clear to all staff that such behaviour will not be tolerated. Officials should be obliged to report instances of torture and ill-treatment, including sexual violence and abuse perpetrated by other police officers or prison staff. Furthermore, clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment should be developed and implemented (Bangkok Rules Nr. 31).

#### **4. ENSURE WOMEN HAVE REDRESS AND REPARATION FOR SEXUAL VIOLENCE**

Sexual harassment of individual women in the streets and in the workplace is a long-standing and systemic problem in Egypt. Sexual harassment often becomes violent. Amnesty International has also documented instances where women protesters have been targeted by groups of men for sexual and gender-based violence. In some instances, women journalists reporting in public places have also been harassed and attacked. However, in a number of cases documented by Amnesty International, the security forces have not adequately responded to such incidents.<sup>3</sup> Sexual harassment is widely reported to increase during public holidays. During the holiday of Eid al-Adha in October 2012, security forces reportedly arrested hundreds of men on charges of sexual harassment and assault in the cities of Cairo and Suez alone.<sup>4</sup> However, civil society groups monitoring incidents of sexual harassment have documented instances where members of the security forces failed to take action. In recent months, sexual violence has also marred protests in Cairo's Tahrir Square, with women activists and others assaulted by groups of men. The attacks seem to have been aimed at stopping women from attending the protests.

Women have reportedly faced obstacles in submitting complaints about sexual and gender-based violence to the security forces. Frequently police officers registering the complaints, as well as prosecutors investigating the cases, encourage plaintiffs to drop the complaints and "forgive" the perpetrators. Lawyers addressing such cases attributed the attitude to a lack of professionalism, a desire to reduce the workload, discriminatory attitudes and a failure to prioritize incidents they considered "minor".<sup>5</sup> The National Council for Women maintains offices and a hotline through which women can report violence and discrimination.<sup>6</sup> However, the security forces must ensure that procedures are in place so that women who have suffered abuse are able to approach them directly.

Amnesty International is urging the Egyptian authorities to:

- Ensure all violence against women is treated as seriously as other violent crimes. Clear instructions must be given to law enforcement officials to diligently address violence and harassment against women.
- Ensure that all complaints about sexual and gender-based violence are listened to promptly, treated with seriousness, and heard in confidence by police officers, including female officers if

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requested.

- Ensure that prosecutors diligently investigate cases of sexual violence and harassment, and in all cases where there is sufficient admissible evidence prosecute those responsible.
- Ensure that investigations into crimes of gender-based violence against women are based on the respect for the rights of the survivors, include women and investigators trained in addressing gender-based violence. In addition, ensure that investigations into crimes of gender-based violence are accompanied by effective training of officials in non-discrimination and women's rights, are adequately resourced, and include rigorous enforcement and monitoring.
- Ensure survivors of rape and other sexual violence have access to immediate forensic examination.
- Build skills of forensic examiners in evidence collection and documentation, including writing medico-legal reports, the classification and documentation of wounds and injuries, and the collection and preservation of admissible evidence through photographic and laboratory methods.
- Establish easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.
- Ensure survivors are provided with information on the status of their case; legal aid and advice services; access to civil remedies and protective measures; information on available support; and how to obtain compensation and other reparation.
- Ensure court proceedings adopt procedures that both protect the survivor from re-victimisation and enable them to provide their best evidence.
- Ensure that survivors of gender-based violence receive adequate reparations, including all necessary medical and psychological treatment. In particular, take measures to ensure that survivors have access to services facilitating their recovery from violence. Such measures should include services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.
- Take measures to provide for the establishment of sufficient numbers of easily accessible shelters to provide safe accommodation for and to reach out proactively to survivors, especially women and their children.
- In consultation with experts including women's and human rights activists, lawyers, doctors, psychologists, educators; devise and implement a strategy to stamp out sexual violence and harassment against women, including a public awareness raising campaign to combat discrimination, gender-based violence and gender stereotyping.
- Extend an invitation to the UN Special Rapporteur on violence against women, its causes and consequences and to the UN working group on the issue of discrimination against women in law and in practice to visit Egypt.

