

The Egyptian Imprisoned Woman between the Hammer of Iniquitous Laws and the Anvil of Systematic Violations

8 March

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Belady: an Island for Humanity-- a Human Rights Organization
2017 supporting Egyptian Women since

Belady aims to dismantle institutionalized violence by documenting the Egyptian regime's violations against women and educating national and international society and decision makers about them. We also pressure and advocate amendment of legislation that codifies violations while calling upon authorities to implement overlooked laws and treaties that would ensure respect for rights and freedoms. Belady provides legal and psychological support for Egyptian women who have been arrested and / or imprisoned in political cases



Research Brief: Women's Life Trajectories beyond Numbers and Statistics

This research extracts from qualitative and quantitative data collected by Belady, statistical and analytical content about Egyptian women's rights conditions, specifically detainees and prisoners on political cases. The aim is to raise awareness about women's rights in Egypt, as well as advocate for the improvement of their condition.

In light of International Women's Day (8 March), Belady is publishing this analytical and comparative study containing the data of 1,222 Egyptian women who were detained and/or imprisoned from 2013 to 2020. It is an invitation to reflect on Egyptian women's condition in general and detained or imprisoned Egyptian women in particular

Introduction

Violence against women is still the favourite tool used to put pressure on political opponents since the military regime took hold, from late President Gamal Abdel Nasser to the recently deceased Hosni Mubarak¹. The current authority still relies on this approach alongside the state's penal policy, which expanded the Penalty Chamber to curtail political opponents. This expansion included moral censorship used to prosecute women based on value judgements, sexual orientations, or gender identities²(2). This censorship runs counter to laws and international conventions and treaties.

It should also be noted that the cycle of violence against women is a strategy adopted by the state to enhance and reinforce patriarchal social norms resulting from customs, traditions and moral standards determined by society, instead of raising awareness of the society to the need for gender equality and empowerment of Egyptian women. The cycle of violence includes political crimes that are controversially related to the patriarchal stereotype, as authorities never cease to chase defenders of feminist issues and women's rights, as well as political opponents. They pressure victims by detaining their family members-- an unprecedented pattern that considers women as mere tools to exert pressure.

This research sheds light on the violations of state (security forces and courts) and non-state actors under regime control that act without repercussions from the judicial system and perpetrators of crimes against women who escape accountability

¹ [The Egyptian Feminist Movement: between the Cultural Heritage and the Political Activity \(Tahrir Square Women as a Model\)](#)

² Human Rights Watch Reports: Events of [2017](#) and [2018](#), Egypt

Research Methodology

This research is based on the analysis of methods adopted by the Egyptian regime to undermine women through a system of offences and punishment-- especially via moral and political crimes. Belady endorsed data analysis of women and girls who This data was .2020 to 2013 were detained and/or imprisoned on political charges from collected over four years through many data collection tools, including semi-structured interviews, Belady's legal unit records, as well as secondary sources such as news and .press websites, social media, civil society organizations, and observation statements

When analyzing gender-based violence patterns, Belady adopted the following classifications

- 1- Physical Violence: assaulting the detainee or prisoner's body by beating or other means.**
- 2- Sexual Violence: violence with attempted assault on the detainee or prisoner's body, verbal harassment, sexual practices, and violation of intimacy and privacy.**
- 3- Social Violence: practices to isolate the political detainee or prisoner from the small prison community or outside world.**
- 4- Psychological Violence: physical and verbal assault of the detainee or prisoner that affects them psychologically.**
- 5- Political Violence: when the detainee or prisoner is subjected to violence from governing authorities. It includes many practices that make access to rights difficult or in some cases impossible.**

Collected data was assessed by triangulation of resources and by several evaluation check-in points during data entry. The data was codified and analyzed using SPSS 20.0 statistical software³. Detainees and / or prisoners' characteristics were analyzed using descriptive statistics. Qualitative and quantitative variables were analyzed, as appropriate, using Student's t-test, ANOVA test, Khi2- test, or Fisher's exact test, with a statistically significant P-value < 0.05.⁴

