



'CIRCLES OF HELL'

DOMESTIC, PUBLIC AND STATE
VIOLENCE AGAINST WOMEN IN EGYPT

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Cover photo: Street art depicting an attack on a woman by a mob of men, referred to by activists as a 'circle of hell'
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INTRODUCTION

“The women of Egypt have always taken part in writing [the] history of our nation. They have shown their ability, responsibility and strength in building our country.”

President Abdel Fattah al-Sisi.¹

“If you have a problem, complain to God.”

Former woman prisoner interviewed by Amnesty International.

Since the anti-government uprising in January 2011, Egyptians have lived in a near-constant state of turmoil and political instability, with two presidents ousted, two constitutions approved and a succession of governments. One constant throughout these dramatic upheavals has been violence against women and girls and the authorities' failure to take any meaningful action to tackle it. With the Egyptian authorities now promising to deliver a national strategy to combat violence against women, expected when the country's new parliament is in place later this year, it's time for them to put the rights of women firmly back on the political agenda.

Successive governments have put violence against women on the backburner, failing to acknowledge the extent of the problem and taking no action to address it. In a context of polarization and political violence, the authorities have used also violence against women as a partisan issue – blaming their political opponents for abuses but not taking action to stop them. That blame game continues today. During Egypt's recent Universal Periodic Review at the UN Human Rights Council, a member of the Egyptian delegation blamed the Muslim Brotherhood for the challenges faced by women, noting retrograde measures proposed by the group while they held power. The Muslim Brotherhood, meanwhile, blamed the “military government” for violence against women.² The truth is, regardless of who has been in power, the Egyptian authorities have undermined women's rights and failed many Egyptian women.

It has been the repeated attacks on women protesters around Cairo's iconic Tahrir Square, the centre of nationwide demonstrations during the 2011 uprising, which have captured the public imagination. However, such violence is not confined there. Today, violence against women and girls is prevalent in Egypt, in the home, in the public sphere and in detention. Those responsible include state actors, such as the security forces, as well as non-state actors, including spouses, family members and unknown assailants in the streets.

The Egyptian authorities have systematically failed to meet their international legal obligations to exercise due diligence to prevent, adequately investigate and punish violence

¹ Official campaign website, *Listen to Egypt's women to build a stronger economy – El Sisi* [link no longer available, all other links accessed 19 January 2015]

² See address by President of the National Council for Women, *Egypt - 20th Session of Universal Periodic Review*, 5 November 2014, at 1.22.34: <http://bit.ly/1zn9cSZ>; and report prepared by the Muslim Brotherhood and Freedom and Justice Party, para148: <http://bit.ly/1AYovzA>

against women and girls. The authorities have also consistently failed to provide survivors of such violence with redress or reparation for the harm suffered, including physical and psychological rehabilitation.

VIOLENCE AGAINST WOMEN

Article 1 of the United Nations Declaration on the Elimination of Violence against Women defines violence against women as “*any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*”³

Article 2 of the Declaration further states that:

“Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

The United Nations Committee on the Elimination of Discrimination against Women (the CEDAW Committee) in 1992 stated that gender-based violence is: “*... violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.*”⁴

Sexual harassment

The CEDAW Committee in 1992 further defined sexual harassment as including:

*“... such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions.”*⁵

³ The United Nations General Assembly, *Declaration on the Elimination of Violence against Women* (UN Doc: A/RES/48/104), 20 December 1993.

⁴ The CEDAW Committee, *General Recommendation No. 19*, 1992, para6 (gender-based violence).

⁵ The CEDAW Committee, *General Recommendation No. 19*, para18 (sexual harassment).

Violence in the family

The CEDAW Committee in 1992 additionally stated:

*“Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women’s health at risk and impair their ability to participate in family life and public life on a basis of equality.”*⁶

The inadequate and discriminatory legal and policy framework, coupled with the Egyptian authorities’ failure to punish or address the underlying causes of violence against women and girls, has resulted in a culture of impunity in which sexual and gender-based violence against women and girls is pervasive. Such violence affects all aspects of their lives, in the family and the public sphere.

It is difficult to assess the exact extent and nature of the different forms of violence against women and girls in Egypt because of an absence of accurate, official and up-to-date statistical information. Where the authorities have released information, they have not disaggregated it by relevant factors, such as geographical region, age and the relationship between perpetrator and victim or survivor. Furthermore, little information is publicly available on the number of complaints lodged with the police, or the rate of prosecutions and convictions for violence against women and girls. However, the piecemeal statistical information that is available points to extensive violence against women and girls in both the family and the community.

DISCRIMINATION AND INEQUALITY

As in every country in the world, sexual and gender-based violence against women and girls in Egypt is rooted in multiple and interconnected forms of discrimination, as well as historical and structural inequality. Such violence has strong links to the social, economic and political situation of women. Poor women with little education and limited employment opportunities are more vulnerable to violence, and are less likely to seek or obtain any form of redress.

Sexual harassment

■ **99%:** Women and girls who reported experiencing some form of sexual harassment in a 2013 survey by UN Women⁷

⁶ The CEDAW Committee, *General Recommendation No. 19*, para23 (family violence).

⁷ The study is based a sample of 2,332 girls and women, and 1,168 boys and men aged 10-35, in the governorates of Cairo, Alexandria, Dakahlia, Gharbia, Ismailia, Assiut, and Qena. See UN Women, *Study on ways and methods to eliminate sexual harassment in Egypt (UN-Reports)*, 23 May 2013: <http://bit.ly/1Bbhy0A>; and *Results / Outcomes and recommendations summary*: <http://bit.ly/1o5T437>

Domestic violence

- **47.4%:** Married, divorced, separated or widowed women who reported some form of physical domestic violence in the last official survey on the issue⁸
- **39%:** Women interviewed in the last official survey on domestic violence who agreed that a husband is justified in beating his wife in certain circumstances⁹

Female genital mutilation (FGM)

- **91%:** Women (ages 15-49) subjected to FGM in the last official survey¹⁰
- **1:** Known prosecutions for female genital mutilation since the 2011 uprising¹¹

Public life

- **30-42:** Approximate number of women judges, many directly appointed by Hosni Mubarak¹²
- **2%:** Women holding seats in the last People's Assembly (lower house of parliament)
- **10%:** Women appointed to the 50-member committee that drafted Egypt's 2014 constitution

Employment

- **24.2 % / 9.8%:** Unemployed women versus men¹³

Illiteracy

- **37.3%:** Egyptian women and girls over the age of 10 who are illiterate¹⁴

⁸ El-Zanaty, Fatma and Ann Way, "17. Domestic violence" in *Egypt Demographic and Health Survey 2005*, Ministry of Health and Population, National Population Council, El-Zanaty and Associates and ORC Macro, 2006, p221-222: <http://bit.ly/1ykvzIT>

⁹ El-Zanaty, Fatma and Ann Way, "3.3 Women's attitude toward wife beating" in *Egypt Demographic and Health Survey 2008*, Ministry of Health, El-Zanaty and Associates and Macro International, 2009, pp42-43: <http://1.usa.gov/1ucrSxD>

¹⁰ El-Zanaty, Fatma and Ann Way, "15. Female circumcision", *Egypt Demographic and Health Survey 2008*, p197 (Table 15.1).

¹¹ The prosecution failed; the doctor involved reached an out of court settlement with the family of the girl who died as a result of the FGM. See UN Egypt, *Statement on dismissal of case involving Soheir El-Batei, victim of Female Genital Mutilation*, 21 November 2014: <http://bit.ly/1KQnXBp>

¹² The NCW for the Arab Republic of Egypt, "7.b.1. The Current Situation", *Combined sixth and seventh periodic reports of States parties: Egypt** (UN Doc: CEDAW/C/EGY/7), 5 September 2008, p28; see also International Bar Association Human Rights Institute, "Under-representation of women in the judiciary", *Separating Law and Politics: Challenges to the Independence of Judges and Prosecutors in Egypt*, February 2014, p30: <http://bit.ly/M8EzJY>

¹³ Central Agency for Public Mobilization and Statistics (CAPMAS), "Labor force", *Statistical Yearbook 2014*, 2014: <http://bit.ly/1BawQma>

¹⁴ CAPMAS, "Public indicators", *Statistical Yearbook 2013*, 2013: <http://bit.ly/168AGHH> (Figures based on 2006 census. The agency did not publish new figures for 2014.)

DOMESTIC VIOLENCE

On domestic violence, the most recent research studies and official statistics show that between one and two thirds of women and girls have experienced some form of violence in the home, either at the hands of their spouses or other family members.¹⁵ The studies also point to a widespread social acceptance of the phenomenon. The stigma attached to reporting domestic violence, the lack of legislation explicitly prohibiting domestic violence, and the sub-standard protective mechanisms in place mean that women frequently suffer abuse, including potentially life-threatening violence, in silence for years.¹⁶ Amnesty International has found that women who overcome these hurdles to report domestic violence face dismissive, negligent and at times hostile officials. There is no official information available on the number of men convicted and jailed for spousal violence. None of the survivors of violence, lawyers or workers at non-governmental organizations (NGOs) Amnesty International interviewed for this briefing had ever seen a single case of a successful prosecution of an abusive partner.

The organization's findings suggests that the prevalence of domestic violence is also strongly linked with the deeply discriminatory divorce system, which effectively condemns many women to remain in abusive marriages.

VIOLENCE AGAINST WOMEN IN THE PUBLIC SPHERE

Research into sexual and gender-based violence against women and girls in the public sphere, including sexual harassment, has also produced deeply alarming results. Attacks against women and girls in the public domain have long plagued Egyptian society. Women and girls of all ages face sexual harassment at every step of their daily life: in the streets and on public transport, in schools and universities, and at their workplaces. A study published in 2013 found that 99 per cent of female respondents had experienced some form of sexual harassment, including cat-calling, verbal abuse of a sexual nature, groping, sexually-suggestive gestures and exposure of male sexual organs.

Sexual harassment is a form of violence against women. It contributes to an environment that is intimidating, hostile, degrading and humiliating with the underlying threat of further and escalating violence. In this way, it can have the effect of impairing or nullifying women and girls' enjoyment of their fundamental human rights.

In recent years, sexual assaults in public have surged, with women and girls increasingly targeted for attack by groups of men and boys, often in the context of demonstrations, but also during other large public gatherings. Activists have called the attacks "the circle of hell", referring to how the mob drags the woman or girl into the centre of the group while attacking her. Egyptian human rights organizations have reported they have documented over 500 cases of gang rape and sexual assaults between June 2012 and June 2014.¹⁷

¹⁵ See chapter on "Domestic violence" for more information and sources.

¹⁶ El-Zanaty, Fatma and Ann Way, "Table 17.1 Experience of physical violence since age 15 by background characteristics", *Egypt Demographic and Health Survey 2005*, p222.

¹⁷ Joint statement, *Launch "Qanun Nashaz" for the elimination of legalized violence against women*, 19

The phenomenon of mob attacks was first documented in May 2005, when groups of men were reportedly hired by the authorities to attack women journalists taking part in a protest calling for the boycott of a referendum on constitutional reform.¹⁸ Since November 2012, mob sexual assaults, including rape, have become a regular feature of protests in the vicinity of Tahrir Square in Cairo. New attacks in June 2014, as protesters gathered at the square mark the inauguration of President Abdel Fattah al-Sisi, spurred the authorities to promise measures to combat violence against women.¹⁹ The attacks came just days after outgoing president Adly Mansour issued a new law aimed at combating sexual harassment.

In the absence of adequate investigations, it is not possible to determine definitively who was behind the attacks and, in particular, whether the state was directly involved. While courts have since jailed a number of men in connection with some of the attacks, investigations into most of the incidents have stalled. If not directly involved, the state has failed to prevent such attacks or bring the perpetrators to justice, despite repeated assaults over a period of several years. Such attacks are clear violations of the fundamental rights of women and girls, including the rights to life, security and to freedom from torture and ill-treatment, as well as to freedoms of expression and assembly. Notwithstanding the threats, survivors interviewed by Amnesty International are determined not to let such assaults silence them, or exclude them from the public space.

Violent mob sexual attacks are not limited to protests, and are regularly committed during religious festivals or other large public gatherings. Despite their anticipated nature, documented patterns and knowledge of likely areas of attack, the authorities' response has been tokenistic, and has consistently failed to take necessary measures to prevent, investigate and punish them.

VIOLENCE AGAINST WOMEN IN DETENTION

Women, like men, who are incarcerated for ordinary criminal offences are also vulnerable to torture or other ill-treatment at the hands of security forces. The most frequently reported methods used include beatings, kicking, punching, suspension and other stress positions, and the administration of electric shocks. Released female detainees to whom Amnesty International spoke, also reported sexualized torture and other gender-based ill-treatment, including groping, inappropriate touching, and covert ogling by male officials. In at least one case documented by Amnesty International in this briefing, a woman was reportedly raped during police interrogations.

Egyptian prisons for women, like male prisons, maintain a regime of punishments that violate the prohibition of torture and other ill-treatment, such as *falaqa* (beating on the soles of the

November 2014: <http://bit.ly/1BoiWwH>

¹⁸ The Egyptian Initiative for Personal Rights, *Egypt held to account for failing to protect women demonstrators from sexual assault - Commission tells Egyptian Government to compensate women as well as to investigate the assaults and punish those responsible*, 14 March 2013: <http://bit.ly/1E7dkW6>

¹⁹ Joint statement, *The Mob-sexual assaults and gang rapes in Tahrir Square during the celebrations of the inauguration of the new Egyptian president is sufficient proof for the inefficiency of the recent legal amendments to combat these crimes*, 9 June 2014: <http://bit.ly/1jnlsGh>

feet) and prolonged solitary confinement in small and dark cells. In some instances, detention conditions in themselves amount to torture or other ill-treatment. In women's prisons, these include failures by prison authorities to address the particular needs of women detainees, including those who are pregnant or nursing mothers. In some cases documented by Amnesty International, this has led to women being forced to give birth in detention without adequate medical care and in unsanitary conditions, in contravention of international law and standards.²⁰

Judicial investigations into cases of violence against women by the security forces are very rare. In the limited number of cases where the public prosecutor has promised investigations, they have generally not succeeded in holding the perpetrators to account or stopping abuses. While in detention, women do not have independent avenues to lodge complaints or express grievances. The rampant impunity for torture and other ill-treatment against women committed by state actors perpetuates a climate in which violence against women detainees has become the norm, amid perpetrators' well-justified confidence that they will never be held to account.

STATE VIOLENCE AGAINST WOMEN PROTESTERS

In some cases, state actors have been responsible for violence against women protesters. Since the "25 January Revolution" in 2011, Amnesty International has documented a number of cases where women have faced sexual and gender-based violence at the hands of the security forces, including torture and other ill-treatment, amid reports of sexual violence against detainees, male and female.

During the rule of the Supreme Council of the Armed Forces (the SCAF) between February 2011 and June 2012, women protesters were subjected to torture and other ill-treatment, including by being forced to undergo invasive "virginity tests".²¹ In December 2011, soldiers and security forces beat women protesters in the streets around government buildings in Cairo, before subjecting women detainees to torture and ill-treatment in detention. Some women reported being groped and threatened with sexual violence.

In a memorandum sent to President Mohamed Morsi on 29 June 2012 shortly after his election, Amnesty International urged him to address chronic violence and discrimination against women, including the targeting of female protesters by security and armed forces.²² In spite of Mohamed Morsi's promise to be the "president of all Egyptians", such calls went unheeded. Under President Morsi, the authorities did little to check abuses against women protesters, with law-makers blaming women for a spate of sexual assaults

²⁰ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Rule 10 states that gender-specific health care services at least equivalent to those available in the community shall be provided to women prisoners.

²¹ Amnesty International, "5. Sexual and gender-based violence against women activists", *Egypt: Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity* (Index: MDE 12/017/2012), 2 October 2012, pp27-32: <http://bit.ly/19gUX42>

²² Amnesty International, *Egypt: Memorandum to President of the Arab Republic of Egypt* (Index: MDE 12/022/2012), 29 June 2012: <http://bit.ly/1sGt4xZ>

around Tahrir Square.²³

Since Mohamed Morsi's ousting on 3 July 2013, security forces have routinely beaten and insulted women and girls they have arrested in the context of anti-government protests and other political violence. Women and girls also face gender-specific violations by members of the security forces, including verbal harassment of a sexual nature, sexualized torture and ill-treatment such as groping and other inappropriate touching, threats of rape, and invasive search procedures.

Sexual and gender-based violence affects all women in Egypt, regardless of their political affiliation or social status. However, the authorities have consistently refused to acknowledge the scale of the problem, its seriousness, or the fundamental changes needed in laws and policies to address it. Today, discriminatory laws trap women in abusive marriages, the judicial authorities fail to bring perpetrators of sexual and gender-based violence to justice, and security forces subject women in detention to torture and ill-treatment. Violence is further facilitated by the deep discrimination against women in law and practice, the institutionalized attitudes that discriminate against women – including the idea that a woman must “obey” her husband, or that she is somehow responsible for bringing violence upon herself – and the failure of the authorities to prevent, combat and punish violence against women.

Egypt's new authorities have pledged action, but many of the initiatives they have announced in the last six months have seemed tokenistic and have lacked the mandate, staff or resources to get the job done. New president Abdel Fattah al-Sisi, known for defending forced “virginity tests” against women protesters in his previous role as head of military intelligence, has made combating violence against women in the public sphere a stated priority. However, the authorities' response continues to be piecemeal, with different bodies failing to co-ordinate with each other. What is needed is a cohesive plan to address the many forms of sexual and gender-based violence and discrimination, one developed alongside women's groups and human rights defenders.²⁴ The National Council for Women (NCW) has announced it is developing a strategy with the government, but women's rights groups have said there is a lack of transparency in creating the plan.

The authorities have long delayed enacting reforms in law and policy under the pretext that there is no parliament currently sitting in Egypt. Yet that argument no longer holds water. With legislative elections to begin in March 2015, women's rights should be at the heart of the political agenda in Egypt. The government, and Egypt's political leaders, must recognize that women are a fundamental part of the solution to the many problems that the country is facing after the years of unrest. Political leaders across the spectrum should stop using violence against women to score cheap political points and start taking the issue seriously.

Women must no longer be excluded from public life, or left with tokenistic representation.

²³ Amnesty International, *Egypt law-makers blame women victims for sexual violence* (Index: MDE 12/010/2013), 13 February 2013: <http://bit.ly/1AYqPq2>

²⁴ At time of writing, the authorities are cracking down on Egyptian human rights organizations, who fear that they will face new restrictions in the near future.

The authorities should ensure that women are able to participate at all levels during the forthcoming polls, as voters, campaigners and candidates. The authorities must also learn from the mistakes of the past, as the last elections in 2011-2012 proved to be a cataclysm for women. The political parties that contested the polls refused to tackle violence or discrimination against women and girls and Egypt's interim military rulers scrapped electoral quotas, a decision that led to just a handful of women being elected to the parliament.²⁵ In the months that followed, women found themselves increasingly shut out of law-making bodies, the government and public life.

The Egyptian authorities have frequently said that the situation for women will be better under President Abdel Fattah al-Sisi than it was under President Mohamed Morsi. So far, the administration has made big gestures but actually delivered very little in the way of real reform. Women continue to face violence at home, in the streets and in detention. If the authorities continue to delay when a new parliament convenes later this year, the steps taken so far will seem like little more than a smokescreen to obscure public anger.

At time of writing, with big promises but a lack of any meaningful action by the Egyptian authorities, the outlook for women in Egypt still looks bleak as ever.

WOMEN IN PARLIAMENT AND CONSTITUTION-WRITING BODIES

As in many countries across the world, women in Egypt have faced decades of underrepresentation in the country's legislative bodies. The authorities have periodically introduced quotas to boost the number of women in parliament, but in practice they have not translated into lasting women's political participation.

An electoral quota for women introduced in 1979 briefly boosted women's representation in the People's Assembly, then the lower house of parliament.²⁶ Official statistics show that, after the authorities introduced the quota, women made up to 9 per cent of members of parliament, but the figure dropped immediately after the authorities scrapped the quota in 1986.²⁷

In 2009, the authorities introduced a 64-seat quota for women in parliament. The SCAF scrapped the quota in July 2011 and in parliamentary elections in 2012, voters returned just eight women to the People's Assembly out of 498 directly elected seats. While the electoral law required political parties to include at least one woman candidate on their electoral lists, in practice most parties did not place these candidates high on the

²⁵ Amnesty International, *Egypt: Parties pledge to end state of emergency, many stop short of committing to women's rights*, 24 January 2012: <http://bit.ly/1x9Tq8d>

²⁶ Electoral Institute for Sustainable Democracy in Africa (EISA), "3.4 Women and political representation", *EISA election witnessing mission report the People's Assembly and Shura Council Elections November 2011-February 2012: Egypt*, p27: <http://bit.ly/1u9bd3H>; and International Foundation for Electoral Systems, "Women's Representation in Parliament", *Elections in Egypt Analysis of the 2011 Parliamentary Electoral System*, November 2011, p10: <http://bit.ly/1yr7j4N>

²⁷ CAPMAS, "No. (22-13-1)", "Public Indicators", *Statistical Yearbook 2013*, September 2013: <http://bit.ly/1uc5vZt>

lists, limiting the chance that voters would pick them.

The number of women in law-making bodies have varied considerably since 2005:

People's Assembly (lower house of parliament)²⁸

- 2012: 10 (eight directly elected, two appointed by the Supreme Council of the Armed Forces). Total seats: 508 (498 directly elected, 10 appointed).
- 2010: 65 (64 elected under women's quota, one appointed by Hosni Mubarak). Total seats: 518 (508 directly elected, 10 appointed, 64 reserved for women by law).
- 2005: Nine (four directly elected, five appointed by Hosni Mubarak). Total seats: 454 (444 directly elected, 10 appointed).

Shura Council (upper house of parliament)²⁹

- 2012: 12 (five directly elected, seven appointed by Mohamed Morsi). Total seats: 270 (180 directly elected, 90 appointed).
- 2010: 11 (zero directly elected, 11 appointed by Hosni Mubarak). Total seats: 132 (88 directly elected, 44 appointed).
- 2007: 10 (one directly elected, nine appointed by Hosni Mubarak). Total seats: 132 (88 directly elected, 44 appointed).

Constituent Assemblies

Successive authorities have also appointed just a handful of women to constitution-drafting bodies. The 100-member Constituent Assembly that drafted the 2012 Constitution included just seven women. The 50-member body that drafted the 2013 Constitution included just five women.

ABOUT THIS BRIEFING

To illustrate the prevalence of various forms of gender-based violence against women and girls committed by both state and non-state actors, the briefing focuses on domestic violence committed by husbands; rape, other forms of sexual violence and sexual harassment in the public sphere, particularly in the context of protests; and violence against women in detention. Other forms of sexual and gender-based violence against women and girls, including female genital mutilation, "honour killings", forced and child marriages, trafficking in persons, and sex work are also outside the scope of this briefing. The briefing is a snapshot of some of the many challenges faced by Egyptian women, while recognizing that women in the country face a catalogue of other serious human rights violations and abuses.

Violence permeates the lives of many Egyptians, whatever their gender. This briefing focuses on violence against Egyptian women and girls, while acknowledging that refugee and migrant

²⁸ Inter-Parliamentary Union (IPU), *EGYPT Majlis Al-Chaab (People's Assembly)*: <http://bit.ly/1BbkPwQ>; and CAPMAS, "No. (22-5) (Cont.)" and "No. (22-13-1)", *Statistical Yearbook 2013*.