## 5. DEVELOP GENDER-SPECIFIC STANDARDS FOR WOMEN AT THE POINT OF ARREST AND DETENTION

Egyptian law makes limited provisions for female detainees. The Code of Criminal Procedure requires that women detainees are inspected by a woman chosen by a judicial officer (Article 46). It also provides measures for pregnant women, deferring the implementation of custodial sentences and death sentences until two months after they have given birth. The Law on Prison Regulations provides for measures to support pregnant women with regards to food, work and sleep until 40 days after childbirth (Article 19).<sup>7</sup> These standards fall far below international standards on women in prison, the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (known as the Bangkok Rules) [UN Doc A/C.3/65/L.5] which encourage states to divert women with caring responsibilities from police custody, pre-trial detention or imprisonment.

Women refugees and asylum-seekers are at particular risk at the point of arrest and detention. In practice, they are not given access to the UN High Commissioner for Refugees (UNHCR), and face unfair military trials and in some cases have faced *refoulement* to countries where they are at risk of human rights violations.

Amnesty International is urging the Egyptian authorities to:

- Develop gender-specific standards, based on the Bangkok Rules, following extensive consultation with police officials, prison authorities, staff and prisoners, as well as civil society, in order to ensure women prisoners are held in conditions and within regimes that meet their gender-specific needs. The standards should detail gender-specific procedures to be followed at each stage from arrest and detention to custody during trial and criminal detention, to ensure women's rights are respected and, in particular, that they are protected from sexual and gender-based violence and exploitation from other prisoners, and members of the security and prison forces.
- All foreign detainees, resident and non-resident, should have immediate and regular access to their consular representatives (unless the prisoner explicitly opposes such contact), legal counsel and interpreters and equal access to information in a language they understand. Refugees and asylum-seekers should be granted immediate access to the UNHCR.

## 6. ENFORCE A BAN ON 'VIRGINITY TESTS' AND OTHER FORCED, DEGRADING OR UNNECESSARY SEARCHES AND PROCEDURES

The use of forced "virginity testing" was banned by an administrative court in December 2011. However it is unclear what steps have been taken in practice to ensure that women detainees are not targeted again for these "tests", or other forced or unnecessary searches and examinations. Article 17 of the ICCPR guarantees all persons' right to privacy. The UN Human Rights Committee has stated that, as far as personal and body searches are concerned, effective measures should ensure that such searches are carried out in a manner consistent with the dignity of the person who is being searched. The Committee has further stated that persons being

### WOMEN IN DETENTION

When handling women detainees, Amnesty International urges the Egyptian authorities to do so in respect of the Standard Minimum Rules for the Treatment of Prisoners (SMR) and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), in particular:

- Detain women in separate institutions from men, or, at least to allocate to women premises entirely separate from men (SMR Nr. 8a).
- Put in place effective measures to ensure that women's dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures (Bangkok Rule Nr. 19).
- Ensure gender-specific health-care services, including access to woman medical personnel (Bangkok Rule Nr. 10) as well as individualized, gender-sensitive, trauma-informed and comprehensive mental health care (Bangkok Rule Nr. 12).
- Make available facilities and materials required to meet women's specific hygiene needs (Bangkok Rule Nr. 5).
- Allow caretaking women to make the necessary arrangements for children prior to being detained (Bangkok Rule Nr. 2.1).
- Pregnancy, known or potential, particularly when considering modes of restraint, transportation, and the potential requirement for additional food or water should be considered.
- As far as possible, women should be diverted from detention where they have caring responsibilities.
- Measures to care for individuals at particular risk, including non-resident foreign nationals.

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subjected to body search by State officials, or medical personnel acting at the request of the State, should only be examined by persons of the same sex.<sup>8</sup>

Amnesty International calls on the Egyptian authorities to:

- Ensure personal and body searches of detainees or prisoners comply with criteria of necessity, reasonableness and proportionality, and are only carried out by trained staff of the same gender and in a manner consistent with the dignity of the person being searched.
- Ensure that any search requiring an individual to undress is conducted out of sight of custodial staff of the opposite gender.
- Ensure strip searches are conducted with the least intrusive means in full conformity with the prohibition on cruel, inhuman or degrading treatment. An independent monitor should be provided if requested by the detainee. Where strip searches or other intimate body searches are carried out, they should be authorized by the supervisor on duty and the reason for the search should be put on record. Alternative screening methods such as scans should be developed to replace strip searches and invasive body searches.
- Ensure body cavity searches/internal physical searches of prisoners' bodies are not carried out by prison staff and that intimate examinations may only be carried out by a medical practitioner, who, except when there is no alternative in an emergency, should not be one who acts as the individual's doctor.