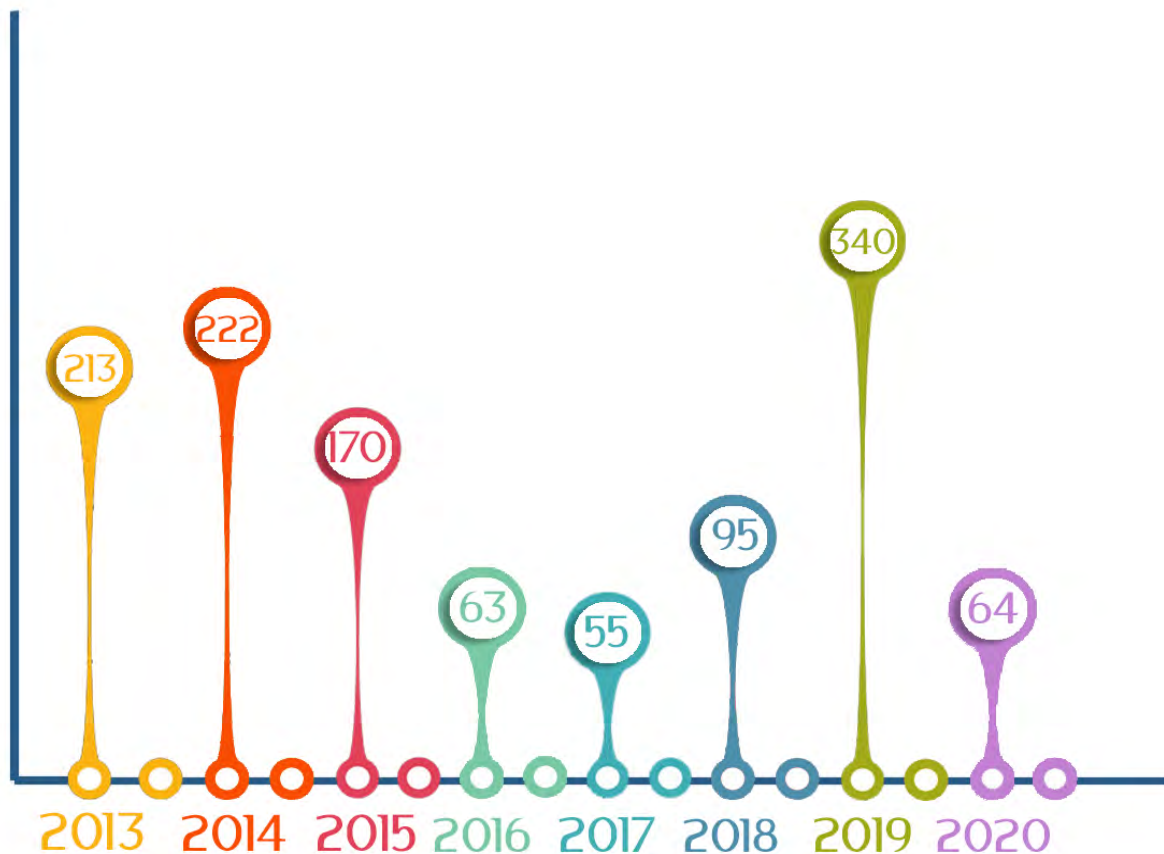
³ Statistical Package for Social Sciences software (SPSS, Inc, USA)

⁴ If the P-value is smaller than the significance level (0.05), we conclude that the correlation is statistically significant and that there is a linear relationship between two variables.

Results

First, Women Imprisoned and Detained on Political Charges, a Closer Look

The number of detained and/or imprisoned women from 2013 until last year reached 1,222 women and girls, making it evident that women are being targeted on a political basis. Numbers over the years are distributed as shown in the following graph:



The year 2019 had the highest rate of detentions, as 340 women were imprisoned amidst the 20th September events, which called for the removal of President Abdel Fateh Al Sisi and the fall of the regime. Activist and lawyer Mahinour El Masry⁵ was among the most notable detainees.

