

# THE ROLE OF EGYPTIAN WOMEN DURING THE REVOLUTION AND ITS AFTERMATH: FROM ACTIVE INVOLVEMENT TO MARGINALIZATION

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## Abstract

*While the Egyptian women struggled for a revolution in 2011 alongside the men rebelling against Mubarak's authoritarian regime, once the revolution was over they found themselves being excluded from the political transition, new nation-building process as well as the drafting of the constitution. The 2012 Constitution drafted by the Islamists had no intentions to secure the freedoms for women by acknowledging women's domestic role within a family which was established on religion, morality, and patriotism. Under Morsi government, the women rights were actually much worse than they were under Mubarak's authoritarian regime. The new military government that came to power by overthrowing Morsi has been violating human rights in general is not interested in women's rights in particular. This article aims at examining how the influential role of women in the 2011 revolution completely deteriorated in the aftermath of the revolution. Following an examination of the background of women's movements in Egypt and an analysis of the role of women in the 2011 Egyptian revolution, the article will concentrate on the 2012 Constitution concerning women's rights during the short rule of Morsi as well as the weakening women's rights under the current military regime and the new constitution. The article will be concluded with a discussion of the reasons why and how Egyptian women were left out of the new political process by making suggestions on the proper role the women should have in a democratic Egypt.*

**Key Words:** Women Rights, Egyptian Politics, Arab Spring, 2012 Egyptian Constitution

## MISIR DEVRİMİ VE SONRASINDA MISIR'DAKİ KADININ ROLÜ ETKİN KATILIMDAN MARJİNALLEŞMEYE

### Özet

*2011 Devrimini gerçekleştirmek için Mısırlı kadınlar erkeklerle birlikte Mübarek'in otoriter rejimine karşı ayaklanmalarına rağmen, devrim bittikten sonra kendilerinin siyasi dönüşüm ve yeni ulus devleti inşa süreçlerinden ve de anayasasının yazım aşamasından dışlandıklarını görmüşlerdir. İslamcılar tarafından yazılan 2012 Anayasasının kadınların özgürlüklerini koruma gibi bir niyeti olmadığı kadınların din, ahlak ve vatan sevgisi üzerine kurulmuş olan aile içindeki rolü üzerinde durmaları ile belli olmuştur. Cumhurbaşkanı Mursi hükümeti döneminde kadın hakları otoriter Mübarek hükümetlerinden daha kötü hale gelmiştir. Mursi hükümetini darbe ile devirerek başa geçen ve insan haklarını ihlal eden askeri hükümet ise kadın hakları ile ilgilenmemektedir. Bu makale 2011 devrimi boyunca etkin olan Mısırlı kadının rolünün devrim sonrasında nasıl tamamen gerilediğini ve kötüleştiğini incelemeyi amaçlamaktadır. Mısır'daki*

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*kadın hareketlerinin geçmişini ve de 2011 devrimindeki rolünü inceledikten sonra makale 2012 Anayasasında, kısa süren Mursi döneminde ve de günümüzdeki askeri rejim döneminde ve yeni anayasasında gittikçe zayıflayan kadın hakları üzerinde duracaktır. Makale Mısırlı kadınların yeni siyasi sürecin dışında bırakılma nedenlerini tartışarak ve demokratik bir Mısırda kadınların sahip olması gereken rolleri üzerinde önerilerde bulunarak sonuçlandırılacaktır.*

**Anahtar Kelimeler:** Kadın Hakları, Mısır Siyaseti, Arap Baharı, 2012 Mısır Anayasası

*“The political battles over who reigns over Egypt are not only being fought over presidential and parliamentary seats, but also over who can claim more control over a woman’s body.”<sup>1</sup>*

During the Egyptian revolution of January 25, 2011, Egyptian women felt, for the first time in the modern history of the country, that they were equal to men. Women from diverse backgrounds took to the streets alongside their male friends, camping out on the streets, and chanting for freedom, democracy, social justice and dignity. By participating in the revolution, Egyptian women were actually confronting traditions and taboos. However, once the revolution was over, these women found themselves being excluded from the political transition and the new nation-building process, including the drafting of the constitution. Following the abolition of the quota for women’s parliamentary representation, women gained only 2 per cent of the seats in the lower house. The 2012 constitution, designed by the Islamist dominated constitutional committee failed to secure freedoms for women by focusing instead on women’s domestic role within the family, based on religion, morality and patriotism. As Moushira Khattab notes, “[t]he pivotal role played by Egyptian women in the making of the January 2011 revolution has turned against them”.<sup>2</sup> Moreover, many women were sexually assaulted and harassed, both during the protests against Mubarak in 2011 and even more during the protests against the Morsi government in June and July 2013. Under the Morsi government, Egyptian women’s rights actually went from bad to worse. It is not clear how the current military administration will deal with women’s rights since establishing order has been its priority at the moment.

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<sup>1</sup> Mariz Tadros, Egypt’s women have had enough of being told to cover up, The Guardian, 29 May 2012, Accession Date: 3 October 2013, <http://www.theguardian.com/commentisfree/2012/may/29/egypt-women-cover-up-coptic>.

<sup>2</sup> Moushira Khattab, “Breaking Taboos: Egypt’s Women”, Wilson Center, 28 February 2013, Accession Date: 18 September 2013, <http://www.wilsoncenter.org/islamists/article/breaking-taboos-egypt%E2%80%99s-women>; Moushira Khattab, “Women’s Rights under Egypt’s Constitutional Disarray”, Wilson Center, 17 January 2013, Accession Date: 18 September 2013, <http://www.wilsoncenter.org/publication/women%E2%80%99s-rights-under-egypt%E2%80%99s-constitutional-disarray>.

