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### Politically Motivated Sexual Assault and the Law in Violent Transitions: A Case Study from Egypt

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June 2013

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

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# Executive summary

This case study is 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.

This 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

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.

# Introduction

This paper examines the increasing politicisation of sexual assault in Egypt's transition after the ousting of the Mubarak regime in 2011. It explores the use of sexual violence by the military that held power between January and November 2011, and the ways in which sexual assaults subsequently assumed a more insidious form when deployed by the Islamists. Incidents of sexual violence under the Islamist regime in power assumed a pattern suggesting that they were pre-planned, orchestrated, and collectively organised to target protestors and citizens systematically as a form of political cleansing.

The author of this paper advances a number of arguments. First, politically motivated sexual violence has a number of features that distinguish it from ordinary sexual harassment. Second, men have also been the targets of sexual assault in addition to women, though their narratives have rarely been captured or recognised. Third, the law does not offer possibilities for redress for either men or women. Fourth, due to a number of historical and contextual factors associated with a country that 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 in order to be more effective as a tool for addressing sexual violence.

The paper 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. These were complemented with the testimonies gathered by El Nadim Centre for Victims of Torture and Trauma which psychologist Farah Shash compiled and presented in a background paper commissioned for this initiative. Interviews were also undertaken with human rights activists and one lawyer. Press and media reports in Arabic and English as well as scholarly and gray literature were also reviewed. Finally, 16 focus groups were conducted in five governorates with the following geographic coverage: the urban capital (Cairo), the Delta (Fayoum), and Upper Egypt (Minya, Qena and Beni Suef). The focus groups sought to cover both urban and rural contexts. Within each community, the four focus groups included men and women (though held separately). While the findings of the focus groups cannot be generalised for the entire population, they provide insights into the perceptions of different groups on violence, sexual assault and where the responsibility lies.

The first part of the paper reviews the debates in scholarly literature on sexual violence, conflict and agency, and defines how these concepts are used in this paper. The second part of the paper is a historical briefing on the prevalence of different forms of sexual violence until the revolution in 2011, and the military's use of sexual assault in its engagement with the protestors in the aftermath of Mubarak's relinquishment of power. It also examines the emergence of a pattern of systematic, pre-orchestrated and collectively organised targeting of protestors in oppositional spaces, and the use of hard and soft power by the Islamists in power. The third part of the paper sheds light on the multiple agential expressions of men's engagement with sexual violence including incidents of their own assault. It then addresses the motives behind politically motivated sexual assault. The fifth part discusses the normative religio-social norms and values prevalent, and how people relate to sexual assault. The extent to which legal advocacy and the use of the law can be used to hold perpetrators accountable and bring justice to the victims is discussed in the final part of the paper.

# 1 Politically motivated sexual violence: understanding the phenomenon

Up until the 1990s, there was a paucity of literature on sexual violence in contexts of conflict and war, reflecting a more general culture of silence on the matter. The wide-scale use of sexual violence in Bosnia-Herzegovina, Rwanda and the DRC Congo brought the issue to the fore. It revealed that sexual violence needs to be explicitly recognised in its own right, and not subsumed under the category of torture (Woods 2008).

There is now a growing body of literature on sexual violence in the contexts of armed struggles, conflict and war (Sjoberg and Via 2010; Butler *et al.* 2007; Wood 2008; Zinnstag 2006; Solangon and Patel 2012; Christian *et al.* 2011; Moser and Clark 2001; Jacobs *et al.* 2000; and Enloe 2000). Nevertheless, very little literature tackles the use of sexual violence in political struggles in *non-war* contexts of transition, or by authoritarian regimes dealing with internal opposition.

This paper draws on the above-mentioned scholarship of sexual assault in war settings, while recognising that sexual violence varies in prevalence, form, targets (women and men), perpetrators (individuals or collectives), motives and duration (Wood 2008: 333). However, irrespective of these varied dynamics, across the literature it is clear that all forms of sexual violence are intended to subjugate, humiliate and represent an assault on persons' bodily integrity.

The definition of politically motivated sexual violence used in this paper needs to be addressed on two levels: first, what is meant by sexual violence; and second, what is meant by politically motivated assault.

Sexual violence here draws on the Human Rights Watch definition as 'an overarching term used to describe 'any violence, physical or psychological, carried out through sexual means or by targeting sexuality' (HRW 2003: 2). Sexual violence includes rape and attempted rape, and such acts as forcing a person to strip naked in public, forcing victims to perform sexual acts on one another or harm one another in a sexual manner, mutilating a person's genitals or a woman's breasts, and sexual slavery' (*ibid.*). Such a definition applies to both women and men.

The definition of politically motivated violence draws on Moser's categorisation and conceptualisation of violence (2001: 36) in which political violence is defined as 'the commission of violent acts motivated by a desire, conscious or unconscious, to obtain or maintain political power'. Such political violence is manifest in the use of various forms of sexual abuse as *political acts*. These may include rape, sexual torture and sexual abuse, as well as forced pregnancy and sterilisation. Politically motivated sexual violence may be instigated by guerrilla conflict, paramilitary conflict or armed conflict between political parties etc.

For Moser, political violence is to be distinguished from economically motivated violence that involves the 'commission of violent acts motivated by a desire, conscious or unconscious for economic gain or to obtain or maintain economic power': these would be manifest in abductions and rape during economic crimes. It is also to be distinguished from social violence – violent acts committed by a desire, conscious or unconscious, for social gain or to obtain or maintain social power. This would be manifest at the interpersonal level through spouse abuse or sexual harassment by gangs, thugs or various public actors (2001).



Moser's demarcations of political, economic and social violence are not rigidly set, and often violence involves the intersection of political, economic and social factors. However, this categorisation is useful because it stimulates an analysis of the motives behind the perpetration of violence in each category. This distinction between politically, economically and socially motivated violence is particularly important for understanding and engaging with sexual violence in the cases described here. The Egyptian context involves *violent conflict* between those in power and the opposition, though it has not quite – at the time of writing – reached a state of civil war. This is critically important because although the quality of governance is poor, there is a government in place that has substantial control over state apparatus – unlike conditions of civil war where there is no government and the country is in a state of chaos.

It is imperative not to confuse social violence with politically motivated violence in the Egyptian context analysed here. Sexual violence in the form of social violence and harassment has been a persistent problem in Egypt for many years. Its perpetrators are motivated by diverse factors, including 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. The problem has been accentuated by the lax security situation. Incidents of sexual harassment have been documented in heavily crowded areas during particular times in the year (downtown Cairo on *eid* days and during *moulids* etc). However, they have also been reported by women in their day to day lives – walking on the street, commuting via public transport, at work and on educational premises. Harassment often takes a verbal as well as a physical form (groping, removal of clothing and sometimes rape).

In contrast to social violence, political forces who resort to sexual violence usually plan their crime, and synchronise its use with other political initiatives and strategies that aim to eliminate the opposition. The implications for strategies of addressing these two phenomena have some distinct divergences. In both socially and politically motivated sexual assault there is a need to address the social values of society and support human rights organisations to press for accountability and provide support for victims. However, where sexual assault is politically motivated by a regime in power, it is much more difficult to seek law enforcement from the police and from the government when they are suspected of being complicit in the acts themselves. In such instances, collective mobilisation against the government is needed, in addition to seeking recourse through international means (criminal courts and other mechanisms).

## 2 Politically motivated sexual violence from Mubarak's to Morsi's reign

Politically motivated sexual violence is often exercised in conjunction with other forms of violence in a bid to enforce or consolidate power and eliminate the opposition. Under Mubarak's authoritarian regime, soft and hard forms of power were exercised to co-opt, contain and terrorise oppositional figures and movements which included the use of both media vilification campaigns as well as incarceration and torture. It is in this context that sexual violence was used against both men *and* women. Most acts of sexual violence (including threats to use sexual violence against the person or female acquaintances) occurred in police stations, the secret political police's premises and in prisons. However, in 2005, a female reporter was publically stripped of her clothes by men who were believed to be hired thugs of the regime. The incident was nationally and internationally condemned. The incidents of sexual violence against women protestors in public spaces during Mubarak's reign were rare – possibly because the number of women that joined protests were substantially lower, and possibly because the regime was especially sensitive to avoid a scandal in the international media.