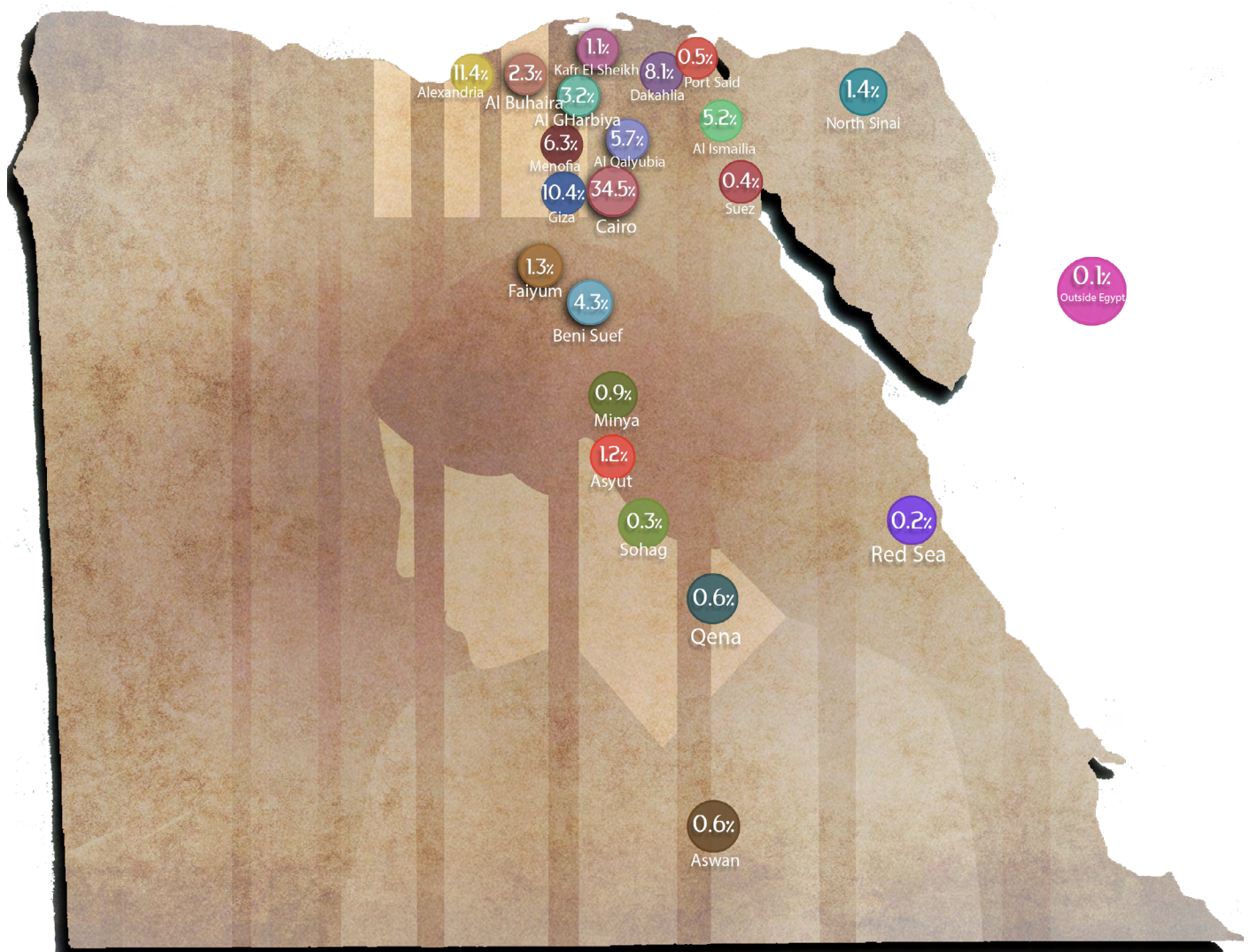
The years with the next highest number of detentions were 2013 and 2014, coinciding with both the Rabaa Massacre and detention campaigns against the Muslim Brotherhood after it was banned. Women were subjected to repression and detention simply for practicing their rights to participate, protest, and express their political opinions-- rights allegedly protected for both male and female citizens in the Articles 11 and 73 of the Egyptian constitution⁶.

⁵ [The lawyer Mahinour Al Masry declared her words during the jurisdiction to renew her imprisonment in the supreme state security prosecution on 29th January 2020.](#)

⁶ [The Egyptian Constitution 2019.](#)

Second, Detention and Prison: Women's Map

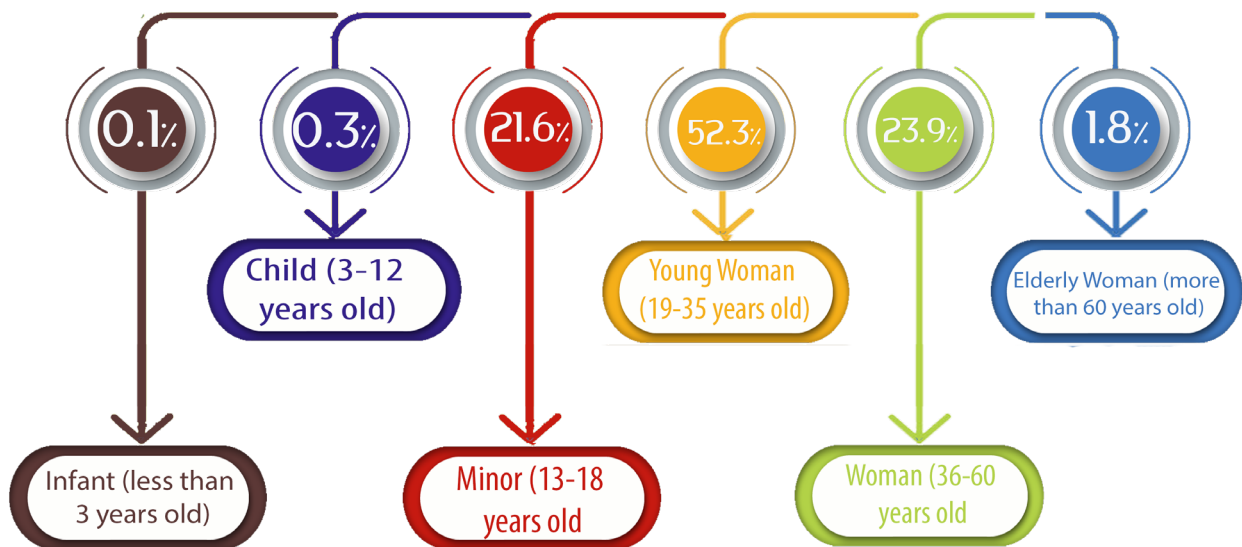
Belady observed that most of the women who were arrested and/or imprisoned over the period of study reside in Cairo (%34.5), in addition to 20 other governorates as shown in the map below. This majority can be explained by the concentration of protests in Cairo, as it represents the political capital and the center for the largest universities in the country.