²⁹ IPU, *EGYPT Majlis Ash-Shura (Shoura Assembly)*: <http://bit.ly/14IA563>; and CAPMAS, "No. (22-5) (Cont.)" and "No. (22-13-1)", *Statistical Yearbook 2013*.

women and girls in the country are also vulnerable to abuse.

Information in the briefing is drawn from Amnesty International's ongoing monitoring of the general human rights situation in Egypt,³⁰ and from information gathered by the organization during visits to a number of Egyptian governorates in February and May 2013 and February 2014, as well as subsequent visits in mid-2014 during which delegates observed trials of women human rights defenders. During these visits, Amnesty International met and interviewed women's human rights defenders, other human NGOs, doctors, lawyers specializing in criminal and personal status laws, social workers, and staff from women's shelters and orphanages.

The briefing is also based on interviews with released women detainees, relatives of those still in detention, and women survivors of domestic or gender-based violence in the public sphere. The findings include information provided in interviews with 16 women released from prison between December 2009 and February 2014. The interviewees were either accused or convicted of criminal offences, including theft, drug-related offences, adultery (a criminal offence for women in Egypt), prostitution, fraud, debt, and murder. The briefing is also based on monitoring violations against women protesters and activists incarcerated since the uprising in 2011, including testimonies of nine women and girls arrested for "political" offences since the ousting of Mohamed Morsi from power. Information on the rates of domestic violence and the impact of discriminatory divorce laws draws on interviews with 18 women. Seven of the 16 women interviewed upon their release from prison were also subjected to domestic violence prior to their incarceration. Amnesty International also conducted interviews with four women survivors of mob sexual attacks in the vicinity of Tahrir Square in Cairo, and activists involved in patrolling public gatherings to attempt to stop such attacks. This information was complemented by analysis of publicly available testimonies from survivors, and other information from groups working to document the violence.

Amnesty International conducted all its interviews individually and in private. Unless otherwise indicated, names and other identifying details have been withheld on request to protect the identity of interviewees.

To gain a better understanding of the government's response to violence against women, Amnesty International also met officials from the NCW, the Ombudsperson's Office for Gender Equality, the Department to Follow-up Violent Crimes against Women under the Human Rights Sector of the Ministry of Interior, the Ministry of Insurance and Social Affairs and the Prison Sector under the Ministry of Interior. Their views and the information they provided are also reflected in the briefing.

Amnesty International would like to thank all the activists and lawyers who shared their invaluable expertise and knowledge of violence against women in Egypt. As the Egyptian

³⁰ Amnesty International has documented and reported on human rights violations committed during the 30-year rule of President Hosni Mubarak; the uprising that toppled him in January 2011; the 17-month rule of the Supreme Council of the Armed Forces; the one-year presidency of Mohamed Morsi; the mass protests and subsequent violence that led to and followed Mohamed Morsi's ousting on 3 July 2013; and the ongoing human rights violations since then.

authorities have recently intensified their crackdown on independent civil society, the organization has taken the decision not to name the NGOs which contributed to the briefing.

The organization is concerned that the crackdown means that many Egyptian human rights organizations have stopped their vital activities to promote and protect human rights in the country.

Amnesty International is particularly grateful to the women and girls who were willing to share their experiences of violence in the home, in the street or in prison, and of their struggle to obtain justice and redress.

EFFORTS TO ADDRESS VIOLENCE AGAINST WOMEN AND GIRLS

The approaches of successive Egyptian governments' to addressing violence against women has mainly consisted of deflecting criticism, without taking real steps to tackle the roots of the problem, to properly address reported incidents or break the cycle of impunity. While the authorities have announced many new initiatives, there is little detail on their implementation. In many cases the authorities' response to violence against women has simply been to create new institutions, at the expense of reforming existing laws and practices, or instructing law enforcement agencies and the Public Prosecution not to tolerate violence against women.

The initiatives trumpeted by the authorities as the “cornerstone” of their response to violence against women are in truth understaffed, under resourced and do not have the mandate necessary to achieve their purpose.³¹ Their purpose seems largely tokenistic, to serve the narrative that the authorities are taking action to address violence against women. At the same time, the government has cracked down on independent NGOs which have tried to fill the vacuum left by years of state inaction – preventing them from opening up women's shelters and blocking funding intended for projects to support survivors of violence.

THE EGYPTIAN CONSTITUTION

Unlike Egypt's 2012 Constitution, which sidelined the rights of women, the new Constitution adopted in January 2014 explicitly guarantees equality between women and men in all civil, political, social, economic, and cultural rights in accordance with the Constitution (Article 11). The article also refers to women's rights to hold public positions and senior administrative state posts, and to be appointed to judicial bodies. The article further obliges the state to protect women from all forms of violence. Article 11 further stipulates that the government must take the necessary measures to ensure “adequate” representation of women in the houses of parliament, but fails to indicate how that concept should be construed. Some women's human rights defenders have called for a specific quota to ensure women's representation in legislative bodies, after witnessing a significant drop in numbers of women following the abolition of the quota system in 2011 elections.

Article 6 of the Constitution explicitly grants nationality to children of Egyptian mothers, stipulating that the law defines the conditions necessary to attain citizenship.

Amnesty International remains concerned by in references to the state's obligation to enable women to balance family duties and work obligations. No similar reference is made in relation to men, despite obligations under international law to recognize the common responsibility of men and women in the

³¹ See description of the Department to Follow-Up Violent Crimes against Women in: Gov. of Arab Republic of Egypt, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Egypt* (UN Doc: A/HRC/WG.6/20/EGY/1), 22 July 2014, p12, para48.

upbringing and development of their children.³²

Despite the advances the adoption of the Constitution represents, major gaps remain between the guarantees enshrined in the Constitution and the reality of the daily lives of Egyptian women.

In another welcome inclusion, the Constitution stipulated that treaties ratified by Egypt have the “*force of national laws upon publication in accordance to determined conditions*” (Article 93). Egypt has ratified a number of key human rights treaties that guarantee equality between the sexes, and the prevention of all forms of violence against women. However, it retains reservations that in some instances contradict the object and the purpose of the treaties (see “Egypt’s obligations under international law”).

The 2014 Constitution contains a number of improvements with respect to women’s rights in comparison with the constitution adopted in December 2012 under the presidency of Mohamed Morsi. The 2012 Constitution largely ignored women’s rights and did not explicitly prohibit discrimination on the grounds of gender. Furthermore, Article 219 of the 2012 Constitution defined the principles of Shari’a law as being the “*fundamental rules of jurisprudence*” and could have negatively impacted on the rights of women. Amnesty International had expressed concern that the authorities may have used the provision as a justification to implement discriminatory provisions and practices against women and girls.³³

Despite guarantees in the Constitution, discriminatory laws and policies continue to facilitate violence against women and girls in Egypt. Successive governments have made only limited progress to advance women’s legal status in society. For instance, the authorities amended the Nationality Law in 2004 to allow Egyptian mothers to pass their nationality to their children.³⁴ In 2008, amendments to the Child Law raised the legal marriage age to 18 for both sexes and outlawed FGM.³⁵ However, the failure of the state to take concrete action to tackle these harmful practices has meant that they remain common.

³² For instance, under Article 5(a) of the Convention on the Elimination of all Forms of Discrimination against Women (the CEDAW), to which Egypt is a state party, it should take all appropriate measures “...to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

³³ Amnesty International, *Egypt’s new constitution limits fundamental freedoms and ignores the rights of women*, 30 November 2012: <http://bit.ly/1ycZx6>

³⁴ In practice, the authorities continue to deny citizenship to children of Egyptian mothers and Palestinian fathers. Egyptian women’s right to pass their nationality to their spouses is not the same as that of Egyptian men.

³⁵ Concerns remain that Article 242 (bis) of the Penal Code, amended following the adoption of the Child Law in 2008, leaves the door open to the application of FGM in cases of “necessity” as stipulated in Article 61 of the Penal Code. The NCW has criticized the article’s vagueness on the criminalization of FGM, suggesting that judges can continue to exercise discretion. See the NCW, *Egyptian law to combat violence and discrimination against women* [original in Arabic], 15 October 2012: <http://bit.ly/1E7e79D>

THE NATIONAL COUNCIL FOR WOMEN (THE NCW)

Prior to the 2011 uprising, the NCW was presided over by the then first lady, Suzanne Mubarak, fostering public perceptions of “women’s rights” as elitist, corrupt and prone to abuse of power. In 2000, the NCW was created by presidential decree with the declared aim of advancing the status of women. Its mandate includes advising the government in legal and policy matters related to women’s rights; gathering and disseminating relevant data; and raising awareness. Between 2004 and 2009, the NCW participated in the implementation of a project on combating violence against women financed by the United States Agency for International Development (USAID). According to Doctor Naglaa Adly, General Manager for Studies and Research at the NCW, during the project implementation phase, the council’s priorities were to address FGM and child marriages, collect data and conduct research on various forms of violence against women. She explained that following the “25 January Revolution” in 2011, the council’s focus shifted to addressing rampant sexual harassment and assaults in the public sphere. To that effect, members of the council met with key decision-makers in government, conducted research, drafted a law on violence against women, and worked on raising awareness of the phenomenon.

During a meeting in February 2014, staff members of the NCW told Amnesty International that the council’s current priority was to promote women’s political participation in the upcoming presidential and parliamentary elections. The NCW also shared plans to develop a comprehensive strategy and action plan for combating violence against women, within the framework of a project funded by UN Women: The United Nations Entity for Gender Equality and the Empowerment of Women. The NCW stated their aim was for the strategy to address the social, legal, and institutional dimensions of the phenomenon, and to set out actions needed by relevant government agencies and their relationship with civil society. The development of a comprehensive strategy has been a long-standing demand by independent women’s rights organizations, and must be conducted with their effective consultation.

The NCW was also working on an awareness-raising initiative on the available government services to tackle violence against women. The NCW conducted workshops with religious figures, and described plans to roll-out similar activities with editors-in-chief of major newspapers, as well as school children. The NCW also distributed some 20,000 posters defining the different types of violence,³⁶ and providing hot line numbers of the Ombudsperson’s Office for Gender Equality and the Department to Follow-up Violent Crimes against Women under the Human Rights Sector of the Ministry of Interior (see below).

The NCW cannot be characterized as an independent, autonomous institution given its establishment by presidential decree, the government appointment of its members, and partial reliance on state funding. Since its establishment, the NCW has played a positive role in pushing through legislative reforms, not least in the Egyptian Constitution adopted in 2014, and in condemning violence against women by non-state actors. However, it remains silent on police and military violence against women protesters and custodial abuses. With the exception of Mohamed Morsi’s short-lived presidency, the NCW has largely echoed the

³⁶ Staff of the NCW said that they had distributed posters in hospitals, transport (including the metro) and police stations, with a particular focus on poor neighbourhoods and informal settlements.

state narrative, including on women's rights. Following the removal of Mohamed Morsi as president in July 2013, the NCW's president, Mervat Tellawi, justified the security forces' violent dispersals of pro-Morsi sit-ins and alleged that women and children had been used as "human shields" by protest organizers.³⁷ The suggestion that women protesters did not exercise agency in their decision to partake in the sit-ins casts a shadow on the institution's defense of all women's rights to freedom of expression and assembly, regardless of their political affiliations.

The NCW has vocally supported Egypt's new authorities, while lambasting Western governments. During the Universal Periodic Review examination of Egypt before the UN Human Rights Council in November 2014, the NCW's president contentiously stated:³⁸

"...we face many challenges, especially relating to the culture and misconceptions that were spread by the Muslim Brotherhood against women while they were in power. One of their first objectives was to change laws on women such as cancelling the khol' [no-fault divorce] law... to decrease the marriage age and to restore FGM. This was faced by all stakeholders in the state, however many years are needed to change these conceptions. Unfortunately many Western states did not provide support to Egyptian women to face this, but they [instead] supported the Muslim Brotherhood."

OMBUDSPERSON'S OFFICE FOR GENDER EQUALITY

In 2002, the NCW established an Ombudsperson's Office for Gender Equality to receive and investigate complaints by women, including survivors of violence. Despite its best efforts, the Office does not have the mandate to judicially investigate complaints and implement its recommendations, and at best provides advice, legal support and referrals to women who approach it for assistance. The bulk of the cases received by the Office involve matters linked to marriage, divorce, alimony and social insurance, as well as requests for assistance in issuing identity documents. In 2013, the office registered 2,761 complaints. Of these, 4 per cent pertained to violence against women.³⁹

THE DEPARTMENT TO FOLLOW-UP VIOLENT CRIMES AGAINST WOMEN

In May 2013, in response to mounting criticism and pressure following a wave of mob sexual attacks in Cairo's Tahrir Square, the authorities established the Department to Follow-up Violent Crimes against Women under the Human Rights and Community Liaison Sector of the Ministry of Interior. Human rights NGOs and women's rights groups were not consulted on its mandate or operating procedures, amid criticism that its main *raison d'être* was improving

³⁷ Hundreds of people died when security forces used excessive and unwarranted lethal force to disperse sit-ins by supporters of the deposed president on 14 August 2013 in Cairo. See Amnesty International, *Egypt: 'People were dying all around me': Testimonies from Cairo violence on 14 August 2013* (Index: MDE 12/046/2013), 16 August 2013: <http://bit.ly/154W4p0>

³⁸ UN Web TV, "Webcast of the review", *Egypt - 20th Session of Universal Periodic Review*, 5 November 2014 from 1.19 onwards: <http://bit.ly/1AYsGeu>

³⁹ See the 2013 annual report, available at: www.oo-ncw.org

Egypt's image rather than seriously tackling violence against women and girls.

In a meeting with Amnesty International in February 2014, the Head of the Human Rights Sector, General Abu Bakr Abdel Karim, described the department's mandate as tackling sexual and gender-based violence against women, whether in the home or the community. At the time of the meeting, the department had four female police officers, including two graduates of the Faculty of Medicine with knowledge of mental health concerns. General Abu Bakr Abdel Karim emphasized the importance of including four female police officers in the unit to enable female survivors of violence to speak comfortably and in confidence to trained female officials. He noted the officers' training in the United States of America in the "most modern" methods of addressing violence against women. The department's chief aims, he said, are to raise awareness of the perils of violence against women, encourage survivors of violence to report crimes to the police, inform survivors of their rights, and steer the survivors in the right direction by referring them to relevant bodies, including the NCW and the Public Prosecution. Officials explained that survivors of violence are either referred to them by the NCW and police stations or approach them directly through their hot lines. A protocol was signed with the NCW on information-sharing, the creation of gender-liaison personnel in relevant government bodies, participation in joint activities, and the facilitation of visits to women's prisons. The department is also supposedly responsible for including gender-sensitive training in the regular courses taken by all students at the Police Academy.

In the future, the department plans to increase the number of female police officers, to be integrated into security directorates across the country to register complaints filed by women survivors of violence. The authorities have announced they will be "extending" the unit, but have yet to detail how they will implement such plans.⁴⁰

Questions posed by an Amnesty International representative on the number of cases addressed by the department since its establishment in May 2013 went unanswered. After initially saying there had been seven or eight cases addressed by the department, General Abu Bakr Abdel Karim withdrew his comment, stating that the actual statistics were being prepared. Another member of the team stated that the "phones were constantly ringing", in reference to their hot lines. The women police officers provided a number of examples, mostly of domestic violence survivors approaching the department, mainly through hot lines and at times in person. The callers were then provided with advice and referred to relevant bodies, including public hospitals, for treatment.

Since its establishment, the department has participated in conferences and other activities organized by the NCW to raise awareness about women's rights, and inform the public of its mandate. The department also took part in patrols with police forces, including during public events, when sexual harassment and assaults were anticipated. They cited as examples, joint patrols on the day of the national referendum on the Constitution on 14-15 January 2014, the third anniversary of the uprising on 25 January 2014, and the rallies and protests on 6 October 2013 commemorating the 40th anniversary of the 1973 war with Israel. When Amnesty International asked whether their field presence contributed to the prevention of

⁴⁰ *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Egypt*, p12, para48.

incidents of sexual harassment, the officers gave one example. During the religious festival of *Eid*, the police intervened upon seeing a girl being sexually assaulted in Downtown Cairo and convinced her to lodge a complaint with the Prosecution. A suspect was detained. Department officials did not have information on the outcome of the case. They did not follow-up, and were of the view that their role ended once the plaintiff was referred to the Public Prosecution.

Curiously, department officials claimed that sexual harassment and assaults against women as well as domestic violence “were social and not security issues”. Such a view risks undermining the importance of law enforcement and prosecution to prevent the repetition of crimes against women and girls and break the cycle of impunity, and indicates a fundamental misunderstanding by the department of the nature and impact of sexual and gender-based violence.

In June 2014, state news reported that the Interior Ministry was establishing new police departments in security directorates for crimes related to violence against women. The reports stated that security forces assigned to those departments would be available in “crowded areas” where women were likely to be targeted, including “sports matches, festivals and ceremonies”.⁴¹ The announcement came after widely publicized attacks on women protesters around Cairo’s Tahrir Square at the time of President Abdel Fattah al-Sisi’s inauguration. At time of writing, it remained unclear how the new units would operate and what their remit was. The authorities reported that the Interior Ministry would establish telephone hot lines for reporting incidents of violence against women and “care centres” for survivors, as well as providing training for women police officers to deal with female survivors of violence.⁴²

GOVERNMENT PLANS TO ADDRESS VIOLENCE AGAINST WOMEN

Government efforts to address violence against women and girls have often appeared to be operating in silos and without effective co-ordination, scattered between the NCW, the Ministry of Interior, the Ministry of Insurance and Social Affairs, the National Council of Childhood and Motherhood and the Ministry of Justice. There are long-standing concerns around their consistency, transparency, and the lack of independent monitoring and evaluation.

In June 2014, new president Abdel Fattah al-Sisi ordered the government to address sexual violence against women in the public sphere after a series of mob sexual attacks on women protesters who had been celebrating his inauguration. The attacks, widely reported in the Egyptian press, highlighted the fact that violence against women in the public sphere that had continued unchecked for years. Later that month, the government announced a new plan to address the issue, promising to step up security in public areas, introduce a topic on violence against women into the school curriculum, and to ensure state hospitals care for

⁴¹ MENA, *Egyptian ministry sets up new department for violence against women*, 18 June 2014.

⁴² *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Egypt*, p12, para47.

survivors of sexual violence.⁴³

The judicial authorities also responded, with the Public Prosecution expediting the trial of a group of men charged with involvement in the attacks in June 2014. However, it remains to be seen whether the Public Prosecution and the courts will now be able to deliver an effective remedy for survivors of other attacks. Courts have in some cases handed down death sentences for instances of rape committed prior to June 2014. Amnesty International opposes the death penalty in all cases as the worst form of cruel and inhuman treatment or punishment.⁴⁴

The NCW has announced that it is preparing a national strategy on violence against women, in co-ordination with government ministries.⁴⁵ Organizations working on women's rights in Egypt have expressed concern that the strategy will not adequately address shortcomings in the authorities' response to violence against women.⁴⁶ Amnesty International welcomes the authorities' announcement of a new initiative to combat sexual harassment and other violence against women in the public sphere. The organization urges the government to expand its plans to include all forms of gender-based violence, including domestic violence and violence against women in detention. Amnesty International further calls on the authorities to develop the plans in co-ordination with relevant experts, including women's human rights defenders, lawyers, doctors, social workers, psychologists, and educators. The organization notes that the increasing restrictions being imposed by the authorities on NGOs, including women's groups, are likely to impact on their ability to contribute to any strategy.

THE ROLE OF CIVIL SOCIETY

In the absence of adequate protection and support from the government to survivors of violence, women's rights groups, other NGOs and volunteer movements fill the gap. They play an important role in providing survivors of violence with legal, psychological and medical support. They are also at the forefront of documenting violations, raising awareness of the phenomenon, and proposing and lobbying for legal and policy changes.

Independent women's rights groups in Egypt have long struggled against both a repressive state, and the rise of an extremely hostile discourse on women's rights and equality espoused by Islamist political parties and movements in the name of religion.

Like other independent NGOs in Egypt, women's rights and feminist groups face restrictions

⁴³ Ahram Online, *Egyptian cabinet introduces plan to combat sexual harassment*, 13 June 2014: <http://bit.ly/1sG4LA9>

⁴⁴ See, for example: Ahram Online, *Minya court gives death sentence to child rapist*, 16 July 2014: <http://bit.ly/1E6WOFq>; and Ahram Online, *Four rapists sentenced to death in Nile Delta*, 6 November 2014: <http://bit.ly/1y4ZR0a>

⁴⁵ UN Web TV, "Webcast of the review", *Egypt - 20th Session of Universal Periodic Review*, at 1.22.30.

⁴⁶ Joint statement, *Feminist Groups and Organizations Collaborate together in order to Present their Vision for a National Strategy to Combat Violence against Women and Adopt a Holistic and Broad Perspective to Eradicate these Crimes from their Roots*, 10 December 2014: <http://bit.ly/1xwhAZk>

on their registration, funding and activities. NGOs registered with the Ministry of Insurance and Social Affairs frequently complain of refusals or delays in getting permission for funding for specific projects.

Women's groups faced new challenges in the months after the 2011 uprising, with army personnel subjecting women protesters to forced "virginity tests" and other forms of gender-based violence, and Egypt's military rulers removing electoral quotas for women.

Many women's rights groups told Amnesty International that they felt under siege during the presidency of Mohamed Morsi, particularly in light of the election, by an overwhelming majority, of the Muslim Brotherhood's Freedom and Justice Party and the Salafist Nour Party to both houses of parliament.⁴⁷ Women's rights advocates struggled to preserve those minimal gains made throughout the years, rather than further advance women's rights. Following the removal of Mohamed Morsi in July 2013, women's rights and other NGOs were affected by the deeply polarized climate in Egypt between those who defended the state and justified its violations in the name of "countering terrorism" and those who viewed the deposed president and his allies as innocent of any human rights abuses, including against women and minorities.

There are very few independent women's human rights NGOs who continue to document and report on violations committed against women and girls, regardless of the political affiliation of the survivors and identity of the perpetrators. Those that do face a smear campaign in public and private media, and are dubbed as "traitors" and "agents" of foreign powers. Despite the threats, independent women's human rights NGOs and defenders bravely continue in their struggle to eradicate all forms of violence against women, whether committed by state or non-state actors.

In the last six months, the authorities have imposed even further restrictions on NGOs. In July 2014, the Ministry of Social Solidarity ordered all NGOs to register under the Law on Associations (Law 84 of 2002). The law gives the ministry sweeping powers to block NGOs' funding and close them. The announcement was targeted at human rights organizations. In September 2014, the authorities imposed still further restrictions, amending the Penal Code to prohibit individuals from receiving money or materials for acts that would harm Egyptian "national interest", undermine the country's territorial integrity or disturb the public peace. The restrictions have impacted on human rights organizations in Egypt, which have struggled to obtain continued funding from international sources. Many human rights organizations – including women's rights groups – have been forced to scale down their work. Some human rights defenders have also left Egypt for fear of arrest.