The Egyptian revolution has been hailed as an example of protestors adopting a non-violent ethos in their engagement with the enemies (Ezzabawy 2012). In retrospect, the revolutionary struggle to remove Mubarak involved much bloodshed and violence. Tahrir Square, which came to symbolise the revolutionary spirit of Egypt, assumed an especially esteemed status: it was associated with images of men and women standing side by side in protest, Christians and Muslims joining together in prayers, and activists from different ideological affiliations working together towards a common cause. Tahrir square became a symbol of the exercise of a new form of citizenship that was not mediated by gender hierarchies: women slept overnight in tents set up in the middle of the square; they led marches and gave speeches, and mobilised others to join in large numbers.

The abdication of Mubarak saw the Supreme Council of Armed Forces (SCAF) assume power, a gesture that was initially welcomed by a large part of the citizenry as a transitory step until a civilian government could be elected. However, the slogan of 'the army and the people are one hand' became increasingly contested as various revolutionary youth coalitions, opposition parties, social movements and groups began to voice their opposition to SCAF's monopolisation of power (Ali 2012: 161). In reaction, SCAF deployed the military police, special forces and paratroopers in tandem with the central security forces belonging to the Ministry of Interior in order to repress the political opposition to its governance of the transitional phase (Ali 2012: 161). During this period, an informal entente was forged between the Muslim Brotherhood (the country's most organised political actor) and SCAF, and relations were by and large positive, with the latter actively playing a role in suppressing opposition to the army.

Throughout 2011 and 2012, both SCAF and the Muslim Brotherhood used a number of strategies to inhibit the opposition, one of which was sexual violence. Such acts of sexual violence were used by the ruling powers against demonstrators and citizens in protest spaces, or in close proximity thereof. Some of the incidents were perpetrated by the Muslim Brotherhood and Salafi forces while SCAF was in power and were heightened in the period following President Morsi's (the Muslim Brotherhood's leader) rise to power in July 2012. The identities of the perpetrators were known by their own identification of themselves and their discourse and attire (as will be discussed below). Other incidents of sexual violence were carried out by unidentifiable men, who are believed to have been hired for the purpose of terrorising protestors through physical and sexual violence. There is no definitive evidence of who paid them. Many youth groups and feminist groups have come out and categorically

accused the Muslim Brotherhood of being behind commissioning such acts, as will be discussed below. Despite differences in how sexual violence was used, who were behind the acts and when they took place, there is reason to believe that they were politically motivated acts on the basis of two reasons: first, the targeting of protestors in particular; and second, the enactment of these incidents in spaces and at times when protests were occurring (such as Tahrir Square).

It is difficult to determine when the first incident of sexual assault against protestors in Tahrir Square occurred, in view of the social stigma associated with this kind of violence which may deter victims from reporting it. However, the first widely publicised incident of sexual assault against women protestors occurred one month after Mubarak had stepped down. On 9 March 2011, a group of women were protesting in Tahrir Square demanding the recognition of women's rights in Egypt. Men attacked some of the female demonstrators, molesting them and putting their hands inside their underclothing. Also on the same day, the military police arrested and detained at least 18 of the women. Seventeen of them were held for four days during which time they were beaten, subjected to electric shocks, stripped of their clothes, forced to undergo virginity tests and threatened with prostitution charges (Amnesty International 2012). The military admitted to the actions, and one military spokesman argued, 'We didn't want them to say we had sexually assaulted or raped them, so we wanted to prove that they weren't virgins in the first place,' (Zaltsman 2012). He added, 'The girls who were detained were not like your daughter or mine. These were girls who had camped out in tents with male protesters in Tahrir Square, and we found in the tents Molotov cocktails and [drugs].' (Zaltsman 2012). The above statement was intended to discourage people from empathising with these women by 'othering' them as deviant, promiscuous, lacking in respectability and nothing like the daughters one would have in one's own family. Samira Ibrahim filed a lawsuit against the military doctor who had tested her to see if her virginity was intact. However, a year later, he was acquitted by a military court of all charges (Amnesty 2012).

The Supreme Council of Armed Forces' engagement with the citizenry may bear strong resonance with literature on militarism and its production of normative values regarding manhood and violent masculinity (Enloe 2000; Sjoberg and Via 2010). Militarised masculinity projects notions of what it is to be a man including dominance and control over women who are perceived as weaker beings. However, militarised masculinity has limited explanatory power in shedding light on why SCAF resorted to sexual violence in some incidents and refrained in other instances. The army went down to the streets on 28 January. It stationed several military vehicles in Tahrir Square on that day and for the period that followed. For the next 15 days until Mubarak was ousted, the army was not implicated in any incidents of sexual violence against women or men. In the months during which SCAF governed the country, several protests were organised by the Islamists in Tahrir Square, yet there were no reported incidents of assault on the women or men affiliated to the Islamist movements. The incidents of sexual assault against women and men perpetrated by the army were consistently enacted against protestors challenging SCAF. In other words, it was not a case of soldiers behaving badly as a consequence of a militarised masculine culture, but the outcome of a military strategy selectively targeting particular groups within the population, with a view to intimidating and terrorising them.

In December 2011, protests were held in Tahrir Square against SCAF's rule, so the army intervened to clear the square of the tents that had been set up and force the protestors to vacate the area. Images were captured on video of a man dressed in military attire dragging a woman across the floor, pulling her veil off, and stripping her of her abaya (long robe covering full body, usually in black) to reveal her underclothing. The incident, which became known as the 'blue bra woman', was widely disseminated in the national and international media as a case of army brutality and sexual violence. It provoked the largest women-led protest that the country has witnessed since the nineteenth century, when multitudes of

women had risen up calling for an end to British colonialism. Marshall Mohamed Tantawy, who presided over SCAF in 2011 issued an apology to Egyptian women for the assault that had occurred and promised to bring the perpetrators to justice. The soldiers were, however, never arrested or tried.

There was no official condemnation from the Muslim Brotherhood and Salafis (or Muslims) and some of their members even publicly blamed the woman, questioning what she was doing in Tahrir Square. This was a clear move to delegitimise women's political activism and discourage society from 'allowing their women' to participate in street politics. There followed a series of similar events:

- On 8 March 2012, when women gathered to protest women's rights on Women's Day, they were subjected to sexual assault.
- On the 2<sup>nd</sup>, 6<sup>th</sup> and 8<sup>th</sup> of June 2012, there were several cases of women protestors and female journalists being subjected to sexual assaults by groups of men in Tahrir Square (El Deeb 2012).
- In November 2012 there was an increase in incidents (some involving rape) and, as a consequence, several political groups accused the Muslim Brotherhood of paying thugs to attack women in Tahrir Square (Whitehead 2012).
- In December 2012, members of opposition political parties, revolutionaries, and citizens (who did not have any political party affiliation) gathered at el Etehadeya Palace to protest the presidential decree that centralised the executive, judiciary and legislative powers in his hands (see Tadros 2012c for further details) Their numbers were large. Citizens belonging to the Muslim Brotherhood and the Salafi movements organised a counter protest. The latter firmly believed that it was their responsibility to defend the president and the legitimacy of his regime from a group of thugs and *fuloul*, meaning remnants of the former regime (this is taken from an interview with an informant who is a member the Muslim Brotherhood). Such testimony is corroborated by three victims of the counter protest in interviews. Each said that when they were captured, the Muslim Brotherhood and Salafis accused them of being Mubarak loyalists and paid thugs out to destroy a democratically elected president and his regime.

