

Brief supporting Evidence Report 8

**POLITICALLY MOTIVATED SEXUAL ASSAULT
AND THE LAW IN VIOLENT TRANSITIONS: A
CASE STUDY FROM EGYPT**

Sexuality, Poverty and Law

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June 2013

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The material has been funded by UK aid from the UK Government, however the views expressed do not necessarily reflect the UK Government's official policies.

AG Level 2 Output ID: 209

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First published by the Institute of Development Studies in June 2013
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This brief describes a case study about the use of sexual violence against women and men in order to deter the opposition from engaging in protests and demonstrations in a context of a country in transition, Egypt. The paper advances a number of arguments. First, politically motivated sexual violence has a number of distinguishing features from the socially motivated sexual harassment that is generally prevalent in society. While they both contribute to discouraging women from assuming an active public role, they have different implications *vis-a-vis* who to hold accountable. Second, men have also been the targets of sexual assault, though their narratives have rarely been documented or recognised, and the law does not offer possibilities for redress. Third, due to a number of historical and contextual factors associated with Egypt – which has been in the throes of revolutionary activism – there has been a strong call for the perpetrators to be tried and the government to be held accountable for complicity. This has, in turn, reactivated calls for the revision of the criminal code to be more effective as a tool for addressing sexual violence.

The accompanying report draws on primary and secondary data in both Arabic and English. In order to understand the dynamics of politically motivated sexual assault, five in-depth interviews were conducted with women and men who have been the victim of various forms of physical and sexual assault. As well as this, the author uses testimonies gathered by El Nadim Center for Victims of Torture and Trauma, as well as material from 16 focus groups (conducted across five governorates), in order to acquire a sense of the perceptions of the wider population on sexual assault and women's own experiences in Egypt.

The author discusses how politically motivated sexual assault assumes the following pattern: (i) it occurs in squares and public spaces associated with protests; (ii) it takes place in these spaces during times of protests and demonstrations; (iii) the victims are disproportionately activists, whether women or men; (iv) sexual violence is used in conjunction with other forms of violence; (v) sexual violence is not enacted on a one-to-one basis but through a group of men, simultaneously assaulting the woman collectively; and (vi) sexual assault does not happen in a passing moment, but is sustained over a period of time.

By engaging with politically motivated sexual violence, this paper draws attention to the importance of breaking the silence around men's experiences of sexual violence. It emphasises the importance of being aware of social taboos against acknowledging men's vulnerability to sexual assault, as well as the ways in which homophobia and deeply entrenched normative values about what constitutes masculinity and manhood undermine prospects of recognising and redressing sexual violence against men.

The paper shows how there has been a shift in public opinion from celebrating the image of women participating in Tahrir Square to believing that women should avoid such protest spaces because they are too dangerous. If the voices captured in the focus groups are indicative of the mood regarding women's activism, then one can assert that fear has been instilled in the hearts of many women and their families, and it is unlikely that women's presence in Tahrir Square will be anything like it was two years ago when millions participated in protests. Hence if one of the intentions of politically motivated sexual assault was to instil fear within the wider polity, it seems to have by and large succeeded.

However, among revolutionary forces and the opposition, the exposure of these politically motivated acts of assault in the media and by human rights organisations seems to have strengthened the demand for greater accountability from the

government to ensure the safety of all citizens. One of the most important platforms for change has been the quest for revision 3 of the existing criminal code, in order for it to serve as an effective instrument to recognise and criminalise such action.

The existing penal code initially drawn in 1937 fails to explicitly define rape, sexual assault and harassment. The existing articles neither recognise the multiple ways in which people are subjected to sexual violence (i.e. not only through vaginal penetration) nor does it recognise that women can be the perpetrators of sexual violence, just as men can also be the victims. However, until the law is revised, the existing articles (267, 368 and 269) should be applied by judges to bring perpetrators to justice. The government must also adopt a zero-tolerance policy towards the use of sexual violence by publicly condemning such acts, and ensuring that the General Prosecution is immune from any political pressures that would undermine its independence.

Recommendations

For donors

1. Politically motivated sexual violence is not only important to study in contexts of war and conflict, but also in the context of transition. Comparisons with occurrences in Libya, Tunisia and Yemen (also in transition) may be particularly useful.
2. Raise in policy dialogues with the Egyptian government the need to convey a zero-tolerance policy towards all forms of gender and sexual based violence against women and men.
3. Support independent media, social media, citizen media and mass media in exposing, naming and shaming sexual violence
4. Support further research on sexual violence against men, and encourage its integration into mainstream policy work
5. Support initiatives that strengthen civil society actors' awareness of how to use international law for advocacy on politically motivated sexual violence where national laws fall short.

For civil society

1. Recognise the causes of different forms of sexual violence. In some instances, shaming is not enough. There is a need for naming the perpetrators where there is evidence for it.
2. Encourage the media to continue to feature persons who will share their accounts of sexual assault.
3. Work with the media to support the positive representation of these men and women, not as victims whose honour has been tarnished, but as citizens demanding their rights for accountability and justice.
4. Continue to press the National Women's Council and the Human Rights Council, as well as other quasi-governmental organisations to urge policymakers to recognise politically motivated sexual assault.
5. Acknowledge sexual violence against men, actively support its coverage, and take efforts to break the silence around it and de-tabooise it.
6. Examine the possibility of resorting to international instruments for seeking justice if the local ones do not deliver. For example, in view of the level of physical brutality which accompanied the rape and sexual assault of women in Tahrir Square on 25 January 2011, it may be worthwhile to examine whether these amount to crimes against humanity and therefore can be referred to the international court of criminal justice.

For government

1. Reform Law 58 of 1937 along the lines suggested by the coalition on sexual violence.
2. Enforce the existing law until a new one is issued.
3. Give clear signals that there is a zero-tolerance policy towards the use of sexual violence for political purposes, and towards those who disseminate messages that legitimise or encourage it.