The purpose of this article is first to examine how the influential role of women in the revolution completely deteriorated in the aftermath of the revolution. The article analyses how these women, who had worked hard in every step of the revolution, did not gain their proper rights under the Morsi government. Following an examination of the background of women's movements in Egypt and an analysis of the role played by the Egyptian women in the revolution, the article will concentrate on the short rule of Morsi before the coup of July 2013 and the draft constitution during the military rule, when women's rights got worse than in Mubarak's period. The article will conclude with a discussion of the reasons why women have been left out of the new political process and the proper role the women should have in a democratic Egypt.

### **History of Women's Rights in Egypt**

Women have always played a significant role in Egyptian society. As early as the Pharaonic era from the 15<sup>th</sup> century to 13<sup>th</sup> century BCE, ancient Egypt was ruled by queens, such as Hatshepsut, Nefertiti, Cleopatra and Shajarat al-Durr. The modern emancipation of Egyptian women started in the 1900s under the rule of Mohammed Ali (1766-1849), when women established NGOs, participated in charities and gained access to education. In the 19<sup>th</sup> century, scholars such as Rifa'a al-Tahtawi, an adopter of Islamic modernism, and Qassem Ameen, an advocate of an improved social position and equal rights for women, called for women's emancipation and their rights to education and employment.<sup>3</sup>

As in the current revolution of 2011, in the 1919 revolution, women joined the men in demonstrations, economic boycotts and protests against British occupation. However, after Britain granted Egypt nominal independence, women were sidelined by the nationalist Wafd party. When the 1923 constitution failed to give political rights to women, women's groups continued calling for rights. Huda Sha'rawi who started the feminist movement in Egypt by removing her veil in a train station in Cairo established the Egyptian Feminist Union, in 1923. In this Union she called for political rights for women, improvements in their personal status, and equal education and

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<sup>3</sup> Howaida Nagy, "Women's Movement in Egypt: Dealing with Religious Fundamentalism", Global Women's Leadership Initiative: Women in Democratic Transitions in the MENA Region (Final Report), March 2013, p.37, Accession Date: 10 April 2013, <http://www.wilsoncenter.org/publication/women-democratic-transitions-the-mena-region>.

opportunities to enter the professions. The Women's National Party, founded in 1942, worked hard to get women employed in state positions.<sup>4</sup>

Throughout the 1940s and 1950s, women's groups campaigned for equal rights. In particular, they requested the amendment of the electoral law to receive equal rights with men and the right of access to local and representative councils. In 1948, Doria Shafik established the Bint El-Nil (Daughter of the Nile) group to claim full political rights for women and promote social services, such as education and health. Other female activists, such as Inji Aflatoun, Soraya Adham and Latifa Zayyad, adopted socialist or communist discourse referring to women's liberation within the struggle of social equality and justice. Zeinab al-Ghazali, who established the Muslim Women's Society in 1936, differed from other activists as she promoted the study of Islam among women and the implementation of *shari'a*, while concentrating on welfare activities. Al-Ghazali eventually joined the Muslim Brotherhood in 1948.<sup>5</sup>

Following the 1952 revolution, the new regime, pressured by the Muslim Brotherhood, resisted giving women suffrage. However, as a result of Doria Shafik's organization of a march on parliament, women managed to gain the right to vote, with the 1956 constitution granting women political rights, including the right to elect and to be elected. However, their parliamentary representation remained low, although in 1957 Egypt became the first Arab country to vote a woman into parliament. In 1959, women gained important social and economic rights, including the right to equal pay and pensions. In 1962, President Nasser's Charter of National Action stated that women should be freed from all social barriers. His commitment to social egalitarianism increased their opportunities and rights, allowing many women to gain access to top public positions. Following the appointment of Hekmat Abu Zeid in 1962 as the first female minister, women began to be appointed as ambassadors and high-ranking government employees.<sup>6</sup>

In the early years of Gamal Abdel Nasser's rule (1952-1970), feminist activism slowed down as a result of the government's ban on any autonomous organizations. During this period, the state reframed women's issues as social welfare issues under the control of the Ministry of Social Affairs. During Nasser's rule, the number of women in the public sphere and in the universities

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<sup>4</sup> Nadje S. Al-Ali, "The Women's Movement in Egypt, with Selected References to Turkey", Civil Society and Social Movements Programme Paper, Number 5, April 2002, p.5, Accession Date: 20 September 2013,

[http://www.unrisd.org/unrisd/website/document.nsf/0/.../\\$FILE/alali.pdf](http://www.unrisd.org/unrisd/website/document.nsf/0/.../$FILE/alali.pdf)

<sup>5</sup> Ibid., p.7.

<sup>6</sup> Ibid. ; "Arab Women and the Future of the Middle East", American Foreign Policy Interests: The Journal of the National Committee on American Foreign Policy, Volume 34, Number 3, 2012, p.153.

increased considerably, while the issue of gender equality was regularly discussed in Egyptian popular culture, in movies and songs, and in newspapers, magazines and on state TV. Mervat Hatem has described this period as one of “state feminism,” which expressed itself through informal state policies and programs that increased women’s productive roles. Nevertheless, women’s economic independence remained limited due to their dependence on the state for employment and social services, which was dominated by men.<sup>7</sup>

