

# **Sexual Harassment in Egypt: A Neglected Crime**

*An assessment for the Egyptian Government  
performance in regard to the Sexual  
Harassment in Egypt*

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**Introduction:**

In one of the feast Holidays in early 1990s, a girl was sexually harassed in Downtown Cairo in the daylight, a famous case that was referred to as “El Ataba Girl” (Asaad 2012). Years later, in the feast holiday of *Eid El Fetr* in 2006, Egypt witnessed the first mass sexual harassment’s incidents in Downtown Cairo (Abdelhadi 2008). Two Year after, during the 2008 Feast holiday too, a worse mass sexual harassments incidents took place in Gamaat El Dewel street in Mohandseen in Giza (Abdelhadi 2008). Since back then, these incidents have been repeatedly occurring during most of the Egyptian Holidays and feasts as well as on a regular daily basis in the Egyptian public streets. During the 25<sup>th</sup> revolution in 2011, there was a time in which sexual harassment phenomena was controlled; especially, during the first 18 days of the revolution in Tharir square Downtown Cairo (Trew 2012). At that time, several successful campaigns against sexual harassment were initiated under the revolution’s umbrella calling for “streets free of Sexual harassment” (Trew 2012). Days and Months after, the control over sexual harassment was broken and the phenomenon has grown rapidly again. Many Egyptian and foreign journalists as well as others were harassed in *Tahrir* square (Trew 2012). Last but not least, in *Eid Al-Adha* holiday in 2012, more than 700 cases of sexual harassment all over Egypt have been officially reported to the police during the first two days only of the *Eid* Holiday (Egypt Independent 2012). The sexual harassment’s phenomenon in Egypt has been a growing public threat in Egypt with neither effective assessment nor solutions for it. It ranges from verbal sexual harassment, physical sexual harassment and in some cases, to more violent and dramatic ending; to murder, such as in the case of Iman Moustafa, a young woman who has been murdered by her harasser after being verbally sexually harassed in Assuit last month, September 2012(Ross 2012). The government has been ineffective in addressing or rather in dismissing this

phenomenon in Egypt. After every similar sexual harassment's incidents, the government issues statements condemning the actions and promising prompt effective assessment and solutions for the sexual harassment's problems in Egypt (ECWR 2012). Although there were many attempts by the government to address the problem, none of them has come in effect. This paper assesses the Egyptian government performance in regard to sexual harassment in reference to the Mo Ibrahim Index. In fact, there is an existence of laws against domestic violence, sexual assault or rape, and sexual harassment. However, there are four problems concerning those laws: they are weak and in so far as they implicitly address the problem, recourse under those laws and to those laws is inaccessible, there's a lack of enforcement for these laws, and last but not least, there is a lack of awareness on the part of the executive authorities regarding how to deal with this phenomenon.

**Methodology:**

As previously mentioned, this paper will refer to Mo Ibrahim index in assessing the Egyptian government performance addressing sexual harassment in Egypt. Mo Ibrahim index was established in 2007 by the Mo Ibrahim foundation and led and funded by an African institution (Mo Ibrahim Foundation 2012). It's considered one of the most prominent assessment's references for African governments' performances. It provides tools and indicators by which citizens, authorities and institutions can assess their governments (Mo Ibrahim Foundation 2012). It has main four categories, Safety and Rule of law, Participation and Human Rights, Sustainable Economic Opportunity and last but not least Human Development. Under each of these categories, there are many sub categories, sections and indicators for assessing the governments (Mo Ibrahim index 2012). The sections which this paper will cover will be the

Rule of Law and Human Rights while assessing indicators of the existence of sexual harassment laws and Women rights in Egypt. This paper first defines sexual harassment. Second, it briefly introduces sexual harassment in Egypt. Third, it examines the Egyptian laws that address sexual harassment. Fourth, it lists some of the factors contributing to the ineffectiveness of those laws in Egypt. Last but not least, the paper introduces some of the civil society alternatives for the role of government in regard to dealing with the problem of sexual harassment.