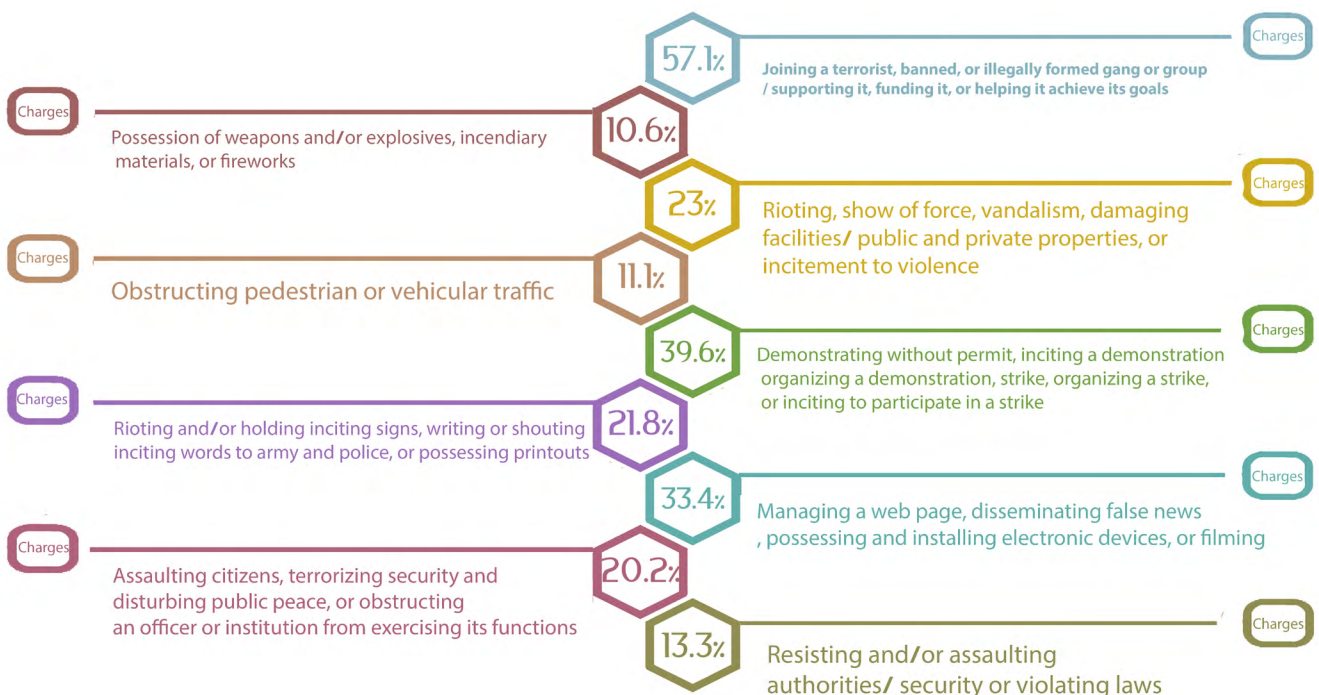
Third, Young Women and Charges in Mass

The Egyptian regime besieges young women through a set of iniquitous laws that restrict their freedoms, including the law on “Combating Information Technology Crimes” (CyberCrimes Law), the political demonstration law, and other overboard moral charges, such as “incitement to filth and debauchery”. These laws tightened constraints on women and infringed on their civil rights. Women who dare to criticize the regime or protest against current conditions risk imprisonment and torture.

The average age of detained and/or imprisoned women is 28.4. Young women (35-19 years old) make up %52.3 of total female detainees and/or prisoners. Their ages range from one to 72 years old and can be classified as shown in the following graph:



The extent to which young women are targeted is also shown by the list of ready-made charges that are quasi-totally used. The graph below shows percentages of women charged with these crimes out of the total number of women who finished their trial.