⁴⁷ Parliamentary elections starting in late 2011 saw the Muslim Brotherhood-backed Freedom and Justice Party win a sweeping majority, with the Salafist Nour Party coming second. Both political parties pressed for greater implementation of Shari'a law and quickly became known for their retroactive attitudes towards women's rights. In February 2013, members of parliament blamed women for a spate of sexual assaults around Tahrir Square in Cairo. See Amnesty International, *Egypt law-makers blame women victims for sexual violence* (Index: MDE 12/010/2013), 13 February 2013: <http://bit.ly/1AYqPq2>

DOMESTIC VIOLENCE

“The police don’t care, they don’t think it is a problem if a husband beats his wife. If you are a poor woman, they just send you away after hurling a few insults. Society treats a woman like a non-person.”

48-year-old survivor of spousal violence, who endured 17 years of physical and emotional abuse from her husband before finally obtaining a divorce.

Domestic violence against women and girls in Egypt stems from a number of interconnected and deep-rooted causes, linked to unequal power relations and pervasive gender stereotypes. Like in other countries across the world, domestic violence against women cannot be viewed in isolation from the persistent discrimination against women in law and practice. The abuses against women and girls at home are facilitated by the failure of the Egyptian government to ensure an adequate legislative and institutional framework to prevent violence, protect survivors, and bring perpetrators to justice.

SCALE OF DOMESTIC VIOLENCE AGAINST WOMEN AND GIRLS

Domestic violence against women and girls in Egypt is prevalent and commonly accepted. The levels, trends and exact nature of domestic violence against women are difficult to assess given the lack of comparative, adequate and up-to-date official statistics. For example, no information is publicly available on the number of complaints linked to domestic violence filed with the police and the number or outcomes of prosecutions.

The last national demographic and health survey to include information on domestic violence against women dates back to 2005, and reveals just how widespread it is across Egyptian society. Over 47 per cent of respondents among married, divorced, separated or widowed women stated that they had experienced some form of physical domestic violence at least once after reaching their 15th birthday, while about 20 per cent had suffered a violent incident in the 12 months preceding the survey.⁴⁸ Among the respondents, 33 per cent had suffered physical, including sexual, spousal violence during their lifetimes and 15 per cent indicated that they experienced such incidents in the 12 months preceding the survey. A

⁴⁸ The information is based on a sample of 5,613 respondents aged 15-49. See El-Zanaty, Fatma and Ann Way, *Egypt Demographic and Health Survey 2005*.

slightly higher percentage of respondents reported psychological violence from their current or most recent spouse.

A number of harmful practices increase women and girls' vulnerability to domestic violence, including early marriage. Although the legal age of marriage was raised to 18 for both men and women in 2008, early marriages and childbearing continue, particularly in rural areas and among people in underprivileged classes. Women's human rights defenders, social workers, and lawyers interviewed by Amnesty International confirmed that early marriages – particularly to much older partners – put women at increased risk of domestic violence.

The last national demographic and health survey conducted in 2008 did not include information on domestic violence.⁴⁹ Nonetheless, information in the survey on the views of women who had been married, widowed, divorced, or separated on "wife beating" painted an alarming picture on social attitudes regarding a husband's "right" to "discipline" his wife. A staggering 39 per cent of respondents agreed that a husband is justified in beating his wife if she is "guilty" of one or more of the following actions: going out without telling him, neglecting the children, arguing with him, refusing to have sex with him, and burning the food.⁵⁰ Young married women and girls, aged 15-19, women from economically underprivileged backgrounds, illiterate respondents, and rural dwellers were more likely to accept domestic violence. The survey excluded men's attitudes on wife beating.

The NCW has conducted a number of more recent studies and surveys on domestic violence. Despite their usefulness in gaining a better grasp on the causes, levels and consequences of domestic violence in Egypt; the different methodologies used in the studies make it difficult to analyse the trends of various forms of violence against women throughout the years. Such studies are no substitute for adequate official statistical information.

The most up-to date information available on domestic violence in Egypt is based on an "opinion survey" conducted by the NCW in November 2012. The study targeted a sample of 13,500 married and unmarried women aged 15-50 across all of Egypt's 27 governorates. The survey found that about a third of participants had experienced domestic violence at least once in their lifetime. The survey explored the prevalence of a number of categories of domestic violence, including verbal and physical, including sexual abuse, and infringements on women's ability to complete their education, leave the house and receive medical treatment.⁵¹

An earlier study commissioned by the NCW in 2009, as part of a USAID-funded project to

⁴⁹ Zenaty Associates conduct the surveys on behalf of the Ministry of Health and Population and the National Population Council. The US Agency for International Development (USAID) funds the surveys. Surveys are meant to take place every three years, but the last survey took place in 2008.

⁵⁰ The results were based on a sample of 16,527 women across Egypt, living in both rural and urban areas. See El-Zanaty, Fatma and Ann Way, *Egypt Democratic and Health Survey 2008*.

⁵¹ The results of the survey were published in 2013, but were based on research conducted in November 2012. See the NCW, *World day against violence against women* [original in Arabic], 24 November 2013: <http://bit.ly/1wgcUqg>

combat violence against women, included a sample survey of 4,408 married and unmarried men, women and children of both sexes aged 15-49, across seven governorates. Over 60 per cent of married female respondents indicated that they had experienced some form of violence during their married lives, while about 28 per cent experienced a physically violent incident. Nearly 80 per cent of married male respondents admitted to inflicting violence on their wives, while 28 per cent acknowledged being physically abusive. In the year preceding the survey, 50 per cent of female respondents reported they had suffered some form of violence, while 16 per cent were subjected to physical abuse.⁵² Over 17 per cent of respondents also reported being forced into sexual relations by their spouses.

Survivors of domestic violence interviewed by Amnesty International in 2013 and 2014 described various forms of physical, psychological and sexual abuse. Most common accounts of physical violence were of beatings with various objects; punching and kicking; whipping; having objects thrown at them; burning with cigarettes and being locked up inside the house against their will. In some cases, women interviewed by Amnesty International required medical treatment. Some women also complained about being coerced into sexual relations against their will. Most commonly reported methods of psychological violence included demeaning insults and cursing, threats of violence and desertion, and other humiliating comments. Many endured years of abuse without seeking any help.

FORCED AND EARLY MARRIAGES

Women and girls are subjected to a number of harmful practices which, in addition to being violations in themselves, violate their fundamental rights and increase their risk of sexual and gender-based violence. These include forced and early marriages, frequently to much older men. Egyptian law does not recognize the marriage of anyone under 18 years of age and criminalizes the act of providing false information that would result in such a marriage, as well as providing for criminal and disciplinary sanctions against officials who oversee such ceremonies.⁵³ While prohibited in law, such practices are common, especially in rural and poor areas, amid the authorities' failure to detect and prevent them, and punish perpetrators – including officials registering the marriages.

⁵² See USAID and the NCW, *Egypt: Violence against women study: A summary of findings*, April 2009: <http://1.usa.gov/1u9cEiz>; and *Egypt: violence against women study: Literature review of violence against women*, April 2009: <http://1.usa.gov/15qCWkN>

⁵³ Article 227 of the Penal Code criminalizes the act of intentionally providing incorrect information to conclude a marriage contract where one of the parties is underage, setting down a punishment of two years' imprisonment and a fine of 300 Egyptian Pounds (US\$41.40). Under the same article, anyone who officiates such a wedding faces imprisonment or a fine of 500 Egyptian Pounds (US\$69). Such officials may also face disciplinary sanctions, under Article 31 (bis) of Law 143 of 1994 on Civil Status, as added by Law 126 of 2008 (The Child Law).

FIGHTING FOR DIVORCE

PERSONAL STATUS LAWS

All Egyptians are subject to the same criminal and civil legislation. However, there are different personal status laws for Muslims and Christians.

In practice, the personal status laws for Muslims apply to most of Egypt's population. Personal status laws for Christians only apply to couples of the same denomination. Couples who identify as Christian but where the partners follow different denominations to each other are subject to the personal status laws for Muslims, under Article 3 of Law 1 of 2000 for Matters of Personal Status.

Gaps in the existing personal status legislation mean that judicial authorities must sometimes turn to Shari'a law itself – including to jurisprudence which sanctions domestic violence. Under Egyptian law, judicial authorities must refer to the Hanafi school of Shari'a law when ruling on issues not covered by the personal status laws.⁵⁴ In practice, judicial authorities are thought to turn to the Shari'a Principles of the Personal Status, a 19th-century text which codifies Hanafi Shari'a jurisprudence, but which the authorities have never formally promulgated into Egyptian law.

Article 209 of the Principles states: "*The husband is allowed to discipline his wife in a moderate manner, for any acts of disobedience where no provision is determined in this regard. Basically [sic], he may not beat her in a harmful manner even if he has grounds for it*".⁵⁵

The provisions of the Penal Code, including on assault, do not apply to any deed a judge deems to have been committed in "good faith", pursuant to "a right determined by virtue of the Shari'a".⁵⁶ The article is an additional obstacle for women already facing the burden of proving that they have been subjected to harm. Egypt's discriminatory divorce system also serves as a deterrent for survivors of domestic violence to end abusive relationships. While men can unilaterally divorce their wives without providing any justification, women, including those subjected to domestic violence, are forced to engage with a complex, bureaucratic, and costly court system, in which they must prove that their husband has caused them "harm".

Women interviewed by Amnesty International complained that their court proceedings have been further delayed following the 2011 anti-government uprising, the political instability and additional demands on judges, including monitoring elections and referenda.

In 2004, family courts were created to streamline and speed up court proceedings linked to family matters.⁵⁷ Nonetheless, women who have initiated divorce or alimony proceedings since the adoption of the law, lawyers representing them, social workers and women's rights

⁵⁴ Article 3 of Law 1 of 2000 for Matters of Personal Status.

⁵⁵ The translation of Article 209 is as presented in: Abu Komsan, Nehad, *Egypt: Violence against women study: Violence against women and the law: A de jure and de facto review of the legal and regulatory structure*, USAID and NCW, April 2009, p12: <http://1.usa.gov/17YHTTB>

⁵⁶ Article 60 of the Penal Code.

⁵⁷ Law 10 of 2004 on the Establishment of Family Courts.

activists have all expressed their frustration to Amnesty International regarding the length of proceedings and frequent delays – condemning survivors of domestic violence to further abuse and a life in legal limbo. Lawyers working in Cairo as well as in the Upper and Lower Egypt governorates told Amnesty International that some judges known for their opposition to women-initiated divorces delay the process as much as possible, thus failing to uphold and apply Egyptian law. In some cases, lawyers advised their clients to wait a year before requesting a divorce, until the judge moves to a different jurisdiction, or to approach a different court.

Women wishing to retain their full financial rights must seek a “fault-based” divorce through extremely lengthy, complicated and costly court proceedings and they must show “harm”. “Harm”, including physical or psychological abuse, is considered grounds for women-initiated divorces per Law 25 of 1929 on Personal Status.⁵⁸ Other grounds for women initiated divorces are illness, failure to provide for the household, abandonment or imprisonment. Polygamy per se is not grounds for divorce, but women have to prove that a second marriage is causing them “harm”. However, judges have a lot of discretion in deciding the threshold of “harm” required to grant women a divorce based on the plaintiffs’ backgrounds, leading to discrimination against women from underprivileged classes. Article 6 of Law 25 of 1929 evaluates harm as what is “*impossible for the likes of them*”.

In all cases, the burden of proof falls on the plaintiff. Lawyers told Amnesty International that proving “harm” is extremely difficult, as women have to present evidence including medical and forensic reports and/or eyewitness testimonies. Members of the household and at times neighbours are frequently the only witnesses to spousal violence. Neighbours are generally very reluctant to get involved in “family disputes”. For instance, one woman who escaped her marital home after a beating left her bloodied and swollen told Amnesty International that her neighbour refused to testify as: “not to give her daughter-in-law any ideas”. In addition, women, including survivors of domestic violence, who petition the courts for “fault-based” divorces must attend compulsory mediation sessions with their husband. Proceedings can span for years, and a court’s affirmative answer is not guaranteed. Some women give up midway, and opt for “no-fault” divorces.

Law 1 of 2001 introduced the possibility of a woman-initiated “no-fault” divorce (*khol'*). Women no longer need to justify the grounds for wishing a divorce, in return for forgoing their spousal maintenance and returning their dowry. Women opting for *khol'* still legally retain child support for offspring in their custody, while in practice enforcement remains a major concern.⁵⁹ Even though *khol'* was intended to facilitate and speed up women’s ability to

⁵⁸ For an analysis on the provision, see, for example: Fawzy, Essam, “Muslim personal status law in Egypt: An historical overview”, in *Women’s rights and Islamic family law: Perspectives on reform*, Zed Books Ltd, UK 2004, p34.

⁵⁹ The difficulties facing women seeking spousal maintenance and child support are beyond the scope of this briefing. The system is riddled with challenges, starting with the failure of judges to call for temporary financial support pending the outcome of court proceedings, leaving women in financial limbo. Other difficulties include flaws in the process of determining the amount to be paid by former spouses, particularly those informally employed, and the lack of enforcement of court decisions. The establishment of the Family Support Fund, administered by Nasser Social Bank, alleviated some of the

terminate unwanted marriages without their husbands' consent, court proceedings can still take up to a year, women still have to jump through many bureaucratic hurdles and are also forced to attend mediation sessions with their husbands. Forfeiture of financial rights (including possible loss of their home) also renders *khol'* an inaccessible solution for women who are economically dependent on their husbands. Many only turn to *khol'* as a last resort.

Om Ali, a 25-year-old woman from Aswan, told Amnesty International that she struggled for four years to obtain a court-sanctioned divorce proving physical and psychological "harm", before finally giving up and opting for *khol'* in January 2013. She recounted her ordeal:

"He started beating me almost immediately after we got married... He was 20 years older than me... Then he started beating me regularly, whenever we fought, whenever I would say something he did not like, he would beat me. Even when I would say I was hungry and wanted food for our baby, he would beat me and tell me it was not his problem. He hung a whip above the bed, and would grab it whenever he wanted to beat me. Once he took my baby away, and locked me up for two nights without food, water or a toilet. On another occasion, he beat me on the marital bed and then continued as if nothing had happened..."

"Eventually I left and went to my parents, but I was too embarrassed to tell my father or brothers, I only told my mother... I told him I wanted to get divorced. He laughed and said that the court has '12 doors', go ahead... He did not agree to divorce me in order to avoid his [financial] responsibilities... We have been separated for over four years, but I am still neither married nor divorced..."

*"I was trying to prove all this time in court that he didn't spend any money on me or our son, and that [her husband] used to beat me with whatever he could find under his hands, including belts and wires. Every time I go to court, the hearing is postponed, and I need this or that paper. I spent a lot of money on lawyers, and got nowhere... Eventually, I gave up and in January [2013] I raised a *khol'* case."*

Even for women who are financially independent and can afford legal fees, the process of applying for *khol'* and attending compulsory mediation sessions is burdensome. A journalist who initiated divorce proceedings in June 2011 after her husband started beating her, including in front of her daughters, only managed to obtain a court-sanctioned divorce in March 2012. She summed up her experience:

"The process is humiliating. He can do whatever he wants, divorce is easy [for men]... As a woman, the whole experience is difficult, the process is inhuman... The court itself is draining... I had to sit through reconciliation sessions with a social worker and a legal expert, he [my husband] didn't even show up... They [the court employees] were nice to me, but didn't seem to be well-trained, they were more curious about what happened [between us]."

Under Egyptian law, a husband may cite his wife's "disobedience" as a means to further delay divorce proceedings. The idea is rooted in the personal status laws, which stipulate a

problems faced by women chasing ex-husbands for alimony payments, but processes remain lengthy and bureaucratic and the maximum amount provided is just 500 Egyptian pounds (US\$69) per month.

wife's "obedience" in return for maintenance. The burden falls on the woman to provide a justification for leaving the marital home. If she fails to do so, she risks losing her maintenance rights. While Egyptian legislation has been amended to remove the possibility that a woman can be forcibly returned to her marital home by law enforcement officials, the concept of a wife's "obedience" persists.⁶⁰

A woman, beaten by both her ex-husband and his mother, told Amnesty International in May 2013 that she persevered through her divorce court proceedings for six years because she refused to forgo her financial rights. After a brutal physical attack, she left the marital home and filed a police report and hired a lawyer with her family's support. She then faced the dilemma of whether to forgo her financial rights, or to fight what would be a long and costly court battle to obtain them – with the odds always stacked against her.

She described her experience in family court as burdensome and demeaning:

"It was really embarrassing for me to be in court and explain my situation. The judge was not sensitive and did not even care to read the papers in front of him... To delay the proceedings, my husband sent me notices of disobedience for leaving the marital home. He wanted to show that I am nashez ['disobedient'] in order to prevent me from getting my rights, including maintenance..."

"In court, my husband would argue that I was not a good wife and it was difficult to appear in court. My husband also divorced me twice and returned me to delay proceedings further.⁶¹ He had a good lawyer, and knew all the tricks... Being in court is really tiring. Each time they ask for lots of different documents, and then there are the judges' holidays. The routine is tiring, and the lawyers' fees too high... the case was taking forever. First I filed a report at the police station, then a forensic report... Then 'divorce and return', 'divorce and return', 'notice for disobedience'... never-ending... I have rights, this is why I did not opt for khol'."

The unequal divorce system also further entrenches impunity for abusive husbands. According to lawyers handling personal status law and assault cases, women human rights defenders and survivors of violence interviewed by Amnesty International, few women expect that their batterer will actually be prosecuted. Many women expressed shame at the prospect of being "responsible" for the father of their children spending time in prison. Others said that they use police reports as bargaining chips or pressure tools to force their husbands to divorce them, thereby avoiding petitioning the courts for divorce. In return for withdrawing complaints, some abusive husbands agree to grant their wives unilateral divorces.

⁶⁰ Article 345 of Law Decree 78 of 1931 provided for the security forces to force "disobedient" wives to return to the marital home, but the authorities abolished the practice in 1967. See, for example: Fawzy, Essam, "Muslim personal status law in Egypt: An historical overview", in *Women's rights and Islamic family law: Perspectives on reform*, p35.

⁶¹ In Egyptian legislation, a unilateral divorce by a husband is only final if he repudiates his wife three times.

SUFFERING IN SILENCE

Many survivors of domestic violence suffer in silence for years. They don't report violence for a number of interconnected reasons, most frequently including fear of retaliation, family or community pressure not to reveal domestic problems, discriminatory gender-stereotypes, feelings of shame, a poor awareness of their rights, a lack of support services, economic dependency, a belief that their children's wellbeing will be negatively affected and perceptions that the police will not respond adequately.

THE PENAL CODE

Egyptian criminal law, as set out in the Penal Code, does not expressly criminalize domestic violence. It does not differentiate between violence in the public and private spheres. In theory, provisions of the Penal Code relating to assault also regulate instances of physical domestic violence against women and girls.⁶² Shortcomings in the Penal Code mean that domestic violence goes unpunished and women face discrimination.

Egyptian legislation does not explicitly recognize marital rape as a crime. Women's human rights defenders have also highlighted that provisions in the Penal Code allowing for reduced sentences in light of "mitigating circumstances" (Article 17) or for offences committed in "good faith in pursuit of a Shari'a right" (Article 60) in effect condone so-called "honour" crimes and other violence against women and amount to state acquiescence in such abuses.⁶³

The Penal Code also provides for reduced sentences for "honour crimes" by husbands, signalling that violence against women is tolerated. Article 237 of the code provides for reduced sentences where a husband surprises his wife in the act of adultery and kills her. Egyptian law does not provide an equivalent mitigation in cases of women accused of killing their husbands.

Egyptian law does not provide women adequate protection against violence, while at the same time limiting their sexual and reproductive rights. The criminalization of abortion, including in cases of pregnancies that are the result of rape, further denies women their fundamental right to make their own sexual and reproductive health choices, including whether, when and how many children to have. It also exposes them to dangerous and illegal procedures and imprisonment.

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.

⁶² Information provided by the government to the UN Secretary-General's database on violence against women lists Law 6 of 1998 as a framework for addressing violence against women. However, this law amended provisions on the Penal Code by adding a chapter entitled "Terrorizing and intimidation: Thuggery", which some have interpreted as possibly applying to threats, or actual, use of force against all, including spouses, offspring and ascendants. It does not explicitly prohibit spousal violence.

⁶³ For an English translation of Article 237, see Welchman, Lynn, *Extracted provisions from the penal codes of Arab states relevant to 'crimes of honour'*, June 2013. For case analysis, see Center for Egyptian Women's Legal Assistance, "Crimes of honour" as violence against women in Egypt", *'Honour': Crimes, paradigms and violence against women*, Zed Books, 2005.

In the case of domestic violence, the lack of material evidence such as medical reports (because many women do not seek medical attention, or in some cases because doctors do not issue them) mean most complaints never make it to court.

Most frequently, women rely on their relatives to escape situations of domestic violence, at least temporarily. In some cases, relatives of survivors of domestic violence pressure them to return to their abusive husbands and initiate spousal reconciliation processes. Survivors of domestic violence rarely consider approaching the police to report even the most extreme physical abuse.

This trend was exposed in the results of the last national demographic and health survey on domestic violence, published in 2005. Among women who had experienced violence in the 12 months preceding the survey, only 1 per cent said they had sought assistance from either lawyers, the police or medical professionals.⁶⁴ The 2009 sample survey by the NCW also gauged respondents' views on the role of the police in addressing spousal violence. Nearly half of the women respondents (47 per cent) believed it appropriate for women to lodge complaints with the police in cases of physical violence. However, this belief did not seem to translate into action, as none of the surveyed survivors of violence actually sought police intervention or reported the violence.⁶⁵

Oum Ahmed, a 48-year-old woman and mother-of-three from the Greater Cairo working class neighbourhood of Boulaq, told Amnesty International that she endured years of abuse mostly because she did not want to be blamed by society for "giving up" and depriving her children of their father. She told Amnesty International that her husband started beating her regularly after three years of marriage, when she had just turned 20. She stayed married to him for another 17 years. She described a routine of daily abuse of hitting, punching and cursing, punctuated by occasional instances of extreme brutality. On one occasion, her now ex-husband broke her front teeth with a beer bottle. He would also periodically throw her out of the house, compelling her to sleep on the doorstep or the roof of their marital home. She said that when she went to her parents' house, they would persuade her to return to her husband.

She never considered approaching the police. She said:

"What will they do? The police don't care, they don't think it is a problem if a husband beats his wife. If you are a poor woman, they just send you away after hurling a few insults. Society treats a woman like a non-person."

The absence of female police officers and public prosecutors has also deterred some women from lodging complaints. The Egyptian authorities have promised to increase the numbers of women in the security forces, as well as to train those present in handling instances of violence against women. However at time of writing the numbers of women doing such work is still believed to be very limited.

⁶⁴ El-Zanaty, Fatma and Ann Way, *Egypt Demographic and Health Survey 2005*.

⁶⁵ See USAID and the NCW, *Egypt: Violence against women study: A summary of findings*.

A 30-year-old woman from Al Sharqia in northern Egypt told Amnesty International that she was uncomfortable telling her story to male police officers. She described her suffering:

“He [her now ex-husband] used to tie me to the bed and beat me with a belt... He threatened to kill me, once he put a sword to my neck... This happened whenever he got drunk... When he would sober up, he would apologize, but then it would happen again... Once, when I was pregnant, he beat me and pushed me down the stairs. I miscarried as a result.