In January 2013, on the second anniversary of the revolution, 25 incidents of sexual assault occurred, all following the same pattern and implemented in the same systematic way.

On 25 January 2013 a women-led march poured into Tahrir Square and greatly contributed to the energy and numbers of the protestors. Yet on the same day, after it became dark in Tahrir Square, men organised in groups began to target women for sexual assault. Shoft Taharosh, a youth-led initiative that was formed in 2012 to address incidences of sexual assault, reported dealing with 19 cases of assault, six of which required medical intervention. This is in addition to other cases of assaulted women they became aware of<sup>1</sup>.

The counter argument is that revolutionary forces have also been engaged in violence against the government, most notably through the torching of public buildings, and targeting the presidential palace. However, the power is asymmetrical. Youths throwing stones and Molotov cocktails are very differently armed to the various corps of the security forces and the Muslim Brotherhood militias. Moreover, there were no reported incidents of captured security men being violated or assaults on women from the Islamist movements.

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<sup>1</sup> [www.facebook.com/Shoft.Ta7rosh](http://www.facebook.com/Shoft.Ta7rosh)

## 2.1 Patterns of political violence

Irrespective of the actor (army, Islamists, unknown groups of men), irrespective of who is in power (SCAF followed by the Muslim Brotherhood) and irrespective of the kind of sexual violence perpetrated, there are a number of common features in these acts of sexual assault:

- (i) they take place in squares and public spaces associated with protests
- (ii) they happen during times when protests and demonstrations are held
- (iii) the assaulted are disproportionately activists, whether women or men (even though there have been assaults on citizens who have no history of political activism)
- (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, collectively and simultaneously assaulting the victim
- (vi) sexual assault does not occur in a passing moment, but is sustained over a period of time.

There is, however, a marked difference in the use of sexual violence by the army and other actors. In the case of the army, their identity was known on account of the uniform. Yet by July 2012, the army had retreated from governance, effectively leaving the country in the hands of the Muslim Brotherhood-led government under the presidency of Mohamed Morsi. Under this rule, the identity of the perpetrators was less obvious: sometimes clearly and visibly members of the Muslim Brotherhood and the Salafis, yet other times unknown.

Incidents of sexual assault from June 2012 up until January 2013 show a striking pattern in the manner in they were enacted, indicating that they were systematic and orchestrated. In analysing several incidents in Tahrir Square, Shash (2013) argued that they have common characteristics:

These incidents are believed to be organised because they take place in the same way and sometimes around the same area. The pattern is, it starts with around 15–20 men who would surround a woman or two, they put their hands together, and they increase during the harassment to around 50 men. They form two circles, an inner one that would be attacking the women, harassing, groping, assaulting them and ripping off their clothes trying to get them naked, and an outer circle that protects the inner one and attacks any man who tries to save the girls (Shash 2013).

Farah Shash notes that the perpetrators of assault often carry knives and other weapons. From the victims' accounts, it is evident that these objects are intended to inflict harm and terrorise the assaulted, as well as anyone trying to save them.

A large number of the incidents, notes Shash (2013), took place during times of protest – in Tahrir Square and in the streets leading to the square. Two spots in particular saw repeated incidents on different occasions: at the entrance of Mohamed Mahmoud Street and at Hardees restaurant in front of the square. The testimony of one woman who was assaulted, and whose account was documented by El Nadim Center where she sought treatment, bears witness to this pattern:

I was going home from work at around 7.30pm, on the 25<sup>th</sup> of January 2013, I took a taxi and we arrived at Tahrir Square at around 9. I found that the metro is not working so I went back up to find another transportation mean, several men started gathering around me, it was very crowded. One man was behind me, he shouted to the other men 'don't push!' and he pushed me on another man in front of me, I found more than 50 men gathered around me in a circle, they started touching every part of my body

and I started screaming, they started ripping off my clothes, they ripped off my top, then my shoes, pants, the shorts I was wearing under my pants and they left me with my undergarments. They started inserting their fingers inside me very harshly and repeatedly, from the front and the back, I tried to stand up but they would push me back on the ground, they dragged me from my hair in the water and the mud, groped every part of my body and inserted their fingers. That went on for 3 or 4 hours. There were two men who were trying to rescue me, one of them was hit on his head and his head was injured and he was bleeding but he kept holding on to me; trying to rescue me, but then the men starting getting out blades and knives and used them to threaten anyone who would try to save me. They dragged me to the round about circle in the middle of Tahrir square and pushed me inside one of the tents, and the harassment and molestation is ongoing throughout all this and I kept on screaming. The tent collapsed on us, they dragged me from under it and took me back to the street and I felt a sharp object being inserted into me and I was in extreme pain, and I started bleeding from my genitals. I was hit on my head after that and I lost conscious, and when I woke up I found that the two men who were trying to save me, took me inside the building and the men who were assaulting and raping me tried to break down the building's door. A woman took me inside her apartment and gave me Abaya [a coat like garment covering full body] to cover myself with. When the ambulance came, the ambulance doctor covered me up and my face with a white cloth and I was bleeding still. He told the men when I was getting out of the building that I died and they still attacked the ambulance car and were trying to stop it and break the door, I heard the doctor telling the driver, don't stop... don't stop no matter what or she will be killed! (El Nadeem, in Shash 2013)

The above story is highly illustrative of the patterns of sexual assault witnessed in Tahrir Square and its vicinity. The way in which the woman was captured, and then circles of men formed around her suggest there is a high level of co-ordination that is intended to keep her trapped and prevent others from getting to her. The rape of the woman with sharp objects is intended to inflict extreme injury and cannot be simply interpreted as sexual assault for personal gratification. One common element in all of the accounts is the absence of police on the scene. It is unclear why there has not been a single incident in which the police have interfered to save women. The fact that the ambulance arrived on the scene to carry the victim in the account above suggests that the emergency services had been notified, yet surprisingly, arrived unaccompanied by police to protect the woman or those trying to help her.

### **3 The multiple agencies of men in politically motivated violence**

From an agential point of view, it is important to note that the clear dichotomy of men as assaulters and women as its victims is incongruent with the politics of organised sexual violence deciphered in the Egyptian case study. In at least one instance, the attackers who assaulted women in Tahrir Square were accompanied by women whose presence, it was believed, was planned and intended to provide a cover up to the 'sexual assault operations' (from interviews). There have also been incidents of positive deviance where men at el Ettehadeya have refused to contribute to the sexual assault and have sought to convince others to stop. One interviewee, who was assaulted, emphasised that a young Salafi man who was part of the group that captured her kept on asking the mob to stop assaulting her. She explained that she continues to be in touch with him to this day via facebook, and is very grateful to his role in saving her (he was responsible for returning her after she was captured).

Moreover, some men have played key roles in combating women's exposure to assault. Failure to acknowledge the psychological distress caused to men unable to defend their female friends, relatives or fellow citizens being assaulted represents a major deficit in the scholarship on sexual violence. Carpenter (2006: 96) emphasises that men's pain in witnessing women's sexual assault cannot be downplayed:

it is important to address the psycho-social harm to men of being forced to witness the sexual torture of their female relatives in time of war. The literature on sexual violence against women has often emphasized the assault of women as a means to communicate messages to enemy men (Brownmiller 1994), but there has been very little specific effort to recognize the trauma of such atrocity for the male relatives of the victims.

Men's experience of such pain cannot simply be interpreted as a form of masculine anxiety over their honour, but also out of humane empathy with the suffering of other human beings (Tadros 2013).

