

“THE DAUGHTERS OF EGYPT ARE A RED LINE”

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- *The impact of sexual harassment •
on Egypt's legal culture*

ABSTRACT

The purpose of this paper is to identify the impact of the rampant sexual harassment phenomenon on Egypt's legal culture. Having been vaguely defined in Egyptian laws and largely condoned by the society and justice system, sexual harassment increased over the years in both occurrences and intensity of violence. As a result, legal initiatives and grassroots movements arose attempting to criminalise sexual harassment and end social acceptability of the issue. With the fall of Mubarak, the human rights movements optimistically continued the request for an anti-sexual harassment law, and with the continuing political turmoil, the battle was more arduous than expected. Three years after the uprising, sexual harassment was finally criminalised and efforts to change public attitudes toward it continue, but the will of the state to enforce the law, beyond statements and promises, is yet to be proven.

KEYWORDS

Sexual harassment | Women | Human rights | Legal culture | Egypt | Uprising

1 • Introduction

When I'm walking down the street alone, and to my right side there are boys standing by a kiosk and to the left there are [stray] dogs, I decide to walk on the side where the dogs are because it's safer, which makes this country rubbish.

The above words were posted by a young Egyptian woman on Twitter in March 2013.¹ Sexual harassment represents by and large the most frequent type of sexual violence encountered by women in Egypt; it restricts women's freedom, mobility, and "deters them from appearing alone in public spaces."² In April 2013, U.N. Women published a study that indicated that 99.3 per cent of the women surveyed suffered sexual harassment in Egypt and that 91.5 per cent experienced unwelcome physical contact.³ These figures come as no surprise considering that sexual harassment has had, for the most part, the status of a normative behaviour in society,⁴ and was only named explicitly as a crime in Egyptian law in 2014.

The uprising on 25 January 2011 that began in Tahrir Square and culminated in the fall of Hosni Mubarak brought hope to the women's rights movement. The years that followed witnessed an evolution of laws: in June 2014, interim-president Adly Mansour issued a landmark decree amending the Penal Code to directly define and criminalise sexual harassment for the first time in Egypt's legal history; a concrete result of nearly a decade of tremendous efforts from civil society organisations in Egypt.⁵ Referred to by human rights groups as an "epidemic,"⁶ the seriousness of sexual harassment gave birth to a resilient movement that succeeded in bringing about the unprecedented law, but has it affected the understanding of the place of law in society?

In his work on the law as a social phenomenon, David Schiff asks a series of questions: "what is the relevance of statements such as 'that's alright, it's legal' or 'that's illegal' or 'it's not really a crime' for attempted understanding of social settings and their organisation? How important is the law at this level of social reality?"⁷

By conceptualising sexual harassment as a human rights violation, this paper attempts to answer Schiff's questions by examining the impact of sexual harassment on Egypt's legal culture since 2005, with a particular analysis of the events that followed the 2011 uprising. Legal culture is a complex concept that reveals the role of law in the society. To make legal culture a more amenable concept for empirical research, Sally Engle Merry disaggregated the concept of legal culture from an anthropological perspective into the four dimensions that will be used to assess the main subject of this paper. The four areas are: legal consciousness, legal mobilisation, the practices of legal institutions, and public attitude and beliefs about the law.⁸ In practical terms, the four dimensions significantly overlap and influence one another.

2 • A Human Rights Violation: Defining Sexual Harassment in the Law and Egyptian Society

i - What is Sexual Harassment?

Sexual harassment is a relatively new concept in international law, and has received little attention in comparison with other forms of sexual violence.⁹ Egypt ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹⁰ in 1981, which overlooks, to a certain extent, sexual harassment outside the context of education or the workplace. In the regional context, Egypt remains one of three members (along with Tunisia and Botswana) of the African Union not to have ratified or signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, better known as the Maputo Protocol.¹¹ Legal scholar Christine Chinkin stresses that there is a need to advance the understanding of sexual harassment due to its violation of a range of human rights such as freedom from degrading treatment, freedom of expression and freedom of association.¹² "These linkages emphasise that sexual harassment is committed in many locations, not just in the workplace, and that international legal prohibitions must be sufficiently broad to address that fact," Chinkin adds.¹³

That being said, such international human rights instruments play a vital role in highlighting the serious commitment to recognising sexual harassment as a form of violence against women. Until a cohesive, wide-ranging definition is introduced, this paper will use the definition of HarassMap, a leading anti-sexual harassment organisation in Egypt:

*any form of unwelcome words and/or actions of a sexual nature that violate a person's body, privacy, or feelings and make that person feel uncomfortable, threatened, insecure, scared, disrespected, startled, insulted, intimidated, abused, offended, or objectified.*¹⁴

ii - The Social Process of Naming Crime: A Salient Warning of Impunity

Al-taharush al-ginsi (Arabic for sexual harassment) is a relatively new term introduced to the daily Egyptian lexicon. Until now, sexual harassment has predominantly been referred to as *mu'aksa*, often translated as "flirtation,"¹⁵ "teasing," or even "complimenting" in colloquial Egyptian Arabic.¹⁶ Nehad Abul Komsan, Director of the Egyptian Center for Women's Rights (ECWR), noted that when the centre began its work on sexual harassment in 2004, *taharush* (harassment) was often conflated with rape.¹⁷ This conceptual and lexical opaqueness of the meaning of the term reveals the multiple layers of denial that allowed a violative behaviour to be a normative one, wildly spread, particularly with the absence of a law to explicitly define it. This opaqueness is reflected in the legal processes, as MacKinnon explains in her work on sexual harassment, "it is not surprising either that women would not complain of an

experience for which there has been no name...lacking a term to express it, sexual harassment was literally unspeakable, which made a generalised, shared, and social definition of it inaccessible."¹⁸