When Anwar Sadat took power following Nasser’s death, he reduced the state’s role in social and economic issues by following open door (*infitah*) policies, in contrast to his predecessor’s socialist policies. However, in withdrawing these policies of social equality and equal opportunity, he also abandoned Nasser’s commitment to gender equality. Instead, Nasser’s state feminism, which had led to the integration of women into the economy, was replaced by high rates of unemployment causing inequality for women in the workforce. However, Sadat at least reformed the Personal Status Law (known as ‘Jehan’s Laws’ after Sadat’s wife due to her influence in its formation), which gave women proper legal rights regarding marriage, polygamy, divorce and child custody. In addition, as a result of the 30-seat quota introduced for female parliamentary candidates in 1979 by presidential decree, women’s representation in the People’s Assembly increased to 9 per cent during the 1979-1984 period (35 women in an assembly of 382 representatives) and 8.3 percent between 1984 and 1987. However, this law was repealed in 1988 during Mubarak’s rule, based on the claim that it was unconstitutional. Actually, by bringing these improvements to Egyptian women, Sadat’s regime had aimed at both decreasing the strength and legitimacy of Islamists while improving its image internationally, particularly in the eyes of the United States. Nevertheless, despite improvements in women’s rights, the state lacked a complete program to guarantee such rights and also discouraged independent feminist activism.<sup>8</sup>

Hosni Mubarak, who came to power after Sadat’s assassination in 1981, first tried to consolidate power by showing tolerance to Islamists. As a result, he was forced to implement more conservative laws and policies, such that in 1985 he amended the Personal Status Law to remove many of the rights

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<sup>7</sup> Al-Ali, “The Women’s Movement in Egypt”, p.7; See Mervat Hatem, “Toward the Development of post-Islamist and post-national feminist discourses in the Middle East”, Judith Tucker (Ed.), Arab Women: Old Boundaries New Frontiers, Bloomington and Indianapolis: Indiana University Press, 1993, pp.29-48.

<sup>8</sup> Al-Ali, “The Women’s Movement in Egypt”, pp.7-8; Reem Leila, “Moving Backwards”, Al-Ahram Weekly, 25 October-31 November 2012, Issue No 1120, Accession Date: 20 September 2013, <http://weekly.ahram.org.eg/2012/1120/eg5.htm>.

the women had gained from earlier versions.<sup>9</sup> However, the Mubarak government was also forced to follow UN conventions concerning women's rights and accept the values of democracy and women's rights within the framework of human rights promoted by its political and economic benefactors, such as the USA, IMF and World Bank.<sup>10</sup> In the early 2000s, women's rights in Egypt saw a remarkable improvement, albeit through a top-down process, to which Hosni Mubarak's wife, Suzanne Mubarak, made an undeniably important contribution. As First Lady, she played a significant role in advocating women's rights, to the extent that the progressive laws that were passed are often referred to as 'Suzanne's laws'.<sup>11</sup> She also supported the formation of the National Council for Women that was established through a presidential decree in 2000. The Council has been a significant institution in sponsoring Egyptian women's rights. Through the combined efforts of Suzanne Mubarak and the National Council of Women, an amendment to the Personal Status Law provided for "the payment of the court ruled alimony or the imprisonment of the husband for failing to pay it; in which case the imprisonment penalty shall not exceed 30 days".<sup>12</sup> Another amendment in the ChildLaw raised the minimum marriage age for women and men to 18 years.<sup>13</sup> In 2003, a female judge was for the first time appointed in Egypt. Finally, another remarkable step in improving women's rights during the Mubarak era was the ban imposed by the Health Ministry in 2007 on doctors and nurses carrying out female genital mutilation (FGM).

Despite these positive developments regarding women's rights under the Mubarak regime, women's organizations and other human rights organizations constituted only a small percentage of Egyptian civil society. In addition, human rights and women's rights NGOs were not very efficient as a result of formal and informal limits that were put upon them by the state.<sup>14</sup>

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<sup>9</sup> Camilo Gomez-Rivas, "Women, Shari'a, and Personal Status Law Reform in Egypt after the revolution", Middle East Institute, 1 October 2011, Accessed Date: 7 October 2013, <http://www.mei.edu/content/women-shari-%E2%80%98-and-personal-status-law-reform-egypt-after-revolution>.

<sup>10</sup> Al-Ali, "The Women's Movement in Egypt", p.9.

<sup>11</sup> Aliaa Dawood, "Backlash against 'Suzanne Mubarak laws' was inevitable", Egypt Independent, 8 November 2011, Accession Date: 3 October 2013, <http://www.egyptindependent.com/opinion/backlash-against-%E2%80%98suzanne-mubarak-laws%E2%80%99-was-inevitable>.

<sup>12</sup> "The National Council for women's efforts in the area of legislations", National Council for Women, Accession Date: 10 June 2013, <http://www.ncwegypt.com/images/PubNCWPDF/legislationseng%20.pdf>.

<sup>13</sup> Ibid.

<sup>14</sup> Kristina Kausch, "Defenders in Retreat: Freedom of Association and Civil Society in Egypt", FRIDE(Working Paper), No 82, April 2009, p.3, Accession Date: 12 February 2010, <http://www.fride.org/publication/601/freedom-of-association-and-civil-society-in-egypt>.