#### **3.1 Sexual violence against men**

Historically, feminists have struggled to make sexual violence perpetrated against women in wars and conflicts recognised as a crime in its own right and appropriate redress measures taken. However, the emphasis on women as victims of wars instigated by men enforces harmful constructions of feminine and masculine identities whereby men are presented in the narratives of war as consistently being the offenders and never as victims. A growing body of literature has, however, brought to the fore the importance of recognising men as victims of sexual violence in conflicts (Carpenter, Pattel, Zarkov, Oosterhoff *et al.* 2004). Sexual violence against men as defined by the WHO includes a variety of acts including extreme forms such as rape and castration, as well as others such as enforced nudity and genital violence (for example, beatings of genitals or the administration of electric shocks to the genital area).

In the post-Mubarak context of Egypt, interviews with the authors, testimonial evidence and cases treated by el Nadim Centre show that sexual assault in Egypt is not exclusively targeted at women. There has been a wide diversity in the kind of men who were sexually assaulted (young men, older men, men of heavy body build, men of very slight build, as well as different class, religion and educational background). Some men were revolutionary

activists who had participated in the Egyptian revolution and identified themselves as belonging to a particular political group/party. Others were revolutionaries who were against the regime but did not belong to a particular group. Others still had no political background whatsoever. The one common factor is that these men were all assaulted because they happened to be in protest spaces at political moments when opposition to SCAF or the Muslim brotherhood rule was being expressed.

There are major variations in the kind of sexual assault that men are exposed to across different contexts. Extreme cases, for example, were reported in the DRC Congo where men were brutally raped at a large scale and some were kept in sexual slavery (Christian *et al.* 2011). In Egypt, the form of sexual violence was less brutal, yet it included rape with objects, sexual molestation and forced nudity. While the incidents involve a complex interplay of driving factors there is one element in common across country contexts, namely the use of sexual violence against men as a strategy to undermine them within their group: to show that they are weaker than those who assault them in a bid to strip them of respect and status (Christian *et al.* 2011; Oosterhoff *et al.* 2004; Carpenter 2006). The perpetration of a sexual kind of violence against men is intended to cause not only physical damage, but psychological and mental trauma, by shaking men's sense of identity and self. In highly patriarchal and homophobic societies, the intention behind sexually assaulting men is to emasculate and feminise them.

Owing to the taboo nature of sexual violence, acts of sexual assault have often been classified in international criminal investigations under the guise of torture (Solangon and Patel 2012: 418). The media has often been more inclined to report women's experiences of sexual violence than men's (Zarkov 2001). Egypt is no exception: witness accounts appearing on television have been mostly women. Further, much of the human rights documentation in Egypt has tended to focus on women's experiences of sexual assault, although there are exceptions (such as el Nadim Centre for the Rehabilitation of Victims of Violence and Torture).

In most societies, men are reluctant to report sexual violence (Wood 2008: 334). Solangon and Patel (2012: 422), for example, highlight how Sri Lankan prisoners were 'too ashamed to report being sexual assaulted, as being labelled 'a victim' was deemed incompatible with their notions of masculinity.' The documentation of sexual violence against men in Egypt, in particular in the revolutionary context of 2011–2012, has been extremely difficult. Men find it too shameful to admit to being subjected to sexual violence. One of the male interviewees recounted that in November 2011 the various youth revolutionary forces had gathered in Tahrir Square to object to SCAF's rule. Bloody clashes ensued and the army built a concrete wall in Mohamed Mahmoud Street (one of the streets adjacent to Tahrir Square) to block protestors from reaching the headquarters of the Ministry of Interior. The Muslim brotherhood defended SCAF. One male interviewee who was sexually assaulted recounted that the Muslim Brotherhood formed a human shield to block the demonstrators from marching to Mohamed Mahmoud Street.<sup>2</sup> As the protestors neared the human shield that the Muslim Brotherhood had formed, the latter began to sexually molest both the men and women. Men were 'fingered' in their behinds. He mentioned that after the confrontation, men were reluctant to talk about it and certainly when what happened was discussed, it was not referred to as sexual assault.

In many other instances, men who have been assaulted refuse to describe their experience as one of subjugation to sexual assault, in particular if it has not involved direct contact with the genital area. Another male interviewee described his ordeal at el Ettehadeya in terms of

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<sup>2</sup> The interviewee said that they recognised some of the members of the Muslim Brotherhood because they had been together during the protests against President Mubarak before his ousting and others were known to belong to the Islamist discourse (change to manner of speech) by their attire (long white clothing and beards) and their discourse.



subjugation to physical violence, not sexual assault (interview with author). He did not recognise the act of stripping him from his clothes as an act of sexual assault because their intention he insisted was not sexual gratification. He spoke of being stripped of his clothes as an act that was humiliating and degrading, but not one of a sexual nature. The resistance to acknowledge acts of stripping as forms of sexual assault (though it is internationally recognised as such) may be partly explained by the fact that the term conjures images of women being assaulted for sexual exploitation. In effect, to talk of being sexually assaulted as a man has strong connotations of emasculation. Not surprisingly, the narratives of men speak of being exposed to physical – not sexual – violence.

El Nadim Center reports that acts of sexual violence were also perpetrated against male protestors, the most common of which included stripping them of their clothes, hitting them in sensitive parts of their body and ‘fingering them in their behinds’. The latter amounts to rape (Farah 2013, background paper) according to the WHO definition, but not according to Egyptian law (see discussion below).

In January 2013, an incident involving security forces stripping a middle aged man of his clothes was captured on video and broadcast on television (Urquhart 2013). Media outlets – who took a condemnatory stance towards the violence which citizens were being subjected to at the hands of the security forces – widely covered this incident, however, the act of stripping was not named in the news coverage as ‘sexual assault’. This was probably deliberate, intended to protect the victim’s masculinity. It was the women protestors who implicitly recognised the act of stripping this man of his clothes as one of sexual assault.

In the subsequent protests organised by anti-sexual harassment groups, women’s organisations and youth revolutionary movements, women reversed the ‘Egypt’s women are not to be stripped’ chant which they had used in the demonstrations following the case of the ‘blue bra woman’ to one which declared ‘Egypt’s men are not to be stripped!’ This is highly significant since the incident of the blue bra woman had been reported as one of sexual violation.

Yet overall men’s experiences of sexual violence have been kept out of the legal advocacy efforts to hold the state accountable (discussed in more detail below). Patel argues that ‘Advocacy and awareness of sexual violence against men must be evident in all sectors to annul misconceptions that men cannot be victims of sexual violence. Judicial and legal systems must be improved to combat impunity and to acknowledge male victims of sexual violence in all institutional decrees, statements, laws and resolutions’ (Patel 2012: 435). However, in the Egyptian case study, neither the media, the law, nor advocacy efforts have recognised men’s exposure to sexual violence.

## **4 Motives behind politically motivated sexual violence**

Transitions are often critical historical junctures with high levels of instability and volatility, Egypt being no exception. The overall context is one where there is a high level of violence and absence of human security. However, it is important to examine some of the possible factors as to why sexual violence was instrumentalised by those in powers against the opposition.

### **4.1 Sexual violence to shame not only the individual but the wider community**

In a context where men's, families' and indeed whole communities' sense of honour is intrinsically linked to women's bodies, sexual assault is an act of shaming opponents. Sexual violence, in this context, argues Farah (interview December 2012) represents the highest form of violence that people can be subjugated to, precisely because of the social stigma associated with sexuality.

Sexual violence is also intended to humiliate not only the person but the wider community. Public shaming has a collective impact because it destroys not only the victim but also the rest of the community who are often forced to watch (Zarkov 2001: 73; Zinsstag 2005: 139). These events were intended to be public spectacles where citizens could see for themselves what happens to men or women who dare to be politically active and engage in oppositional politics, or who even happen to be in the same space associated with political manoeuvrings.