Reporting sexual harassment in Egypt was and still is a battle (illustrated in Section II), especially given how obliquely and unsatisfactorily it was addressed prior to the new law. As a matter of fact, according to the 2013 U.N. Women study, 23.2 per cent of the women surveyed stated that they did not seek help from the police because the law did not penalise sexual harassment. Almost 20 per cent of those who reported cases were "scolded and mocked" and, in some cases, harassed by the police.¹⁹ Prior to the 2014 presidential decree defining sexual harassment, the existing provisions that could apply to cases of sexual harassment were Article 278 against "acts of public indecency" (*fi'l fadib*) and Article 268 against sexual assault (*hatk-'ird*).²⁰ Such articles overlook the mild and subtle acts of harassment including verbal harassment. As Mackinnon states, such marginalisation exists "largely because the non-physical male obscenity is intangible in legal terms and because the most violent acts take centre stage."²¹

Sexual harassment in Egypt is part of a bigger problem of social violence tolerated and accentuated by the lack of laws and lax security situation. According to the Egyptian scholar Mariz Tadros, the motives include "individual desires to enforce their dominion over women in the street, to have a 'good time' and 'entertain' themselves, and out of a perceived sense of sexual deprivation as a consequence of economic factors making marriage expensive and prohibitive."²² However, not all incidents of sexual harassment are driven by such motives. Egypt's recent history indicates that the government, which should protect human rights, has often been the perpetrator, whether by directly committing the crime, through the actions of the police and military, or by simply turning a blind eye.²³ Sexual harassment in Egypt first came into public attention on 25 May 2005, referred to by activists as "Black Wednesday."²⁴ Demonstrations were organised by opposition movements in Egypt in protest against Mubarak's constitutional amendments that paved the way for consolidating his authoritarian rule.²⁵ During the demonstrations, a group of female protesters and journalists were sexually harassed and assaulted by plain-clothed security officers and thugs hired by Egypt's former ruling party, the National Democratic Party (NDP).²⁶ The police reportedly stood around and shouted orders.²⁷

In 2006, after the exhaustion of all domestic remedies, the "Black Wednesday" case was submitted and found admissible before The African Commission on Human and People's Rights (ACHPR).²⁸ The four women applicants were represented by the Egyptian Initiative for Personal Rights (EIPR) and the international human rights group Interights.²⁹ In its 2013 ruling, eight years later, the Commission found that Egypt violated, *inter alia*, the applicants' rights to equality and non-discrimination, to dignity and protection from inhuman and degrading treatment, and to express and disseminate opinions within the law.³⁰ The Commission requested monetary compensation for the complainants, urged Egypt to investigate and prosecute perpetrators and for the government to ratify to the

Maputo Protocol.³¹ Though the case still remains ignored by the Egyptian government, the ruling was regarded as a victorious step towards accountability.

3 • In Pursuit of Socio-Legal Change: Legal Consciousness, Mobilisation and the Egyptian Revolution

i - Breaking the Silence: Egypt's First Sexual Harassment Conviction

Legal consciousness is a term developed to understand the way individuals shape their experiences in legal spheres, or in other words, “the way individuals experience and understand the law and its relevance to their lives.”³² With a culture that condones sexual harassment and a justice system that marginalises it, women’s legal battles with sexual violence in Egypt is predominantly met with apathy, if not more violence. In Egypt, the prevalent victim-blaming culture, including inside police stations, serves as a major barrier to justice. This obstacle, however, did not stop the then 27-year-old Noha Al-Ostaz from standing up for her rights in 2008.

On a Cairo traffic-choked day in June that year, a van driver reached out from his window, groped Al-Ostaz’s body, and laughed.³³ With the help of a friend and bystanders, Al-Ostaz dragged the 30-year-old Sherif Jebril to the nearest police station where the police initially refused to open an investigation.³⁴ “I just felt, I’m never going to let this happen again...the problem is that women aren’t taking advantage of the laws we have...unless we insist on our rights, and say no, and at least ask for help, or get him to the police station, things won’t change,” Al-Ostaz told *The New York Times*.³⁵

Al-Ostaz’s Case No.11551/2008 was referred to court, and was concluded in November 2008 with a three-year prison sentence with hard labour under Article 268 (assault) for groping Al-Ostaz’s breast.³⁶ The defendant was also ordered to pay 5,001 Egyptian Pounds in damages to Al-Ostaz.³⁷ According to women’s rights groups and activists, the landmark verdict marked the first conviction in a sexual harassment case in Egypt’s recorded legal history.^{38 39} Noha Al-Ostaz’s atypical consciousness of her legal rights broke the silence surrounding the grim reality of dealing with sexual harassment in Egypt. Moreover, she paved the way for other women to learn and insist on using their rights for legal remedy and redress.

ii - Towards an Anti-Sexual Harassment Law

A common approach to understanding legal mobilisation is to examine the tendency for groups and individuals to define their problems as legal and further demand a legal action to be taken.⁴⁰ Following Al-Ostaz’s case in 2008, an unprecedented joint legal initiative was introduced; 16 Egyptian NGOs and movements launched the “Taskforce Combating Sexual Violence” (henceforth referred to as “the Taskforce”) aiming to offer survivors

of all forms of sexual violence the legal and psychological support necessary.⁴¹ Joined by other groups in 2010, the Taskforce – eventually numbering 23 NGOs – released a bill that addressed all forms of sexual violence to challenge the existing restricted and misguided sexual violence provisions mentioned in Section 1.⁴²

The bill adopted “an integrated, rights-based approach to protect against all forms of sexual violence without discrimination...[and] proposed an accurate definition of the three main crimes: rape, sexual assault and sexual harassment.”⁴³ It was a tool to challenge the shortsighted and misguided provisions of sexual violence. On the 16 January 2011, without consulting civil society organisations, Egypt’s Cabinet (executive body) approved Penal Code amendments, which were highly criticised by the Taskforce, including referring to sexual harassment as “intimidation.”⁴⁴ But it was not long before the government was met with non-violent civil resistance in the form of nationwide protests and sit-ins; a revolution.