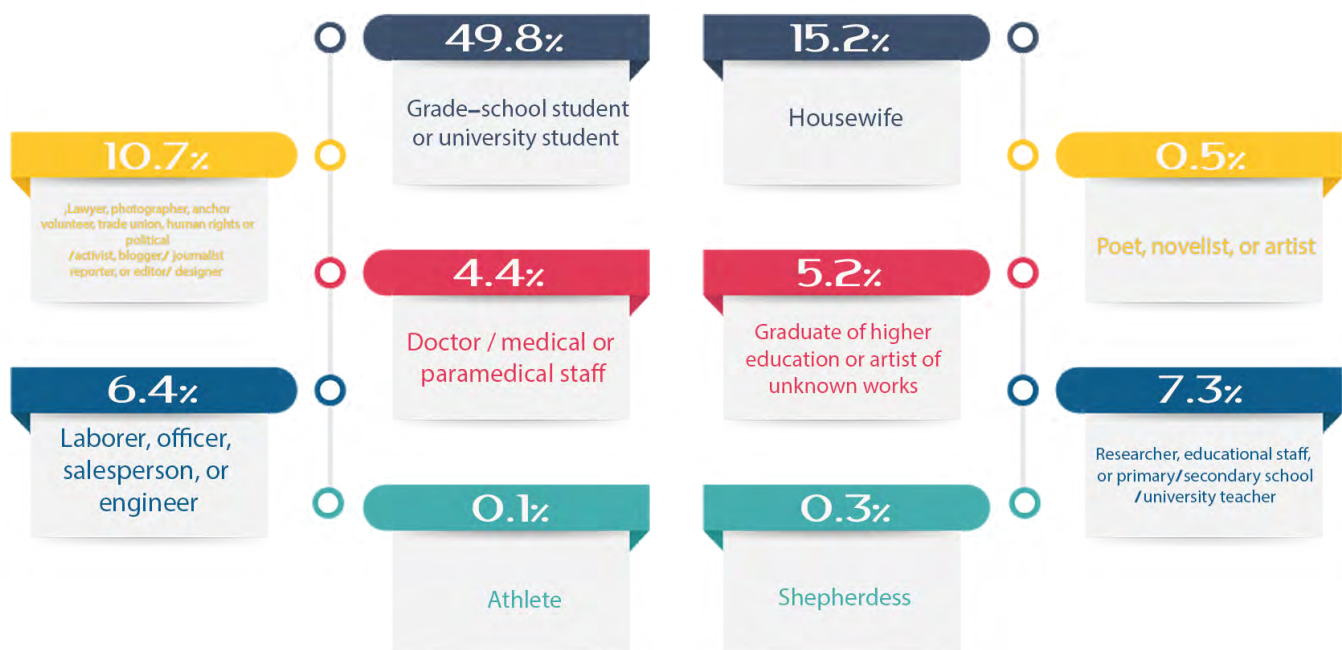
The Egyptian regime stacks charges. We find that the average is three charges per case, ranging between two and eight charges. Some formulated charges are inherently civil rights perplexing, such as the charges of gathering, demonstrating, and managing a social media page. Sometimes, the regime may also go too far, formulating cases in a ridiculous manner, such as the charges of “disturbing authorities’ peace” and “affecting army and police morale”.

Fourth, Egyptian Women under the Guillotine of Sweeping Arrests

Only in the distribution of violations across all groups of Egyptian women has the regime succeeded in achieving equality and inclusivity. The consequences affect many different societal and age groups. The percentage of arrests and/or imprisonment of students is %49.8 while minors make up %22 of all detainees and/or prisoners. This category includes young girls who were forcibly disappeared or were imprisoned with their families, as well as students who were arrested in demonstrations or around demonstrations.

As for women working or volunteering in fields that influence the public opinion, the regime has not spared any field, be they lawyers, photographers, anchors, trade union workers, human rights or political activists, bloggers, journalists or reporters, editors, or designers. It allocated an arsenal of laws for them, most importantly the new law regulating journalism and media. These women make up %10.7 of all detainees and/ or prisoners.

The Egyptian regime hasn’t made an expectation for the education sector’ women. Rather than making reforms, reconsidering the quality of education, enhancing curriculums, and teaching equality principles and women’s rights from an early age, the regime instead arrested and imprisoned teachers, researchers, and academic staff. Belady documented that %7.3 of all detainees and/or prisoners were women working in the education sector. Lastly, the arrest campaigns have also targeted the medical and paramedical sector. Due to the Covid19- pandemic, the extent of negligence and haphazard management within the health sector was revealed. Critics of this situation have been detained in prisons amidst a critical medical situation. The percentage of women working in the medical and paramedical sector was %4.4 of the total number of detained and / or imprisoned women in this study.



Fifth, the Collusive and Misogynist Judicial System

The cases are plentiful: a lawyer who claimed oppression; a doctor who published her opinion on her social media page; a journalist who filmed a demonstration; a university student who wrote a slogan; and a girl who stood near a demonstration. However, the charges are similar: imprisonment, aggravated imprisonment, imprisonment and fines. The latter rulings were made during the primary trial %75.7 of the time.

Judges make no effort to consider the right to defence; they are in line with the prosecution, and are the second fist that strikes down liberties and disregards violations committed against women. Upon appeal, sentences were reduced for only %25.4 of the cases mentioned above. Further, primary trial courts also ruled the death penalty in two cases that had been mitigated to life sentences upon appeal. Only %6.8 of minors were transferred to Children's Court or foster houses, or extradited to their families, and only %2.6 of this study's women obtained presidential pardons.

Sixth, the Regime's Objectification of Egyptian Women: When Women are Merely Tools to Pressure Fugitives

Similar to practices of the Middle Ages, the Egyptian regime created a strange new method for continuous repressive policy. In this method, women are arrested as tools to put pressure on fugitives to turn themselves in. In this framework, Belady observed arrests of mothers, sisters, daughters, and even sister-in-laws. Belady also documented that, in some cases, whole families are arrested. Women from 68 families were arrested, among them 90 mothers.