## 7. ENSURE FULL ACCOUNTABILITY OF THE SECURITY FORCES FOR HUMAN RIGHTS VIOLATIONS, AND BRING PERPETRATORS TO JUSTICE

To date, investigations by the armed forces and Public Prosecution into abuses against women have failed to hold the perpetrators accountable. In March 2012, a military court cleared an army doctor for conducting forced "virginity tests". At time of writing, investigations by the Public Prosecution into the sexual and gender-based violence committed against women protesters in December 2011 have also failed to lead to any prosecutions. No perpetrators have been brought to account for sexually attacking women in Tahrir Square. Continuing impunity for such violations gives a signal that sexual and gender-based violence against women is tolerated.

Amnesty International urges the Egyptian authorities to:

- Investigate all allegations of torture or other ill-treatment in line with the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, even when no official complaint has been made; bring all those responsible to justice; and provide full reparation to victims.
- Establish a vetting system to ensure that, pending investigation, members of the police and others about whom there is evidence of serious human rights violations do not remain or are not placed in positions where they could repeat such violations.
- Establish an independent accountability and oversight body with authority over all aspects of police operations. Such a body should have an independent, effective and impartial complaints



mechanism that can deal with complaints about police or security forces' misconduct and human rights violations. The independent complaints mechanism should have independent investigation teams, to deal specifically with complaints against or involving the police or security forces.

- Ensure that women who have been subjected to torture, ill-treatment or other forms of abuse in pre-trial detention or prison are able to complain without fear of retaliation by staff, confidentially, to the central prison administration, judicial authorities and independent inspectors. Clear mechanisms should be in place to enable complaints to be submitted without delay to the relevant authorities and women prisoners should be informed about their right to complain by prison staff, as well as receiving written information about rules and procedures relating to complaints. The competent authorities should act on such complaints swiftly and impartially, conduct a thorough investigation of the alleged acts and bring perpetrators to justice. Investigations of such complaints should be undertaken by independent bodies. Women who report abuses shall be provided immediate protection, support and counselling (Bangkok Rule Nr. 25).

## 8. ENSURE ADEQUATE AND EFFECTIVE TRAINING OF LAW ENFORCEMENT OFFICIALS ON GENDER-ISSUES

Gender-sensitive training of judicial and law enforcement officers, and other public officials, is essential for Egypt to uphold its obligations under the CEDAW.<sup>9</sup> During their 2010 report to the United Nations Committee on the Elimination of Discrimination against Women, the Egyptian authorities stated they periodically held training for law enforcement personnel to educate them in methods for handling cases of violence against women. Such training programmes were reportedly held at the Ministry of Justice, Ministry of Social Solidarity, Ministry of Interior, and the National Centre for Social and Criminal Research.<sup>10</sup> However, despite this women continued to suffer human rights violations at the hands of the security forces.

Amnesty International calls on the Egyptian authorities to:

- Ensure that gender-sensitive training is provided to all staff which focuses on preventing the recurrence of human rights violations documented by UN independent experts and treaty bodies, as well as Amnesty International and other human rights organizations. Such training should be subject to evaluation and follow-up sessions to ensure that it is effective in ensuring appropriate behaviour.

## 9. ENSURE ADEQUATE RECORDS ON VIOLENCE AGAINST WOMEN ARE MAINTAINED AND MADE PUBLICLY AVAILABLE

The UN Committee on the Elimination of Discrimination against Women has called on the Egyptian authorities to make available adequate official statistical information on violence against women. Such information is critical for the true extent of violence against women in Egypt to be understood, and for strategies to be formulated to combat it. While the Egyptian authorities have in the past provided some information to UN treaty bodies, it remains the case that up-to-date information is not immediately

## GENDER-SENSITIVE TRAINING

Amnesty International further urges for gender-sensitive training to include:

- The gender-specific needs and human rights of women prisoners, including the main issues relating to women's health.
- Detection of mental health care needs and risk of self-harm and suicide among women prisoners and offers of assistance and support.
- Enabling staff to understand situations of particular distress for women and provide for appropriate support.
- Enabling staff to address the special social reintegration requirements of women prisoners.
- The possible effects of sexual and gender-based violence on women, how to handle disclosure of such abuse and when and how to refer to other agencies.
- The effects of imprisonment of a mother on her children, the children's likely experience of visiting, and how to support the woman in her parenting role, as well as the likely physical, behavioural and emotional effects of pregnancy and childbirth on women.
- The different security requirements in women's establishments, including searching procedures.
- How to operate with respect to decency and privacy issues.
- How to use conflict resolution techniques.
- When appropriate, how to physically restrain women detainees safely when necessary, including women who may be pregnant. Such measures, except in emergencies, should always be administered by women staff.

## DISCRIMINATORY LAWS

The Egyptian Penal Code does not fully protect women from domestic violence, including marital rape. It also allows for leniency towards men who commit murder in “honour crimes”. Articles 260-263 of the Penal Code criminalize abortions in all cases, including for survivors of rape and incest, and when pregnancies threaten a woman’s health. Female genital mutilation is still widely practiced, especially in rural areas, and the law continues to permit such procedures for “medical reasons”.

Personal Status legislation discriminates against women in marriage, divorce and custody rights. A woman is required to be obedient to her husband by law. Men can divorce their wives by repudiation, while women must go to court and ask for a divorce. Women, regardless of their religion, are only entitled to half the inheritance of men when both have the same relationship to the deceased, as decreed in the Inheritance Act 77/19 43. In practice, many women, especially in rural areas, do not claim any of their inheritance.

The Commission on the Status of Women urged “States to review and, where appropriate, revise, amend or abolish all laws, regulations, policies, practices and customs, in particular female genital mutilation, that discriminate against women or have a discriminatory impact on women and girls and to ensure that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, including the principle of non-discrimination” (UN Doc: E/CN.6/2008/L.2/Rev.1 )

The UN Secretary General recommends that States adopt comprehensive legislation on violence against women, which not only criminalizes such violence, but also mandates support and protection for victims / survivors, prevention measures, funding and the creation of institutional mechanisms (UN Doc: A/65/208).

accessible or publicized.<sup>11</sup>

Amnesty International is urging the Egyptian authorities to:

- Maintain information on trends in the prevalence of various forms of violence against women, disaggregated by age and by urban and rural areas, and make the information publicly available.

## 10. ENSURE THAT EGYPTIAN LAW IS ITSELF NOT DISCRIMINATORY, PROHIBITS DISCRIMINATION, AND PUNISHES SEXUAL AND GENDER-BASED VIOLENCE

Under the CEDAW, Egypt is obliged to end discrimination against women in law and practice. However, women face discrimination in law, and lack adequate legal protection from domestic violence, marital rape and sexual harassment:

Amnesty International is particularly concerned that the Constitution adopted in December 2012 does not explicitly prohibit discrimination on the grounds of gender. The organization is further concerned that Article 219, which defines the principles of Shari’a law as being the “fundamental rules of jurisprudence,” may impact on the rights of women, and may be used as a justification to uphold legislation which currently discriminates against women in respect of marriage, divorce and family life. Article 2 establishes Shari’a law as the primary source of legislation.

As a state party to CEDAW, Egypt has entered reservations on articles 2 and 16 of the Convention, claiming they conflict with Shari’a. Amnesty International considers that any reservation to these core articles is contrary to the object and purpose of the Convention and should be withdrawn.

The Egyptian authorities have announced new legislation to combat sexual harassment in October 2012 and again in February 2013.<sup>12</sup> Amnesty International would welcome the introduction of any comprehensive law. However, the organization urges the Egyptian authorities to ensure that any measures taken are in line with international law and standards.