iii - Revolutionary Moments and Unmet Hopes

“Al-sha’ab yurid isqat al-nizam!” (The people demand the downfall of the regime)⁴⁵ is a chant that shook Tahrir Square during the first 18 days of the Egyptian uprising that led the resignation of three-decade ruler Hosni Mubarak on 11 February 2011.⁴⁶ Mubarak’s power was handed over to Egypt’s Supreme Council of Armed Forces (hereafter “SCAF”), a rule that continued the legacy of suppressing dissent. The language of human rights used during the Egyptian uprising played a big role in mobilising and empowering women to fight sexual harassment. Alternatively, in Upendra Baxi’s depiction, it gave “voices to human suffering” to interrogate “the barbarism of power.”⁴⁷ Mubarak was gone, but sexual harassment and the patriarchal systems embodied in the series of governments that followed remained a more resilient foe.

Christine Chinkin states that there is a “well-documented connection between militarism and the presence of military forces within a vicinity and sexual harassment.”⁴⁸ On 9 March 2011, army officers violently evacuated Tahrir Square of protesters and detained at least 17 women; seven of them were forced to undergo the so-called “virginity tests”.⁴⁹ Members of the SCAF had argued that these tests were aimed at protecting soldiers from allegations of rape.⁵⁰

Although the appalling “virginity tests” received a lot of media attention, the army’s assaults against women did not end there. In yet another brutal crackdown on the protests in Cairo, one infamous video from December 2011 shows army officers violently dragging a woman clad in a black *abbaya* (robe) as she was lying on the ground. They repeatedly kicked and clubbed her viciously, stripping her robe, revealing her upper body and her blue bra⁵¹ – a haunting image that will forever leave a stain on the history of Egypt under the SCAF’s rule. *“Banat masr khat ahmar!”* meaning “the daughters of Egypt are a red line,” meaning an off-limits target, was chanted by

a crowd of thousands of outraged women who marched through Cairo holding anti-army signs and brandishing the image of the “blue bra girl”.⁵² Such a social response illustrates the impact on both women’s legal consciousness and mobilisation, by which experiences of violence against women are redefined as violations.⁵³

iv - “The Circles of Hell:” Mob Sexual Harassment, Assaults and Rape in Protests

In the midst of the protests that took place in Tahrir Square following 2011, reports of violent mob sexual harassment and assaults against female protesters started to emerge. Because of the social stigma attached, survivors of sexual violence in Egypt are rarely willing to speak publicly about their experiences. In a rare case in February 2013, then 30-year-old Yasmine El-Baramawy appeared live on a renowned Egyptian television show to share her horrendous account as a survivor of gang rape in Tahrir Square – which turned out to be only one of several other attacks.⁵⁴ In protests against former president Mohammed Morsi’s constitutional amendments of November 2012, El-Baramawy was surrounded by tens of men, possibly as many as a hundred, who stripped and assaulted her for 90 minutes on the edges of the Square.⁵⁵ Displaying the ripped-with-blades remnants of her trousers from that day on public television, El-Baramawy recounted that she was put on the hood of a car that drove around. The perpetrators screamed that she had got a bomb strapped around her to thwart any help.⁵⁶ The systematic pattern of attacks was later referred to by activists as “the circles of hell”.⁵⁷ In March 2013, and with support of Egyptian civil society, El-Baramawy was joined with six other survivors of the Tahrir Square attacks by filing a joint legal complaint.⁵⁸ Until today, the case has not resulted in any indictments and remains under investigation.

Despite the dearth of precise data indicating a correlation between the uprising and the rise of sexual violence in Egypt, Egyptian women’s rights activists argue that the general spread of violence and reoccurring clashes has had an indisputable influence: “we cannot separate the increase in violence against women in the public sphere from the fact that more women are now more active in more public spaces than before.”⁵⁹ This form of violence gave birth to a number of grassroots intervention movements, including the volunteer-based group Operation Anti-Sexual Harassment & Assault (OpAntiSH). OpAntiSH’s main mission is to “save victims exposed to such incidents and also make the experience less severe by observing the Square and [physically] intervening in case of the formation of such mob assaults,”⁶⁰ or in other words, to carry out the state’s responsibility.

On 25 January 2013, in the celebrations that marked the second anniversary of the start of the Egyptian uprisings, the group documented 19 cases of mob sexual assaults against women and girls in Tahrir Square, some of the cases witnessed rape with sharp objects.⁶¹ Alas the official reaction was rather appalling. “The girl...has to protect herself before asking the police to protect her... [She] is 100 per cent responsible for her rape because she put herself in that position,” said General Adel Afifi, a member of the Shura Council’s

(the former upper house of parliament) Human Rights Committee. During and after the protests that called for the resignation of former president Morsi in the period between 28 June until 7 July 2013, OpAntiSH and Nazra for Feminist Studies documented 186 cases ranging from mob sexual harassment to rape.⁶² According to Vickie Langohr, the work of groups such as OpAntiSH "provided crucial momentum for the recent penal code amendments on sexual harassment, in part because of the coverage their work received in the media."⁶³ According to Lutz Oette and Ilias Bantekas, such grassroots movements acting on the ground articulate "forms of resistance that address injustices with a view to challenging elite agendas and institutionalised decision-making processes...an alternative human rights discourse that redefines civil society and democracy."⁶⁴