“He would kick me out of the house, then take me back and sleep with me [force me to have sex] – I had no choice... Then he would kick me out again... I was too scared to complain because I felt intimidated by the police. I couldn’t speak of such things to them.”

Her fears of homelessness and financial deprivation led her to remain in the abusive relationship for years, before her husband eventually divorced her unilaterally. *“The police would not be able to help to keep me and my children fed,”* she told Amnesty International.

In the rare cases when women surmount all obstacles and approach the police to report domestic violence, they are confronted either with dismissive and abusive officials who do not consider cases of domestic violence a priority, or well-intentioned but untrained officers who don’t know how to handle such reports. Social workers, women’s rights activists and expert lawyers in criminal and personal status law told Amnesty International that, in their experience, police only agreed to register cases of domestic violence if they resulted in hospitalization or grave and visible physical consequences such as broken bones. A lawyer providing legal support to women in Assiut who were seeking divorces, summed up women’s experiences in reporting cases to the police in conservative parts of Upper Egypt:

“To report beatings in the police station, women should only go with a father or brother, otherwise they risk being humiliated and intimidated by the experience... The beating has to be severe for the police to record it. If a woman got slapped, the police would say ‘go home’.”

Anecdotal evidence suggests that women from poor backgrounds are expected by the police to tolerate “mild” beatings as the norm. A former staff member at one NGO told Amnesty International how, during a group therapy session for survivors of domestic violence in an informal settlement in Cairo held by the NGO, a woman related being dismissed by the police when she approached them to lodge a complaint. She reported being told: *“You want to tell me that your mother was not hit?”*

Egyptian personal status laws reinforce such attitudes, as judges exercise considerable discretion in deciding what constitutes “harm” for a woman based on what is *“impossible for the likes of them.”*⁶⁶

Officials’ attitudes and lack of gender-sensitive training on how to handle reports of domestic violence also deter women from pursuing their complaints further.

⁶⁶ Article 6 of Law 25 of 1929. See further details in: “Inadequate legal framework and impact of divorce laws”.

After enduring three decades of physical violence and emotional abuse, a 50-year-old mother of five from an informal settlement in Cairo decided to lodge a complaint against her husband at the Nasr City First Police Station in 2005. Her husband followed her to the police station and filed a counter-complaint. According to her account, police officers on duty initially tried to reconcile them and encouraged both to withdraw their respective complaints. She refused, and the police transferred them to the Public Prosecution. At the prosecutor's office, her husband claimed that he had found her engaging in prostitution, while she maintained that he beat her. The public prosecutor offered to refer her to forensics and open an investigation. However, her fears that the process would be prolonged and require her to spend the night away from her children at a police station led her to agree to withdraw her complaint. Officials at the police station and the Public Prosecution failed to recognize her as a survivor of domestic violence and to address her situation in a sensitive and appropriate manner. She never approached the police again. After enduring more years of abuse, she found an NGO to assist her with the divorce proceedings, and obtained *khol'* (no-fault divorce) in April 2013.

A crucial element to avoid re-victimization of women survivors of domestic violence is the establishment of procedural rules regarding the provision of evidence. These should ensure protection for survivors and witnesses from further harm as a result of filing a complaint. The Egyptian legal system lacks any witness protection mechanisms, let alone protection mechanisms designed to address the particular needs of survivors of domestic violence. Calls by human rights groups to include specific provisions for issuing barring and safety orders to protect women from violent husband or partners have also gone unheeded.

SHELTERS

The Egyptian government has yet to establish adequate mechanisms to provide protection for women survivors of domestic violence. The Ministry of Insurance and Social Affairs runs eight shelters. A ninth one was not operational at the time of writing. Not only are they poorly advertised and resourced, but they also apply rules and procedures limiting their accessibility and utility to certain categories of survivors of violence. The only private shelter managed by an NGO closed its doors in late 2013. Furthermore, the Ministry of Insurance and Social Affairs has not approved requests by other NGOs to operate independent shelters.

Despite the limited number of shelters and the prevalence of domestic violence, they are never used to full capacity. At times, they are completely empty. Women's rights activists explain the seeming contradiction by women's reluctance to live outside the family or marital home given the stigma attached. Furthermore, most women survivors of domestic violence, including those interviewed by Amnesty International, are unaware of the existence of shelters. Shelter employees interviewed by Amnesty International said that cases are referred to them by the NCW, NGOs, and in limited instances police stations. Some shelters advertise through local media outlets. None have hot lines.

Shelter rules deter some survivors of domestic violence from approaching them for protection. In responding to concerns raised by women's rights groups, in 2012 the internal procedures were amended to admit non-married women survivors of violence into the shelters, as well as children, including boys, under the age of 10. While a major improvement, serious concerns about shelter rules remain. For instance, shelters require that women pass a number of compulsory health checks. A staff member explained to Amnesty International that this was

necessary as shelters had no capacity to address the needs and accommodate women with contagious diseases or severe mental health issues. Shelters also only accept women with no or limited incomes. For women with incomes, a 25 per cent contribution is required. Before being admitted, women must also undergo police checks, and those with pending investigations or court cases cannot be admitted, regardless of the nature of the charges.

To be admitted into a shelter, survivors first meet social workers. They are later interviewed by a committee which makes a final decision. The initial period of residence is limited to three months, which can be extended by another three months. In some exceptional circumstances and the agreement of the Ministry of Insurance and Social Affairs, women can stay longer. Once admitted, the women's freedom of movement is restricted. Curfew is set at sunset and women can only leave the premises if they prove their employment status. All phone calls from the shelter have to be made in the presence of staff, infringing on women's privacy. Visits are limited to women and male relatives in the first degree.

Most problematically, shelter staff view reconciliation between residents and their abusive husband or other family members as their main role. There are no sexual violence or rape referral centres to provide medical treatment, forensic examination, trauma support and counselling to survivors. Instead, the shelter staff pressure women survivors of violence to attend reconciliation sessions with the perpetrators. Some shelter employees acknowledge concerns over security and confidentiality. Reconciliation sessions are conducted outside the shelter premises so as not to alert the abusers to the survivors' place of residence. In other centres, staff did not demonstrate the same level of basic understanding and held reconciliation sessions inside the shelters. One staff member expressed surprise to Amnesty International that a woman abused by her brother ran away from the shelter after staff insisted, under threat of expulsion, that she provide his contact information. "*I am not a hotel*", the administrator said.

Field visits by social workers to the applicant's place of residence to "confirm the truth of her allegations" is another worrying practice, which can potentially have devastating consequences in alerting perpetrators to the whereabouts of women seeking protection in shelters.

Shelter staff themselves can be subject to intimidation. In one instance, staff told Amnesty International that a disgruntled husband had threatened to attack the shelter and "burn it down". In another instance, during an awareness-raising activity by the shelter in a nearby village, a man stood up in the presence of village elders and religious leaders and shouted: "*If a woman goes to your centre, I will get a knife and kill her! A woman cannot leave [an abusive household]!*"

Shelters don't have the capacity, resources or trained staff to address concerns of women survivors of domestic violence – let alone those with special needs, including women with physical disabilities or mental health problems. They demonstrate little understanding of the physical and psychological impact of violence on women, and concerns over security, informed consent and confidentiality of information. Some shelter employees interviewed by Amnesty International, including those with higher degrees, receive salaries as low as 300 Egyptian pounds (US\$41.40) a month. The wage is far lower than the national minimum

wage for the public sector of 1,200 Egyptian pounds (US\$165.50) a month.⁶⁷

⁶⁷ Amnesty International, *Egypt: Submission to the UN Committee on Economic, Social and Cultural Rights, 51st Session, November 2013* (Index: MDE 12/049/2013), October 2013, p9:
<http://bit.ly/1zn8qp6>

VIOLENCE IN THE PUBLIC SPACE AGAINST WOMEN AND GIRLS

“These gruesome incidents that occurred recently are a continuation of the systemic political harassment the Council has previously fought and warned against during the Muslim Brotherhood’s rule.”

Statement by the NCW on renewed attacks on women protesters in Tahrir Square in Cairo, ahead of President Abdel Fattah al-Sisi’s inauguration in June 2014.⁶⁸

“The rape of that woman echoes Sisi’s rape of Egypt as a whole. It is most ironic that on his first day as officially (albeit illegally) president of this homeland, he is unable to safeguard the safety or security of his own supporters.”

Statement published on the Muslim Brotherhood’s website.⁶⁹

“The assaults are being distorted and used by political groups for their own selfish ends.”

Operation Anti-Sexual Harassment/Assault activist on the attacks in Tahrir Square in July 2013.⁷⁰

In the last years since the 2011 uprising, repeated attacks on women protesters around Cairo’s iconic Tahrir Square have drawn attention to the endemic sexual harassment and violence faced by women in Egypt in the public sphere. Successive authorities have used the violence as a way to smear their political opponents and, under Mohamed Morsi’s rule, even blamed the women themselves. The problem is compounded by an inadequate legal framework, as well as the long-term failure of the security forces and judicial authorities to take complaints of sexual harassment or other forms of gender-based violence seriously.

New measures announced by the government in June 2014 to tackle violence against women in the public sphere are welcome, but have a long way to go to undo decades of government inaction and impunity for perpetrators. The authorities have announced they are working on a strategy to address violence against women but had not detailed any plans by the end of 2014. The lack of concrete action has led to concerns that the announcements were an exercise in public relations, aimed at deflating criticism of President Abdel Fattah al-Sisi’s new administration. Human rights organizations, including Egyptian groups and Amnesty

⁶⁸ Mada Masr, *National women’s council says assault is used to discredit women*, 10 June 2014: <http://bit.ly/1IHrUXO>

⁶⁹ IkhwanWeb, *Women Against Coup Condemns Al-Sisi’s Inauguration Eve Rape in Tahrir Square*, 10 June 2014: <http://bit.ly/1uc9zbZ>

⁷⁰ El-Rifae, Yasmin, *Sexual Harassment at Egypt’s #June30 Protests: No Apologies*, Muftah, 1 July 2013: <http://bit.ly/1yrdlg6>

International, have urged the authorities to make their plans public without further delay.

The authorities have also continued to enforce legislation restricting the right to freedom of assembly, in effect forcing women protesters off the streets and limiting their access to public space. In some cases, security forces have also arrested women's rights activists and women human rights defenders who they have accused of protesting without authorization – apparently as a pretext for targeting them for their human rights work.⁷¹

VIOLENCE AROUND TAHRIR SQUARE IN CAIRO

“On 25 January [2013], I went to Tahrir Square at about 6pm because I wanted the Revolution to continue, and I was opposed to the Muslim Brotherhood's rule... We were standing by ‘Kentucky’ [at the corner of Tahrir Square]... I noticed that some guy was observing our group... I was chanting slogans like: ‘Down with the guide's rule’ [in reference to Mohamed Badie, Supreme Guide of the Muslim Brotherhood]... We stayed for about an hour to an hour and a half and were about to leave... Seconds later, after we took about two steps, a circle of men was formed around me.

“The last thing I heard was ‘don't worry’, followed by screaming... At first they [the attackers] tried to rip my bag out of my hands; I then felt hands all over my body, tearing down my trousers and long jacket; they were undoing its clips... They pulled my trousers and pants down, but couldn't get them all the way down because I was wearing boots that they couldn't manage to get off... I felt hands touch me from all directions, and I was moved, almost carried, inside the circle as people continued saying: ‘don't worry’. They were saying that while violating me... [Name removed] with OpAntiSH/A [Operation Anti-Sexual Harassment/Assault] saved me... He was hit with a stick, and lots of knives and belts suddenly came out of nowhere...

“I found myself totally naked... My necklace and earrings were also gone. My hair was pulled out... They did not beat me, just touched and groped me... I was trying to pull my clothes back on... They [OpAntiSH/A] got me out at about 10.30pm. I went to the toilet... Only then I realized I was bleeding all over [my vagina]... My nipples were also full of scratches... After this incident, I am even more determined to go back to Tahrir and to protest. The only solution is to shame and expose them.”

Three days after the brutal attack, the survivor, a university student, saw a gynaecologist at a private clinic. She recounted his insensitive examination and offensive demeanour. He implied that she was to blame for the physical consequences of her experience. He did not give her a medical report. Initially she was reluctant to complain to the police. She worried: *“How do I know how they will treat me, if I get to the police station... What if my parents find out, how will they react?”* After receiving support from activists and NGOs, she lodged a complaint and received counselling and legal assistance from NGOs. She insists on continuing to participate in protests, but now carries an electric-shock weapon and a knife in

⁷¹ See for example Amnesty International, *Human rights lawyer latest victim of Egypt's repressive protest law*, 27 June 2014: <http://bit.ly/1rcH3aE>; and *Egyptian activists' sentences reduced*, 8 January 2015: <http://bit.ly/1BEIPbm>

her purse. While a court in July 2014 jailed three men in connection with a separate attack on a woman protester in Tahrir Square on 25 January 2013, the survivor has yet to see her attackers brought to justice.

Her harrowing experience is not unique. Operation Anti-Sexual Harassment/Assault (OpAntiSH/A), an initiative set up in November 2012 by several Egyptian human rights organizations and individuals, and another group, "I Saw Harassment", received reports of at least 24 cases of mob attacks against women in the vicinity of Tahrir Square on the same day, 25 January 2013. Several needed medical treatment, including surgery. On the other hand, the Human Rights Sector of the Ministry of Interior claimed in a written communication to the NCW, seen by Amnesty International, that no cases of sexual assaults were reported on 25 January 2013.⁷²

The mob sexual assaults against women and girls around Tahrir Square during major protests were first documented on 11 February 2011, the day Hosni Mubarak was toppled from power. Attacks continued over the next two years, with new mob assaults reported in November 2012 during protests against President Mohamed Morsi and in demonstrations on 25 January 2013 marking the second anniversary of the uprising. The violence reached unprecedented levels during the mass protests against Mohamed Morsi's rule that began in June 2013. Volunteer groups reported they had received reports of 168 cases of mob sexual attacks between 30 June and 3 July 2013 alone.

New mob attacks on women demonstrators have been reported in the year since Mohamed Morsi's ousting in July 2013. They include a series of attacks on 25 January 2014 during gatherings by supporters of the interim authorities. Police and other security forces stationed in the area did not prevent the mob attacks, despite a heavy presence in the area.

Women demonstrators around Tahrir Square faced renewed violence when Abdel Fattah al-Sisi took office as Egypt's new president on 8 June 2014, with women's groups and human rights organizations stating they had documented several cases around Tahrir Square.⁷³ A harrowing video of an attack in Tahrir Square, published on-line, was widely covered in both Egyptian media and the international press, prompting criticism of the authorities' inaction. The poor-quality video, apparently filmed on a mobile phone, showed a mob of men attacking a woman and stripping her of her clothes while a member of the security forces tries to intervene.

Mob attacks have continued unchecked for years because of the authorities' failure to take preventive measures and to bring the perpetrators to justice, despite the attention brought to the horrific assaults by survivors, activists and human rights groups.

⁷² Amnesty International, *Egypt: Gender-based violence against women around Tahrir Square* (Index: MDE 12/009/2013), 6 February 2013: <http://bit.ly/1Cwab13>

⁷³ Joint statement, *The Mob-sexual assaults and gang rapes in Tahrir Square during the celebrations of the inauguration of the new Egyptian president is sufficient proof for the inefficiency of the recent legal amendments to combat these crimes*, 9 June 2014: <http://bit.ly/1jnl5Gh>

Attacks follow a similar pattern. The targeted women are either approached alone or separated from their friends and colleagues by a group of men, mostly in their twenties or thirties, which gradually grows in number. They are encircled by the mob and then countless hands grope their bodies, including their breasts, genitals and buttocks; pull their hair; tug their bodies in different directions; and attempt, in some cases successfully, to remove their clothes entirely. The women are then violently dragged while surrounded by the mob to different locations. In a number of documented cases, women were raped inside the mob through the insertion of sharp objects into their vaginas. The age of survivors span from seven to 70, according to groups involved in rescue operations.

Activists have likened the attacks to “the circle of hell”. Such attacks lasted from a few minutes to over an hour, until the women were rescued or the perpetrators abandoned them. The weapons used in such assaults, including knives, blades and sticks, were also used to fight off individuals trying to help the women. In some cases, perpetrators attack ambulances that arrive to transport survivors to hospitals. In one incident, on 25 January 2013, perpetrators only allowed the ambulance through when, according to witnesses, the ambulance driver told them that the woman had died. Survivors and people trying to help women during or after the attacks reported that perpetrators frequently claimed to be helping the survivors while in fact violating them. They said that it was difficult to assess who was trying to help and who was involved in the mob violence.

Women and men activists co-ordinating rescue efforts during attacks taking place in recent months have themselves often been physically attacked, including being subjected to sexual assaults.

Human rights organizations and other activist groups have been trying to fill the vacuum left by state inaction in terms of prevention, protection and support services for survivors of sexual violence. Groups like OpAntiSH/A, Tahrir Bodyguards and “I Saw Harassment” have sprung up – monitoring the situation during mass protests and intervening in rescue operations upon witnessing or receiving reports of sexual assaults and harassment. They do so at great risk to their own physical integrity. To minimize the frequency of the abuses, OpAntiSH/A even put lampposts in dark streets leading into Tahrir Square, where cases of sexual assaults have been reported. OpAntiSH/A, in co-ordination with women’s human rights and other NGOs, also provide support to survivors in terms of medical treatment and psychological counselling, as well as legal assistance for those who chose to seek judicial redress.

Violence against women in all forms is a violation of their fundamental human rights to life, physical integrity and non-discrimination. Targeting women and girls for violence, including rape and other forms of sexual violence during mass protests also impairs or nullifies their enjoyment of other fundamental rights, including freedoms of assembly and expression and the right to participate, on an equal basis with men, in the political life and events shaping the country’s future.⁷⁴

⁷⁴ See, for example, the Convention on the Elimination of All Forms of Violence against Women, to which Egypt is a state party.

ATTACKS EXPLOITED FOR POLITICAL GAIN

The repetition of these horrific mob attacks during protests in Tahrir Square exposes the failure of the authorities to tackle the issue, despite the emergence of testimonies and efforts by volunteer and human rights groups to raise awareness. Successive governments and various political parties and movements have cynically used these assaults on women for political purposes, without actually taking any meaningful measures to end such attacks or ensure redress for survivors. The authorities have failed to take the simplest precautions, such as making sure that there is better lighting at sites of frequent reported sexual assaults, such as in the immediate vicinity of Tahrir Square.

When testimonies of mob sexual assaults against women and girls first emerged in early 2013, Mohamed Morsi's government was quick to condemn the attacks and promise action, but never delivered any substantive measures to stop the violence. Instead, members of the Shura Council, Egypt's upper house of parliament, publicly laid the blame on the survivors themselves, alleging that they brought the attacks upon themselves by attending the protests and "mixing with men". The comments were made during a session of the Human Rights Committee of the Shura Council in February 2013.⁷⁵ Shortly after the attacks, in March 2013, the Muslim Brotherhood also described a declaration by the UN Commission on the Status of Women calling for an end to violence against women as the destruction of "*family life and entire society*".⁷⁶

With the dip in their political fortunes in mid-2013, supporters of the Muslim Brotherhood began to express a newfound concern about violence against women.⁷⁷ After the horrific series of assaults in June-July 2013 during protests by opponents of Mohamed Morsi, prominent members of the Muslim Brotherhood publicized the sexual assaults on social media.⁷⁸ Television channels known for their support of President Morsi leapt at the opportunity to claim that his opponents were nothing but "thugs" and "criminals". On 29 June 2013, the Office of the President's Assistant on Foreign Relations issued a statement in English – clearly targeting the international community – pointing to sexual attacks on women, including a foreign national, by the president's opponents and contrasting this with the "peaceful" protests held by Morsi's supporters:

"A Dutch journalist... was gang raped in Tahrir Square. Hers was one of seven cases that human rights groups have noted, all of them in or around Tahrir, the site of the opposition protests. These criminal acts do not appear to be politically motivated or controlled. But

⁷⁵ See Amnesty International, *Egypt law-makers blame women victims for sexual violence* (Index: MDE 12/010/2013), 13 February 2013: <http://bit.ly/1AYqPq2>

⁷⁶ Ikhwanweb, *Muslim Brotherhood Statement Denouncing UN Women Declaration for Violating Sharia Principles*, 14 March 2013: <http://bit.ly/1ylx75k>

⁷⁷ See, for example: Ikhwanweb, *FJP's Omaila Kamel: Recommendations Aim to Prevent Violence against Women and Family*, 19 May 2013: <http://bit.ly/11P1iSL>

⁷⁸ See, for example, tweet by Ikhwanweb on 29 June 2013, 2.54 AM: "*Video of #Tahrir mobs and thugs aka 'revolutionaries' sexually assaulting [sic] young foreign woman, among many others*".

unfortunately they do appear to be a sign that the crowds in Tahrir are out of control.”⁷⁹

Some political forces and media outlets opposing the Muslim Brotherhood have also shown inconsistency in their stated concern and condemnation of sexual violence in and near Tahrir Square. Many who expressed outrage during mob sexual attacks while Mohamed Morsi was in power fell silent when attacks happened in the week leading up to his ousting. In July 2013, a group of women protesters, affiliated with liberal parties who supported the ousting of Mohamed Morsi, denied the widespread nature of sexual assaults against women and told Amnesty International that: “this was not the time to tarnish Tahrir’s image”.

Both the authorities’ supporters and their opponents exploited the new attacks in June 2014 for partisan purposes. In statements posted on its website, the Freedom and Justice Party blamed “moral decadence” by Abdel Fattah al-Sisi’s supporters and said that the “...rape of that woman echoes Sisi’s rape of Egypt as a whole”.⁸⁰ Egypt’s NCW, a long-time critic of Mohamed Morsi’s government and its supporters, stated it would sue Al Jazeera for “defaming” Egyptian women. The network, especially its national outlet, is widely seen in Egypt as an ally of the Muslim Brotherhood.⁸¹

Some segments of Egyptian media also faced criticism for their coverage of the attacks in June 2014. An independent television channel suspended one of its presenters after she said that she thought the attackers were just “having fun”. A well-known Egyptian actor also attracted both anger and derision after that she stated that she wished she would be attacked so the president would visit her.⁸²

In the days after the attacks in June 2014, Egypt’s new president visited one of the survivors of a mob sexual assault in hospital. The visit was widely publicized in both Egyptian media and the international press, with pictures of the survivor appearing both on television and in newspapers with her face blurred out, but leaving people who appeared to be her friends or relatives clearly visible. The move seemed intended to signal the authorities’ determination to combat sexual violence. However, as the months have passed its significance has been eroded by a lack of action, with little sign of a comprehensive strategy to address violence against women. Many have been left wondering whether the new administration’s promises of

⁷⁹ See Office of the Assistant to the President on Foreign Relations and International Co-operation, *On the lead-up to June 30*, The Egyptian Presidency, 29 June 2013: <http://on.fb.me/1yjVJvi>

⁸⁰ See Freedom and Justice Party, *Video: Report of firearm in gang rape in ‘Tahrir scandal’* [original in Arabic], 9 June 2014: <http://bit.ly/1pySY00>; and *Women Against Coup Condemns Al-Sisi’s Inauguration Eve Rape in Tahrir Square*, 10 June 2014: <http://bit.ly/1yrOj61>

⁸¹ Al Jazeera on 22 December 2014 announced it was “temporarily” suspending its Egypt affiliate, Mubasher Misr. The channel was known for its vocal opposition to the government following the ousting of President Mohamed Morsi in July 2013. The decision by the Qatar-owned network came following a rapprochement between Egypt and Qatar.