These groups also failed to reach the masses due to the elitist nature of their membership and their dependence on foreign funding, which made them easy targets for public and government criticism, which facilitated governmental restrictions on their activities.<sup>15</sup> Some women's organizations were prevented from registering themselves officially at all, or else closed down by the Egyptian authorities after functioning for some time. For instance, the New Women's Research Centre, which focused on gender issues and called for political reform, was denied registration.<sup>16</sup> Another example was the state's decision to dissolve the Arab Women's Solidarity Union in 1991 for allegedly tarnishing Egypt's reputation abroad by issuing statements criticising the Egyptian government's involvement in the 1991 Gulf War.<sup>17</sup>

Overall, since the days of Pharaohs, women in Egypt have been active, joining demonstrations against British rule in 1919, and continuing to protest until they gained their political rights in 1956. They later entered parliament, with some serving as ministers, and also gained state positions as judges, ambassadors, and rectors or leadership and senior executive positions in private companies.<sup>18</sup> During both Nasser's and Sadat's periods the improvements in women's status were accompanied with backlashes. Similarly, during Mubarak's rule, in spite of a number of progressive changes in women's rights, women's organizations experienced their share of the intensification of state control over Egyptian civil society. Restrictive laws and regulations severely limited Egyptian civil society, making it particularly difficult for human and women's rights organizations to function. In addition, the more recent rise of political Islam and the coming to power of Islamists following the Arab Spring have posed a serious challenge to women's rights. This challenge has not yet been reduced despite the recent military coup against Morsi's Islamist regime.

### **The Arab Spring and the Role of Women in the Egyptian Revolution**

Having lagged behind the global trends towards democratization that had swept through Southeast and East Europe, Latin America and Southeast Asia during the 1970s, 80s and 90s, the Middle East finally joined the

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<sup>15</sup> Maha Abdelrahman, *Civil Society Exposed: The Politics of NGOs in Egypt*, London: Tauris Academic Studies, 2004, pp.136-138.

<sup>16</sup> Nihad Gohar, "Mapping Participation in Egypt", Ellen Lust-Okar and Saloua Zerhouni (Eds.), *Political Participation in the Middle East*, London: Lynne Rienner Publishers, 2008, pp.178-179.

<sup>17</sup> Nicola Pratt, "Hegemony and Counter-Hegemony in Egypt: Advocacy NGOs, Civil Society, and the State", Sarah Ben Nefisa, Nabil Abd al-Fattah, Sari Hanafi and Carlos Milani (Eds.), *NGOs and Governance in the Arab World*, Cairo: The American University in Cairo Press, 2005, p.130.

<sup>18</sup> Moushira Khattab, "Turkey and Egypt: Where is the Model?", *Turkish Policy Quarterly*, Volume 11, No 4, 2013, p.37.

movement in late 2010 with the outbreak of pro-reform demonstrations in various Arab states, commonly referred to as the ‘Arab Spring’. The first protests started in December 2010 in Tunisia, when Mohamed Bouazizi, a street vendor in Sidi Buazid, set himself on fire in front of a local government office to protest against a ban on selling his goods on the street. Further protests then spread throughout Tunisia and into other Middle East and North Africa (MENA) countries. These protests, which had started as a revolutionary reaction to dictatorship, political corruption, human rights violations and serious economic problems of unemployment, extreme poverty and unequal distribution of wealth, ultimately brought down a number of authoritarian regimes, including those in Tunisia, Libya, Egypt and Yemen.

In Egypt, Mubarak’s regime consistently adopted repressive policies, including denial of civil liberties and political rights, state of emergency laws and electoral fraud, while corruption in the form of widespread abuse of office for personal gain was common. Ongoing economic crises led to high unemployment, food price inflation, low minimum wages and a GDP per capita as low as 5,200 euro. In January 2011, inspired by the revolution in Tunisia, tens of thousands of people, mainly in Tahrir Square, called for social and political reforms in massive protests and demonstrations that lasted 18 days. As a result of the efforts of Asma Mahfouz, a 26-year-old female blogger and member of the 6 April Youth movement, active against nepotism in the government and supporting free speech, and other activists’ call for protests through Facebook and Twitter on January 25, 2011, Egyptians took to the streets in large numbers throughout the country, including Cairo, Alexandria, Aswan and Assiut, demanding the resignation of President Mubarak. During these protests, hundreds of protesters were killed and thousands injured by police violence. Mobile phone networks and the internet were shut down. When President Mubarak’s promise not to run in the upcoming elections failed to satisfy the protesters, he was forced to resign on February 11, 2011. Consequently, power was transferred to the Supreme Council of the Armed Forces (SCAF), which subsequently dissolved parliament, suspended the constitution and appointed a committee, composed only of male members, to draft a new constitution.<sup>19</sup>

#### *Women in the January 25, 2011 Revolution*

In the January 2011 revolution, Egyptian women actually experienced their own social uprising by attempting to change the traditional understanding of gender roles while fighting for the fall of the authoritarian regime. For many,

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<sup>19</sup> “Women and the Arab Spring. Taking their Place?,” International Federation for Human Rights (FIDH), 13 August 2013, p.17, Accession Date: 29 September 2013, <http://arabwomenspring.fidh.net/egypt-en>.



the revolution was even their first opportunity to take part in public life, and their participation was overwhelming. Thousands of women, whether they were housewives, doctors, university lecturers or students, or Muslim or Christian, went to Tahrir Square with their friends, colleagues and families. A number spent the nights in the protestors' tents in the square alongside the men. They provided food and volunteered in the field hospitals. Through blogs and tweets they campaigned for freedom and social justice, and called on people to join them. They participated in various marches, sometimes leading crowds of men by chanting slogans, and helping to preserve the spirit of the revolution. Besides joining the marches, they organised demonstrations, conferences, workshops, media interviews and other campaigns. Thus, for the first time, Egyptian women felt that they were equal to men and able to look towards the future optimistically. In particular, they were anticipating that a new constitution would guarantee the freedoms they had fought for.<sup>20</sup>

In a video blog posted to Facebook on January 18, 2011, Asma Mahfouz called on Egyptian men and women to join her in demonstrations on January 25, 2011 against the Mubarak government, while also calling for democratic government in Tahrir Square. In this declaration, she stated that, if the people wanted to live in honour and dignity in Egypt, they should go to Tahrir Square on January 25 to demand their fundamental human rights. She even challenged the men, by telling them that, if they regarded themselves as a man with the honour of manhood, they should join her in the square.<sup>21</sup> During the protests of January 25, women were respected and supported by the men, and did not experience harassment.