#### **4.1.1 Sexual violence to intimidate**

Zarkov argues that in contexts where there are rigid controls over sexuality, the use of sexual violence plays precisely on notions of purity, masculinity, femininity and sexual norms. Sexual violence is intended to intimidate because, 'It demonstrates the strength of the attacker against the weakness of the opponent who was not able to defend the victim', and establishes the 'superior masculinity of the assailant' (Zarkov 2001: 77–81). Although Egypt (at the time of writing) cannot be described as experiencing a civil war, one captured woman was described by her Salafi captor as 'his ghaneema', his booty (interview with one of the captured women). Reference to the captured woman as booty speaks of establishing a relationship of domination and conquest in attaining a woman whose body becomes the site for acting out superior masculinity. It is a term that has often been used in contexts of sexual violence in war, where capturing women is deemed as one of the 'spoils of war' (Naimark 1995: 71, in Zinsstag 2005: 139).

#### **4.1.2 Sexual violence to effeminate men and denigrate women's feminine value**

Notions of superior and inferior masculinities play on cultural norms and values regarding sexuality, gendered identities and hierarchies. Incidents involving violent assaults against opposition protestors have often been accompanied by a discourse that effeminates or demasculinises men. In November/early December 2012, when protestors' tents in Tahrir Square were pulled to the ground, a discourse of vilification was used that specifically played on society's norms around sexuality. For example, occupiers were referred to as homosexuals which, in the Egyptian context, signifies lacking in manliness and masculinity. Male protestors were also referred to as goats, with sexual allusions being made to what the

sheep (referring to the Islamists) would do to them (quotes from members belonging to the Muslim Brotherhood in Bassem youssef *El Bernameg*, episode broadcast on 14 December 2012).

### **4.1.3 Sexual violence was also used in the Egyptian context to inflict torture**

This is commensurate with other studies that indicate that the intention is not only to cause psychological trauma but extreme physical pain as well (Zinsstag 2005:139, 429; Patel, Parpart 47; Pope 1999: 353) The tactics used in Egypt of raping women and men through inserting sharp objects or fingers are a method of torture. Furthermore, the sustained acts of sexual violence and rape caused prolonged pain which amounts to torture.

## 5 Whose shame is it? Public norms and values on sexual assault

### 5.1 Using religion to justify and endorse sexual violence

The political juncture during which incidents of politically motivated sexual assault were being reported was one in which Egyptian society was deeply polarised between those who endorsed the Muslim Brotherhood regime and those who were against it. In this context, some religious leaders, who empathised with the Muslim Brotherhood on account of their religious credentials, used the platforms they had to legitimise politically motivated sexual violence against protestors.

Against the backdrop of very conservative social mores around sexuality prevailing in society, the opposition was also accused of sexual promiscuity, to the point of showing how their sexual deviance merits their subjugation to sexual violence. During the eighteen days of uprising against President Mubarak, the state-sponsored media accused the revolutionaries who built tents in Tahrir Square of engaging in illicit sexually promiscuous behaviour (Tadros 2012). By and large, such a discourse was discredited after the ousting of President Mubarak as a ploy to discourage people from empathising with the demonstrators and joining them. However, the Islamists' discourse reproduced the same vilification of the opposition by appealing to people's moral and sexual value system, except that it amplified the idea that they were not only socially illegitimate, but religiously as well.

Women who went out to protest were represented as deviant, of questionable moral character, sexually promiscuous and deserving of sexual assault. Gradually, the image of the Egyptian woman who fought side by side with her male counterpart in liberating the country from a dictatorship was being replaced with the image of the pious woman who knew her place, did not meddle in affairs that were not hers and who did not venture into 'men's places' where she put herself at risk. As discussed earlier, in December 2012, protestors gathered in Tahrir were described as harbouring condoms, women's contraceptive devices, alcohol and foodstuffs. The message being conveyed to the wider public was clear: these were sexually promiscuous protestors who violated religious precepts. This was the same discourse as that of the Mubarak regime, except that now deviant sexuality was entangled with religious violations.

Since women's 'value' lay in their sexual purity and chastity, the Islamists sought to tarnish the female protestors' reputation as sexually lewd, amoral women who lack femininity and religious piety. Shortly after the sexual assault and rape of women in Tahrir Square on 25 January 2013, one of the protest slogans read, 'Egypt's girls are a red line (not to be crossed)'. On the Salafi television network al Hafez, Sheikh Abou Islam, a prominent preacher said that:

Egypt's girls are not a red line... these women who are naked, indecent, and prostitutes are not a red line, they are going there to be raped: nine tenths of them are crusadettes (women crusaders) and the other tenth are women who have no men to control them, they are widows who have no one to revere or to put them right – shame on you, where is your femininity? Where is the femininity that is due by religious law? These women are like ogres with their unruly hair.... she devils called women.

The inferences from Sheikh Al Islam's words are important for understanding the construction of the narrative that justifies politically motivated sexual violence against women protestors.

In summing up the portrayal of women by Islamic leaders and the military, a number of key characteristics are discernable:

First, there is a focus on these women as 'fallen' – i.e. they are not the kind of women respected members of society should empathise with because their moral character is deplorable – and hence they are unlike the womenfolk of one's family, friends and relations, the good Muslims.

Second, these women belong to the religious 'other'. In this context, the rhetoric fuels the anti-Christian sentiment that exists in a deeply sectarian society against the indigenous Christian population. By associating these women with the Crusaders, it also suggests that they are the enemies of Islam, coming from the West. The 'othering' of religious minorities has been a key strategy deployed to mobilise people in support of the Islamists – the true defenders and guardians of Islam. Hence misogyny is combined with religious bigotry to demonise women through their sexuality.

Third, the notion that women want to be raped is intrinsically associated with their fallen moral character and their deviant sexuality. In essence, as a consequence of their lack of conformity to particular notions of femininity – i.e. submissiveness and silence – these are women who deserve to be violated. It is a form of chastisement that they merit. This is highly significant in that the discourse of the Islamists at el Etehedayya in December 2012 also referred to the need to discipline/chastise these women who were represented as deviant.

## **5.2 Public perceptions of sexual assault**

There were 3 focus groups undertaken with women and one with men in each of the four governorates (see details above). The focus groups were held in March, less than two months after the sexual violence witnessed in Tahrir Square. When asked about whether they are aware of such incidents, almost all the participants in all the focus groups replied in the positive. They had heard about such incidents from the media. Despite the great variation in age, gender, religion, educational background and location, the main explicator of the responses was whether participants were in favour of the current regime or not. It reflected the deep polarisation in Egyptian society between those in favour of the existing Islamist regime versus those dissatisfied with its performance or opposed to it.<sup>3</sup>

In every single community in which the focus groups were held, there was a striking difference in the interpretation of events in Tahrir between those endorsing and those against the current regime. Let us compare the perceptions of women from the same poor community in Cairo. The women participants in the focus groups in Cairo who had voted against the Muslim brotherhood in the presidential and parliamentary elections whether they were young, old, working or non-working categorically blamed the Muslim Brotherhood-led government for the incidence of sexual assault that took place in Tahrir Square. As one woman said, 'the Muslim Brotherhood are doing this so that women would go back to their homes and not go out to protest. This is all part of a strategy to scare women into not going out on the streets.'

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<sup>3</sup> It was possible to decipher their political orientation from question asking 'who did you vote for and why in the last parliamentary elections' and 'who do you intend to vote for in the forthcoming parliamentary elections and why'. Few participants said they do not intend to vote because they had voted for the Freedom and Justice party and were disappointed by the broken promises and do not intend to vote in the forthcoming parliamentary elections (the date of which is yet undecided).

