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AUC community only lecture: Gender-based violence (GBV), Women & the Law in Egypt

The Prince Alwaleed Center for American Studies and Research CASAR
casar@aucegypt.edu

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November 15, 2023 at 3:30 pm
AUC New Campus Waleed CP57
Event Report by Maha Muehlhaeusler

Event Title: Gender Based Violence, Women and the law in Egypt

Summary:

This special guest lecture was part of the course “Exploring Feminist Perspectives in Egypt and the US” taught by CASAR Professor Yasmine Al Ghazaly. The lecture was given in Arabic by Counselor Mohamed Samir, who is a senior member of the judicial authority in Egypt, responsible for the accountability of civil servants’ crimes and misconduct. He is also a lecturer in Political Science and Gender Based Violence Crimes. Samir has over 25 years of experience in his career, and was invited to discuss “challenges and legal obstacles women face when discussing gender based violence in Egypt.” In his insightful lecture, Samir discussed legal perspectives around topics such as adultery, rape (of both sexes), child marriage, pregnancy, Female Genital Mutilation (FGM), and sexual harassment. Samir provided examples of cases where women suffered from Gender Based Violence (GBV) to show that legal actions need to be taken to protect women. His insights shed light on the reality for many women (and men) in Egypt.

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Samir discussed how the law for adultery in Egypt discriminates against women. For a man to be accused of adultery, it must have been committed in his marriage home, and a man will only get 6 months in prison while a woman can get up to 2 years. Furthermore, and much more shocking, “If the husband intentionally kills both his wife and her lover due to adultery, the sentence he gets is imprisonment, however this could range from 24 hours to a few months. And

this does not go both ways.” Legally, a man can be triggered to kill, but a woman cannot. If a woman is triggered to kill, she will be charged with 1st degree murder.

Another issue brought up by Samir is the definition of the word “rape” under Egyptian law. The laws for rape in Egypt are that a rapist gets life imprisonment or is hanged, and the “severity is triggered by the victim’s age.” “So what’s the problem with the article?” Samir asks. The problem, he states, is that the definition of rape only falls for females. Male rape is not recognized under the Egyptian Law, and therefore considered sexual harassment, though its severity can be the same. Why this is the case, Samir discusses, is because of the possibility of pregnancy. The possibility of pregnancy in a woman makes rape more severe, though rape is the same whether it is rape of a man or a woman. A “man can get imprisoned for anally raping a woman or man, but get hanged if he raped a woman vaginally with his penis.”

Also on the topic of rape, Samir discussed that women who get pregnant as a result of rape often dump babies somewhere or leave them at an orphanage, as abortion is illegal unless the mother’s life is in danger. Abortions are still debatable in the case of a disabled child.

Moving forward, Samir discusses the laws in Egypt that prevent child marriage which is under the age of 18. “The sentence is imprisonment or to pay a fine of not more than 500 egyptian pounds, this is for attempting to marry a couple underage on papers via a marriage registrar while knowing that the ages of the bride &/or groom were forged.” Samir shared a story where a village Sheikh married off 27 girls between the ages 11-14. The girls are sold off to provide money for their families. When one of the girls became pregnant, the groom fled, the Sheikh tore up the blank cheques, and the girl could not issue a birth certificate for her child which she gave birth to at 16 years old. It was when her family issued a lawsuit against the Sheikh and the groom that it was discovered that 27 underage girls were married off.

Samir then discussed the issue of Female Genital Mutilation in Egypt, which was not considered a crime until 2008. This only happened because in the UN World Population conference in 1996, CNN made a report about a girl who died as a result of FGM, and it became global news. It was not however, called FGM yet, as it was rather considered a “crime for creating wounds.” Then, it became a “misdemeanor.” An official study done by the government actually revealed that the rate of FGM was done at 91% in ages 9-16 years old. These cases only appeared when one of the victims would die. In 2016 FGM became a crime with jail time from 5-7 years, and if the victim suffered a permanent disability or death, the punishment would be 15-20 years in prison. Samir suggests that this is not enough, that laws against any physician that attempts or has attempted FGM have their medical license taken away.

The term sexual harassment was first used legally in 2014. Sexual assault according to Samir is when touching happens. The law in Egypt “recognizes all sorts of sexual harassment, including cyber harassment” The penalty for sexual harassment is “not less than 1 year [in prison], fine not less than 10k, if the harasser has power over the victim, the penalty is doubled or at least 7 yrs due to more accessibility.” Just two years ago in 2021, sexual harassment was officially considered a crime and not a misdemeanor. Victims can now report sexual harassment even if 10 years have passed since the incident.

Samir also discussed sever articles that permit lenience towards given sentences, such as article 17, 55, and 60, which gives the right to forgo a penalty if it was done “with good intentions.”

Just in the first quarter of 2023, Samir shared 8 separate cases where gender based violence was used. From a father beating his 6 year old daughter to death, to a woman stabbed to death because she broke off her engagement. Samir’s concluding remarks were that cases should be named by the offender not the victim, and that there need to be unified laws against violence.