### **Background: Definition and Harassment worldwide**

Harassment is “any annoying or unpleasant behavior towards someone that takes place regularly, for example threats, offensive remarks, or physical attacks” according to the Macmillan Publishers’ Dictionary. A major type of harassment is “sexual harassment”; Sexual harassment is any unwanted sexual offensive or threatening behavior that is carried out through any sexual physical or verbal act (Saguy 2003). The phenomenon of sexual harassment has been a major concern in the entire world. Since 1970th, sexual harassment has been first acknowledged by the women’s movement ”Speak Out” ;this movement has called for equal opportunities between women and men and for the ill-mannered sexual behaviors that women receive from men. Also, this movement was the first to introduce the phrase “Sexual Harassment” for any unwelcome sexual behavior to women (Baker). Nowadays, studies estimate the percentage of sexual harassment cases in the US and the European countries by 40% to 60 % for women; and two from every 5 sexual harassment’s sufferers are men (Waldo). This problem has many severe impacts on individuals, physically and psychologically (Taylor). In addition, it decreases work productivity on the society (Fitzgerald). Moreover, it has some severe impacts on the outside world, such as, the serious appalling effect on the countries reputation and image.

This rapidly spreading phenomenon has been recently studied as a serious issue in the global and local media.

### **Sexual harassment in Egypt**

Recently, the sexual harassment phenomenon has rapidly increased in the Middle East's societies; especially, the Egyptian society and it has become a very controversial issue. "62 percent of Egyptian men admitted that they sexually harassed women; and more than 80 percent Egyptian women reported that they were harassed, according to study that was conducted in 2008 by the Egyptian Center for Women's Rights (ECWR 2008). Not only unveiled women in Egypt do get harassed, but veiled women, whose cover up their entire bodies on the streets in conformity with cultural or religious beliefs, get harassed even more. A recent study by ECWR showed that almost 72% of sexual harassment victims in Egypt wear veils. Also, not only are women the only segment that are victims who get harassed in the Egyptian streets, but some men do get harassed as well. According to the previous study by ECWR, 56 % of Egyptian men got harassed, but did not report to authorities. In addition, according to a personal survey that is made on a selected sample of 100 individual, 50 males and 50 females; 95% have experienced sexual harassment in Egypt; 98% of females and 67 % of males have experienced verbal and physical sexual harassment in Egypt. This phenomenon has become a universal phenomenon in our local community spreading to all standards and divisions in the society as described by the ECWR as "A social cancer". There are many factors and causes for sexual harassment on women in Egypt; some of them are associated to Egyptian economic pressure which implied in poverty and unemployment; social oppression as in marriage conditions in Egypt; and westernization. Sexual harassment in Egypt has been a growing social threat.

## **Assessing the Egyptian Government's performance in regard to Sexual Harassment: In reference to Women Rights in the Mo Ibrahim index**

In order to examine the government's performance in relation to sexual harassment cases in Egypt, this paper refers to the Women Rights section which is addressed under the category of *Human Rights and Gender*; as well as, the Rule of Law section which is addressed under *Safety and the Rule of Law* category in the Mo Ibrahim Index. On one hand, one of the major indicators for women Rights is the legislation on violence against women which is presented through measuring the existence of laws against domestic violence, sexual assault or rape, and sexual harassment (Mo Ibrahim Index 2012). On the other hand, indicators for the rule of laws can be related to the accessibility of the laws as well as the enforcement of those laws. Thus, the following paragraphs will be assessing the sexual harassment laws in the Egyptian law.

### **a. Laws on Sexual harassment**

Generally, sexual harassment is not directly and clearly addressed in the Egyptian Law or constitution; yet, it can be obliquely addressed under three different articles on the Egyptian criminal law. First, in the Article 306 three hundred and six of the Egyptian penal code about "Insulting", only verbal sexual harassment can be entitled as it is considered one type of insulting (Samir 2012). This law considers insulting; including verbal sexual harassment as a minor crime that is trialed in a partial court and its sentence ranges between a penalty fine of one hundred Egyptian pounds fine and of a one month imprisonment (Samir 2012). Second, sexual harassment can be considered as a "public indecency" and be entitled to a criminal court and a sentence up to three years under the sexual crimes' section of Article 278 of the penal code (Samir 2012). Last but not least, physical sexual harassment can be included under the Sexual

Assault law under Article 268 of the penal code and its trialed under a criminal law as well but with a longer sentence ranges between three and fifteen years imprisonment (Samir 2012). Although sexual harassment acts could be punished under all the previously mentioned laws and that it has been a phenomenon that is noticeably found in the Egyptian society, no record of sexual harassment cases that were sent to court except one case in 2008 (The advocates for Human Rights 2010). A 26 twenty-six years old female, Noha Sabry, was the first to file a sexual harassment case and send her harasser, Sherif Gomaa, to a three years' sentence with labor in prison and a fine of 5001 EGP (Abdelhadi 2008). It was the first time a man was convicted for publically harassing a woman in Egypt. Though Sabry's case was welcomed by the society and the media as well as was a flashing start to convict sexual harassment cases in Egypt, very rare cases following Sabry's case were filed or sent to court.