Another said, 'this is all part and parcel of a plan to make women stay at home: it's the same with all the harassment women face on the streets everyday'. Yet even within that group, there were some women who blamed it on the revolutionary youth: 'If those who organise the protests can't protect Tahrir Square, then they should not call upon people to participate. It is their responsibility to make these places safe and not take lightly people's security'. Others went further, blaming the perpetration of assaults on the protestors themselves. 'They go to demand their rights and they harass the women, this is not right, they should not be doing that'. This was an indeed perplexing response that was reiterated across many focus groups, it suggests that the wider public does not necessarily see these assaults as politically motivated but as reflective of one of the ills of Egyptian society: men harassing women. Only a few of the women in the two focus groups in Cairo who happened to be against the regime explained the incidents in a manner that recognised sexual violence as political. One woman said that it was men who implanted themselves in the crowds with the purpose to intimidate. This sense of a conspiracy being drawn was also evident in the opinion of another who said, 'these cases of harassment being shown on TV are being shown by the media so people would feel scared and not go down to the streets'.

This is to be contrasted with the views that were expressed in another focus group whose participants strongly endorsed the Muslim Brotherhood's regime. In that focus group, they tended to place the responsibility more on the women who went down to Tahrir, asking 'what is she doing there in the middle of all of these men in the first place?' One participant suggested that the responsibility for sexual harassment is dual: on the man who has sexual repression and on the woman who wears revealing clothing. Unlike the focus groups in Cairo with the women who were critical of the regime, the female participants in this group argued that some women who were sexually assaulted deserved it if they happened to be immodestly dressed.

In one focus group with men in Beni Suef, one man, 30, said 'the woman who goes down to Tahrir Square in the first place is a thug and no self-respecting woman'. A 22 year old man in the same focus group explained, 'the people who went down to Tahrir Square on the 25th of January [2011] were real revolutionaries but today the ones that go there are thugs'. Two of the men associated women who protest today with drug taking and homosexuality. This pitting of the honourable revolutionaries of two years ago against the thugs of today is in tune with the Muslim Brotherhood's narrative: when they participated in the revolution, revolutionary activity was legitimate; when activism is turned against them, it is vilified as the work of a group of thugs. All eight in the group agreed that women should not go out to protest. The majority of the men in the focus group blamed incidents of sexual harassment on the 'thugs' and the opposition for the incidents that happened in Tahrir Square. One went so far as to say the women who go 'to Tahrir Square go there because they want to be harassed'. Three of the eight were of this view, and seven of the eight believed that women had some responsibility for the assaults, because they should not have been there in the first place. Two in the group said that the freedom that society witnessed after the revolution (one which none of the women ever spoke of in other focus groups) was to blame – women should not leave their homes except for war. In another part of the conversation when they were asked what do they watch on television, they all said religious channels, and mentioned el nass, al Hafez and the Muslim Brotherhood's channel, 'Misr 25<sup>th</sup>'.

Interestingly, in a focus group with men in one of Cairo's shanty towns, where it happens that participants were against the current regime, the men's discourse was very different. These men strongly believed that women have the right to go protest and those responsible for failing to protect women were the government and the president himself. Yet they too were more cautious about the dangers that now await women should they go out to protest in Tahrir.

In Qena, in a focus group with men, the responses again showed how political orientation influenced the responses on sexual harassment. One man who was more critical of the Islamists argued that women should never be exposed to sexual harassment, irrespective of what they are wearing and argued that they are not to blame for the assault. Another man who supported the Nour Salafi party believed that the cases of sexual harassment were due to women's attire. 'I am against harassment but if a woman is wearing respectful clothing, no one would harass her. Have you ever seen a woman in the niqab [face veil] being harassed?'

Most women who participated in the focus groups in all governorates expressly argued that since women now know that Tahrir is not safe, it is their responsibility not to go there. Even the young people in Cairo, such as Beni Suef and Minya who said that women should not be intimidated and they should continue going out to protest, when asked whether they themselves would go, they said that though they had previously participated in protests, they would no longer go because it is not safe anymore. One young woman suggested that, 'women must find another way of expressing their opposition other than going out in the streets.' One middle aged woman suggested: 'political work should be left to the men. Women should focus on their work and their homes.'

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 motives of politically motivated sexual assault is to instil fear, it seems to have by and large succeeded.

However, the religious leaders' discourse suggesting that women go to Tahrir Square to be sexually assaulted had hardly any resonance with the women in the focus groups. Most women responded strongly to the query on whether women solicit assault, by expressing comments such as: 'no woman wants to be assaulted, what kind of talk is that!'

It is noteworthy that across all focus groups with women, irrespective of whether in urban or rural areas, in Cairo or the upper Egyptian or Delta governorates, there is a common message that women were *unanimously* reporting: harassment on the streets has increased dramatically in the past two years. They cited harassment, thuggery and theft as the three top forms of violence which they feel vulnerable to. Perpetrators of sexual harassment, they point out, are now more emboldened than ever to go beyond the passing comments about their beauty to making sexually explicit comments about women's body parts, making sexual advances and molesting women by touching parts of their bodies. Women reported feeling humiliated, denigrated and helpless. They complained that sexual harassment is met with inaction; there are no interventions to put a stop to it. Across different contexts, women were conveying the same message: exposure to sexual harassment on a daily basis is having a toll on their lives. Some said that they have noticed that some young women are increasingly responding to sexual molestation by resorting to violence – shoving men who try to grab them or retrieving a knife from their handbags and threatening to use it. Other participants in focus groups point out that it is having a toll on women in the household: some mothers are taking it out on their children by yelling and hitting them more frequently. Yet participants in focus groups had different interpretations of who was behind their increased susceptibility to violence. Some women, in particular those against the current government, blamed the Muslim Brotherhood for using a rhetoric that was antithetical to women's rights. Others argued that the fact that the country is going through a constant stream of protests is undermining its overall stability and preventing the government from doing its job. The link between sexual assault in Tahrir Square and harassment in their daily lives was captured well by one housewife who said 'it's all about the same thing, discouraging women from

being out on the streets'. It is clear that though the nature of sexual assault in public protest spaces is different to that occurring in the streets of Egypt, they both have the same intention of sending signals that women should limit their mobility, not venture out in public space unless needed.



## 6 Seeking recognition through the street and justice through the law

During 2012 there was a silence around politically motivated forms of sexual assault. While it would not be surprising that the ruling powers would deliberately attempt to obscure their occurrence, the opposition and the media were also avoiding the exposure and public denouncement. Revolutionary and oppositional forces had not wanted to raise the issue of politically motivated sexual assault out of fear that this would intimidate citizens from participating in demonstrations in Tahrir Square, or at least families would prevent female members from taking part, fearing their assault. In view of the central importance of women's political activism for the success of any demonstration in Tahrir, the spread of fear and rumours would significantly undermine their revolutionary efforts.

Moreover, throughout 2012, individual women had come out and spoken about their ordeal, and specifically named the perpetrators. However, there was no collective naming of the incidents as politically motivated, and no shaming of those believed to be behind them (namely the Muslim Brotherhood and Salafis). What broke the floodgates was the intensity and scope of sexual harassment witnessed against women activists on the second anniversary of the Egyptian revolution on 25 January 2013. On the night of the assault, at Cafe Riche (a coffee shop in Talaat Harb in close proximity to Tahrir Square) where survivors of assault had informally gathered, a decision was taken to come out in public and share their ordeal. Various movements who work on feminist issues and who work on sexual harassment in public spaces came out to demand that the matter be recognised for what it is, and they held the Muslim Brotherhood accountable. The independent media responded by granting the matter extensive coverage, while hosting women survivors to tell their stories. Lamis Al Hadeedy, who presents one of the most widely watched political analysis programmes, dedicated a whole episode to politically motivated sexual assault, at the end of which she said: 'I apologise for the delay in addressing this issue in my programme. We knew it has been happening for a long time, but I feared tarnishing the image of Tahrir, I feared scaring people from going to Tahrir, but I was wrong to think that' ('Al Qahera Wal Nass, CBC, 10pm GMT, 3.2.2012).