Some of them are over 60 years old, and the eldest is 72 years old. On top of the pressure initiative, we have found that the regime deprives them of blood pressure and diabetes medicines, or any kind of health care services.

Seventh, Mass Violations including all Types of Gender-Based Violence

Aside from abusing legal proceedings, authorities adopt many methods to assault detainees and/or prisoners. It is evident that the Egyptian state crossed all red lines concerning enforced disappearance in the last few years. Enforced disappearance includes detention, abduction, or any act that deprives a person from his/her liberty done by an authoritative body or persons acting with state support and permission. This body does not acknowledge that the disappeared or abducted person is deprived of his/her liberties. Instead, it denies the knowledge of his/her fate and whereabouts⁷.

%37.8 of this study's women were subjected to enforced disappearance for an average of 17 days, excluding the day of reappearance. The longest duration was 220 days excluding the day of reappearance.

The regime has also adopted different forms of violations and violence. The violations observed by Belady include:

Physical Violence: spanking; dragging; pulling, tearing, or shaving of the hair; severe beating; fracturing; bruising; putting out cigarettes against the body; kicking; breaking teeth; electrocution and bondage. Belady documented that %28.5 of this study's detainees and / or prisoners were subjected to these violations.

⁷ [The International Convention for the Protection of All Persons from Enforced Disappearance](#)

In addition, %1.7 of them were kept from meeting basic biological needs, such as using the bathroom regularly; food deprivation; recurrent water outages in cells; and workout deprivation. %9.7 of them were subjected to deliberate medical negligence through prohibition of medicine entry, health deterioration without medical intervention, prohibition of visiting a doctor, or intransigence and time wasting in some medical cases before seeing a doctor.

The most famous case of deliberate medical negligence is Aisha Khairat Al-Shater. She suffered from bone marrow failure syndrome, which led to an acute shortage in blood components such as platelets and red blood cells, in addition to hemorrhage. It is a rare disease that requires treatment in special isolated rooms under negative pressure, which guarantees the non-transmissibility of infections. If the patient did not receive the appropriate treatment in an optimum time, his/her life will be threatened.

Political Violence: according to our analysis, detainees have also been deprived of their right to be presented to the prosecution and investigation in a lawyer's presence. of the students, who represent %3.5 ,of cases. Furthermore %4.8 This right was violated in of total detainees and / or prisoners, were kept from passing their exams or %49.8 finishing their studies. This is a serious violation of the natural and legal right of Egyptian .girls to access education

of the detainees and/or prisoners were arrested as tools to pressure family %5.5 ,Also members despite not being involved in any illegal activity. Adding to the oppressive of the detainees and/or prisoners were illegally detained. Illegal detention %3.4 ,assaults is the continued custody of prisoners or detainees even after receiving an order for their release or acquittal, for a duration only known to and determined by the prison's of the detainees and/or prisoners suffered from the %10.5 ,administration. Further of %2.9 frustrating policy of continuous renewal of pre-trial detention.⁸ Finally, at least the detainees and / or prisoners were re-arrested in what is known as the "rotation" or "recycling" of political prisoners in another cas⁹

Psychological Violence: %15.2 of detainees in this study were subjected to psychological torture, including: threats of assault and rape; insults; humiliating and degrading words; being forced to listen to and/or watch others endure torture (in some cases of a close family member); blindfolding; and auto-inspection while denudative.

Social Violence: political detainees and / or prisoners with political charges are also deprived of their right to socialize within the small prison community in order to maximize their isolation and the violence practiced against them. In %2 of total cases, Belady has documented incitement of other prisoners to assault a political prisoner by stealing her belongings, beating her, and harassing her. Also, %2.7 were deprived of family visits, and %2.3 were placed in solitary confinement. Moreover, %0.8 of them were kept from attending the funerals of one or both of their parents.

Sexual Violence: in this regard, Belady observed numerous violations, including harassment, being forced to undergo pregnancy and/or virginity tests, or inspection of genitals in a similar way to virginity tests, for %4.3 of the detainees and/or prisoners in this study.

⁸ [Oppressive new charges: the origins of detention renewal for the political prisoners in Egypt](#)

⁹ [Oppressive new charges: the origins of detention renewal for the political prisoners in Egypt](#)

Eighth, Systematic Violations against Students and Young Women!

The regime has extensively targeted students, as they represent %49.8 of detainees and/or prisoners. This high number is due to the students' participation in peaceful demonstrations and their political and legal activities. Furthermore, minor detainees and/or prisoners

represent %22 of the total number of women in this study.

On paper, all of the Egyptian constitution, national legislations, and international conventions determine the age of responsibility and special features of trial and punishment, and protect children's rights. However, we can find that in Egypt, minor girls are charged with joining a terrorist, banned, or illegally founded group and funding or supporting its aims.