⁸² Ahram Online, *TV presenter suspended over sexual assault comments*, 11 June 2014: <http://bit.ly/1AXYtfD>; and Al Arabiya News, *Egyptian actress says a visit from Sisi ‘worth sex attack’*, 10 June 2014: <http://bit.ly/1vmS0aY>

action were simply a way of deflecting criticism over the authorities' long-standing failure to address violence against women.

PERVASIVE VIOLENCE IN THE PUBLIC SPHERE

The sexual attacks against women and girls around Tahrir Square have highlighted the prevalence, and at times life-threatening nature, of sexual assaults and harassment against women and girls in public. Unfortunately, such sexual violence against women and girls in the public sphere is neither rare nor limited to protests in Downtown Cairo. Women and girls in Egypt are targeted for sexual harassment on a daily basis – in schools and universities, in the streets, on transport, and in their workplaces. In some reported cases, sexual harassment turns into violent assaults, including rape.

Just as official information on domestic violence is unavailable, the Egyptian government fails to collect and disseminate adequate and up-to-date data on the levels and types of violence in the public sphere endured by women and girls, disaggregated by age and urban and rural areas. Such statistics, together with information on the number of police complaints, prosecutions and convictions, should be made public and serve as a basis for developing a comprehensive strategy to combat such abuses.

Such information that is available paints a frightening picture. A study on sexual harassment issued in May 2013 sponsored by UN Women and the NCW, and carried out by the Demographics Center of the Institute of National Planning, found that over 99 per cent of female respondents had experienced some form of sexual harassment, including cat-calling, verbal abuse of a sexual nature, groping and indecent exposure. About 50 per cent of respondents acknowledged experiencing harassment on a daily basis. Not surprisingly, a staggering 82 per cent of the respondents admitted not feeling safe and secure in the streets.⁸³

The study also revealed that women of all ages, dress styles and social strata were exposed to harassment – debunking common myths that women dressed “indecently” expose themselves to increased risks of sexual harassment and assaults. The study also revealed the pervasive stereotypes laying the blame on women for the violence. Over 37 per cent of female respondents thought that the survivor herself was the “cause of the harassment.” Over 70 per cent of male respondents stated that women are harassed because “their dress is not decent and reveals their bodies”.

A NCW “opinion survey” based on a sample of 13,500 married and unmarried women aged 15-50 across 27 governorates in Egypt, also issued in 2013, found that 85 per cent of women had experienced verbal or physical sexual harassment.⁸⁴

There is very little information publicly available on the number of cases of rape, other sexual assault and harassment reported to the police. According to statistics provided by the General

⁸³ See UN Women, *Study on ways and methods to eliminate sexual harassment in Egypt (UN-Reports)*; and *Results / Outcomes and recommendations summary*

⁸⁴ NCW, *World day against violence against women* [original in Arabic].

Department of Moral Crimes at the Ministry of Interior to the NCW, obtained by Amnesty International, 114 rapes were reported in 2012, compared to 102 in 2011, 91 in 2010 and 74 in 2009. For “indecent assault”, 39 cases were registered in 2012, compared to 64 in 2011, 113 in 2010 and 130 in 2009. Under the category of “exposure to females”, used to describe verbal harassment or sexually explicit gestures, the Ministry of Interior registered 9,468 complaints in 2012 – a marked increase from the previous year of 6,114. Curiously, between 2008 and 2010, the Ministry of Interior registered over 40,000 cases annually. No explanation was provided for the fluctuations.

The real numbers of such incidents are believed to be much higher as most cases go unreported for a plethora of reasons, including the stigmatization attached to sexual harassment and assaults, shortcomings in the legal and policy framework and the inadequate response by the authorities.

The consequences of the relentless sexual and gender-based violence against women and girls in the public sphere are dire for women’s freedom of movement and enjoyment of other rights, ranging from political participation to access to education and health. Simple daily activities become a struggle, and women and girls tend to make arrangements in relation to their travel routes and daily plans with a view to mitigating exposure to the risks of sexual harassment and assaults.

LEGAL FRAMEWORK ON RAPE AND OTHER SEXUAL VIOLENCE

Egyptian legislation criminalizing rape and other sexual assault is not in line with international law and standards.

Amendments to the Penal Code in March 2011 only introduced harsher penalties for these offences, but did not address the underlying inadequacies of the law.⁸⁵ For example, Egyptian legislation defines rape solely as “*the person engaged in sexual intercourse with a female without her consent*” (Article 267 of the Penal Code), understood to mean the non-consensual penetration by the penis of the vagina. Contrary to international standards consistent with human rights principles, the definition clearly excludes other forms of rape of women and girls, such as penetration, however slight, of the anal or vaginal opening with another part of the body or with an object. It also excludes the possibility of rape of boys and men.

A definition of consistent with international standards is the penetration, however slight, of any part of the body (of either the survivor or perpetrator) with a sexual organ or of the anal or genital opening of the survivor with any other part of the body or any object. The penetration is committed by force, or by threat of force or coercion, for example as caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of coercive circumstances or if the survivor is otherwise incapable of giving their genuine consent (eg because intoxicated, mentally incapable or a child et cetera).

Article 267 prescribes life imprisonment for convicted rapists. The penalty reaches capital punishment for the rape of women under the age of 18; gang rape; and rape committed by certain categories of perpetrators such

⁸⁵ Law 11 of 2011, adopted by the Supreme Council of the Armed Forces.

as the girl's guardian.⁸⁶ Marital rape is not defined as a crime in itself.

For many years, Egyptian legislation lacked reference to and a clear definition of other forms of sexual violence and sexual harassment. The authorities repeatedly promised to address the problem, but drafts laws stalled. In June 2014, outgoing president Adly Mansour finally issued new legislation to combat sexual harassment, amending two articles of the Penal Code to define and criminalize such violence.⁸⁷

Under the amended legislation, Article 306 (bis A) of the Penal Code criminalizes the act of "accosting" of "*others in a private or public or frequented place implying sexual or obscene gestures, whether by verbal or non-verbal means or through actions, in any manner including modern means of communication*". The article sets down a prison term of not less than six months and/or a fine of between 3,000 and 15,000 Egyptian pounds (between US\$414 and US\$2,069).

Sexual harassment is newly defined under Article 306 (bis B), as any act under Article 306 (bis A) committed with the intention of "*receiving sexual gratification from the victim*". The law sets down heavier penalties in such instances: a minimum of one year's imprisonment and a fine of between 10,000 and 20,000 Egyptian pounds (between US\$1,380 and US\$2,760).

Article 267 of the Penal Code sets down heavier penalties if there are two or more perpetrators, if the attackers were armed, or if they were from the survivor's family or were responsible for the survivor in a parental or professional capacity.

Amnesty International welcomes the new legislation in principle. However, the organization is concerned that the law contains a limited definition of sexual harassment, as an act committed with "*intent to receive sexual gratification from the victim*". Sexual harassment is harmful and should be unlawful in and of itself, regardless of the intent of the perpetrator. International standards clearly define sexual harassment as what the subject regards as offensive, humiliating or intimidating.⁸⁸ Enforcing a requirement to prove intent by the alleged perpetrators renders the survivor's experiences of humiliation and intimidation irrelevant and is out of step with human rights standards. The legislation could essentially disregard a whole group of people from the protection of the law. The law could potentially exclude the experiences of the many women subjected to sexual violence during protests, despite the fact that it was these attacks which compelled the authorities to enact it.

The new legislation also maintained older provisions on "indecent assault". Article 268 of the Penal Code prescribes "aggravated imprisonment"⁸⁹ for committing or inciting acts of "indecent assault" through the actual use, or threat of, force. The term "indecent assault" is applied to non-consensual sexual contact not meeting the Egyptian definition of rape. The definition of "indecent" is also problematic, as it requires attacks

⁸⁶ Amnesty International opposes the death penalty in all cases without exception.

⁸⁷ Decree Law 50 of 2014, amending some provisions of the Penal Code Act 58 of 1937.

⁸⁸ See the CEDAW Committee, *General Recommendation No. 19 (11th session, 1992)*, para 18 on sexual harassment. See also, for example, Article 40 of The Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

⁸⁹ "Imprisonment" is defined in Egyptian law as terms of between three and 15 years.

on the physical integrity of the survivor. Article 269 (bis) also criminalizes “*incitement to sins/obscenities*” in public, verbally or through gestures, sentencing first-time offenders to up to three months’ imprisonment and repeat offenders up to six months’ imprisonment, a fine and probation.

Women’s human rights defenders and other human rights activists and lawyers note that amendments to the Penal Code in 2011 introducing harsher penalties for some sexual violence offences did little to prevent their occurrence, and did not lead to more convictions. Enforcement continues to be almost entirely absent and impunity for sexual violence and harassment remains the norm (see “Inadequate response by the authorities”, below).

Women’s human rights defenders have been advocating for many years for the adoption of a comprehensive law criminalizing all forms of violence against women and girls, with definitions of rape and other forms of sexual violence and harassment that are consistent with international law. They have also called for the establishment of gender-sensitive mechanisms to enable survivors of violence to obtain judicial redress, protection and reparation.

The NCW also drafted a proposal for a law on violence against women, presenting it to former prime minister, Hisham Qandil, and the Ministry of Justice.⁹⁰ In a meeting with Amnesty International in February 2014, NCW’s representatives noted the institution’s current strategy to wait for parliamentary elections, and an elected body before pushing for the adoption of a violence against women law, highlighting the importance of societal dialogue.⁹¹ The authorities have scheduled the start of elections for Egypt’s new parliament for late March 2015.

INADEQUATE RESPONSE BY THE AUTHORITIES

Most cases of sexual assaults and harassment against women go unreported for a number of reasons, including the stigma attached to such violence and perceptions of the futility of seeking help from law enforcement bodies. Among other reasons cited for the reticence of survivors of sexual violence to pursue judicial remedies are the insensitive attitudes and gender bias of police officers, prosecutors and forensic examiners.

A lawyer involved in sexual harassment cases told Amnesty International that police officers registering the complaints, as well as prosecutors investigating the cases, frequently encourage plaintiffs to drop the complaints and “forgive” the perpetrators. The lawyer attributed the attitude to a lack of professionalism, a desire to reduce their workload, and a failure to prioritize incidents they considered to be “minor” compared to murder or theft.

Other lawyers and women’s rights activists also blame the discriminatory culture against women that permeates all levels of Egyptian society, including law enforcement officials who pressure the plaintiff not to “create a scandal” or blame her for the incident based on her

⁹⁰ While the passage of the proposed law in its current form would contribute to tackling violence against women, a number of provisions in the law are not entirely in line with international standards, including in its definition of rape.

⁹¹ The NCW staff explained that the strategy had been devised to reflect the political developments in Egypt since the ousting of Mohamed Morsi in July 2013.

choice of attire or her “inappropriate” presence in public.⁹² For instance, a survivor of a sexual assault in November 2012 told Amnesty International that the police officers handling her case pressed her to drop her complaint, and only reluctantly agreed to file a report when she insisted with the help of lawyers. A lawyer told Amnesty International that while questioning her client, a university student, the prosecutor investigating the case asked her what she was wearing when she was sexually harassed.

The results of the 2013 study by the Institute of National Planning sheds light on the complicity and/or inaction of the police in dealing with rape and other forms of sexual violence and harassment complaints. Some 17 per cent of respondents experienced some form of harassment from police or other security forces. Therefore, it is not surprising that only 6.6 per cent of the respondents requested help from security forces present at or near the scene of violence. Of these some 6 per cent said that the policemen joined in the harassment and 14 per cent belittled the abuse by either “scolding or mocking” the plaintiffs. In about half of the cases, security forces put an end to the harassment. Only 20 per cent of the respondents said that the security forces actually detained the harasser.

Other evidentiary obstacles to judicial redress cited by lawyers include the unavailability or unwillingness of witnesses to testify and the unknown identity of perpetrators. As in cases of domestic violence, the attitude of the state is that the survivor/plaintiff has to prove to them, including by gathering the evidence themselves, that they have been victims of a crime. Concerns remain around the insufficient efforts made by investigators to identify perpetrators and uncover evidence. For instance, Doctor Naglaa Adly shared with an Amnesty International representative the NCW’s suggestion to the Ministry of Interior to make video material recorded by traffic cameras in areas of high rates of sexual assault, such as near Tahrir Square, available as evidence in cases investigated by the Public Prosecution to assist in the identification of perpetrators. The Ministry of Interior apparently responded to the NCW by stating that those videos were recorded solely for the purposes of the traffic department. To Amnesty International’s knowledge, the Public Prosecution never requested that the traffic department hand over the potential evidence.

The lack of gender-sensitive training of medical professionals providing forensic examination or treating survivors of sexual violence is another concern reported to Amnesty International by women’s human rights defenders, doctors and other experts in addressing the needs of women survivors of violence. Efforts must be made by the authorities to develop relevant skills and provide the necessary technology to ensure 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.

One lawyer told Amnesty International that the insensitive attitude and gender bias of

⁹² In March 2014, the President of Cairo University was forced to apologize after he said that a woman student had only been harassed on campus because she was dressed inappropriately. Students filmed part of the attack and the footage subsequently appeared on-line and on Egyptian private television networks. An Egyptian presenter also sparked anger after he stated on-air that the woman was “dressed like a hooker” and was to blame for the attack.

prosecutors and forensic pathologists in addressing cases of survivors of sexual violence deters survivors from pursuing judicial remedies.

For the reasons cited above, very few investigations by the Public Prosecution have been opened despite the prevalence of sexual and gender-based violence and harassment. Even fewer cases have been referred to trial or resulted in convictions. While there are no official figures available, new legislation on sexual harassment does not seem to have resulted in a sustained rise in prosecutions and convictions.

Since June 2014, state media has reported on cases where the Public Prosecution has brought men to trial under the provisions of the new law.⁹³ Courts have also jailed 12 people, including at least one boy, in connection with the attacks around Tahrir Square on the eve of Abdel Fattah al-Sisi's inauguration, as well as an attack in January 2013.

However, survivors of most of the attacks around Tahrir Square may face a long wait for justice. Seven survivors of sexual assaults in the vicinity of Tahrir Square during protests in November 2012 and January 2013 lodged a complaint with the Public Prosecution in March 2013. The Prosecution initiated investigations and referred at least one survivor to forensics, as well as taking testimonies of witnesses and plaintiffs. In July 2014, a court jailed three men for life in connection with an attack on a woman protester on 25 January 2013. However, the investigations into other cases appear to have stalled and nobody has been held to account. A lawyer working on the case told Amnesty International that a prosecutor had described the case as "not being a priority" given the other more "serious crimes" he had to investigate.

According to information provided by the Public Prosecution to the NCW, seen by Amnesty International, before the attacks in June 2014 the Prosecution had begun 13 investigations into allegations of assault in the vicinity of Tahrir Square: one committed in January 2013, and the remainder in June and July 2013. Investigations had been completed in seven cases, and a defendant referred to trial in one case. The other cases were closed as the Prosecution did not establish a "basis for criminal action". In the remaining six cases, investigations were ongoing. In at least one case under investigation, a suspect was remanded in custody. The ongoing investigations involved seven survivors, including a foreign national who suffered a haemorrhage following the attack.

Amnesty International is aware of another case where a complaint filed by a survivor of sexual assault did not lead to trial, despite the known identity of the suspect. Information provided by the Human Rights Sector of the Ministry of Interior to the NCW, and reviewed by Amnesty International, indicated that an investigation was opened by the Public Prosecution into the groping of a 28-year-old woman in the street on 5 July 2013 in the Darb al-Ahmar neighbourhood (Case 3358 of 2013, Darb al-Ahmar Misdemeanours). However, the case was closed after the apprehended suspect's relatives submitted medical reports indicating that he suffers from "mental illness". To Amnesty International's knowledge, no efforts were made by the Prosecution to verify the accuracy of the briefing. The suspect was released to his family

⁹³ See, for example: MENA, *Egyptian prosecution refers two harassers to trial - agency*, 14 June 2014.

after they signed assurances that he would remain under their care.

The authorities came under intense public pressure to address mob assaults against women after the attacks in Tahrir Square around Abdel Fattah al-Sisi's inauguration. Security forces quickly arrested a number of men, who were charged, tried and convicted in a matter of weeks.

In July 2014, a court jailed nine people, including at least one boy, for between 20 to 25 years for attacks on women during protests in Tahrir Square. The court also ordered them to pay compensation of between 10-40,000 Egyptian pounds (US\$1,380-5,520) and ruled they should serve five years' probation following their release.

Three of the attacks had taken place during protests in June 2014, around President Abdel Fattah al-Sisi's inauguration. The court also jailed three of the men for life in connection with a separate attack during a demonstration in Tahrir Square in January 2013.⁹⁴ Several of the men were jailed in connection with multiple attacks.

A court in August 2014 jailed two other men for 25 years and imprisoned another for 20 years in connection with an attack on a woman and her daughter during the protests in Tahrir Square in June 2014.⁹⁵

The Egyptian authorities must ensure that thorough, independent and impartial investigations are promptly launched into all reports of attacks targeting women and girls, including in cases that have been reported on where formal complaints have not been lodged. Investigations should be independent of any bodies possibly implicated in the attacks. For mob sexual assaults in the vicinity of Tahrir Square, investigations should also address whether the sexual assaults were organized and co-ordinated, and the possible involvement of state or organized non-state actors. The authorities should also take steps to address the underlying causes of the attacks and put measures in place to prevent their reoccurrence, rather than responding after the fact.

⁹⁴ Cases 6328/2014, 6329/2014, 6330/2014 and Case 982/2013.

⁹⁵ Case 6178/2014.

VIOLENCE AGAINST WOMEN AND GIRLS IN CUSTODY

“I have tried prisons before and after the [25 January 2011] Revolution... They are no better, nothing has changed.”

A 41-year-old woman released from prison in 2012. She also spent time in detention in 2006.

In Egypt, women and girls deprived of their liberty by the state are vulnerable to violence, including beatings, harassment and both threats of and actual sexual assaults. The risk of torture and other ill-treatment is particularly acute upon arrest, during police interrogations and during the initial period of detention. Both women accused or convicted of ordinary criminal offences, as well as prisoners of conscience and other political detainees, suffer such abuses.

Girls and women are also kept in detention conditions in police stations and prisons which in some instances amount to cruel, inhuman or degrading treatment in themselves.⁹⁶ Corporal punishment and other cruel, inhuman or degrading disciplinary measures, such as prolonged periods in solitary confinement, continue to be applied in some women's prisons.

Men deprived of their liberty also suffer from dire conditions of detention and are at risk of torture and other ill-treatment.⁹⁷ But women in detention additionally suffer from the consequences of the authorities' neglect of their specific needs linked to menstruation, pregnancy and childbirth, particularly in police stations, leading to cases of labour and childbirth inside detention facilities and medical complications due to negligent, delayed or sub-standard medical care. Such treatment is contrary to international standards, including the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures

⁹⁶ Under Egyptian law, children may not be detained, placed in custody or imprisoned with adults in one place. See Article 112 of Law 12 of 1996 promulgating the Child Law, amended by Law 126 of 2008. A leading Egyptian human rights organization claimed in December 2014 that over 600 children had been detained for months in poor conditions at a riot police camp in north-east Egypt. See the Nadim Center for the Psychological Rehabilitation of Victims of Violence and Torture, *In Banha ... a Central Security camp for the detention of children* [original in Arabic], 14 December 2014: <http://on.fb.me/1wuSZIJ>

⁹⁷ Amnesty International, *Egypt: Rampant torture, arbitrary arrests and detentions signal catastrophic decline in human rights one year after ousting of Morsi*, 3 July 2014: <http://bit.ly/1uPrx78>

for Women Offenders (the Bangkok Rules).⁹⁸

Health concerns are not detected by the detaining authorities as incarcerated women do not undergo comprehensive medical screenings. The only routine medical examination undergone by all women deprived of their liberty are compulsory pregnancy tests. These contravene international standards, which stipulate for the right of women prisoners to confidentiality in relation to their reproductive health history.⁹⁹

As recognized by a number of women's rights experts, there is a clear "*link between violence against women and women's incarceration, whether prior to, during or after incarceration*".¹⁰⁰ A number of women survivors of domestic violence interviewed by Amnesty International have also continued to suffer violence in the context of detention, amid the failure of the detaining authorities to diagnose the existence of – let alone address – sexual or other abuse suffered by women prisoners.

Given the failure of the penal system to meet the most basic needs of incarcerated women, poor women who cannot afford to purchase basic foodstuffs, personal hygiene items, medical supplies, or to bribe officials to secure "privileges", suffer disproportionately in custody. In order to survive, in some cases, they serve other prisoners or clean the facilities. The director of one NGO working to support released prisoners told Amnesty International that women who were aware of their legal rights, were well educated, and had access to their relatives and lawyers fared better in prisons in general, and were less exposed to violence and abuse.

Violence against women, including sexual or gender-based violence, takes place with impunity inside places of detention. There are no independent mechanisms for incarcerated women to file complaints confidentially without fear of retaliation and no monitoring of detention facilities is conducted by independent and impartial bodies.

Amnesty International's findings point to the consistent lack of compliance with the Standard Minimum Rules for the Treatment of Prisoners, as well as the Bangkok Rules.¹⁰¹ In most cases documented by Amnesty International, even the minimal rules and safeguards related to the treatment of women prisoners stipulated in Egyptian laws and procedures, such as Law 396 of 1956, as amended by Law 6 of 2009, on Prison Regulations and Minister of Interior Decree 79 of 1961 on Internal Prison Procedures, are routinely flouted in relation to accommodation, personal hygiene, food distribution including for pregnant and breastfeeding

⁹⁸ The Bangkok Rules, Rule 10.

⁹⁹ The Bangkok Rules, Rule 8.

¹⁰⁰ The Special Rapporteur on violence against women, its causes and consequences, *Pathways to, conditions and consequences of incarceration for women* (UN Doc: A/68/340), 21 August 2013, para2.

¹⁰¹ See Standard Minimum Rules for the Treatment of Prisoners, Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 30 August 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

women, and medical services.¹⁰²

EGYPTIAN LAWS ON WOMEN IN DETENTION

The laws regulating Egyptian prisons contain a number of provisions relating to the treatment of female prisoners, providing for medical care, childcare, education and work.

Law 396 of 1956 on Prison Regulations, as amended by Law 6 of 2009

Article 19: “A pregnant female prisoner shall receive special medical treatment, as far as food, work and sleep are concerned, from the time her pregnancy is attested by a medical report until the time of delivery and 40 days thereafter. The mother and her child must receive the needed health care together with the appropriate food, clothing and rest. In no circumstances may the pregnant prisoner or mother be deprived of the food that has been determined for her.”

Article 20: “The child of a female prisoner shall remain with his mother until he reaches two years of age. If she does not wish that he remains with her or if he reaches that age, he shall be handed over to his father or to a relative of her choice. If the child has no father and no relative to take care of him, the prison’s director or superintendent shall inform the governor or director to take delivery of him in order that he may receive care outside the prison in an asylum. The incarcerated mother shall be informed of his whereabouts and shall be allowed to see him periodically as specified in the prison regulations.”

Article 29: “The course of (educational) study shall be determined by the Minister of Interior in agreement with the Minister of Education for men and women, after seeking the opinion of the Director General of Prisons.”