4 • The Evolution of Egypt's Sexual Harassment Law

i - Between Military Rule and the Muslim Brotherhood

Egypt's political turmoil witnessed an unremitting lack of will from the consecutive governments to protect, promote, and fulfill women's rights and access to justice. This is yet another legacy from Mubarak's 30-year dictatorship. Throughout the evolution of laws in Egypt relating to sexual violence, the state continuously leaned towards an increase in penalties and setting a minimum sentence as means of deterrence, also known by criminology experts as "deterrence through sentencing" hypothesis.⁶⁵ Similar to the amendments proposed before the uprising that were criticised by the Taskforce (see Section III), SCAF issued decree No.11 in April 2011, amending certain provisions in the Penal Code relating to crimes of sexual violence. In regards to sexual harassment, the decree introduced Article 269 *bis* stipulating that a "public act of indecency" or verbal abuse is punishable with a minimum of a three-month prison sentence⁶⁶ – still sexual harassment was not specifically addressed. A harsher sentence and a monetary fine ranging from 500 to 1,000 Egyptian Pounds was imposed if the crime would be repeated.⁶⁷ There are no indications that the decree has had any influence; in fact, according to experts, harsher sentences in general do not reduce crime.⁶⁸

Representing Egypt's Muslim Brotherhood (hereby MB), Morsi's regime attracted additional criticism, prompting decisions on a number of overdue demands. In March 2013, former Prime Minister Hisham Qandil ordered the government-affiliated National Council for Women (NCW) to draft a comprehensive law to combat sexual harassment and all forms of violence against women.⁶⁹ In May 2013, the interior ministry formed its first female-only unit to combat sexual violence in Egypt.⁷⁰ Paradoxically, the unit consisted of only 10 members to combat an epidemic in a population of more than 80 million.⁷¹ In June 2013, the NCW submitted the draft law to combat violence against women to Morsi's cabinet without consulting or addressing the concerns of women's rights groups and activists.⁷² However, with the removal of Morsi from power in early July 2013 and the dissolution of Parliament, the draft law went nowhere.

ii - A Step in the Right Direction: How Sexual Harassment Was Criminalised

In the 1970s, Islamic militants in Egypt won their first adherents by taking over Egyptian student politics on public university campuses. An appealing strategy for mobilising and gaining a foothold from female students was to offer them protection from sexual harassment “by providing them with private transportation and campaigning for sexual segregation in the packed classrooms.”⁷³ As the problem persisted in the decades that followed, Cairo University witnessed a major sexual case that remarkably put the issue firmly on Egypt’s interim government’s agenda. In March 2014, as a female student was walking across the faculty of law campus, she was surrounded by a large group of male students who sexually harassed her. Filmed by unconcerned bystanders, videos of the incident went viral on social media and satellite channels.⁷⁴ The incident received greater outrage from women’s rights groups when Gaber Nassar, the head of Cairo University, called it a one-off incident claiming that the student was not dressed “appropriately” and that she, as well as the harassers, might face punishment.⁷⁵

The following month, Ahmed El-Sergany, aide to Egypt’s justice minister, stated that the Cairo University incident had triggered a reconsideration of Egypt’s existing laws on sexual harassment, and confirmed that a bill had been submitted to the cabinet after having been revised by the justice ministry.⁷⁶ In June 2014, just a few days before handing power to president elect Abdelfatah Al-Sisi, former interim president Adly Mansour issued Decree No.50 amending Article 306 (a) *bis* of the Egyptian Penal Code. Article 306 (b) *bis* was added to combat crimes of sexual harassment, now punishable by a minimum six-month jail term and a 3,000 Egyptian pounds fine and defining it in the Penal Code for the first time in Egypt’s history.⁷⁷

Perhaps – and most likely – the decree was part of a wider political purpose to legitimate Al-Sisi’s rise to power.⁷⁸ Egypt’s Penal Code still excludes other forms sexual violence and violence against women such as anal rape, marital rape, and domestic violence.⁷⁹ Having said that, one has to acknowledge that this landmark law is a major step towards achieving safety for women and girls are sexually harassed on daily basis. It is, moreover, a small step in changing the culture of state negligence and deep-rooted social acceptance of this epidemic.

5 • Sexual Harassment’s Impact on State and Society

i - The Practices of Legal and Executive Institutions

The practices and norms by which legal institutions operate imply how practitioners within the law see the rules. In her study of street harassment, scholar Laura Beth Nielsen suggests that the main reason for reluctance in turning to anti-harassment laws is a lack of faith in the enforcement mechanisms.⁸⁰ It is difficult to measure the enforcement of the two-year-old Egyptian law in statistical or factual terms, due to the scarcity of obtainable data. However, analysing the role of public officials and critically analysing

official statements and judicial prosecutions can provide a lens through which one can explore the changing practices of legal institutions and the political will to combat sexual harassment in Egypt. In early June 2014, the celebrations of Al-Sisi's election inauguration in Tahrir Square witnessed at least nine incidents of mob sexual harassment and assault documented by human rights groups that then questioned the competence of the new law to tackle the issue.⁸¹ Al-Sisi's response to the incidents, though perceived as purely propaganda-motivated by human rights activists,⁸² was an unprecedented one.

After the rapid arrest of seven alleged assailants, Al-Sisi was photographed visiting a survivor of the attacks in hospital; he handed her flowers and – with immense media coverage – apologised to her.⁸³ "I apologise and promise you that as a state we will not accept that such incidents will take place in the future," Al-Sisi told the survivor whose face was blurred to avoid identification.⁸⁴ In addition to the speed with which the cases were handled, admitting the state's responsibility for the protection of its citizens, particularly women, is a breakthrough in the practices of legal institutions which shape how the law works. A few days later, the seven assailants were sentenced to life for crimes of sexual harassment, under the new law, and of attempted rape, attempted murder and torture.⁸⁵ In the words of the prominent Egyptian human rights activist and lawyer Gamal Eid, although the ruling is harsh, "[it] gives a strong message to all harassers that their actions are no longer tolerated or accepted."⁸⁶ It is noteworthy to mention that it was Al-Sisi – then a top general – who defended the "virginity tests" of March 2011 (see Section II),⁸⁷ a haunting case for human rights groups and activists. Al-Sisi's intention to score political points is in line with the Marxist criticism that rights can be utilised in the service of a political interest, or in Baxi's theory, an example of the "the politics of human rights" as opposed to "the politics for human rights."⁸⁸