The most famous case related to minors is when 21 girls, among them several minors, were sentenced to 11 years for participating in demonstrations supporting Morsi in November, 2013. The court charged them with joining a terrorist group, as well as obstruction of traffic and use of force while participating in demonstrations in Alexandria.¹⁰

According to Belady's second-degree statistical analysis, it is evident that the state is systematically violating young women and students to make them an example for Egyptian women in order to scare and silence them. It has been proven that young women, especially students, are the most subjected to violations.

Systemic and targeted violation 1 - social violence:

Belady observed that %78 of political detainees and/or prisoners who suffered assault from other prisoners incited to do so (by stealing her belongings, beating and harassing her) are young women (35-19 years), while %9 of them are women above 36 years old with a statistically significant p-value of 0.03.

Systemic and targeted violation 2 - physical violence:

Belady observed that %56 of detainees and/or prisoners who suffered from beating, spanking, breaking of bones, bruising, being dragged, harassment, injuries, electrocution, and bondage are young women (35-19 years) while %1.6 of them are over 60 years old with a statistically significant p-value of 0.009.

Systemic and targeted violation 3 - social violence:

Belady observed that %54 of detainees and/or prisoners subjected to the deprivation of visits are young women (35-19 years), while %2.3 of them are over 60 years old (%2.3) with a statistically significant p-value of 0.03.

Systemic and targeted violation 4 - psychological violence:

%66 of women who were subjected to psychological violence (including threats of assault and rape; insult; humiliating and degrading words; forced observation of torture blindfolding; and auto-inspection while denudative) are students, while %13.2 are housewives with a statistically significant p-value of 0.002.

Systemic and targeted violation 5 - sexual violence:

Belady observed that %90 of women subjected to sexual violence (harassment, being forced to undergo pregnancy and/or virginity tests, or inspection of genitals in a similar manner as virginity tests) are university students, while %3.3 are laborers or officers with a statistically significant p-value of 0.004.

¹⁰ [The crisis in Egypt-11years prison for 21 girls including minors for participating in demonstrations supporting Morsi](#)

Systemic and targeted violation 6 - physical violence:

Belady observed that students represent %36 of women subjected to deliberate medical negligence (deprivation of medicine entry, deterioration of health without medical intervention, kept from seeing a doctor) while %5.9 of them are laborers or officers with a statistically significant p-value of 0.02.

Discussion

First, because She's a Woman!

Based on what Belady has documented over the course of this study, it is certain that the pace of repression and silencing of opinion has escalated amidst a surging arrest campaign. The detentions become more and more arbitrary by the moment, especially during periods of political unrest. Judging by the number of women arrested from 2013 to 2020, we assess that rates have increased since the Rabaa Massacre (2013) and September 2019 demonstrations; however, arrest campaigns outside of 2013 and 2019 have definitely occurred.

What can be concluded is that the regime's imposition of violence has become horrendous towards women, despite the state's supposed commitment to combating violence against them. The state's most prominent claim of supporting women came in 2017, a year which the regime named "Year of the Woman". The state established a center to serve as a refuge for female victims of violence and, according to regime leadership, aims to strengthen bonds between Egyptian families, reinforce healthy perceptions of women, protect them from violence, and help female victims reintegrate into their family and society. Punishments for harassment were also increased¹¹.

In 2017, Thomson Reuters Foundation issued a report stating that Egyptian capital Cairo is the most dangerous for women, and that threats against them have increased since the 2011 revolution. The foundation assessed three criteria for its evaluation: sexual violence, health care, and negative cultural norms. It is in light of these international reports raising red flags that the Egyptian government was forced to review its protection of women, starting with educational, health care, legal, and penal reforms. In contrast, Egyptian women saw nothing but an increase in systemic violations against them on all levels.

Second, Systematic Violations against Young Women and Students to make examples of them!

The Egyptian regime carries a legacy of patriarchy, employing numerous ugly, repressive political practices. This study makes clear that young Egyptian women are most frequently targeted with arrest - the average age of female detainees or prisoners is 28.4 years old. Belady's statistical analysis also shows that young women and students are primary regime targets, as they are brutally suppressed in order to make examples of them for whomever may think about opposing or rebelling against the system.

Third, 27 Governorates Vs. 66 Prisons!

As stated above, Egyptian women are exposed to a barrage of accusations contradicting their civil and political rights on one hand and moral accusations on the other. Under the current, politically dominant Egyptian regime, there is no possibility for principles that protect freedom as there is no existence of either personality of punishment or legal punishment (neither crime nor punishment without a preemptive text); and there are constant violations made from the day of arrest until the day of release. The regime's interpretation is superficial, has a tendency to generalize, and merely replicates oppressive policies in new prisons and detention places. Thus, it decided to build 22 new prisons from 2013 to 2020, culminating in a total of 66 prisons within the country.¹²

¹¹ [President Sisi's most prominent achievements for women](#)

¹² [Al-Sisi builds prison No. 22 .. What about schools and hospitals?](#)

Fourth, it's Exceptionally Challenging to Access Rights!