Article 43: “Female prisoners may not be subjected to the punishment of transfer to the special disciplining squad or transfer to a penitentiary.”

Article 83: “The Prisons Authority shall have inspectors, both male and female, to inspect prisons in order to ascertain that cleanliness, health and security requirements are fulfilled inside prisons and that all regulations established for prisons are implemented. They shall submit reports in this regard to the Director General of Prisons.”

Decision 79 for 1961 Promulgating the Prison Regulations

Article 4: “Female convicts may only be employed inside the prison in occupations appropriate to the nature of women.”

Article 51: “When a female prisoner is delivered to a mental disease hospital, her child shall not be sent with

¹⁰² Other Minister of Interior decrees regulate specific types of prisons, such as Decree 1964 of 1971 regulating central prisons. Amnesty International also obtained internal provisions related to women and children in prison of an unpublished two-volume rule book (Articles 633-644, Chapter 12). An official with the Ministry of Interior’s Prison Directorate stated that the rules were not publicly available as it was a “security document”. An official English translation of Law 396 of 1956, as amended by Law 6 of 2009, and Decision 79 for 1961 Promulgating the Prison Regulations, is publicly available. See Gov. of Arab Republic of Egypt, *Response of the government of the Arab Republic of Egypt to Note CU 2011/26 and NOTE CU 2012/157/DO/JS* (UN Doc: UNODC/CCPCJ/EG.6/2012/Gov.16), 7 November 2012.

her but handed over to his father or one of his relatives. If this is not possible he shall be sent to an asylum through the competent governor."

Torture and other ill-treatment

Egyptian law contains some safeguards against torture and other ill-treatment. The Constitution prohibits all "types and forms" of torture, making it a crime with no statute of limitations (Article 52). Article 40 of the Code of Criminal Procedure (CCP) prohibits the "physical and moral harm" of detainees.

However, the Penal Code only defines torture very narrowly, as forcing someone to "confess" to a crime. The law only criminalizes death threats and physical torture when they occur following an unlawful arrest by someone purporting to be a government officer.

ABUSE AT ARREST, DURING INTERROGATIONS AND INITIAL PERIOD OF DETENTION

Since the start of the 2011 uprising, women and girls – like men – arrested in the context of protests and political violence have been beaten and insulted by members of the security forces, as well as ordinary Egyptians commonly referred to as "honourable citizens". Such abuses have continued with impunity since the ousting of Mohamed Morsi from the presidency on 3 July 2013, particularly during the violent dispersals of his supporters' protests by security forces.

Women also face gender-specific violations, including sexual assault and harassment, inappropriate touching, as well as other forms of assault, threats of rape, and invasive search procedures. The risk of assault, including sexual assault, is highest upon arrest and during police transfers to court complexes or places of detention and particularly during the initial period of detention at police stations or camps of the Central Security Forces (riot police), where there are no female guards.

In recent months, Egyptian media has reported on a number of cases where security forces have faced accusations of sexually harassing, assaulting or raping women. In some cases, the Public Prosecution has formally opened criminal investigations, with one member of the security forces referred to trial.

- In July 2014, the Public Prosecution began an investigation into allegations that a member of the security forces had raped a female Al-Azhar University student in December 2013.¹⁰³ While the student gave her testimony to the Public Prosecution, the investigations have yet to see any members of the security forces held to account. No members of the security forces were detained in connection with the complaint.

- In September 2014, the Prosecution charged a member of Giza's security forces with the rape of a 17-year-old girl with a specific learning disability. The Public Prosecution claimed that the officer had raped the girl the previous month at the Imbaba Police Station. Egyptian media reported that the girl had gone to the police station to seek assistance after

¹⁰³ Ahram Online, *Egypt's prosecutor-general orders investigation into police rape claim*, 4 July 2014: <http://bit.ly/1x9M3xp>; Daily News Egypt, *Prosecution investigates alleged rape by police*, 6 July 2014: <http://bit.ly/1x9M6te>

two men had attacked her. The officer was remanded in custody and is currently standing trial.¹⁰⁴

- In October 2014, nine members of the security forces in El Minya governorate were detained for 15 days on suspicion of “sexually harassing” a woman and preventing her from reporting the incident.¹⁰⁵ It was unclear what happened to the men.
- Two members of Cairo's security forces were detained in December 2014 on suspicion of raping a woman in their patrol car. A court ordered their conditional release the following month, but state media subsequently reported the men would face trial on charges of sexual assault and kidnapping.¹⁰⁶

Women detained in police stations are typically guarded by male members of the security forces, a policy that runs contrary to international standards. Rule 53 of the Standard Minimum Rules for the Treatment of Prisoners provides that no male member of staff shall enter part of the institution set aside for women unless accompanied by a woman officer and that “*women prisoners shall be attended and supervised only by women officers.*” The rules provide that male staff such as doctors and teachers may provide professional services in female facilities but should always be accompanied by female officers.

The Bangkok Rules further state: “*If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination.*”¹⁰⁷

FEMALE PROTESTERS

Amnesty International collected testimonies from women and girl protesters apprehended by security forces since the ousting of Mohamed Morsi. They alleged sexual and other forms of abuse upon their arrest and during their initial period of detention.¹⁰⁸

¹⁰⁴ Al-Masry Al-Youm, *The first trial hearing of a police secretary accused of indecent assault of a handicapped girl today* [original in Arabic], 27 November 2014: <http://bit.ly/1CvTuuq>; Al-Youm Al-Saba', *We publish details of the referral of the police secretary accused of raping a girl in Imbaba Department of Criminal Affairs* [original in Arabic], 24 September 2014: <http://bit.ly/1DDSO1R>; and Almesryoon, *The full story of the rape of the 'Imbaba girl' at the hands of the secretary of police* [original in Arabic], 1 September 2014: <http://bit.ly/1KKjDU1>

¹⁰⁵ Ahram Online, *Nine policemen detained over sexual harassment in Egypt's Minya*, 5 October 2014: <http://bit.ly/154MZwd>

¹⁰⁶ Ahram Online, *2 Egyptian policemen accused of rape ordered released on bail*, 10 January 2015: <http://bit.ly/1AnQs0I>; and *Egyptian policemen charged with sexually assaulting woman in patrol car*, 17 January 2015: <http://bit.ly/1uhVSZh>

¹⁰⁷ Rule 10.

¹⁰⁸ Women interviewed were held at Nasr City Police Station 2, Maadi Police Station, Azbakiya Police

For instance, a 14-year-old girl arrested inside the Abu Bakr Mosque on 17 August 2013¹⁰⁹ described to Amnesty International what happened when security forces in black, most likely members of the Ministry of Interior's Special Forces, stormed the mosque:

"We were pushed down and beaten with the back of rifles. They [the security forces] got everyone to lie on ground floor of the mosque, ordered us to lie on our stomachs, and shut our eyes. I tripped on bodies on the floor... I was slapped on the face, and hit on the back with a rifle butt. My abaya [a robe that covers the body] and clothes underneath were covered in blood after they made us lie on the floor. We were then searched by men in black who touched me and the other girls all over our bodies and put their hands inside our clothes."

A 28-year-old woman arrested on the same day from al-Fath Mosque experienced similar abuse. She said that during transfer to a police vehicle, a man dressed in black uniform – she assumed to be a member of the Central Security Forces – groped her. A number of women who had gathered outside al-Fath Mosque to express their opposition to the Muslim Brotherhood and support for the government attacked her – hitting her, calling her a killer, and ripping off her clothes and veil while security forces watched.

An Al-Azhar University student in her early twenties told Amnesty International that members of the Central Security Forces apprehended her inside university grounds on 30 December 2013, dragging her across the pavement, beating her with batons and kicking her with their boots as she fell. She said that an officer continued to hit her inside the police van after he discovered that she had tried to conceal a second mobile phone from him. He also threatened to rape her and "show her what it's like to be treated like a woman". Abuse continued at the police station where she was transferred later that day. She was forced to stand against a wall in a corridor and lift one leg, while low-ranking police officers hit her with batons as they passed.

Another Al-Azhar University student told Amnesty International that security forces surrounded a small group of mainly female protesters when they sought to reach Rabaa al-Adawiya Square on 5 October 2013 while chanting anti-military and pro-Morsi slogans. A man wearing a black uniform slapped her and threatened her at gunpoint. A group of local residents opposed to the Muslim Brotherhood then proceeded to insult the women and girls, including by threatening to rape them to "teach them a lesson", while security forces stood within earshot and failed to intervene.

A number of perceived supporters of the deposed president recounted to Amnesty International intimidating interrogations. They assumed that the questioning was carried out by members of the National Security Agency, an intelligence body, as the interrogators wore civilian clothes. A 19-year-old university student arrested during pro-Morsi protests in Greater

Station, Salam Central Security Camp, Tora Central Security Camp and 6 October First Police Station.

¹⁰⁹ Many pro-Morsi protesters sheltered inside the mosque after demonstrations in the vicinity of Ramsis Square in central Cairo on 16 August 2013 turned violent. See Amnesty International, *Egypt: Security forces must show restraint after reckless policing of violent protest*, 23 August 2013: <http://bit.ly/1u95vz0>

Cairo on 6 October 2013 told Amnesty International:

"The officer yelled bring me the munaqaba' [a woman wearing a full face veil] followed by a lot of bad insults and curses... When I told him 'God forgive you', he punched me in the leg with all his might... I fell... It was painful to stand... He then made me kneel on the ground and take off my face veil... I stayed like that for three hours, while he questioned me... He looked through my phones, and saw pictures of Morsi... He asked about my relatives, what they do, their political beliefs... He kept insulting me and my mother."

Security forces have also assaulted women anti-government protesters and political activists known for their opposition to the Muslim Brotherhood. They included prominent human rights and political activists arrested on 26 November 2013 during the security forces' violent dispersal of a peaceful protest organized by the No to Military Trials group in front of the Shura Council. Those detained reported beatings and groping.¹¹⁰ Similarly, women and girls arrested on 25 January 2014 in the vicinity of Maadi Police Station, as they gathered to join an anti-government and anti-Muslim Brotherhood protest, told Amnesty International that they had been beaten all over their bodies and faces.¹¹¹

Such abuses against women take place in a climate of impunity. To date, there has been no accountability for sexual violence by the security forces, including for the highly invasive forced "virginity tests" carried out by an army doctor on women protesters who were arrested on 9 March 2011 and taken into military detention in Cairo. Seventeen of the women 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. While an administrative court subsequently banned forced "virginity tests" in December 2011, in March 2012 a military court acquitted the army doctor accused of carrying of the "tests".

PRISONERS DETAINED FOR CRIMINAL OFFENCES

Abuses such as beatings, sexual assaults, insults and sexual harassment are not only reserved for "political detainees". Women arrested for ordinary criminal offences also report torture and other ill-treatment, including sexual and gender-based abuse.¹¹² According to testimonies collected by Amnesty International, detainees appear to be particularly vulnerable to torture or other ill-treatment during interrogations by police to extract "confessions". The methods most commonly reported by those targeted, as well as former detainees who witnessed or overheard the torture or other ill-treatment, include beatings all over the body with various objects, such as belts, sticks or batons, as well as kicking and

¹¹⁰ The No to Military Trials group campaigns against trials of civilians by military courts in Egypt, trials which are grossly unfair and do not meet international law and standards. For more information on the protest on 26 November 2013, see Amnesty International, *Egypt: Beaten and arrested under new protest law* (Index: MDE 12/071/2013), 28 November 2013: <http://bit.ly/IHCRgY>

¹¹¹ Amnesty International, *'The walls of the cell were smeared with blood' – third anniversary of Egypt's uprising marred by police brutality*, 4 February 2013: <http://bit.ly/1ip39C9>

¹¹² Typical criminal offences in Egypt include, for example, outstanding debts, murder, prostitution and drug-trafficking.

punching. Other reported methods include being suspended and held in other stress positions, as well as the administration of electric shocks.

A woman accused of murder told Amnesty International that on the first night of her arrest in April 2012, which lasted between 11pm and 4am, she was slapped, kicked, punched in the face and given electric shocks on her shoulders and nipples. After she refused to confess to a murder, her hands were tied behind her back, she was blindfolded, her abaya was lifted and she was raped by one man.

Three other women detained in the same cell with her, interviewed separately by Amnesty International, confirmed that on that night the survivor was brought back to the cell with visible signs of beatings and scratches on her face and body, and with ripped clothing.

She said she complained the following day to the prosecutor in the same town about her treatment in the presence of her lawyer, but as far as she knows, no action was taken. The prosecutor failed to order that she be sent to a forensic examiner, and the four individuals who were present during her interrogation continued to work at the police station throughout her incarceration.

In addition to being used to extract “confessions”, beatings by guards or police also seem to be prompted by fights between detainees and other mundane reasons, such as speaking too loudly. A number of women released from custody in police stations also told Amnesty International that detainees are routinely insulted, slapped or kicked. The ill-treatment particularly occurs when the detainees make requests, including for medical treatment and access to facilities in order to communicate with their relatives and lawyers.

A woman who spent some three years in different prisons and police stations in Lower Egypt told Amnesty International that she witnessed some new arrivals being tortured in the courtyard of one police station by the *falaqa* method (the beating of a restrained individual on the soles of their feet) with a leather belt. The beating was administered by “informants”¹¹³ at the orders of police officers.

According to testimonies of women’s human rights defenders and former prisoners, women accused of so-called “moral” crimes, such as adultery and prostitution, are particularly targeted for sexual and gender-based violence and other abuse, because of the security forces’ stereotypical and discriminatory attitude that such women deserve to be punished as they would not comply with society’s norms.

A 26-year-old woman from the Delta region, whose relatives took her out of school and forced her to marry at the age of 14 to a man 16 years her senior, told Amnesty International that she was arrested in September 2011 after her husband and other male relatives complained to the police about her extramarital sexual relations. She was six months pregnant at the time

¹¹³ Informants report to the head of investigations in police stations as well as prisons. Unlike police officers, they wear civilian clothes and are generally responsible for obtaining and providing information to the head of investigations, and frequently serve as a link between a target community and the authorities. Many former detainees complained about the informants’ abuse of power and corruption.

of her arrest.

The head of investigations at the local police station slapped her and insulted her, claiming that: “*no decent woman would leave her husband and children, you fallen woman*”. He also watched as her husband hit her at the police station. During the beatings, she was called a “*whore, who sleeps around*”. She was eventually convicted of adultery in February 2012 and sentenced to two years in prison. The conviction was upheld on appeal. She could not afford a lawyer and served her entire sentence.

Another woman interviewed by Amnesty International also sentenced to two years' imprisonment for adultery in January 2012 described the attitudes of some police officers and other officials towards women accused or convicted of “moral crimes”:

“They think we are fair game, not like other women, and don't mind if men touch us or say [sexually explicit] things... They think we are 'easy'... I was being taken for some pictures inside a police station, when a soldier [a low-ranking police officer] touched my back and was moving his hand down... I screamed and pushed him, so he left me alone.”

A 34-year-old woman released from prison in June 2012 after serving a three-year prison sentence told Amnesty International that she was arrested in the governorate of Port Said along with a group of other women and men and accused of running a prostitution ring. She said all the other women were tortured, while she was spared because of personal connections. She described what happened to one of her co-defendants:

“They [the police] dragged her to a place they called talaga [“fridge”, a dark cold room], and she was handcuffed with her feet tied. In that position, she was suspended and beaten on the soles of her feet and her arms... She could not walk or move after that.”

CRIMINALIZING ADULTERY

Article 274 of the Penal Code criminalizes adultery by women, prescribing a maximum two-year prison sentence for “adulterous wives” and the men with whom they allegedly committed the act (Article 275). A husband has the power to initiate a complaint against his wife or to pardon her.

The law discriminates against women, as “adulterous” husbands can only be criminally liable if the act was committed in the marital home. The maximum sentence for “adulterous” husbands is six months' imprisonment (Article 277), whereas for married women it is up to two years in prison.

International law considers the criminalization of sexual relations in private between consenting adults to be unlawful interference with the right to privacy, as enshrined in Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights, which states “*no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks*”.

While Amnesty International believes that sexual relations between consenting adults should not be criminalized in any case, the distinction between men and women made in Egyptian legislation criminalizing adultery reflects and perpetuates deep-seated discriminatory attitudes against women.

INHUMANE DETENTION CONDITIONS FOR WOMEN AND GIRLS AT POLICE STATIONS

Both women and girls face inhumane conditions of detention while they are detained at police stations. In practice, the time spent by suspects in preventive detention at police stations varies wildly, from a few days to months at a time.

Egyptian law does not explicitly specify the maximum amount of time suspects can remain in police stations before transfer to regular prisons.¹¹⁴ Some detainees interviewed by Amnesty International were transferred to prisons after their preventive detention order was renewed by the Prosecution for 15 days; others had spent weeks and even months in police stations before being transferred to regular prisons. Girls are kept in police stations together with adult detainees and are exposed to the same ill-treatment and abuse.

Police stations do not have the necessary facilities to accommodate detainees for prolonged periods of time. They lack even the most basic amenities, such as beds and bedding and shower or bath facilities. The most common complaints of women and girls held in police stations include the absence of female guards, severe overcrowding, poor ventilation, appalling hygiene standards, and no outdoor time.

To meet their basic nutritional and personal hygiene needs, detainees held at police stations rely on visits by their relatives – who bring them food, drinking water, changes of clothes, soap, sanitary pads and other necessary items. Former detainees told Amnesty International that it was impossible to survive on the food, if any, distributed in police stations, which at best includes a few pieces of bread with beans or cheese. Detainees from underprivileged backgrounds, who are either not visited by relatives or whose relatives cannot afford to bring food, have to rely on the goodwill of their cellmates to meet their basic needs.

Women in police stations frequently complained to Amnesty International that male guards and police officers had attempted to watch them in various states of undress, including while being searched, using the toilet, and sleeping. The general lack of privacy in police stations – as detainees are visible through the cell windows and male police officers frequently enter the premises without warning or knocking – mean that some women remain fully veiled and dressed throughout their incarceration.

Most cells in police stations have no door or curtain on the toilet facilities. In some stations, no toilet facilities are available inside cells, and detainees either have to use a bucket or ask to be taken out by male guards. A regular supply of clean water is also not always available, as most police stations are only equipped with a water tap and lack any shower or bath

¹¹⁴ Article 36 of the Egyptian Code of Criminal Procedures provides protection against enforced disappearance, arbitrary detention and other abuses by stipulating that a detainee must be brought before a public prosecutor for questioning within 24 hours of their arrest, after which the Public Prosecution may extend the detention period or order the detainee's release. On the other hand, Article 41 prohibits placing any individual in a prison not designated for that purpose, and instructs prison directors to only admit prisoners based on orders from the relevant authorities. However, the article does not specify the maximum period of time individuals held in pre-trial detention can spend in police stations rather than regular prisons.

facilities.

No comprehensive health screening is provided. Detainees also have to purchase their own medicine by sending lower-ranking police officers to buy it, or wait for their relatives' visits. Sanitary towels are not provided free of charge. Testimonies also point to detaining authorities' failure to guarantee access to medical services for those women who complain of illness, in some cases ignoring illnesses altogether, while in other cases not dealing with complaints as a matter of urgency.

Women and girls interviewed by Amnesty International also described the negative health and psychological impact of being locked up nearly continuously in police stations. Detainees only leave their cells for investigations by the Prosecution, to attend hearings in which the Prosecution orders their detention to be renewed or other court proceedings, and for brief family visits. The frequency of family visits seems to vary from police station to police station, in part based on the ability of the detainee's relatives' to bribe their way in, and only last for a few minutes. In some police stations, such visits take place inside the buildings, meaning that detainees have no outdoor time throughout their period of incarceration.

Police stations are also not equipped to address the needs of women survivors of violence and those with mental health problems. In one example, a 27-year-old woman with a history of abuse by her parents and later her husband and his family interviewed by Amnesty International in February 2013 said she spent several months in a police station. Because her relatives did not visit her, she stayed locked up the whole time. She told Amnesty International:

"I got really depressed, there was no sun and I felt trapped. I tried to commit suicide by slashing my wrists, but fellow detainees noticed and called the administration. They [the police] felt bad for me and gave me painkillers and food."

Other detainees held at the same police station who witnessed the incident corroborated her story, saying that while the police administration sympathized with her, they did not know how to address her needs, and never called for a specialist to examine her.

BODY SEARCHES

Women incarcerated in police stations and prisons have frequently complained to Amnesty International of intimate body searches conducted in a manner that does not respect their dignity. In some instances such searches are conducted in a manner that violates the prohibition of cruel, inhuman or degrading treatment.

Rule 19 of the Bangkok Rules states that the authorities should take effective measures to ensure that women prisoners' dignity and respect are protected during personal searches, which should only be carried out by women staff properly trained in appropriate searching methods and in accordance with established procedures.

In police stations, which lack female personnel, searches are conducted by other women detainees not trained in appropriate searching methods and at times in the presence of male officials and guards.

A woman arrested during university protests in December 2013 told Amnesty International that she was searched by another detained woman, who groped her breasts without warning, in the presence of male guards.

In prisons and juvenile facilities for girls, female guards or other female officials conduct intimate body searches. However, women complained about being searched in the presence of other prisoners, and described insensitive and unprofessional searches, including invasive body searches – where women were stripped, forced to kneel and get up several times, and underwent vaginal and anal cavity searches without warning or hygienic precautions such as gloves. Some former prisoners also complained that such search procedures were accompanied by insults and derogatory remarks, including: “*Hurry up, take your clothes off, ‘oh female’ [derogatory term for woman in Egyptian dialect]*”. A number of women arrested in connection with pro-Morsi protests also complained that they were insulted during searches, including by being told: “*we have to search you thoroughly, as you are terrorists*”.

Om Mohamed, a 50-year-old woman acquitted of murder charges, told Amnesty International that during her pre-trial detention at Port Said Prison she was strip-searched upon arrival and made to stand up and sit down naked several times in front of a number of female officials, women guards and other newly arriving detainees. She said that the manner in which they do it: “*takes one’s dignity and personality away*”.

LIVING CONDITIONS AND ABUSES IN PRISON

Amnesty International’s interviews with former prisoners detained in Egypt’s main woman’s prison of Qanater and the smaller prisons of Damanhour, Port Said, Shebin al-Qoum and Tanta demonstrate that, like in police stations, women’s experience of violence and abuse in prison largely depends of their financial standing and ability to provide for their own needs.

A 43-year-old woman who spent six months in Qanater Prison for a drug-related offence described the situation to Amnesty International:

“Those who have no visits [by relatives, who bring cigarettes – the prison currency, as well as food and other basic supplies], don’t live. If you have money, there is everything available: factories, a canteen, a bakery, a large kitchen – but the benefits only go to those with the means. Different rules apply for those with money – they can wear whatever they want, and even have their nails and hair done in prison... but if you are poor, your survival is a daily struggle... You will sleep on the toilet steps, because there is no room for you, and be constantly hungry... the prison administration treats you differently if you have money.”

Released women – especially those with modest financial means – described poor conditions for those who did not have the financial means to secure dignified living conditions inside prison, including severe overcrowding, poor hygiene, being forced to sleep on the floor or share beds, malnutrition and a lack of basic medical care. Prison conditions and treatment also seem to be largely contingent upon the prison administration leadership, namely the director of the prison and the head of investigations. A number of women who had spent time in Port Said Prison during different administrations noted major changes in the prison regime when the leadership was replaced.