Another exceptional transformation in legal practices is Egypt's national strategy to combat violence against women, announced in April 2015 – though only time will prove the extent of its implementation. As part of the strategy, the interior ministry increased the number of patrols for responding to cases of violence against women, in addition to hiring female physicians to attend to survivors of sexual violence.⁸⁹ Cautiously welcomed by human rights groups, organisations such as EIPR underline that the strategy denies "that police personnel are involved in the daily acts of sexual harassment...the ministry's efforts are merely formal procedures that do not seek to change the mindset of police officers and security personnel on women's rights."⁹⁰ Almost a year after the passing of the law, 26-year-old Amira experienced EIPR's concerns in filing a sexual harassment case at a police station: "Go home, girl, they told me...Surely your father wouldn't like to hear that his daughter is a whore."⁹¹ Scepticism from the human rights community about the state's contemporary enthusiasm for women's rights is thus understandable.

ii - Can the Law Affect the Public's Behaviour?

David Schiff argues that a new law's impact on social behaviour and the level of compliance cannot be easily measured.⁹² However, it is fair to say that the human rights movement in

Egypt has achieved one of its ostensible objectives – talking about sexual harassment is no longer taboo. Langohr argues that the circulation of videos and evidence documenting the crime “has forced the issue of sexual harassment into mainstream public discourse and made the phenomenon harder to deny.”⁹³ However, as already noted, even with the existence of a law, a dominant social attitude of acceptance towards sexual harassment remains a major barrier in changing attitudes towards the crime. Such concerns can be illustrated in the reaction of a female television presenter who giggled when her colleague reported sexual harassment incidents during Al-Sisi’s inauguration celebrations, adding that the people were simply “happy”.⁹⁴ The presenter was eventually suspended.⁹⁵

In an attempt to change the public attitudes towards sexual harassment, HarassMap, was launched in 2010 as a volunteer-based movement. It is Egypt’s first independent initiative working to counter the wide social acceptability of sexual harassment.⁹⁶ With the aim of encouraging women to speak up, the group receives anonymous SMS reports of sexual harassment that are then mapped.⁹⁷ After the enactment of the new law, HarassMap launched its *Al-Mutaharish Mugrem* (the harasser is a criminal) campaign. The campaign circulates videos and posters, which use the new law to motivate people to take action and intervene in support of the harassed, “so that together we can transform our society into one in which harassers cannot act with impunity.”⁹⁸ Similarly, a ministerial committee tasked to combat sexual harassment announced, *inter alia*, a competition “to choose the best TV series screened during Ramadan – a popular month for TV drama – that promotes women’s rights.”⁹⁹ These examples all attempt to convey the message of the law to the wider society, which, in due course, develops the legal culture.¹⁰⁰

6 • Conclusion

It is fair to say that the birth of a joint, feminist anti-sexual harassment movement that refuses to tolerate patriarchal attitudes and practices is one of the unequivocal gains of the 2011 Egyptian uprising. The efforts exerted by the human rights movement in combating sexual harassment has delivered, to a large extent, a positive impact on the country’s legal culture – particularly legal consciousness and mobilisation.¹⁰¹ This optimistic conclusion is derived from scrutinising the evolution of the discourse and laws on sexual harassment from both legal and sociological perspectives over the last decade. Egypt’s human rights movement broke the taboo that inhibited public discussions on sexual harassment. Survivors are now empowered to overtly share their testimonials and a certain level of political awareness can be seen in tackling women’s issues in the media and online social networks. Even though there still remains tension around the colloquial naming of sexual harassment as *al-taharush al-ginsi* (*sexual harassment*),¹⁰² the persistent use of the term has added *taharush* (*harassment*) to the list of sexual offences in the Egyptian Penal Code, reflecting the change in how society and lawmakers view the crime.

However, on a less positive note, the human rights movement in Egypt is sceptical of an instant concrete transformation, especially in this general state of human rights

regression. While the latest state measures might signal a willingness to combat violence against women the law is no more than ink on paper unless it is fully implemented in practice. The Egyptian authorities must uphold justice in ongoing cases such as the Black Wednesday case, the "virginity tests," and Yasmine El-Baramawy *et al.* The government must also ensure that its recently-launched national strategy comes to fruition, as well as to meet its obligations under international law treaties such as CEDAW.

On 25 January 2011, the Egyptian people stood poised against Mubarak's dictatorship with an opportunity to put an end to all forms of gender-based violence. When horrendous sexual violence incidents took place in the primary symbol of the revolution, Tahrir Square, the spirit of women and their fervent chants declaring their bodies an off-limits "red line" pushed a particular perception forward: freedom from sexual violence is a basic human right. And despite the bleakness of the current human rights situation in Egypt,¹⁰³ there is no better time to declare the achievements of Egypt's human rights movement in the fight against sexual harassment.

NOTES

1 • Shaden Mohamed, Twitter post, March 17, 2013, 3:13 AM, accessed 30 November, 2016, <https://twitter.com/ShadenMohamed/status/313231522046038016>. Original post in Arabic.

2 • Deborah M. Thompson, "The Women in the Street: Reclaiming the Public Space from Sexual Harassment," *Yale Journal of Law and Feminism* 6 (1994): 322.

3 • "Study on Ways and Methods to Eliminate Sexual Harassment in Egypt," UN Women, 2013, accessed 30 November, 2016, http://harassmap.org/en/wp-content/uploads/2014/02/287_Summaryreport_eng_low-1.pdf.

4 • Richard Quinney, "Is Criminal Behaviour Deviant Behaviour?," *British Journal of Criminology* 5 (1965): 134.

5 • "New Anti Sexual Harassment Law in Egypt," UN Women, June 11, 2014, accessed November 30, 2016, [http://www.unwomen.org/en/news/](http://www.unwomen.org/en/news/stories/2014/6/new-anti-sexual-harassment-law-in-egypt)

[stories/2014/6/new-anti-sexual-harassment-law-in-egypt](http://www.unwomen.org/en/news/stories/2014/6/new-anti-sexual-harassment-law-in-egypt).