Women's rights groups organised several interventions following 25 January 2013 to expose politically motivated sexual assaults that took place in Tahrir Square and its joining areas. A statement signed by political parties, youth initiatives, non-governmental organisations and many individuals named the acts as politically motivated, and shamed the actors whom they held responsible: the Muslim Brotherhood and the government. The statement was signed by non-governmental organisations working in women's rights, human rights, human development and poverty alleviation, as well as organisations representing women lawyers and various other groups. The statement was also signed by leading youth revolutionary movements, coalitions and initiatives as well as those that specifically work on sexual harassment. The statement was signed by seven political parties of socialist, left of centre and right of centre leanings. None of the Islamist parties or any religious organisation signed the statement.<sup>4</sup>

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<sup>4</sup> The signatory organisations are: El-Nadim Center for Rehabilitation of Victims of Violence; New Woman foundation; The Woman and Memory forum; Baheya Ya Masr, Center for Egyptian Women's Legal Assistance; Arrow of Confidence; The Egyptian Women's Union; Voice of Egyptian Women; Egyptian Women for Change; Egyptians Against Religious Discrimination; Act Egypt; National Egyptian Development Association; Consultancy council for Coptic Associations; Association for Freedom of Thought and Expression; Daughters of Earth; Egyptian Women's Union; Bashaier for Development of Society; The Alliance for Arab Women; Women's Parliament; Shoft Taharosh; One World Foundation for Development and Civil Society Care; Fouada Watch; Tawafok Center for Legal Assistance and Development; Society for Health Improvement in Cairo; Cairo Center for Development and Human Rights; Egyptians Against Religious Discrimination; Roueya for Development and Media Studies; Revolutionary Socialists; Egyptian Democratic Academy; Egyptian Democratic Institution; Fares Foundation; Egyptian Foundation for Family Development; Egyptian Initiative for Women Lawyers; National Union for the Independence of Lawyers; Enlightened Egypt; Youth movements and initiatives; Egyptian Creativity Front; Positive Movement; Youth for Justice and

Moreover, women and men organised a march on the 6 February 2013 to condemn the practices and call for the government to be held accountable. Women held high knives to express their preparedness to protect themselves through self defense. The media also played an important advocacy role, hosting women who have been sexually assaulted and activists whose work is to make Tahrir Square a place free of assault to share their testimonies. Victims filed lawsuits and human rights organisations contributed to the provision of evidence to be presented to the Prosecutor. However, legal advocacy proved to be very difficult for redressing injustice.

## 6.1 Legal advocacy

Zinsstag (2005: 139) argues that in order for the criminal justice system to address sexual violence, it would have to deliver first on accountability by ensuring that the perpetrators of past atrocities answer for their crimes, by publicly acknowledging their criminal responsibility and their violation of the law. Second, the criminal justice system would have to ensure impunity to be achieved through the prosecution of the perpetrators for their acts, and third, deterrence through signalling to the wider community that such acts will not be tolerated.

These three conditions for securing justice are conspicuously missing in the current Egyptian context because (i) the law itself is inadequate for recognising and addressing sexual assault; and (ii) there is no political desire to name and shame the perpetrators and announce a zero tolerance policy towards all forms of sexual assault. Though these two factors are intertwined, for analytical purposes, each will be dealt with separately. Criminal law in Egypt has been largely modelled along Napoleonic French law, dating back to 1882. Prior to the adoption of Napoleonic principles, the country was governed by uncodified Shariah (Islamic law) and by a number of laws that were administered through the courts. The Penal Code in effect today was promulgated in 1937 and has been subject to a number of amendments since then (Reza 2011).

The Penal Code is presented over four books. Out of over 400 provisions that represent the Penal Code, there are only three articles that specifically deal with sexual assault (articles 267, 268 and 269).<sup>5</sup> These articles in the third book feature in 'Law number 58 of 1937 of the Penal Code'. These specific articles have not been amended since 1937.

Article 267 states that whoever has sexual intercourse with a female without her consent will be subject to imprisonment with temporary labour. It stipulates that, 'the penalty is higher, namely, mandatory life imprisonment, if any of a list of aggravating factors is present: if the offender is a blood relation of the victim, or is responsible for her upbringing or supervision or has (other) authority over her, or is a paid domestic employee of the victim or of one of the other persons just described' (Reza 2011: 22). The requirements for the act to be recognised as punishable under article 267 are that it involves vaginal penetration through a penis, and second that it occurs without a female's consent.

Should the judge have reason to doubt that vaginal penetration occurred, article 267 will not be applied. Equally, if the woman cannot provide sufficient proof that penetration occurred against her consent the judge can reject the application of article 267, in which case, if the judge has reason to believe that she consented to the sexual intercourse, he can hold her accused of adultery. If the woman is married, and she is accused of committing adultery, she

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Freedom, Revolutionary Socialists; Lotus Youth; The Free Egyptians; National Unity Youth; The Free Egyptian Woman; The signatory political parties are: Egyptian Social Democratic Party; Socialist Popular Alliance Party; Egyptian Popular Current; Al Dostour Party; Masr Alhorreya Party; Al Masreyeen Al Ahrrar; Egyptian Socialist Party.

<sup>5</sup> There is one article that may apply to verbal assault: article 306 punishes incidents of verbal insults, for example cat calling in the street. The sentence can range from a fine of LE100 (equivalent to £9.50 GBP) or one month in prison.

can be punished with detention for up to two years under articles 274 and 275 (Reza 2011: 23).

A number of important deficiencies in this article are worth noting. First, the Egyptian penal code does not have formal or explicit recognition of rape (*ightesab*) in any of the three articles dealing with sexual assault. Second, while not articulated in any explicit terms, article 267 does not recognise non-consensual acts involving non-vaginal penetration. Third, it only applies to actual acts and does not tackle attempted rape. Fourth, article 267 does not allow for the recognition of women as perpetrators of rape against other women (through for example the use of objects).

The second relevant article, 268, punishes 'hatk 'ard', the literal meaning of which is 'violation of honour', but it is practically used to refer to indecent assault by force or threats or attempts at indecent assault (Reza 2011:22). Under article 268, indecent assault is punishable by three to seven years imprisonment. The penalty is higher if the victim is under 16 years of age or if the aggravating principles cited for article 267 apply. There is no definition of what *hatk 'ard* means and it has been left to the prerogative of the judge to determine how to assess the violation at hand. Generally judges have applied article 268 to incidents involving non-penetration which have mostly involved the touching of sexual parts of a person's body. The absence of a definition of *hatk 'ard* has created a legal loophole. One lawyer mentioned that where judges wish to mitigate the penalty out of 'mercy' for the assaulter, they can try to circumvent the application of article 268 by claiming that the damage caused has been limited, or that there is insufficient proof regarding the exact occurrence of indecent assault. Article 269 addresses indecent/sexual assault which is enacted without the use of force or threat (or attempts thereof) and applies to incidents where the victim is under 18 and more than 7 years of age. The requirement for application does not require evidence of use of force. The punishment under article 269 is detention.

One of the flagrant deficiencies in the current legislation is the absence of recognition of men as victims of sexual assault. Generally, men's experiences are often hidden under rubric terms of 'abuse', 'torture' or 'mutilation' (Sivakumaran in Solangon and Patel 2012: 424). This is certainly the case in Egypt where prevalent attitudes within society and among male victims of sexual violence means that men rarely press charges for being victims of sexual assault. The recognition of men's exposure to harassment and assault in the law will require an amendment to article 267 so that the victims are not exclusively women, and so that penetration is not only recognised as vaginal. Moreover, articles 268 and 269 need to be modified to make it more explicit that women and men can be victims of indecent assault, and specify the multiple ways in which this can occur (see below).