Among the most frequent complaints was poor sleeping accommodation. Sleeping

arrangements range from spreading blankets on the floor, including near the toilet area, to sharing single beds, to having individual beds. Others complained of inappropriate heating – too cold in the winter and too hot in the summer – with little or no fresh air, poor artificial ventilation, and fans generally only available at the prisoners' own expense. An associated complaint of some prisoners, particularly those with asthma, or who were pregnant or nursing children, as well as Muslim Brotherhood supporters, was the constant smoking inside the cells in the absence of ventilation.

Unlike in police stations, women incarcerated in prisons – whether those awaiting trial or serving their sentences – have daily access to fresh air and outdoor time.¹¹⁵

Most prisons allow women to move freely between dormitory cells and courtyards between roll-call in the morning to about sunset. An exception to this general rule, and a clear discriminatory practice based on political opinion, is the denial of outdoor time for women incarcerated in Qanater Prison in relation to their alleged participation in pro-Morsi protests since July 2013, allegedly “for their own protection” from women jailed for ordinary criminal offences.

Other common complaints of released prisoners included the poor nutritional value of the food provided by the administration.¹¹⁶ Prisoners who did not receive food from relatives or could not afford to purchase better meals either had to rely on the goodwill of their cellmates or work informally for their upkeep.

Prisoners also said that, other than soap, they were given no cleaning supplies or items to ensure personal hygiene, including sanitary pads, free of charge by the prison administration. Prisoners were responsible for cleaning their cells but were given no means of doing so. In practice, only prisoners with no financial means cleaned cells regularly in return for food or cigarettes.

A 36-year-old illiterate, widowed woman jailed for most of 2011 in relation to unpaid debt¹¹⁷ told Amnesty International that her life in Port Said Prison was difficult and that she had to work to survive in the absence of family support. She said:

“I cleaned inside the cells and courtyard and the toilets and the other prisoners would give me cigarettes in return. I also washed other people's clothes... For that, they let me share the food they got in their [relatives'] visits. Otherwise, I would go hungry with the distributed food.”

¹¹⁵ An exception to this are women on death row in Qanater Prison.

¹¹⁶ Most prisoners detained in different facilities said that the daily rations included three pieces of bread, cheese or halawa to be shared among cellmates, and a lunch consistent of rice and vegetables – which was described as barely edible and at times infested by insects. Meals with meat or poultry and two eggs per prisoner were apparently distributed on alternate days.

¹¹⁷ The imprisonment of people for failure to fulfil a contractual obligation is contrary to Article 11 of the International Covenant on Civil and Political Rights, to which Egypt is a state party.

A 50-year-old woman with diabetes, who was the main breadwinner of her family, lamented to Amnesty International that her cellmates in Tanta Prison stopped sharing their food with her after her hand became infected and she could no longer clean or wash their clothes. She spent six years in jail for failing to pay her loans.

Most prisons still lack a sufficient recreational programme of activities, let alone those taking into account gender-specific needs and the particular needs of pregnant women, nursing mothers and women with young children.¹¹⁸

Many former detainees also complained about inadequate medical services, including the lack of gender-specific health care, including the right to select access to women medical personnel as well as to individualized, gender-sensitive, trauma-informed and comprehensive mental health care.¹¹⁹

None of the released prisoners interviewed by Amnesty International said they had undergone any medical examination upon admission, with the exception of compulsory pregnancy tests. For basic ailments, prisoners can request to see a prison doctor – a general practitioner. Only former prisoners in Damanhour Prison said that they had regular visits by a gynaecologist. For more specialized treatment and urgent matters, prisoners are transferred to hospitals. Many complain of delays and an environment that is not conducive to requesting help from the prison administration. Others also complained that all illnesses are treated with basic painkillers – some past their expiry date – and that they had to rely on their relatives to bring them the necessary medicine or on their personal funds to purchase medicine. No psychological support is provided, including for women survivors of violence or other trauma and women with mental illnesses.

A former prisoner described to Amnesty International how a cellmate swallowed a needle in an attempt suicide. She said:

“She started turning blue, foaming up, and the rest of us were screaming to get the guards to open the door. It took the informants a while to come in. She was eventually sent to the prison doctor, who said that she needed to be hospitalized. She returned [to prison] two weeks later; she said she was receiving medical treatment, but nothing else.”

TORTURE AND CRUEL, INHUMAN AND DEGRADING PUNISHMENTS IN PRISONS

Whipping as a legally sanctioned disciplinary procedure for prisoners was only repealed at the beginning of the 21st Century.¹²⁰ Nonetheless, released prisoners recounted the persistence of corporal punishment for “mistakes”, including the physical assault of other prisoners and breaking prison rules such as possessing unauthorized items. Most commonly, released detainees said that offenders were subjected to *falaqa*, either in view of other prisoners or in

¹¹⁸ Prison regulations stipulated that children under two stay with their mothers in prison.

¹¹⁹ Bangkok Rules 10 and 12.

¹²⁰ Law 152 of 2001 amending Law 396 of 1956 on Prison Regulations and Minister of Interior Decree 668 of 2002 amending Minister of Interior Decree 69 of 1971 on Internal Prison Regulations.

the office of the prison director or head of investigations. A prisoner released in early 2014 told Amnesty International what she had witnessed:

“She had to lie on her back, in front of all of us, and put her feet up... She was then hit with a leather whip about nine to 10 times... She was then made to run in the corridor... She couldn't really do it... Her feet were very swollen later.”

Another detainee at the same prison confirmed the use of *falaqa* as punishment, adding that “offenders” were made to stand for prolonged periods of time without being given water or food, and were prevented from using the toilet either before or after the administration of corporal punishment.

In some prisons, such as Qanater, “offenders” are also placed in solitary confinement in small, dark cells without bedding, for periods ranging from 24 hours to a week. They are given minimal food, usually bread, and left with a bucket for a toilet. Some former prisoners in Qanater also described how the “offenders” were made to strip down to their underwear or a light change of clothes, while cold water was poured on the floor of the cell to prevent them from lying down.

Many released detainees described being insulted, slapped or kicked by guards for “talking back” or other infractions. For instance, two former prisoners from Tanta and Port Said Prisons told Amnesty International that they were hit on the back, in one case with a broom, while pregnant for not going back to their cells fast enough.

PREGNANT AND BREASTFEEDING WOMEN IN DETENTION

While Egyptian prison procedures make specific provisions for pregnant and breastfeeding women, they are not applied in police stations, including when pregnant women spend prolonged periods of time in detention.

A 32-year-old woman who has been in and out of prisons for unpaid debt between 2006 and 2009, told Amnesty International that she was pregnant when detained at a police station in Al Sharqia governorate in Egypt. She described her treatment:

“There was no doctor at the police station... They took me to the hospital once to do a pregnancy test, but not for any check-ups or treatment. They did not bring me any special or extra food or milk, I just ate whatever was available: three pitta breads and falafel... we were only distributed one meal a day... Some of the other detainees felt bad for me and shared their food [from visits]... There were two windows in the cells, but I was never allowed outside, and I used to walk around the cell. I slept on the floor on a blanket, and my back always hurt me.”

She was eventually transferred to a regular prison, where her situation improved slightly. Her baby died at four months. “I don't know if it was because of the harsh conditions, or it was just God's will,” she said.

Another woman from the governorate of Al Sharqia interviewed by Amnesty International described her painful experience of being heavily pregnant and then in labour at a police station. She said:

“There was no medical treatment at the police station, and they did not care if I was pregnant. I did not get any special food or nutrition. There was no window and no fan in the cell, it was incredibly hot. The room felt like a tomb...”

“At this stage, I was almost nine months’ pregnant. I argued with the police officers, begging them that I needed to be transferred to a proper prison, but they just ignored me. One night, I was really not feeling well and asked for help by banging on the cell door... At first they laughed at me, but eventually they brought a doctor... He checked me inside the cell and said that I still had two more months to go. After he left, my contractions got worse, and my cellmates started banging on the door for a long time.

“The officer on duty finally got an ambulance and I was taken to the hospital, where I was handcuffed to the bed by one hand... The guard stood outside... I had a caesarean, I think because I was left for too long. One of the doctors was really demeaning to me and handled me roughly. Another said that I needed to stay in the hospital for longer for observation and treatment, but the hospital director refused, and got me out the next day. I had 13 stitches as it [my vagina] ripped.

“When I got back to the police station, I was alone, the others had been transferred, and I was scared, and I couldn’t even go to the toilet. Another new detainee came in and intervened on my behalf with the guards and police, at which point I was finally allowed to go outside for air... I suffered from puerperal fever.”

The situation of pregnant women and nursing mothers is slightly better in regular prisons. Article 19 of Law 396 of 1956 on Prison Regulations, as amended by Law 6 of 2009, prescribes special provisions for the treatment of pregnant women and women following childbirth, when it comes to sleeping conditions and additional nutrition. Article 20 provides for a child of a female prisoner to remain with their mother until they reach two years of age. In practice, women with young children, pregnant women and older women with medical conditions are placed in separate cells called “monitoring cells”. Prisoners who spent time there described slightly more spacious accommodation than regular cells with better ventilation. However, some pregnant women complained to Amnesty International that they did not have beds throughout their incarceration and had to sleep and even put their newborn children on the floor. Others complained of smoking in the “monitoring cells”, in disregard of the health needs of pregnant women and children.

In terms of nutrition, pregnant women receive a litre of milk on alternate days, while the ration is doubled for new mothers, and meat products are distributed daily. Interviews with nursing mothers and women with toddlers revealed a lack of consistency in the approach of administrations – both within and between prisons to meet the needs of young children, such as regular immunizations, checks-up by paediatricians and the distribution of baby nappies.

Unpublished internal procedures, seen by Amnesty International, require that pregnant prisoners be sent to state hospitals at the beginning of their ninth month of pregnancy unless the prison doctor decides that she must be sent before that. Interviews with women who have given birth while incarcerated in prison paint a different picture of very minimal, if any, pre and post-natal care. Like for other medical services, prison administrations fail to show the necessary urgency when addressing medical needs, including in transferring women in labour

to hospitals on time.

A prisoner who gave birth in a state hospital in early 2013 told Amnesty International that she had witnessed three other pregnant women in the "monitoring cell" give birth inside the prison. She said:

"[Name removed] was in pain and had started getting contractions at about sunrise. We were calling the guards and nobody came... Eventually, we saw the baby's head come out... She was then taken to the prison doctor to cut the [umbilical] cord; she was never taken to the hospital..."

"Another woman [name withheld] started complaining of pain at about midnight, the [prison] doctor examined her and decided it was too early... At about 5am, she was in labour and it was too late; we started shouting and nobody came... Another prisoner had some nursing training and delivered the baby... but there was too much bleeding... She was then taken to the hospital and stayed there for a week..."

"A third woman was taken to the hospital in an ambulance, but really late and ended up giving birth downstairs [in the ambulance]... I was really scared after seeing what happened to the others... So I had a nurse examine me, and she agreed that I was ready for transfer... I was handcuffed in the ambulance by one hand, and also at the hospital... After my boy was born, there was a guard with me standing inside the room, even when I breastfed... He almost followed me into the toilet, standing by the door while I finished..."

"I stayed in the hospital three days... My situation was much better than others; I heard that women convicted of dangerous crimes like murder are immediately taken away after delivery."

Contrary to international standards, including the Bangkok Rules, which prohibit instruments of restraint during labour, birth and immediately after birth, it is routine practice in Egypt to handcuff women in labour not only during transportation from the detention facility to the hospital, but also in the hospital.¹²¹ Women are usually handcuffed by one arm to the bed.

THE BANGKOK RULES

The Bangkok Rules contain a number of rules relevant to the care of detained mothers and children.

Rule 24

Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

Rule 5

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made

¹²¹ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rule 23. See also: Amnesty International USA, *Women in Custody*, <http://bit.ly/17Pvn8E>

available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.

Rule 48

1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.

2. Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.

3. The medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes.

Rule 49

Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.

Rule 50

Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children.

Rule 51

1. Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.

2. The environment provided for such children's upbringing shall be as close as possible to that of a child outside prison.

NO VENUE FOR REDRESS

“If you have a problem, complain to God ... If you complain in prison, the guards and the informants will only treat you worse. Your relatives can also complain to the Prison Sector [of the Ministry of Interior], but there is no point.”

A former woman prisoner, interviewed by Amnesty International.

Egyptian prisons and other detention facilities are not subject to any independent oversight, and no adequate mechanisms exist to enable individuals deprived of their liberty to make complaints to independent bodies, or to complain without fear of retaliation.

According to prison rules and regulations, prisoners can lodge complaints with the director of the prison.¹²² On its website, the Prison Sector of the Ministry of Interior expands on the

¹²² For instance, Article 58 of Decree 1964 of 1971 regulating central prisons states that prison directors are required to accept any prisoner complaints, whether submitted in written or verbal form,

mechanism for submitting complaints, stating that prison directors are required to register all prisoner complaints and refer them to the Public Prosecution or other relevant bodies. Prisoners can also place their letters into "complaint boxes" inside the prison facilities or request to write sealed letters to be handed to the prison director, who must in turn send them without breaking the seal to the Human Rights Department of the Ministry of Interior. Complaints can also be submitted by phone or fax.¹²³

Most released detainees to whom Amnesty International spoke, said that they either were unaware of any complaints mechanism or too afraid of negative repercussions of complaining to the prison administration. In one case, a released prisoner who sought to meet with the prison director to complain about another prisoner was obstructed by the guards, who told her that the director was either occupied or indisposed. She eventually gave up.

For years, human rights organizations, including Amnesty International, have repeatedly called for unannounced and regular visits by independent bodies to monitoring prisons and other places of detention. Such visits are a key safeguard against torture or other cruel, inhuman and degrading treatment or punishment.¹²⁴ UN treaty bodies have also recommended that Egypt ensure mandatory inspection of prisons by independent bodies.¹²⁵

According to Article 42 of the Egyptian Code of Criminal Procedures, public prosecutors have the authority to visit places of detention.¹²⁶ Under Article 85 of the Law on Prison Regulations they are also authorized to inspect prisons, receive complaints and to ensure compliance with Egyptian law. In practice, they rarely, if ever, exercise that right. Former detainees interviewed by Amnesty International confirmed that the Public Prosecution never visited them. Some prisoners spoke of inspections by the Prison Sector of the Ministry of Interior, which consisted of detainees being required to take out their personal belongings and step out of the cells for inspectors to check for any prohibited items – including mobile

include them in a complaint registry, and inform the Public Prosecution or other relevant authorities.

¹²³ Prisons Sector, Ministry of Interior, *Complaint procedure progress* [original in Arabic]: <http://bit.ly/1ucxCHM>

¹²⁴ See, for example, Amnesty International, "6. Recommendations", *Egypt: Systematic abuses in the name of security* (Index: MDE 12/001/2007), 11 April 2007, p41: <http://bit.ly/1yrAV10>; Amnesty International, "End torture and other ill-treatment" *Egypt: Human rights agenda for change* (Index: MDE 12/015/2011), 10 February 2011: p3: <http://bit.ly/1IQGCJu>; Amnesty International, "5. Conclusions and recommendations", *Agents of repression: Egypt's police and the case for reform* (Index: MDE 12/029/2012), 2 October 2012, p46: <http://bit.ly/19Bo1jd>

¹²⁵ The Committee against Torture, "E. Recommendations", *Conclusions and recommendations of the Committee against Torture* (UN Doc: CAT/C/CR/29/4), 23 December 2002, para6(d).

¹²⁶ Attorney-general Circular Letter 11 of 1999 regulates procedures for unannounced inspections by the Public Prosecution in places of detention. For an official English translation of the circular, see The Committee against Torture, "Annex 1", *Fourth periodic reports due in 2000 Addendum: EGYPT* (UN Doc: CAT/C/55/Add.6), 18 October 2001, p31.

phones, drugs, coloured clothes and other such items.¹²⁷ Such inspections were carried out in the presence of officials from the prison administration and female guards and therefore did not allow prisoners to raise any concerns with the inspectors in private.

Most prisoners interviewed by Amnesty International told the organization that they were not provided with written or oral information on the regulations governing the treatment of prisoners in their category, and had to learn as they went along or from fellow detainees. Many were also not aware of their rights, or any mechanisms available to them to complain about their treatment in detention or prison conditions.

¹²⁷ Detainees in Egypt must wear different coloured clothes depending on their legal status.

EGYPT'S OBLIGATIONS UNDER INTERNATIONAL LAW

Egypt has obligations under a number of UN human rights treaties and general international law to take measures to eliminate all forms of violence against women and girls, and to provide survivors with full reparation.

Egypt is a state party to a number of UN human rights instruments which guarantee the rights of women and girls.¹²⁸ They include:

- The International Covenant on Civil and Political Rights (the ICCPR);
- The International Covenant on Economic, Social and Cultural Rights (the ICESCR);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the CAT); and
- The Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW).

Egypt has also ratified the African Charter on Human and Peoples' Rights (the ACHPR).

NON-DISCRIMINATION AND GENDER EQUALITY

Equality and non-discrimination are foundational human rights principles. The notion that all humans are born free and equal underlies the concept of human rights. In turn, one of the primary aims of human rights is to ensure equality among all people.

The principle of non-discrimination is enshrined in key human rights treaties to which Egypt is a state party, including the ICCPR, ICESCR, CEDAW and the ACHPR. This principle is further detailed in specific provisions of these treaties, such as provisions guaranteeing equality before the law and the equality of spouses as to marriage, during marriage and at its dissolution.

Human rights law also explicitly guarantees the rights to equality and non-discrimination. United Nations treaty monitoring bodies have explained the relationship between these rights. For example, the Committee on Economic, Social and Cultural Rights (the CESCR) notes in its General Comment 16 (right to equal enjoyment of rights between men and women), that the rights to equality and non-discrimination are "*integrally related and mutually reinforcing*."¹²⁹ The committee has further noted that the elimination of discrimination on all prohibited grounds is fundamental to the enjoyment of economic, social and cultural rights on a basis of equality.

¹²⁸ See full list on-line at Office of the High Commissioner for Human Rights: <http://bit.ly/1wgfBs0>

¹²⁹ The CESCR, *General Comment 16*, para3.

Both the ICCPR and the ICESCR contain a provision explicitly protecting the equal enjoyment of rights between men and women, as well as a broader provision prohibiting any discrimination in the enjoyment of the human rights recognised in the treaties on any grounds, including (but not limited to) “*race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*” (Article 2(1), ICCPR and Article 2(2), ICESCR).

The ICCPR includes an even broader provision that “*All persons are equal before the law and are entitled without any discrimination to the equal protection of the law*” and that “*the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*” (Article 26). The ICCPR further guarantees equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution (Article 23(4)).

Article 18(3) of the ACHPR states: “*The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.*”

Respect for the rule of law is essential to the full realization and enjoyment of human rights for all people. This requires a system in which all institutions and persons are accountable to laws which are consistent with international human rights norms and standards, publicly promulgated, equally enforced, and independently adjudicated.

SPECIFIC OBLIGATIONS ON NON-DISCRIMINATION AND GENDER EQUALITY UNDER THE CEDAW

The CEDAW is specifically focused on eliminating all forms of discrimination against women. Egypt has been a state party to this treaty since 1981. However, it maintains broad and unspecific reservations on Article 2 of the CEDAW, related to the general obligations of states to condemn all forms of discrimination against women and enact laws and policies to eradicate such discrimination, and on Articles 16 and 29 of the treaty related to equality within family life. In both instances, the government evoked tenets of Shari'a as justification for its reservations.¹³⁰ Nonetheless, it is obliged to refrain from acts which conflict with the object and purpose of the treaty, including through adoption of reservations. Egypt's discriminatory laws and policies, as well as its lack of meaningful action on violence against women and girls, are inconsistent with these obligations, and as such violate the object and purpose of the CEDAW.

The Committee on the Elimination of All Forms of Discrimination against Women (the CEDAW Committee) has confirmed that violence against women and girls is unlawful sex discrimination and violates a number of other fundamental rights, including:

- (a) The right to life;
- (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or

¹³⁰ See: <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>

- punishment;
- (c) The right to liberty and security of person;
 - (d) The right to equal protection under the law;
 - (e) The right to equality in the family;
 - (f) The right to the highest standard attainable of physical and mental health; and
 - (g) The right to just and favourable conditions of work.¹³¹

Violations of these rights by state actors, for example, in places of detention, puts Egypt in breach of its obligations under general international human rights law and under other conventions to which it is a state party, such as the ICCPR, the ICESCR, and the CAT.

In the case of violence committed against women and girls as private acts, such as domestic violence or attacks in the street by non-state actors, Egypt is also responsible if it fails to act with due diligence to prevent, investigate and punish the rights violations, or to provide reparation to survivors.

As a state party to CEDAW, Egypt must:

- take appropriate and effective measures to overcome all forms of sexual and gender-based violence, whether by public or private act;
- ensure that its laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women and girls, and respect their integrity and dignity; and
- provide appropriate protective and support services for survivors, and gender-sensitive training of judicial and law enforcement officers and other public officials to ensure the effective implementation of the convention.

States party to the CEDAW should also encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence.¹³²

Egypt has not ratified the Optional Protocol to CEDAW allowing individuals and groups to submit complaints regarding the state's breach of its obligations under the convention.

¹³¹ The CEDAW Committee, *General Recommendation 19*.

¹³² The CEDAW Committee, *General Recommendation 19*.

DUE DILIGENCE

Due diligence refers to the level of care or activity states should exercise in fulfilling their international human rights obligations. In the context of violence against women, this means that states are obliged to prevent, investigate and punish acts of violence, whether they are perpetrated by the state or by private persons. This would include passing laws prohibiting violence against women, ensuring investigations are conducted by law enforcement trained to handle situations of violence against women, ensuring a fair trial and punishment of those found guilty, and guaranteeing appropriate reparations for survivors.

The obligation to exercise due diligence is enshrined in international law and standards. Article 2 the ICCPR guarantees that states must provide an effective remedy to anyone whose rights under the treaty have been violated, without discrimination.

Interpreting states' obligations under Article 2 of the ICCPR, the Human Rights Committee in its General Comment 31 has noted that:

"...the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities.

"There may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.

"States are reminded of the interrelationship between the positive obligations imposed under article 2 and the need to provide effective remedies in the event of breach under article 2, paragraph 3. The Covenant itself envisages in some articles certain areas where there are positive obligations on States Parties to address the activities of private persons or entities... It is also implicit in article 7 that States Parties have to take positive measures to ensure that private persons or entities do not inflict torture or cruel, inhuman or degrading treatment or punishment on others within their power."¹³³

Interpreting states' obligations under the CEDAW, the CEDAW Committee has further noted in its General Comment 19 that:

"States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence."¹³⁴

¹³³ The Human Rights Committee, *General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant* (UN Doc: CCPR/C/21/Rev.1/Add.13), 2004, para8.

¹³⁴ The CEDAW Committee, *General Recommendation 19*, (UN Doc: A/47/38), 1992, para19. See also

The Special Rapporteur on violence against women, its causes and consequences, has stated that:

*"...the State, by failing to respond to intimate/domestic violence, can be held responsible for not fulfilling its obligation to protect and punish in a non-discriminatory way and can be charged as an accomplice to private violations."*¹³⁵

The Special Rapporteur has also noted that the same could also be said for *"other acts of VAW/GBV, such as rape, which are typically perpetrated by non-State actors."*¹³⁶

The rape of a woman or girl in the power or custody of a state agent – for example, a prison official, security or military official – always constitutes torture for which the state is directly responsible. Other sexual or serious physical abuse of women by such officials always constitutes torture or ill-treatment (see below, "The prohibition of torture and other ill-treatment"). However, states must also act to protect the rights of individuals, by intervening in situations where private individuals abuse the rights of others. This is particularly important in relation to acts of violence against women.