All of the data gathered in this study points to a government that prevents the political detainees and prisoners from the right of access to education, the right of access to health care, the right to bodily inviolability, the right of freedom from torture, the right of freedom from enforced disappearance, and the right of access to a fair trial. We stress that Belady also functions as a legal and psychological support network, in light of the impossibility of attaining other rights such as the right of access to information or the right of access to culture.

Conclusions and Recommendations

Based on the aforementioned analysis, Belady, drawing on the basis of a set of conclusions, appeals to the Egyptian state with these urgent and inevitable recommendations:

- 1)- The unjust Egyptian legal framework contributes to the escalation of arrest campaigns against women (the Demonstration Law, the Cybercrime Law, etc.). Therefore, Belady recommends reviewing those laws that restrict freedoms, which contradict the constitution, international treaties, and covenants. We also recommend both a commitment to restricting the penal code and avoiding vague texts when implementing the principle of legitimacy for crimes and penalties, and the abolishment of prison sentences for journalists and bloggers, in order to ensure public freedoms.**
- 2)- All Egyptian women, regardless of their ages and social groups, are subjected to arrest and imprisonment. However, the violations are systematic and directed towards certain groups, especially students and young women, with the aim of instilling fear in the hearts of those who think about opposing the ruling regime. In addition, records are not drafted on an individual basis, as the same charges are copied and pasted across most of the records. Therefore, Belady recommends providing the necessary protection for political arrests and detainees among women by enabling the independent national and international observation bodies and civil society institutions to visit and control prisons and detention places. In addition, it recommends the establishment of an independent national body to observe those places in order to ensure protection from torture and other practices that degrade human dignity, as well as the activation of overlooked laws that enable arrests and detainees to exercise their rights to defense and the right to a medical examination before signing their records.**
- 3)- Imprisonment with political charges almost automatically leads to interruption of education or dismissal from work. Therefore, Belady calls on authorities to enable prisoners and detainees among women and girls to continue their education, as it is a constitutional and basic human right.**
- 4)- Political prisoners and detainees among women are prevented from their rights to access health care, education, culture, etc.), sometimes even their fundamental right to life (violations of physical inviolability, denial of basic biological needs, deliberate medical negligence ...). It is worth mentioning that medical negligence amounts to premeditated murder without any penalty or accountability. Therefore, Belady calls on authorities to provide prisoners with health services that are approved by international rules, and to prioritize urgent improvement of their quality.**
- 5)- Enforced disappearance in Egypt is a systematic pattern that crosses all red lines. Therefore, Belady highly recommends punishing all those who participate in or order the enforced disappearance of political detainees. In addition, it recommends prioritizing adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, as well as reform of internal laws to ensure implementation of this convention.**

6)- As for gender-based violations, Belady calls for the abolition of gender-based tests (virginity tests, privacy inspections, etc.) and the abolition of moral crimes in general, especially on the basis of sexual orientation.

7) Prison punishments are common, and there is an absence of alternative punishments, which contributes to prison overcrowding. Therefore, Belady appeals to authorities to review the penal system and facilitate access to the rights to culture, mental health, and education inside prisons. This will make use of prison's role in reform and rehabilitation, instead of just their punishing role.

8)- Both physical and psychological torture, as well as enforced disappearance and various other violations, are imprescriptible crimes. Therefore, Belady calls for the enabling of civil society to help and support victims and survivors and the state to bear its historical responsibility for repairing harm done to those women, and for working to reform the judicial, penal, and educational system in order to guarantee gender-sensitive services, improve current and upcoming generations' awareness, and protect them from these violations.

9)- The state's view of all challenges is superficial; consequently, more people are arrested and imprisoned, and new prisons are always built. Belady calls on the state to adopt comprehensive, gender-sensitive public policies that enable us to educate citizens, starting from primary education, on respectful codes of behavior for women. We also recommend development of a comprehensive strategy to support and protect women from all types of gender-based-violence and discrimination.

10)- Using women as tools to pressure their family members is unjust and cruel. Belady calls on the Egyptian state to distance women, especially mothers and elderly women, from such blatant violations, and to respect the principle of personality of punishment.

Closure

In 2020, Egypt was ranked 134th out of 153 countries in the Global Gender Index rankings¹³. In addition, Egypt ranked 125th out of 128 countries in the Rule of Law Index (World Justice Project)¹⁴ with an overall score of 1-0 0,36), a score that hasn't improved in the last 4 years. As for this score's fourth factor (fundamental rights for both genders), Egypt places 127th among 128 countries, and seventh of eight countries across the Middle East and North Africa region, with a score of 0.28.

Egypt is home to 48.7 million women; improvements to their condition will definitely have a significant impact on the country's economic and social progress. Through this analytical and comparative study, Belady has shed significant light on Egyptian women's human rights in various aspects by studying arrest and imprisonment cases among women and girls. Our recommendations should be highly considered in any efforts to reinforce both the rule of law and prosperity of the country.

¹³ [Global Gender Index rankings by subindex, 2020](#)

¹⁴ [Rule of Law Index \(World Justice Project\), 2020](#)