However, this new respect for women did not last. Following Mubarak's resignation on February 11, 2011, and the transfer of power to SCAF, a new series of protests began against the military for not responding to the protestors' demands for reform. During these protests, many women were threatened and sexually assaulted, including a CBS foreign correspondent and another journalist from France, Caroline Sinz, who was brutally assaulted by a mob of youths and adults in November 2011 close to Tahrir Square. Besides the mobs, women were also victims of violence committed by the police and military. When women gathered in Tahrir Square on March 8, 2011, to

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<sup>20</sup> Khattab, "Women's Rights"; Cassie Biggs"; "Women Make their power felt in Egypt's Revolution", The National, 14 February 2011, Accession Date: 11 September 2013, <http://www.thenational.ae/news/world/middle-east/women-make-their-power-felt-in-egypts-revolution#ixzz2ZQo5xAZU>.

<sup>21</sup> "Asmaa Mahfouz & the YouTube Video that Helped Spark the Egyptian Uprising", Democracy Now: A Daily Independent Global News Hour, 8 February 2011, Accession Date: 29 September 2013, [http://www.democracynow.org/2011/2/8/asmaa\\_mahfouz\\_the\\_youtube\\_video\\_that\\_women\\_and\\_the\\_arab\\_spring](http://www.democracynow.org/2011/2/8/asmaa_mahfouz_the_youtube_video_that_women_and_the_arab_spring), p.16.

celebrate International Women's Day and react to SCAF's establishment of an all-male constitutional committee, they were attacked and assaulted by male groups. The military arrested 18 women demonstrators, beating and torturing them, and forcing 7 to undergo 'virginity tests' in a detention centre. Major General Abdel-Fattah Al-Sisi, who is currently in charge of the country, came under criticism for defending these virginity tests, claiming that they were conducted to protect the girls from rape and the army from possible allegations. One of these women, Samira Ibrahim, filed a lawsuit against the army doctor responsible for performing the forced 'virginity tests' on female protesters. However, while a civilian court ruled in favour of Samira's claim in December 2011 and issued a court order to stop the practice of virginity tests, a military court later acquitted the doctor of the charges in March 2012.<sup>22</sup>

Assaults on women protesters by the police and the military continued throughout November and December 2011. Among these, Sanaa Youssef, an Egyptian activist, was arrested and beaten severely by riot police on November 19, 2011, while a freelance Egyptian American journalist and commentator, Mona El Tahawy, was arrested on November 23, 2013, by the Central Security Forces near Tahrir Square and transferred to the Ministry of Interior, where she was repeatedly beaten and sexually assaulted by military intelligence personnel. More women protesters were arrested by the military on December 16, 2011 during a demonstration in front of the Cabinet of Ministers. Among these, Dr. Ghada Kamal Abdel Khaleq, a pharmacist and activist in the April 6 Movement, was insulted and severely beaten by the police while trying to help another woman who had been injured during the demonstrations. On the same day, one of the most scandalous attacks on a woman took place when a veiled woman was stripped of her clothes and dragged out of Tahrir Square by military personnel. Following shocking photographs of her in her blue bra, the event became known internationally as the 'blue bra incident'. More women, including political activist Hend Nafe, suffered similar humiliating experiences. These attacks led to an all-women march on December 20, 2011, when thousands of women rallied to protest and denounce the military's brutal treatment of female protesters. The march was protected by a cordon of male activists. Although SCAF issued a statement apologising to the women of Egypt, claiming that they had taken legal measures to hold officials

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<sup>22</sup> "Women and the Arab Spring", pp.17-18; Habiba Mohsen, "What made her go there? Samira Ibrahim and Egypt's Virginity Test Trial", Aljazeera, 16 March 2012, Accession Date: 29 September 2013, <http://www.aljazeera.com/indepth/opinion/2012/03/2012316133129201850.html>; Harriet Sherwood, "Egypt protests: plea to keep women reporters out of Cairo withdrawn", The Guardian, 25 November 2011, Accession Date: 29 September 2013, <http://www.theguardian.com/world/2011/nov/25/egypt-protests-reporters-women-safety>.

accountable for their actions, prosecutors failed to launch any investigation into the attacks, while the security forces failed to announce any disciplinary actions against the attackers. In fact, in Egypt there are no specific laws that criminalize sexual harassment or domestic violence.<sup>23</sup>

Despite the violence and sexual harassment that Egyptian women suffered during the protests, and virginity tests some were forced into by the SCAF personnel, they did not lose their dedication to struggle for their rights and freedom.

### *Women during the Transition*

The ending of Mubarak's 30-year authoritarian presidency filled women with enthusiasm, courage and pride from having taken part in this transition. They had built their own organizations, coalitions and associations, participated in awareness campaigns in the streets, joined political parties and nominated themselves for election to the People's Assembly. Now, they hoped for active political involvement in the post-Mubarak era. However, as the transition process unfolded, women found out that they were not only denied a voice in the post-revolution debates concerning the future of the country, but also excluded from new political institutions and significant positions, such as governorships and the constitutional amendments committee.<sup>24</sup> In particular, following Mubarak's resignation, the establishment of a constitutional committee in March 2011 by SCAF that included only eight men led to women's renewed protests in Tahrir Square.