Accordingly, in reference to Mo Ibrahim index, there is an existence of laws against domestic violence, sexual assault or rape, and sexual harassment (Mo Ibrahim index 2012). Nonetheless, there are four problems concerning those laws: they are weak and implicitly addressed, there are constrains in accessing those laws, there's a lack of enforcement for these laws, and lastly, there is a lack of awareness.

#### **b. Problems with the laws of Sexual harassment in Egypt**

First, as mentioned previously the laws found are weak and indirectly stated in the Egyptian law. There were many attempts to pass an anti-sexual harassment law or legislation in 2005 and 2008 by the government, 2010 through the Parliament after the pressure of many Human Rights and women rights organizations and activists and in 2012 by the parliament; yet, none succeeded (Zayed 2010) & (ECWR). Worth mentioning, on Sunday 28<sup>th</sup> of October, 2012



after the *Eid* sexual harassments' incidents, Prime Minister Hisham Kandil stated that the government has been working on a new sexual harassment legislation that proposes more severe punishments on the harassers (Egypt Independent 2012).

Second, there is an adversity accessing those laws. The procedural rules of the law prevent access to them and impose inaccessible conditionality for enforcement. In order to apply one of the previous laws the victim must present a proof as the harassed woman must keep custody of her harasser till the police arrives or bring him to the police station in order for the police to file the case (ECWR 2008). For instance, in Sabry's case in 2008, Noha Sabry had to bring both the harasser and her father to the police station in order to proof the harassment's case (The advocates for Human Rights 2010). This puts more burdens on the victims to access justice.

Third and most importantly, there is a lack of enforcement for those laws among the executive branch as well as the judicial one; although, it is more prominent in the executive since rare cases have reached courts. In many reports by The Egyptian Centre for Women's Rights (ECWR), Victims reported that police officers refused to file or document their cases (Egypt Independent 2012). Moreover, in the report of the last *Eid* incidents, many activists reported that in some cases police officers witnessed the sexual harassment incidents and did not interfere (Egypt Independent 2012). Interviewing some police officers, most of them communicated that they do not take sexual harassment cases seriously and most of the times, they ignore the case or blame the victims (Ebaid 2012). In the last report issued by the ECWR about *Eid Al-Adha* 2012, stated that the ministry of interior has failed in organizing and training its forces about defending citizens, handling and controlling sexual harassment cases in the streets. On the contrary, the Minister of interior has stated that they have been preparing for addressing and fighting sexual harassment's cases during this *Eid* and many measures have been taken to arrest harassers (Egypt

Independent 2012). The last report issued by the ministry of interior after *Eid Al-Adha* incidents stated that more than seven-hundred case of Sexual harassment during *Eid* in Egypt was reported to the Police and at least three-hundred harassers were arrested( Security Official, Al Masry El Youm 2012). Yet, as stated earlier, most of the civil society groups and Anti-Sexual harassment initiatives have denied the role of police during *Eid Al-Adha* and affirmed that the Prime Minister, Hisham Kandil and the ministry of interior have failed in achieving their promises of security during *Eid Al-Adha* as well as in enforcing or documenting the cases that were reported by some of those civil groups (Security Official, Al Masry El Youm 2012).

Finally, there is a lack of awareness about sexual harassment among the Egyptian public. This lack of awareness goes back to several sources; including, the family, the culture, the educational systems and the media. On one hand, each one of those mediums plays a significant role in addressing sexual harassment in the Egyptian citizen. On the other hand, the government role in diminishing sexual harassment using these mediums is minimal.