6 • "Egypt: Epidemic of Sexual Violence," Human Rights Watch, July 3, 2013, accessed November 30, 2016, <http://www.hrw.org/news/2013/07/03/egypt-epidemic-sexual-violence>.

7 • David N Schiff, "Law as a Social Phenomenon," in *Sociological Approaches to Law*, ed. Adam Podgórecki and Christopher J. Whelan (Kent: Croom Helm, 1981): 159.

8 • Sally Engle Merry, "What Is Legal Culture? An Anthropological Perspective," in *Using Legal Culture*, ed. David Nelken (London: Wildy, Simmonds & Hill Publishing, 2012).

9 • Christine Chinkin, "Sexual Harassment: An International Human Rights Perspective," in *Directions in Sexual Harassment Law*, ed. Catharine A. MacKinnon and Reva B. Siegel (New Haven: Yale University Press, 2003): 655.

- 10 • UN Committee for the Elimination of All Forms of Discrimination against Women, "General Recommendation No 19," in *Note by the Secretariat, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc HRI/GEN/1/Rev.1 (July 29, 1994). Egypt currently proclaims reservations to Article 2 (detailing policy measures), Article 16 (family law), and Article 29 (arbitration in the event of dispute) of the convention.
- 11 • "Ratification Table / Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa," African Commission on Human and Peoples' Rights, accessed November 30, 2016 <http://www.achpr.org/instruments/women-protocol/ratification/>.
- 12 • *Ibid.*, 655.
- 13 • *Ibid.*, 655-56.
- 14 • "What Is Sexual Harassment?," HarassMap, accessed November 30, 2016, <http://harassmap.org/en/resource-center/what-is-sexual-harassment/>.
- 15 • Angie Abdelmonem, "Reconceptualizing Sexual Harassment in Egypt: A Longitudinal Assessment of El-Taharrush El-Ginsy in Arabic Online Forums and Anti-Sexual Harassment Activism," *Kohl: A Journal for Body and Gender Research* 1, no. 1 (2015): 23-41.
- 16 • A direct translation of the colloquial term is unavailable and changeable depending on the context.
- 17 • Abdelmonem, "Reconceptualizing Sexual Harassment in Egypt," (n. 21), 33.
- 18 • MacKinnon (n 25) 27.
- 19 • U.N. Women, "Study on Ways and Methods to Eliminate Sexual Harassment in Egypt," (n. 3) 13.
- 20 • "Law No. 58 01 The Year 1937 Promulgating The Penal Code," University of Minnesota Human Rights Library, accessed November 30, 2016, <http://www1.umn.edu/humanrts/research/Egypt/Egypt%20Criminal%20Code%20Law%201937.pdf>.
- 21 • Fatima Maraeah Peoples, "Street Harassment in Cairo: A Symptom of Disintegrating Social Structures," *The African Anthropologist* 15, no. 1&2 (2008): 1-20.
- 22 • Mariz Tadros, "Politically Motivated Sexual Assault and the Law in Violent Transitions: A Case Study from Egypt," *Institute of Development Studies* 8, no. 7 (2013).
- 23 • FIDH et al., "Keeping Women Out: Sexual Violence Against Women in The Public Sphere". FIDH, 2013, accessed November 30, 2016, https://www.fidh.org/IMG/pdf/egypt_women_final_english.pdf.
- 24 • "Activists Commemorate Eighth Anniversary of 'Black Wednesday,'" Ahram Online, May 25, 2013, accessed November 30, 2016, <http://english.ahram.org.eg/NewsContent/1/64/72300/Egypt/Politics-/Activists-commemorate-eighth-anniversary-of-Black.aspx>.
- 25 • "Egypt Held To Account for Failing to Protect Women Demonstrators from Sexual Assault," Egyptian Initiative for Personal Rights, March 14, 2013, accessed November 30, 2016, <http://eipr.org/en/pressrelease/2013/03/14/1657>.
- 26 • "Egyptian Initiative for Personal Rights and Interights v Egypt [2013]," African Commission on Human and People's Rights (323/2006).
- 27 • "Egypt Anger over 'Grope Attacks,'" BBC News, June 1, 2005, accessed November 30, 2016, http://news.bbc.co.uk/1/hi/world/middle_east/4600133.stm.
- 28 • *Ibid.*, para. 67.
- 29 • *Ibid.*, para. 1.
- 30 • *Ibid.*, para. 271 (i).
- 31 • *Ibid.*, para. 275 (vi).
- 32 • Merry, "What Is Legal Culture?," (n. 10), 66.
- 33 • Sharon Otterman, "In Cairo, a Groping Case Ends in a Prison Sentence." *The New York Times*, October 34, 2008, accessed November 30, 2016, http://thelede.blogs.nytimes.com/2008/10/23/in-cairo-a-groping-case-ends-in-a-prison-sentence/?_r=0.