Millions of women went to the polls in the three-stage parliamentary elections for the People's Assembly of Egypt held between November 28 and

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<sup>23</sup> Glen Johnson and Luke Harding, "Egyptian Women Protest in Cairo against Brutal Treatment", The Guardian, 20 December 2011, Accession Date: 5 October 2013, <http://www.theguardian.com/world/2011/dec/20/egyptian-women-protest-cairo-treatment>; Mona Eltahawy, "Bruised but Defiant: Mona Eltahawy on her assault by Egyptian Security Forces", The Guardian, 23 December 2011, Accession Date: 29 September 2013, <http://www.theguardian.com/world/2011/dec/23/mona-eltahawy-assault-egyptian-forces>; Lina El-Wardani, "Women Activists Refuse to be Cowed by Sexual Violence, Marginalization", Ahram Online, 8 March 2012, Accession Date: 29 September 2013, <http://english.ahram.org.eg/NewsContent/1/64/36225/Egypt/Politics-/Women-activists-refuse-to-be-cowed-by-sexual-viole.aspx>; "Egypt Prosecute Sexual Assaults on Protesters, Punish Military and Police Attackers", Human Rights Watch, 22 December 2011, Accession Date: 29 September 2013, <http://www.hrw.org/news/2011/12/22/egypt-prosecute-sexual-assaults-protesters>; Hend Kortam, Rana Muhammad Taha and Fady Salah, "Cabinet Clashes Remembered", Daily News Egypt, 15 December 2012, Accession Date: 29 September 2013, <http://www.dailynewsegypt.com/2012/12/15/cabinet-clashes/>; "Women and the Arab Spring", p.25.

<sup>24</sup> Jennifer Pedersen and Monalisa Sali, "Women of the Arab Spring", International Feminist Journal of Politics, Volume 15, Number 2, 2013, p. 258.

January 11, 2012. These elections resulted in victory for the Islamists with 71.5 per cent of the seats. While the Muslim Brotherhood-led Freedom and Justice Party won 47.2 percent of the votes, the Salafi Al Nour Party received 24.3 per cent, which allowed them together to control two-thirds of the seats.<sup>25</sup> However, the new parliament was quickly dissolved by SCAF, following Egypt's High Administrative Court's ruling in June 2012 that the elections had been unconstitutional. Once Mohammed Morsi came to power with 51.7 percent of the votes in the presidential elections of June 2012, he tried to reinstate the dissolved People's Assembly in July 2012 by presidential decree. However, the Supreme Constitutional Court blocked the decree, ruling that Morsi did not have the right to reinstate the dissolved parliament.

These elections were less beneficial for women than hoped. Although women had already made many advances in getting their voices heard by establishing NGOs to defend their rights, initiating programs to gain greater access to education, joining the protests for freedom, lobbying to break down taboos, and launching campaigns against sexual assaults and virginity tests, female candidates gained less than 2 per cent of the parliamentary seats. Unfortunately, therefore, women's participation in the protests did not lead to participation in the political transition.<sup>26</sup>

### **Women's Rights in the 2012 Egyptian Constitution**

Having contributed so much to the revolution of January 2011 and the fall of President Mubarak, Egyptian women found themselves marginalized in the revolution's aftermath. In the Constitutional Committee established in 2012 was mainly formed of members of the Muslim Brotherhood and its allies, the ultra-conservative Salafis. This committee which included 4 women into its membership (out of 85) did not consider women's rights as a priority.

The previous parliamentary quota of 12.5 percent (64 seats) for women in the last elections held under Mubarak's rule in November 2010 was replaced with the minimal requirement that each political party should include at least one woman on their electoral list. Compared to the 64 seats reserved for women in the People's Assembly in November 2010 elections before the fall of

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<sup>25</sup> "Egypt's Islamist Parties win Elections to Parliament", BBC, 21 January 2012, Accession Date: 30 September 2013, <http://www.bbc.co.uk/news/world-middle-east-16665748>.

<sup>26</sup> Nicola Pratt, "Egyptian Women: Between Revolution, Counter-Revolution, Orientalism, and 'Authenticity'", *Jadaliyya*, 6 May 2013, Accession Date: 21 September 2013, [http://photography.jadaliyya.com/pages/index/11559/egyptian-women\\_between-revolution-counter-revolution](http://photography.jadaliyya.com/pages/index/11559/egyptian-women_between-revolution-counter-revolution); Moushira Khattab, "Heroines of the Arab Spring, Unrewarded: Egypt's Case", *Women in Democratic Transitions in the MENA Region*, Global Women's Leadership Initiative, Woodrow Wilson International Center for Scholars, Rabat, Morocco, March 2013, p.30, Accession Date: 19 September 2013, <http://www.wilsoncenter.org/publication/women-democratic-transitions-the-mena-region>.