In March 2011, amendments to the Penal Code by the Supreme Council of the Armed Forces had already increased penalties for various forms of sexual harassment and assaults. For instance, Article 268 imposed prison terms of up to 15 years for “sexual assault”, while Article 306 (Bis A) prescribed prison sentences between six months and two years and/or fines for verbal harassment. Women’s rights activists and lawyers note that the introduction of these amendments has done little to combat or decrease the phenomenon and impunity for sexual violence and harassment remains rife. The legislation enacted by the SCAF set down the death penalty for rape in a number of cases, a move opposed by Amnesty International as a violation of the right to life.<sup>13</sup>

Amnesty International urges the Egyptian authorities to:

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- Ensure any new legislation to tackle sexual harassment is in line with international law and standards, without recourse to the death penalty.
- Review all legislation to ensure that provisions which are discriminatory, or which facilitate violence against women, are removed or amended in line with international law and standards.
- Introduce legal provisions to combat domestic violence, including marital rape, and sexual harassment, in compliance with Egypt's obligations under international human rights law.
- Amend legislation to ensure that the definition of rape in Egyptian legislation is in compliance to international law and standards, and is not limited to the penetration of a penis into a vagina.
- Implement the February 2010 recommendation of the Committee on the Elimination of Discrimination against Women, which calls on the Egyptian authorities to take the necessary measures to secure the participation of women in the various phases of the electoral process.
- Comprehensively review existing and proposed legislation on personal status, ensuring that women and men have equal rights to marriage, divorce, the custody of children and inheritance, in line with Egypt's obligations under the CEDAW.
- Amend Articles 260-263 of the Penal Code to allow abortion for women and girl survivors of rape and incest, or when a pregnancy poses a grave risk to the health of the woman or girls.
- Amend Law No. 126 of 2008 to prohibit female genital mutilation in all cases.
- Lift all reservations to the CEDAW.

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<sup>1</sup> International Covenant on Civil and Political Rights, articles 2 and 3; Code of Conduct for Law Enforcement Officials, articles 1 and 2; The Convention on the Elimination of All Forms of Discrimination against Women, Article 15; Declaration on Discrimination against Women, articles 1 and 6; UN Principles on Detention or Imprisonment, Principle 5.

<sup>2</sup> The UN Rules for the Treatment of Women Prisoners and Non/custodial Measures for Women Offenders (the Bangkok Rules).

<sup>3</sup> See Amnesty International, "Egypt: Investigate attacks on women protesters", 11 June 2012: [bitly.com/LE50d2](http://bitly.com/LE50d2)

<sup>4</sup> See *Al-Masry Al-Youm*, "Amid criticism from rights groups, police crack down on Eid harassment", 31 October 2012: [bitly.com/UgZQ1a](http://bitly.com/UgZQ1a)

<sup>5</sup> See Amnesty International, *Egypt: Gender-based violence against women around Tahrir Square* (Index: MDE 12/009/2013), 6 February 2013, p10: <http://bit.ly/UXDmGQ>

<sup>6</sup> From January to October 2012, the office received 3,461 complaints, most on personal status issues and social security. See National Council for Women, "Complaints Bureau continue its efforts to solve the problems of Egyptian women [original in Arabic]", 3 November 2012: [bitly.com/Ts1Ep8](http://bitly.com/Ts1Ep8); and Egypt, *Combined sixth and seventh periodic reports of States parties, Egypt\** (UN Doc: CEDAW/C/EGY/7), 5 September 2008, p8 and 77.

<sup>7</sup> It states that a baby should stay with a mother in prison until he turns two, after which he will be given to the father or family member chosen by the mother; or in the event that this is not possible, to an orphanage (Article 20).

<sup>8</sup> UN Human Rights Committee, *CCPR General Comment No. 16: Article 17 (Right to Privacy) The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation*, 8 April 1988, para8.

<sup>9</sup> General Recommendation No. 19 (11th session, 1992)

<sup>10</sup> Egypt, "Efforts made", *Combined sixth and seventh periodic reports of States parties, Egypt\** (UN Doc: CEDAW/C/EGY/7), 5 September 2008, p77.

<sup>11</sup> See for example, Central Agency for Public Mobilization and Statistics Egypt, *Violence against women in Egypt* (UN Doc: ESA/STAT/AC.193/2), November 2009; and information provided in the *Combined sixth and seventh periodic reports of States parties, Egypt\** (UN Doc: CEDAW/C/EGY/7), 5 September 2008.

<sup>12</sup> *Egypt Independent*, "PM: Govt preparing law for stricter sexual harassment penalties", 22 October 2012: [bit.ly/TrSv41](http://bit.ly/TrSv41)

<sup>13</sup> If the victim is under 18 years of age, or if the rapist is related to her, is a guardian or a paid worker, or if there are multiple rapists involved in the incident.