Feminist and human rights organisations in Egypt have long lobbied for reforms to the criminal law to address the loopholes that undermine its effectiveness in dealing with incidents of sexual assault.<sup>6</sup> A taskforce for mention who they are combating sexual violence was established in 2008 involving 25 member organisations working in the areas of human rights, women's rights and community development, as well as law firms and independent lawyers.<sup>7</sup> The aims of the taskforce were to combat sexual violence more generally, engage in legal advocacy and provide a platform for co-ordinated action between both legal and psychological services for victims. The taskforce developed a draft bill to deal with the inadequacies and achieve equality between women and men.

The first major problem with the existing criminal law that the proposed bill sought to tackle was the legal definitions used to describe crimes related to sexual violence. They proposed a

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<sup>6</sup> The legal advocacy component draws heavily from a paper by Farah Shash, psychologist at El Nadeem Center for the Rehabilitation of victims of torture and violence.

<sup>7</sup> For a full list of names see <http://eipr.org/pressrelease/2010/12/19/1060>.

replacement of terms such as 'Hatk 'ard' which means indecent assault, 'Fe'l Fadeh' which means inappropriate act in public and 'Khadsh Hayaa Onsa' which means outraging the modesty or shyness of a female with terms such as rape, sexual assault and harassment. The proposed amendments to the law suggest the replacement of the phrase, 'indecent assault and corrupting of manners', with the phrase 'sexual crimes' in Article 1 of the title of Part IV of the third book of the Penal Code. They also proposed that Article 267 recognise that, 'Whoever *rapes* a person shall be punished by life imprisonment or rigorous imprisonment. Rape is considered *any penetration or forced penetration of a victim* without his or her consent, whether *with sexual organs or any other instrument and whether it be through the vagina, mouth or anus*' [italics mine]. This is intended to broaden the definition of what is rape and to recognise the possibility of both women and men as perpetrators and as victims.

The taskforce proposed that Article 268 recognise sexual assault as any indecent act directed towards a person without his or her consent that involves the victim's body and loins and that does not amount to rape. They also proposed that Article 268 recognise that, 'Whoever sexually assaults another person shall be punished by rigorous imprisonment for not less than three years and not more than seven years.'

The draft bill also proposed a revision to Article 269 to recognise men, as well as women, as victims of sexual harassment: 'Whoever sexually harasses another against his will, whether male or female, by following, pursuing or otherwise using direct or indirect sexual or obscene language or over the telephone or the internet or similar means of communication, or sends messages with sexual pictures, texts or inscriptions, shall be punished by imprisonment for a term not exceeding one year and a fine of not lower than five hundred pounds and not exceeding five thousand pounds or by just one of the aforementioned punishment. If the perpetrator is among those listed the second paragraph of Article 267 detention is mandatory.'

Farah explained that the taskforce managed to secure the endorsement of the bill by one of the MPs of the former parliament,<sup>8</sup> Dr Amr Hamzawy in the 2012 parliamentary round. However, the bill was blocked by some Freedom and Justice Party members, such as Azza El Garf (also referred to as Om Ayman) who rejected the bill on the basis that women and girls are responsible for sexual harassment (Tayel 2012). The bill never passed.

Despite the existence of the Penal Code, and the articles relevant to sexual violence, the lawsuits that were waged by the interviewees who had been assaulted did not lead to the incrimination of the perpetrators, despite the physical evidence gathered and the witness accounts bearing testimony to the assaults. They did not receive a hearing in court and neither did the lawsuits filed relating to the incidents that happened on 25 January 2012. The General Prosecutor's office has frozen these cases on account of the need for more investigation. This can mean their indefinite retention. Some activists argue that the politicisation of the General Prosecutor's role may explain this legal inertia. The president has been criticised for selecting the General Prosecutor and the judiciary have argued that they should have been empowered to assume such a role.

## 6.2 State complicity

The government's response suggested a promotion of a culture of impunity, first, by seeking to negate that the assaults were driven by a political strategy and second, by openly blaming the victims for their ordeal. In February 2013, the upper house, the Shura Council, a

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<sup>8</sup> In June 2012, the Supreme Constitutional Court ruled that the parliament which was inaugurated in January 2012 was unconstitutional because of irregularities in the electoral law.

consultative body which had taken over the legislative function of the state [in view of the fact that the lower house, the parliament, had been declared by the Supreme Constitutional Court null and void in June 2012] held a hearing on sexual harassment. The Shura Council, which is comprised of an Islamist majority, implicitly conveyed the message that women are responsible for eliciting sexual assault. For example, Adel Afifi, a prominent board member of the Salafi Party Al-Asala, put the blame squarely on women: 'A woman who joins protests among thugs and street inhabitants should protect herself before asking the Ministry of Interior to offer her protection,' Afifi said. He commented further that, 'Women sometimes cause rape upon themselves through putting themselves in a position which makes them subject to rape'. Similar statements were made by another Salafi member, Salah Abdel Salam who argued that if women choose to protest in public spaces filled with thugs, then 'the woman is to be blamed' (Taha 2013).

Particularly disturbing is that members of the ruling party also implicitly conveyed the same blame on women for sexual assault. Reda Al Hefnawy of the Freedom and Justice party argued that, 'Women should not mingle with men during protests... [...] How can the Ministry of Interior be tasked with protecting a lady who stands among a group of men?' (Taha 2013). This demonstrates a high level of tolerance – to the point of complicity – on the part of the government.

The response of the government is significant in the kind of signals given to the perpetrators, and the normative values it propagates about women's political activism.

# Conclusions and policy messages

This paper has contributed to the literature on the use of politically motivated forms of sexual violence in contexts of transition. It argues that, in contrast to theories that explain sexual violence in opportunistic terms, through economic incentives, or in terms of military culture, the kind of sexual violence documented here is strategically used to humiliate, intimidate and politically cleanse the opposition. Such sexual violence capitalises on highly conservative and increasingly religiously-framed conceptions around sexuality.

SCAF and the current regime have instrumentally used sexuality as a systematic tool of controlling political dissidence, against both women and men. Such use of sexuality was politically motivated, planned, and orchestrated in a consistent pattern of engagement.

The political instrumentalisation of sexuality has taken various forms including through the discourses used and the practices enacted. Discourses have questioned the 'manliness' of the political opponents (mesh regala) and the reputation of the women (promiscuous and lewd). Practices have included rape, in particular through the use of fingers and objects, extreme forms of sexual molestation, stripping women and men nude and sexual torture through pain inflicted in the genital areas.

The use of politically motivated sexual violence is intended to achieve several purposes including:

- a) To damage/destroy people's sense of personal dignity and will to protest.
- b) To create a sense of helplessness in being unable to protect others from assault.
- c) To render fear in the hearts of protestors and discourage them from participating in protests.
- d) To generate rumours within the wider society of what awaits those who protest.

This paper has argued that the political instrumentalisation of sexual violence by the Muslim Brotherhood is even more far-reaching than that of the previous authorities since it also uses religion to legitimise their political moves, in a way that stirs public empathy.

The ability to bring about justice for the victims of violence has been impeded by the the current governance structures which have obscured the demarcations between those who rule, those who have perpetrated the acts of violence and the political role of the General Prosecution.

However, the law itself contains several legal loopholes which need to be tackled if the violence that victims have been exposed to is to be recognised. Judges should be given less latitude to interpret the relevant articles in a way that substantially lessens the punishment, so that those responsible are held accountable. It may not be enough to change political mores overnight, however, it will give the right signals to those who consider resorting to such tactics of intimidation and shame.

## Policy implications

### For donors

1. Politically motivated sexual violence is not only important to study in contexts of war and outbreak of high intensity conflict, but also in contexts of transitions. Comparisons with occurrences in Libya, Tunisia and Yemen and other contexts of 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 in 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. Recognising 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. Press the media to continue to feature persons who will share directly with the audience 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 and other quasi-governmental organisations (Quangos) to press policymakers to recognise politically motivated sexual assault.
5. Acknowledge sexual violence against men and actively support its coverage and make 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 on 25<sup>th</sup> January, 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 of the 1937 Penal Code 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.

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