Mubarak, in the People's Assembly (Lower House) elections that was conducted in three phases from 28 November 2011 to 11 January 2012, only 9 women (out of 508 members) were elected, while another 2 were appointed by SCAF, since most parties had placed female candidates at the end of their electoral lists. In the Shura Council (Upper House) elections in January and February 2012, women won 4 of the 180 elected seats, while 2 ministers out of 31 were women.<sup>27</sup>

Article 2 of the 2012 constitution accepted the principles of Islamic law or *shari'a*, as the main source of legislation, in contrast to the 1971 constitution, and it relied on the judgements of Al-Azhar, the centre of Islamic learning in Egypt, for its interpretation of *shari'a*. Thus, the 2012 constitution allowed religion to play a role in the functions of the state by permitting clerics to intervene in the law-making process. In other words, it permitted non-elected and non-judicial individuals to exert power over the elected legislature. Although Al-Azhar has so far been considered a moderate religious entity, currently it has become open to the influence of ultra-conservative Salafis. Article 68 of the new constitution stated that the Egyptian state should guarantee gender equality in political, cultural, economic and social life, but only so as long as assuring equality does not contradict the provisions of *shari'a*.<sup>28</sup>

The 1971 constitution had also entrusted the state to guarantee equality between the sexes in all aspects of life so long as it did not violate the provisions of *shari'a*. However, having campaigned to remove this limitation on gender equality, women found that the whole article was removed in the new constitution, meaning that the state's responsibility to guarantee equality between men and women, a basic principle of Egyptian constitutions since 1923, had been completely removed from the 2012 constitution. The previous clear statement regarding equality was replaced with a vague expression of equality among all Egyptians, with the proviso that the state would help women balance work and family life.<sup>29</sup>

The only article in the 2012 constitution (Article 10) that mentioned women as a specific group actually fell under the chapter on the moral foundations of society rather than the chapter on human rights. Article 10 emphasised women's domestic role in the framework of the family, based on religion, morality and patriotism. According to this article, society was

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<sup>27</sup> Mustansir Barma, "Half the Country, but Still Unequal", SADA Journal, 14 March 2013, Accession Date: 18 September 2013, <http://carnegieendowment.org/2013/03/14/half-country-but-still-unequal/fqcp>; Pedersen and Sali, "Women of the Arab Spring", p.260; "Women and the Arab Spring", p.20.

<sup>28</sup> Khattab, "Women's Rights", pp. 1-2; Leila, "Moving Backwards".

<sup>29</sup> Khattab, "Women's Rights", p. 2.

supposed to follow the traditional Egyptian family structure and its morals. Although Article 33 stated that all citizens were equal before the law in public rights and duties without discrimination, there was no explicit guarantee of women's rights or their equal status with men. Article 7 stated that the law applied equally to all citizens and that they were equal in rights and general duties. The same provision specifically prohibited discrimination based on race, language, ethnicity and religion, but it failed to mention sex. In other words, while the post-revolution constitution gave equal rights without discrimination, it did not explicitly prohibit discrimination on the basis of gender, which was previously a core principle of all Egyptian constitutions since 1923. Instead, the new constitution paid more attention to public morals than fundamental individual rights, especially for women.<sup>30</sup>

The legislative reforms of the 2000s introduced during the Mubarak era, which improved women's rights by increasing the minimum age for marriage from 16 to 18 for both men and women, criminalized female genital mutilation and made some improvements concerning divorce and child custody favouring women, had previously been denounced by Salafi groups. Regarding these laws as incompatible with *shari'a*, they had wanted them to be repealed. These attempts by Salafis to push back women's rights accelerated following their victory in the first parliamentary elections held in the post-Mubarak transitional order.<sup>31</sup> For example, in July 2011, the President of the Family Court of Appeal submitted a draft bill providing for the abolition of the *khul* law<sup>32</sup> in divorce in order to reinstate the practice of allowing husbands to forcibly return "disobedient" wives to their family homes.

Moreover, women also lost the guarantee and protection of international human rights treaties, since reference to such treaties has been removed from the new constitution. As noted by Human Rights Watch, the 2012 Egyptian constitution fell short of guaranteeing crucial rights to free speech, religious belief, and the protection of civilians from trial before military courts, as well as women's equality.<sup>33</sup> The Muslim Brotherhood condemned the United Nation's latest report on ending violence against

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<sup>30</sup> Ibid.; Khattab, "Heroines of the Arab Spring", p.30; Khattab, "Turkey and Egypt", pp.40-41; "Women and the Arab Spring", p.23.

<sup>31</sup> "Women and the Arab Spring", pp. 21-22.

<sup>32</sup> The Khul law was passed by the lower house of the Egyptian parliament in 2000 as part of Article 20 of the Procedural Personal Status Law. Under the khul law, Egyptian women are granted the right to seek a divorce in return abandoning their financial rights. For more details, see "Women and the Arab Spring", p.22 and Leila, "Moving Backwards".

<sup>33</sup> "Egypt: Crisis Highlights Urgent Need for Reforms", Human Rights Watch, 31 January 2013, Accession Date: 19 September 2013, <http://www.hrw.org/news/2013/01/31/egypt-crisis-highlights-urgentneed-reforms>; Khattab, "Women's Rights", pp. 2-3.; Khattab, "Turkey and Egypt", p. 41.

women, and also urged leaders of Muslim countries and their UN representatives to reject and condemn the report. The organization claimed that the report was “un-Islamic”, contradicting principles of Islam and Islamic ethics and put family values at risk.<sup>34</sup> However, Khattab argues that these policies have been examples of manipulating religion for the sake of justifying discrimination against women.<sup>35</sup>

### **The Failure of Morsi’s Rule**

In his post-election speech, President Mohammed Morsi called for unity, promising to build a civilian administration that would represent all Egyptians and “overcome deep political divisions”.<sup>36</sup> However, although Egypt had, for the first time, elected a president in free elections, Morsi was not able to exercise his authority independently of SCAF, having to negotiate with the military regarding the planning of constitutional amendments.<sup>37</sup> Morsi’s presidential election also strengthened the influence of the Muslim Brotherhood and other Islamists over the transition process which made these groups responsible for addressing a number of serious challenges. Throughout his one-year presidency, Morsi faced a series of problems, including the ongoing economic crisis, increasing polarization between Islamist and secular political forces, his struggle for power with the judiciary and the military, and the administration of the political reform process.