### **Alternatives to Government's role**

As an alternative and a replacement for the government's failure in diminishing the sexual harassment phenomenon and enforcing the laws, many civil society attempts have been initiated to protect Egyptian women and spot harassers. The campaigns started since 2005 till today. A series of the most famous campaigns was the UNFPA campaigns against Sexual Harassment in Egypt starting year 2005 up until the on-line campaign in 2010 (UNFPA report 2010). Most of the campaigns were mostly promoted during feast and occasions' periods as they are the peak times for sexual harassment in Egypt. Another successful example was during the 25th revolution as mentioned earlier in which *Tahrir* square in Downtown Cairo had 18 days almost free of sexual harassment, an intuitive that impressed the whole world (Trew 2012). In October 2012, a group of civil society groups, women's' rights organizations and activists grouped together and protested in front of the presidential palace in an event called "Women of Egypt Day" calling for more attention to women demands in the upcoming constitution (Security Official, Al Masry El Youm 2012). Some of their major demands were equality and a stricter anti-sexual harassment's laws (El Behiry 2012). Last but not least, the civil society initiatives during *Eid Al-Adha* that were carried out by groups of Egyptian youth; two of those initiatives were "I Witnessed Harassment", "Seen Harassment" and "Harasses the Harassers" (Fick 2012). Their mission was "to patrol downtown Cairo and shame men who harass women by cornering them and spray-painting "I'm a harasser" on their backs". Some might agree with the means those civil society groups are using while others will not; however, all will agree that those groups were alternating the role of the police in the streets. One of the campaign's organizers stated the reason behind their initiative that "There's no solution but grabbing them and trying to stop them, if there were (anti-harassment) laws, we could discuss those. And if the police did

their jobs, then we wouldn't be here” said organizer Shadi Hussien (Fick 2012). The government has been neither responding to those initiatives nor supporting them. In fact, one of the incidents that took place during *Eid Al-Adha* was arresting two of the organizers one of the Sexual harassment campaigns while they were stopping one of the harassers and accusing them of theft. The police have released the two activists after a group of other organizers and activities have grouped in front of the police station and demanded their immediate release.

### **Recommendations:**

In order to diminish the phenomena of sexual harassment in Egypt, causes of sexual harassment must be addressed and assessed promptly. In addition, the legal framework, enforcement of the laws and spreading awareness about the issue must be addressed through the roles of the parliament government, civil society, the media and the public.

First, the parliament has a role of restructuring and amending the legal framework, policies and laws against sexual harassment in Egypt. Ease of accessing laws should be granted for all women and punishments should be stricter and more defined.

Second, the government has the responsibility of the prompt enforcement of these laws as well as training the executive and judicial forces. The government also has to carryout initiatives and projects to spread awareness about sexual harassment in educational and public institutions. In addition, the government has to support and encourage non-governmental organizations and other run social institutions and groups to carry out projects and initiatives about sexual harassments. Those initiatives and campaigns should not be centralized in Cairo only; yet, they should be covering all governorates of Egypt. Moreover, the government should publicly refuse

and shame all abusive sexual misbehaviors. The government should enable the public to report cases and ease the process for them.

Third, civil society must continue carrying out campaigns and initiatives to stop sexual harassment in Egypt and to raise awareness about it.

Last but not least, a collaborative role between government, civil society and media must be done. Awareness and educational projects about sexual harassment must be implemented in schools, streets, work places and media. Civil society, women groups and media have a role of continually pressuring and monitoring the government actions and its enforcement of the laws.

### **Conclusion:**

This paper has assessed the Egyptian government's performance in dealing with the Sexual harassment case in Egypt using the Mo Ibrahim Index. The paper concluded that there is an existence of laws against domestic violence, sexual assault or rape, and sexual harassment. Yet, there are four problems concerning those laws: they are weak and implicitly addressed, there is a hardship in accessing those laws, there's a lack of enforcement for these laws, and last but not least, there is a lack of awareness. In reference to the Mo Ibrahim index, Egyptian government performs low in regard to employing the laws of sexual harassment as well as enforcing them. As a result, several remedies and approaches must be taken by the parliament, government, civil society and media. The Egyptian authority still needs to work on the legitimacy rules of sexual harassment cases. Decision makers have to enforce more active laws that might help in eliminating this phenomenon. The society needs more collaborative efforts to spread awareness about the seriousness and the size of the phenomenon in Egypt as well as

implanting new anti-Sexual harassment culture. In his statement after *Eid* incidents, the Prime Minister Hisham Kandil stated that there is a need for “coordination with the Education Ministry, media outlets and *Al-Azhar* to educate youth about harassment through education and the media”.

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