It is the fundamental right of every person to live free from violence and discrimination. States must therefore exercise due diligence to protect women from human rights violations from state actors and abuses by non-state actors. The Special Rapporteur on Violence against Women, its Causes and Consequences has stated that, in order to achieve this:

*"...a state not only has a negative obligation to refrain from acts of violence against women, but also has positive duties to prevent and protect women from violence, punish perpetrators and compensate victims of violence."*¹³⁷

Protection of rights through preventing potential acts of violence can be considered at two levels: preventing harm to individuals known to be at specific and immediate risk; and preventing harm in a more general way at an earlier stage for all potential victims. The general principle of state responsibility requires that when states know or ought to know about violations of human rights, and fail to take appropriate steps to prevent the violations, then they bear responsibility for the action. This does not detract from the individual civil or

the Special Rapporteur on violence against women, its causes and consequences, *Integration of the human rights of women and the gender perspective: violence against women the due diligence standard as a tool for the elimination of violence against women* (Index: E/CN.4/2006/61), 20 January 2006.

¹³⁵ The Special Rapporteur on violence against women, its causes and consequences, *Integration of the human rights of women and the gender perspective: violence against women the due diligence standard as a tool for the elimination of violence against women*, para61.

¹³⁶ The Special Rapporteur on violence against women, its causes and consequences, "7. Broadening the vision of due diligence", in *Summary Paper on the State responsibility for eliminating violence against women*, 2013, published on-line at: <http://bit.ly/1sGzHQT>

¹³⁷ The Special Rapporteur on violence against women, its causes and consequences, *State responsibility for eliminating violence against women*.

criminal liability of the person who commits the violation. The man who rapes or murders his partner is the person liable under criminal law for this act and should still be brought to justice. However, the state also bears a responsibility for failing to prevent or investigate and address the act appropriately and should make reparation to the survivor or her family.

A comprehensive set of services should be available to allow women and children at risk to access safety before serious violence has occurred. Preventing harm in a more general way at an earlier stage for all potential survivors can be achieved by establishing a general judicial and administrative framework, including effective education on rights, and by bringing perpetrators to justice. Failure to establish such services can result in the state becoming liable for violence against women in the private sphere. The Special Rapporteur on torture and other forms of cruel, inhuman and degrading treatment has stated:

“...States should be held accountable for complicity in violence against women, whenever they create and implement discriminatory laws that may trap women in abusive circumstances. State responsibility may also be engaged if domestic laws fail to provide adequate protection against any form of torture and ill-treatment in the home.”¹³⁸

International human rights law has been interpreted by courts in a way which emphasizes the importance of states providing a thorough and effective judicial and administrative framework as a key part of preventing harm. They are required to make clear to potential perpetrators and survivors alike – indeed society as a whole – that abuses of human rights are not acceptable and will be dealt with effectively by criminal law.¹³⁹

The Special Rapporteur on violence against women, its causes and consequences has detailed a number of measures needed by states to fulfil their due diligence obligations. They include steps to prevent violence against women, to protect women from violence, to punish the perpetrators and provide reparation to survivors.¹⁴⁰

THE PROHIBITION OF TORTURE AND OTHER ILL-TREATMENT

The right to be free from torture and other cruel, inhuman, or degrading treatment or punishment, as provided for in Article 7 of the ICCPR and Article 5 of the ACHPR, is absolute. Article 10 of the ICCPR further provides that anyone deprived of his or her liberty is to be “*treated with humanity and with respect for the inherent dignity of the human person*”. Article 5 of the ACHPR also recognizes “*the right to the respect of the dignity inherent in a human being*”. The Convention on the Rights of the Child (to which Egypt is also a state

¹³⁸ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Manfred Nowak (UN Doc: A/HRC/7/3), 15 January 2008, p14, para46.

¹³⁹ See examples in Amnesty International, “Prevention of violence against all women”, *Making Rights a Reality: The Duty of States to Address Violence Against Women* (Index 77/049/2004), June 2004, pp17-19: <http://bit.ly/1CfPWnT>

¹⁴⁰ The Special Rapporteur on violence against women, its causes and consequences, *Summary Paper on the State responsibility for eliminating violence against women*.

party) reaffirms these rights and provides for further protections for children (meaning for the purposes of the convention anyone under the age of 18) who have been deprived of liberty.¹⁴¹

Egypt was the first Arab state to become a party to the CAT, in June 1986. The convention defines torture as:

*"...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."*¹⁴²

While the definition excludes *"pain or suffering arising only from, inherent in or incidental to lawful sanctions"* this is generally understood to encompass only any pain or suffering inherent in the very fact of detention of a person in conditions that fully comply with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners. The *"lawful sanctions"* clause therefore has no application to any of the incidents covered by this briefing.¹⁴³

The convention requires that all persons responsible for acts of torture, attempted torture, or complicity or participation in torture, be brought to criminal justice.¹⁴⁴ The ICCPR requires the same in relation to similar cruel, inhuman or degrading treatment.¹⁴⁵ The CAT also requires states to take a range of measures for the better prevention of torture and other ill-treatment.¹⁴⁶

SEXUAL VIOLENCE AND THE PROHIBITION OF TORTURE

Rape and other grave forms of sexual violence have been closely identified in many areas of law with the prohibition of torture. Such abuses also include sexual threats, "virginity testing", fondling, and the deliberate use of bodily searches or sexually explicit language to

¹⁴¹ The Convention on the Rights of the Child, 1577 UNTS 3, in force 2 September 1990, ratified by Egypt 6 July 1990, Articles 1, 3(1), 19(1), 37, 40.

¹⁴² The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 UNTS 85, in force 26 June 1987, acceded to by Egypt 25 June 1986, Article 1(1).

¹⁴³ See eg the precedent language in the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly Resolution 3452 (XXX) of 9 December 1975, Article 1(1).

¹⁴⁴ The CAT, Articles 4-7.

¹⁴⁵ Human Rights Committee, *General Comment No. 31 on The Nature of the General Legal Obligation Imposed on States Parties to the Covenant* (UN Doc: CCPR/C/21/Rev.1/Add.13), 26 May 2004, para18.

¹⁴⁶ See the CAT, Articles 2 and 16, and the Committee against Torture, *General Comment No. 2 on Implementation of Article 2 by States parties* (UN Doc: CAT/C/GC/2), 24 January 2008.

degrade or humiliate.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated:

*"...rape and other serious acts of sexual violence by officials in contexts of detention or control not only amount to torture or ill-treatment, but also constitute a particular egregious form of it, due to the stigmatization they carry..."*¹⁴⁷

The Special Rapporteur has also called for special attention for "women-specific aspects of detention", including the needs of pregnant women and mothers of young babies and the hygienic needs of women.¹⁴⁸ The Rapporteur has further noted the *"heightened risk of torture and ill-treatment if women are guarded by men or not strictly separated from male co-detainees."*¹⁴⁹

States have a clear obligation to prevent acts of torture from occurring, through methods such as proper scrutiny of prisons, police stations and other places of detention, and ensuring that detained women and girls have access to doctors and lawyers. They are also obligated to send a clear message to state agents that such violations will not be tolerated. Where torture or ill-treatment do occur, states are obliged to investigate and bring the perpetrator to justice.

Notably, in the ad hoc international criminal tribunals, some acts of rape and serious sexual assault have been charged as both rape and torture. Acts of rape and serious sexual assault have also been considered by international tribunals as torture, genocide, crimes against humanity, and the war crimes of "inhuman treatment" and "wilfully causing great suffering to body or health."

However, the same act of rape committed by a private citizen – for example, a husband perpetrating domestic violence or sexually motivated murders of young women in particular communities – has only recently been seen in a comparable light. Nevertheless, states are held responsible by human rights bodies for bringing perpetrators of gender-based abuses to justice, no matter the context the abuses occur.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated:

¹⁴⁷ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment* (UN Doc: A/HRC/7/3), 15 January 2008, p24, para69.

¹⁴⁸ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Manfred Nowak, p12, para41; and p24, para69.

¹⁴⁹ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Manfred Nowak, p24, para31.

“State obligations into the private sphere and should be interpreted to include State failure to protect persons within its jurisdiction from torture and ill-treatment committed by private individuals.”¹⁵⁰

The Special Rapporteur on violence against women, its causes and consequences has drawn close comparisons between domestic violence, including marital rape, and torture. In a report to the Commission on Human Rights in 1996, the Rapporteur stated:

“It is argued that, like torture, domestic violence commonly involves some form of physical and/or psychological suffering, including death in some cases.

Secondly, domestic violence, like torture, is purposeful behaviour which is perpetrated intentionally. Men who beat women partners commonly exercise control over their impulses in other settings and their targets are often limited to their partners or children. Thirdly, domestic violence is generally committed for specific purposes including punishment, intimidation and the diminution of the woman's personality. Lastly, like torture, domestic violence occurs with at least the tacit involvement of the State if the state does not exercise due diligence and equal protection in preventing domestic abuse. This argument contends that, as such, domestic violence may be understood to constitute a form of torture.”

There is therefore a close nexus between certain types of violence against women and torture, freedom from which is a non-derogable right. This underscores the priority that states should attach to preventing violence against women and addressing it appropriately and effectively when it occurs.

¹⁵⁰ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak*, p7, para31.

CONCLUSION AND RECOMMENDATIONS

In the four years since the 2011 uprising, women in Egypt have faced endemic violence in the public sphere and in the home, as well as torture and other ill-treatment in detention. Successive administrations have used violence against women as a partisan issue, blaming their political opponents while refusing to pledge meaningful action to address it. Hopes were raised in June 2014, when Egypt's new administration promised to deliver a national strategy to combat violence against women. However, months later the government has yet to provide any details of its plans.

With legislative elections scheduled for March 2015, the authorities are in effect facing a day of reckoning. The government must set out a clear and comprehensive strategy to combat violence against women. If they do not deliver, then the administration's promises to combat the issue will be reduced to a public relations exercise, aimed at wiping clean the stain left by the events around President Abdel Fattah al-Sisi's inauguration in June 2014. Real action is now needed, rather than announcements put out as a smokescreen to obscure the authorities' poor record on women's rights.

The development and implementation of a multi-sectoral, comprehensive strategy is needed to eradicate violence against women and girls in Egypt and to ensure that the authorities are complying with their international legal obligations to prevent, prosecute and remedy violence against women, and to ensure women's equality with men. The strategy must address inadequacies in the legal and policy framework, including blatant and implied sex discrimination, as well as the underlying causes for sexual and gender-based violence.

The cycle of impunity for violence against women and girls, whether committed by state or non-state actors, must be ended, both to ensure that such abuses do not happen again and to send a clear message that violence against women and girls will not be tolerated in any circumstances. It's time for the authorities to stop using women's rights as a game to score cheap political points, and started addressing endemic violence and discrimination against women.

The authorities have acknowledged the many challenges Egypt faces in rebuilding after the long years of political turmoil. The rights of 50 per cent of the population cannot be put on the backburner in the name of restoring "stability" or fixing the economy. Women have heard too many excuses for too long.

Amnesty International calls on the Egyptian authorities to:

Condemn violence against women and take action to stop it

- Publicly condemn all forms of violence against women, whether committed by state or non-state actors in the home, in the community or in context of detention;

- Re-state the government's commitment to protect the fundamental rights and freedoms

of women and girls, including their rights to life and bodily integrity, to participate in Egypt's political life on an equal basis with men, to freedoms of expression and assembly and to equality before the law;

- In consultation with experts including women's human rights defenders, lawyers, doctors, psychologists, and educators, devise and implement a strategy to stamp out all forms of violence against women, including a public awareness raising campaign to combat discrimination, sexual and gender-based violence and gender stereotyping.

Effectively investigate violence against women

- Ensure that full, impartial and independent investigations are conducted into all alleged cases of sexual and gender-based violence, including in the vicinity of Tahrir Square in Cairo, with a view to identifying and bringing suspects to justice in fair trials, without recourse to the death penalty;
- Such investigations should also focus on whether the sexual assaults in Tahrir Square were organized and whether any state or organized non-state actors were behind them.

Stop violence against women in detention

- Review all policies and guidelines in place relating to prison rules and procedures, to ensure compliance with international law and standards, especially the Bangkok Rules, with the aim of providing maximum protection to women prisoners, including those detained in police stations and those awaiting trial or sentencing;
- End torture and the application of cruel, inhuman and degrading disciplinary procedures, including beatings and prolonged solitary confinement in confined spaces without access to fresh air, light and toilet facilities;
- Ensure prompt, independent and impartial investigations into all reports of torture and other ill-treatment and whenever there is sufficient admissible evidence prosecute suspected perpetrators in fair trials, without recourse to the death penalty.

End discrimination against women in law and practice and ensure that women are able to take part in public life

- Guarantee in law women's right to equality before the law and equal protection of the law;
- To this end, repeal all legislation that is discriminatory on the grounds of sex or gender and especially amend discriminatory provisions in all personal status laws, ensuring that women and men have equal rights in marriage and divorce, child custody, decision-making powers in regards to the schooling of children, and inheritance, in line with Egypt's obligations under the CEDAW;
- Adopt new legislation, and review existing laws, in order to criminalize all forms of violence against women and girls, including by introducing legal provisions prohibiting domestic violence, including marital rape, as well as sexual harassment, assaults and rape consistent with international law and standards;

- Repeal provisions that require wives to be “obedient” and compel women seeking divorce, including survivors of domestic violence, to undergo compulsory mediation;
- Take effective measures, including an increase in investment for the promotion of gender equality, to ensure the equal participation of women and men in the public spheres and political life;
- Ensure that law enforcement agencies and judicial bodies do not discriminate against women in recruitment; hiring; training; assignment; promotion; salary; or other career and administrative matters.

ANNEX: FOR A NATIONAL STRATEGY

Amnesty International submits the following additional recommendations to the Egyptian authorities to help contribute to the formation of a national strategy to combat violence and discrimination against women.

The organization also urges the authorities to consider recommendations made by Egyptian civil society, including women's rights groups.¹⁵¹

The following recommendations address the issues in this briefing in more detail, including violence against women in the public sphere, domestic violence and violence against women in detention. They also address shortcomings in Egyptian law and practice.

Amnesty International calls on the Egyptian authorities to:

Ensure that the security forces, prosecutorial bodies and judicial authorities take violence against women seriously

- Ensure all violent crimes against women, regardless of the characteristics of the survivor or perpetrator, are treated as seriously as other violent crimes. Clear instructions must be given to law enforcement and judicial officials to diligently address violence and harassment against women;
- Hold to account law enforcement officials and public prosecutors who mock, offend, or pressure women survivors of violence into not pursuing their complaints;
- Re-state instructions to law enforcement officials to diligently address and combat violence and harassment against women in the public sphere, including by ensuring better lighting and law enforcement presence in high-risk areas;
- Make sure police stations have the appropriate facilities and properly trained officers, including female officers, to receive complaints from women and girls of violence and sexual assault;
- Recruit sufficient numbers of women police officers, prison staff, prosecutors and judges to ensure the protection and fair treatment of women and girls, whether as members of the

¹⁵¹ See, for example: FIDH, *Egypt: Keeping Women Out – Sexual violence in the public sphere*, 16 April 2014: <http://bit.ly/1KQDDEx>; joint statement by NGOs, *Egypt: 10 Urgent Measures to End Violence Against Women in the Public Sphere*, 29 September 2014: <http://bit.ly/1DKAeFe>; joint statement by NGOs, *"Qanun Nashaz" – A Campaign on the Legal Issues associated with Violence against Women in both Public and Private Spheres*, 9 December 2014: <http://bit.ly/15dgJX9>; and joint statement by NGOs, *Feminist Groups and Organizations Collaborate together in order to Present their Vision for a National Strategy to Combat Violence against Women and Adopt a Holistic and Broad Perspective to Eradicate these Crimes from their Roots*, 10 December 2014: <http://bit.ly/1xwhAZk>

public, survivors of violence, or suspects, detainees, or prisoners.

Ensure effective, independent and impartial investigations into all forms of violence against women and girls

- Ensure that the burden of collecting and presenting evidence does not lie with women survivors of violence and their lawyers, and that police officers and public prosecutors investigating violence against women exercise due diligence in gathering and reviewing all available material evidence, including video recordings, and proactively seek eyewitness testimonies. In cases of custodial violence, investigations must not be carried out by individuals suspected of committing abuses or the agencies to which they belong;
- Where there is sufficient admissible evidence, prosecute those suspected of responsibility, including both state and non-state agents, in proceedings meeting international standards of fair trial;
- Ensure that investigations into crimes of violence against women are based on the respect for the rights of the survivors, and include women and other investigators trained in addressing gender-based violence, and in preventing the re-victimization of victims and survivors;
- 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, carried out in accordance with the Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Build skills, or seek expert assistance to 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.

Combat torture and other ill-treatment in detention and ensure detention conditions meet international standards

- Criminalize all forms of torture and ill-treatment, including, rape and other forms of sexual violence and corporal punishment;
- Develop gender-specific standards, based on the Bangkok Rules, following extensive consultation with police officials, prison authorities, staff and prisoners, former prisoners, as well as civil society, in order to ensure women prisoners and detainees are held in conditions and within regimes that respect and ensure their human rights and 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 human 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 forces and prison staff;

- Require officials to report instances of torture and ill-treatment, including rape and other forms of sexual violence perpetrated by other police officers, prison staff or other prisoners;
- Detain women in separate institutions from men, or, at least allocate to women premises entirely separate from men;¹⁵²
- Ensure that deprivation of liberty of girls is only a measure of last resort and ensure that girls are never detained with adult women, unless it is in the child's best interest, for example, babies or children detained with their mothers;
- Put in place effective measures to ensure that women's dignity and human rights are respected during personal searches, which should be reasonable and proportionate and must only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.¹⁵³ Ensure that any search requiring a woman to undress is conducted out of sight of male custodial staff or other officials;
- Ensure body cavity searches, internal physical searches and other intimate bodily examinations are only ever 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;
- Abolish the practice of compulsory pregnancy exams;
- Enforce the prohibition against so-called "virginity tests";
- Ensure comprehensive health screening of women prisoners to determine health-care needs, and offer gender-specific health-care services, including access to female medical personnel as well as individualized, gender-sensitive, trauma-informed and comprehensive mental health care.¹⁵⁴ As a priority, ensure adequate medical care for pregnant women and nursing mothers, and consider appropriate modes of restraint and transportation;
- Make available facilities and materials required to meet women's specific hygiene needs, including sanitary pads and other personal hygiene items;¹⁵⁵
- Allow caretaking women to make the necessary arrangements for children prior to being detained.¹⁵⁶ Where possible, women with childcare responsibilities should be granted a

¹⁵² The Standard Minimum Rules for the Treatment of Prisoners, Rule 8(a).

¹⁵³ The Bangkok Rules, Rule 19.

¹⁵⁴ The Bangkok Rules, Rules 10 and 12.

¹⁵⁵ The Bangkok Rules, Rule 5.

¹⁵⁶ The Bangkok Rules, Rule 2.2.

reasonable suspension from detention;

- Allow unrestricted and unannounced visits and inspections by independent bodies to all places of detention, to include confidential interviews with detainees and prisoners of their choosing;
- Introduce mechanisms to allow women in detention, particularly those who have been subjected to torture, ill-treatment or other forms of abuse, to complain without fear of retaliation by police or prison staff, confidentially, to the central prison administration, judicial authorities and independent inspectors;
- Ensure that women prisoners and detainees are informed about their right to complain by police and prison staff, as well as receiving written information about rules and procedures relating to complaints.
- The competent authorities should act on any 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 must be provided immediate protection, support and counselling.¹⁵⁷

Improve protective measures and services and provide reparation for female survivors of violence

- Introduce emergency barring orders and protection orders designed specifically for the needs of female survivors of violence;
- Issue clear instructions to staff administrators against subjecting shelter residents to compulsory or coerced mediation with alleged perpetrators of abuse;
- In consultation with civil society, create additional mechanisms to provide safe accommodation for survivors, and authorize independent NGOs and those not registered with the Ministry of Insurance and Social Affairs to operate shelters;
- Establish easily accessible rape crisis or sexual violence referral centres for survivors in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for survivors;
- Establish free of charge telephone helplines which are accessible 24 hours a day to women and girls seeking assistance and safety;
- Ensure that survivors pursuing redress through the justice system 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;

¹⁵⁷ The Bangkok Rules, Rule 25.

- Ensure that survivors of sexual and gender-based violence receive full reparation, 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.

Ensure that Egyptian law is consistent with its international legal obligations, is non-discriminatory, and prohibits and punishes all forms of violence against women and girls

- Pass legislation and take other measures to ensure that sexual harassment or other forms of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction;
- Amend Articles 17, 60 and 237 of the Penal Code to eliminate the possibility of leniency for crimes of violence against women;
- Amend Articles 260-263 of the Penal Code to decriminalize abortion and ensure abortion is legal, safe and accessible for women and girl survivors of rape and incest, and when a pregnancy poses a risk to the life or grave risk to the health of the woman or girl;
- Amend the definition of sexual harassment in Articles 306 (bis A) and (bis B) of the Penal Code to bring it in line with international standards, and remove the stipulation that perpetrators must have had the intention of "receiving sexual gratification";
- Repeal Articles 274-277 which criminalize adultery, and discriminate against women in the definitions of adultery and prescription of sentences;
- Ensure that the definition of rape in Egyptian legislation is defined in such a way as to address and criminalize all forms of forced and coercive sexual invasion, not limited to the penetration of a penis into a vagina, but also covering forced and coerced oral and anal sexual acts, as well as forced anal or vaginal penetration with objects, in line with the highest international human rights law and standards.

Make public information on violence against women

- Collect and widely disseminate information on trends in the prevalence of various forms of violence against women, disaggregated by age and by urban and rural areas.

Accept the scrutiny of international instruments

- Withdraw the two remaining reservations to the CEDAW, which are not compatible with the object and purpose of the treaty, and ratify the Optional Protocol to the CEDAW as well as the Optional Protocol to the CAT;
- Facilitate the visits of the UN Special Rapporteur on violence against women, its causes and consequences, and the UN Working Group on the issue of discrimination against women in law and in practice.

‘CIRCLES OF HELL’

DOMESTIC, PUBLIC AND STATE VIOLENCE AGAINST WOMEN IN EGYPT

Since the anti-government uprising in January 2011, Egyptians have lived in a near-constant state of turmoil and political instability, with two presidents ousted, two constitutions approved and a succession of governments. One constant throughout these dramatic upheavals has been violence against women and girls and the authorities’ failure to take any meaningful action to tackle it. With the Egyptian authorities now promising to deliver a national strategy to combat violence against women, expected when the country’s new parliament is in place later this year, it’s time for them to put the rights of women firmly back on the political agenda.

Successive governments have put violence against women on the backburner, failing to acknowledge the extent of the problem and taking no action to address it. In a context of polarization and political violence, the authorities have used also violence against women as a partisan issue – blaming their political opponents for abuses but not taking action to stop them.

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