- 34 • "Egyptian Sexual Harasser Jailed," BBC News, October 21, 2008, accessed November 30, 2016, <http://news.bbc.co.uk/1/hi/world/africa/7682951.stm>.
- 35 • Otterman, "In Cairo, a Groping Case Ends in a Prison Sentence," (n 44).
- 36 • Sami Abdelrady and Farouk Aldesouky, "Al-Masry Al-Youm Publishes the Judgment on Merits in the Sexual Harassment Case *مويلا يصرصملا* *يسننجلال شرحتلا اءيضق* *ىف مكحلا تئايشي ح رشن*ت," November 25, 2008, accessed November 30, 2016, <http://today.almazryalyoum.com/article2.aspx?ArticleID=187753>.
- 37 • Ibid.
- 38 • Otterman, "In Cairo, a Groping Case Ends in a Prison Sentence," (n 44).
- 39 • Prior to the 2014 decree criminalising sexual harassment, lawyers and activists used the available articles on sexual assault and/or indecent public behaviour.
- 40 • Merry, "What Is Legal Culture?," (n. 10), 64.
- 41 • "The Taskforce Combating Sexual Violence Launches a Bill to Amend Penal Code Provisions on Sexual Violence," Egyptian Initiative for Personal Rights, December 19, 2010, accessed November 30, 2016, <http://eipr.org/pressrelease/2010/12/19/1060>.
- 42 • "The Government Must Submit the Sexual Violence Bill to National Debate...23 NGOs Urge the Government to Initiate a Debate on Amendments to the Law on Sexual Violence before Submission to Parliament," Egyptian Initiative for Personal Rights, January 23, 2011, accessed November 30, 2016, <http://eipr.org/en/pressrelease/2011/01/23/1090>.
- 43 • Ibid.
- 44 • Ibid.
- 45 • "Jan 25 8pm Egypt- Tahrir Square-Downtown," YouTube video, 0:45, posted by "Masry25Jan," January 25, 2011, accessed November 30, 2016, https://www.youtube.com/watch?v=l_emuOVVlbU.
- 46 • Haroon Siddique, Paul Owen and Richard Adams, "Mubarak Resigns - Friday 11 February." The Guardian, February 11, 2011, accessed November 30, 2016, <http://www.theguardian.com/world/blog/2011/feb/11/egypt-hosni-mubarak-left-cairo>.
- 47 • Upendra Baxi, "Voices of Suffering and the Future of Human Rights," *Transnational Law & Contemporary Problems* 8 (1998): 127.
- 48 • Chinkin, "Sexual Harassment," (n 12) 657.
- 49 "African Commission Declares 'Virginity Tests' Case Admissible," Egyptian Initiative for Personal Rights, December 3, 2013, November 30, 2016, <http://eipr.org/en/pressrelease/2013/12/03/1892>.
- 50 • Ibid.
- 51 • "Shocking Video: 'Blue Bra' Girl Brutally Beaten by Egypt Military," YouTube video, 1:23, posted by "RT," December 18, 2011, November 30, 2016, <https://www.youtube.com/watch?v=mnFVYewkWEY&bpctr=1438264944>.
- 52 • Yolande Knell, "Egypt Unrest: Women Protest against Army Violence." BBC News, December 20, 2011, accessed November 30, 2016, <http://www.bbc.co.uk/news/world-middle-east-16267436>.
- 53 • Ibid.
- 54 • *يف اءب شرحتلا ءعقاوو يوامربلا نيمساي* - *ريرحتلا* - Yasmine El Baramawy discusses sexual violence in public places, YouTube video, February 1, 2013, accessed November 30, 2016, <https://www.youtube.com/watch?v=eoLxxfyGmU>.
- 55 • "Egypt: Epidemic of Sexual Violence," Human Rights Watch, (n 8).
- 56 • *يف اءب شرحتلا ءعقاوو يوامربلا نيمساي* - *ريرحتلا* - Yasmine El Baramawy and the Sexual Violence Incident in Tahrir" (n 76). *يف اءب شرحتلا ءعقاوو يوامربلا* - *ريرحتلا* - Yasmine El Baramawy and the Sexual Violence Incident in Tahrir" (n 76).
- 57 • FIDH et al., "Keeping Women Out," (n 4) 11.
- 58 • "Egypt: Epidemic of Sexual Violence," Human Rights Watch, (n 8).
- 59 • Hind Ahmad Zaki and Dalia Abd Alhamid,

- "Women As Fair Game in the Public Sphere: A Critical Introduction for Understanding Sexual Violence and Methods of Resistance." *Jadaliyya*, July 9, 2014, accessed November 30, 2016, http://www.jadaliyya.com/pages/index/18455/women-as-fair-game-in-the-public-sphere_a-critical.
- 60 • Op Anti-Sexual Harassment/Assault's Facebook page, accessed November 30, 2016, https://www.facebook.com/opantish/info?tab=page_info.
- 61 • "Press Release: Operation Anti-Sexual Harassment/Assault," Facebook, January 29, 2013, accessed November 30, 2016, <https://goo.gl/5gUBLK>.
- 62 • Mariam Kirillos, "Sexual Violence in Egypt: Myths and Realities," *Jadaliyya*, July 16, 2013, accessed November 30, 2016, http://www.jadaliyya.com/pages/index/13007/sexual-violence-in-egypt_myths-and-realities-.
- 63 • Vickie Langohr, "New President, Old Pattern of Sexual Violence in Egypt," *MERIP*, July 7, 2014, accessed November 30, 2016, <http://www.merip.org/mero/mero070714>.
- 64 • Lutz Oette and Ilias Bantekas, *International Human Rights Law and Practice* (London: Cambridge University Press, 2013): 100.
- 65 • Anthony N. Doob, Cheryl Marie Webster and Rosemary Gartner, "Issues Related to Harsh Sentences and Mandatory Minimum Sentences: General Deterrence and Incapacitation," Centre for Criminology & Sociolegal Studies (University of Toronto), Research Summaries Compiled from Criminological Highlights, 2014, accessed November 30, 2016, <http://criminology.utoronto.ca/wp-content/uploads/2013/09/DWG-GeneralDeterrenceHighlights14Feb2013.pdf>.
- 66 • "يسنح الاءادع الاءابوق ع ديدش ت:يركس علا سلجمل" - سCAF: Harsher Penalties for Sexual Assault and Harassment," Middle East News Agency, Al-Youm 7, April 1, 2011, accessed November 30, 2016, goo.gl/aNjB7N.
- 67 • Ibid.
- 68 • Anthony N. Doob and Cheryl Marie Webster, "Sentence Severity and Crime: Accepting the Null Hypothesis," *Crime and Justice* 30 (2003): 187.
- 69 • Joel Gulhane, "NCW Draft Law to Combat Violence against Women," Daily News Egypt, March 1, 2013, accessed November 30, 2016, <http://www.dailynewsegypt.com/2013/03/01/ncw-draft-law-to-combat-violence-against-women/>.
- 70 • Nadine Marroushi, "Egypt Forms Female Police Force to Combat Violence," Bloomberg, May 23, 2013, accessed November 30, 2016, <https://www.bloomberg.com/news/articles/2013-05-23/egypt-forms-female-police-force-to-combat-violence-masry-says>.
- 71 • Ibid.
- 72 • FIDH et al., "Keeping Women Out," (n 4), 29.
- 73 • Stanley Reed, "The Battle for Egypt," *Foreign Affairs* 72, (1993): 94.
- 74 • "عءامج مرح لءاد يءامج شرح ءعءاو - نسح لاءس" - قءءالء - Mob Harassment Incident on Cairo University Campus," YouTube video, 13:39, posted by "ON Ent," March 17, 2014, accessed November 30, 2016, <https://www.youtube.com/watch?v=aICv7-UZE04>.
- 75 • Ibid.
- 76 • "Egypt's New Anti-Sexual Harassment Law Submitted to Cabinet," *Ahram Online*, April 9, 2014, accessed November 30, 2016, <http://english.ahram.org.eg/NewsContent/1/64/98680/Egypt/Politics-/Egypts-new-antisexual-harassment-law-submitted-to-.aspx>.
- 77 • "New Anti Sexual Harassment Law in Egypt," U.N. Women, June 11, 2014, accessed November 30, 2016, <http://www.unwomen.org/en/news/stories/2014/6/new-anti-sexual-harassment-law-in-egypt>.
- 78 • Yasmin El-Rifae, "Egypt's Sexual Harassment Law: An Insufficient Measure to End Sexual Violence." Middle East Institute, July 17, 2014, accessed November 30, 2016, <http://www.mei.edu/content/at/egypts-sexual-harassment-law-insufficient-measure-end-sexual-violence>.
- 79 • "A Confused Step in the Right Direction:

Commentary on the National Strategy to Combat Violence against Women," Egyptian Initiative for Personal Rights, June 23, 2015, accessed November 30, 2016, <http://eipr.org/en/pressrelease/2015/06/23/2411>.

80 • Laura Beth Nielsen, *License to Harass: Law, Hierarchy, and Offensive Public Speech* (New Jersey: Princeton University Press, 2004).

81 • "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," Nazra For Feminist Studies, June 9, 2014, accessed November 30, 2016, <http://nazra.org/en/2014/06/mob-sexual-assaults-and-gang-rapes-tahrir-square-during-celebrations-inauguration-new>.

82 • El-Rifae, "Egypt's Sexual Harassment Law" (n 107).

83 • Patrick Kingsley, "Doubts Remain in Egypt Despite Sisi's Action Against Sexual Harassment." *The Guardian*, June 13, 2014, accessed November 30, 2016, <https://www.theguardian.com/world/2014/jun/13/doubts-remain-in-egypt-despite-sisis-action-against-sexual-harassment>.

84 • "Egypt's President Sisi Apologises to Sex Attack Victim," *BBC News*, June 11, 2014, accessed November 30, 2016, <http://www.bbc.co.uk/news/world-middle-east-27800149>.

85 • Yasmine Saleh, "Seven Men Sentenced to Life for Sex Attacks, Harassment." *Reuters*, July 16, 2014, accessed November 30, 2016, <http://www.reuters.com/article/2014/07/16/us-egypt-harassment-idUSKBN0FL1A020140716>.

86 • *Ibid.*

87 • *Ibid.* (n 116).

88 • Upendra Baxi, *The Future of Human Rights*, 3rd ed. (London: Oxford University Press, 2008): 57.

89 • "Egypt's Police Adopt New Strategy to Combat Violence Against Women," Egyptian

Streets, May 10, 2015, accessed November 30, 2016, <http://egyptianstreets.com/2015/05/10/egypts-police-adopt-new-strategy-to-combat-violence-against-women/>.

90 • "A Confused Step in the Right Direction," (n 108).

91 • Ester Meerman, "Women Battle to Report Sexual Harassment in Egypt." *The Huffington Post*, April 27, 2015, accessed November 30, 2016, http://www.huffingtonpost.com/egyptian-streets/women-battle-to-report-se_b_7143572.html.

92 • Schiff, "Law as a Social Phenomenon," (n 8), 153.

93 • Langohr, "New President, Old Pattern of Sexual Violence in Egypt," (n 88).

94 • Saleh, "Seven Men Sentenced to Life for Sex Attacks, Harassment," (n 116).

95 • Kingsley, "Doubts Remain in Egypt Despite Sisi's Action Against Sexual Harassment," (n 114).

96 • "Who We Are," *HarassMap*, accessed November 30, 2016, <http://harassmap.org/en/who-we-are/>.

97 • "The Map," *HarassMap*, accessed November 30, 2016, <http://harassmap.org/en/what-we-do/the-map/>.

98 • "Harasser Is a Criminal," *HarassMap*, accessed November 30, 2016, <http://harassmap.org/en/harasser-criminal/>.

99 • "Egyptian Cabinet Introduces Plan to Combat Sexual Harassment," *Ahram Online*, June 13, 2014, accessed November 30, 2016, <http://english.ahram.org.eg/NewsContent/1/0/103564/Egypt/0/Egyptian-cabinet-introduces-plan-to-combat-sexual.aspx>.

100 • Merry, "What Is Legal Culture?," (n 11), 63.

101 • *Ibid.*, (n 10), 43.

102 • Abdelmonem, "Reconceptualizing Sexual Harassment in Egypt," (n 21), 24.

103 • "World Report 2015," *Human Rights Watch*, 2015, accessed November 30, 2016, https://www.hrw.org/sites/default/files/wr2015_web.pdf.

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