To start with the economic crisis, Egyptian revolution took place at a time when the economy was in dire straits, not only in Egypt but across the entire region. The destabilizing impact that the Arab Spring had on the region’s economy led also to deterioration in Egypt’s economy.<sup>38</sup> In particular, domestic

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<sup>34</sup>Muslim Brotherhood representatives claimed that the declaration contradicted Islamic principles by permitting women to have sexual freedom and marry outside their religion, and by annulling the need for a husband’s consent for women to travel or work. For details of the Muslim Brotherhood’s complaints about the document, see “Muslim Brotherhood Statement Denouncing UN Women Declaration for Violating Sharia Principles”, 14 March 2013, Accession Date: 20 September 2013, <http://www.ikhwanweb.com/article.php?id=30731>.

<sup>35</sup> Khattab, “Heroines of the Arab Spring”, p.30.

<sup>36</sup>“Egypt’s Morsi calls for unity after poll win”, Al Jazeera, 25 June 2012, Accession Date: 25 June 2012, [http://me.aljazeera.net/?name=aj\\_standard\\_en&i=8784&guid=2012625605722974&showonly=1](http://me.aljazeera.net/?name=aj_standard_en&i=8784&guid=2012625605722974&showonly=1).

<sup>37</sup> Nathan J. Brown, “The Egyptian Political System in Disarray”, Carnegie Endowment for International Peace (Commentary), 19 June 2012, Accession Date: 20 June 2012, <http://egyptelections.carnegieendowment.org/2012/06/19/the-egyptian-political-system-in-disarray>.

<sup>38</sup> Sinan Ülgen, Nathan J. Brown, Marina Ottaway & Paul Salem, “Emerging Order in the Middle East”, Carnegie Endowment for International Peace (Policy Outlook), May 2012, p.16, Accession Date: 10 January 2013, <http://carnegieendowment.org/2012/05/24/emerging-order-in>

political instability caused a dramatic decrease in Egypt's tourism revenues, which constitutes a major component of the Egyptian economy. By late 2012, the economy faced a fiscal crisis with a budget deficit of \$22.5 billion.<sup>39</sup> The downgrading of Egypt's credit rating in early 2013 by the leading international rating agencies further discouraged foreign investment in the country. As a result, despite his promise of economic growth during his electoral campaign, Morsi could not make much progress economically.<sup>40</sup>

Increasing polarization, particularly fragmentation among liberal and secular forces and Islamists, deepened throughout Morsi's presidency, leading to an unstable political context. The tension between supporters of the Muslim Brotherhood and the National Salvation Front, (an organization led by Mohammad al-Baradei, bringing together anti-Morsi secular/liberal opposition forces) reached a peak following acts of violence against peaceful demonstrators who had gathered in front of the presidential palace to show their opposition to the presidential constitutional decree issued by Morsi to enhance his powers. Instead of calming the frustration on the streets, Morsi's uncompromising stance further complicated the situation.<sup>41</sup>

Morsi's competition for power with both the military and the judiciary weakened his authority. While the military was trying to maintain its institutional autonomy and financial independence through the new constitution and favoured a presidential system, the Islamists wanted Islam to dominate society and demanded a parliamentary system, while Christian Copts and secularists preferred a constitution that was religiously neutral.<sup>42</sup> These conflicts of interest created tensions between the Muslim Brotherhood and both the judiciary and military. While the military managed to gain extensive powers during the early stages of the transition, the electoral success of the Freedom and Justice Party (*Hizb Al-Hurriya wa Al-'Adala*) and Al-Nour (*Hizb AL-NŪR*) reduced its political influence. The tension between the Muslim Brotherhood and the judiciary showed itself in the suspension of the first constitutional committee and the dissolution of the Islamist dominated

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<sup>39</sup> Mohammed Samhouri, "Egypt's Looming Fiscal Crisis", SADA Journal, 05 June 2012, Accession Date: 6 June 2012,

[http://carnegieendowment.org/sada/index.cfm?fa=show&article=48337&solr\\_hilite=Egypt](http://carnegieendowment.org/sada/index.cfm?fa=show&article=48337&solr_hilite=Egypt)

<sup>40</sup> "Egypt's Coup", The Economist, 6 July 2013, Accession Date: 6 July 2013, <http://www.economist.com/news/briefing/21580533-egyptian-army-widespread-popular-support-has-ended-presidency-muhammad-morsi>.

<sup>41</sup> Dina Ezzat, "The fate of democratic reforms", Al-Ahram Weekly, 27 March 2013, Accession Date: 27 March 2013, <http://weekly.ahram.org.eg/News/2009/17/The-fate-of-democratic-reforms.aspx>.

<sup>42</sup> For more details, see Mahmoud Hamad, "The Constitutional Challenges in Post-Mubarak Egypt", Insight Turkey, Volume 14, No 1, 2012, pp.53-54, 59.



parliament by the Administrative and Supreme Constitutional Courts in 2012. In response to the judiciary, Morsi attempted to remove judicial control over the presidency through a declaration in November 2012, and actually removed the Prosecutor General from office. Overall, Morsi's failure to adopt a clear roadmap for the political reform process, his exclusionist attitude regarding minorities and secular and liberal segments of Egyptian society, and his placement of Muslim Brotherhood members in critical administrative positions led to the widespread protests against his rule that ended with the military takeover of July 2013.<sup>43</sup>

The protests against Morsi's repressive rule, which began in June 2013, were characterised by a tremendous increase in sexual attacks against women, with more than 100 women suffering sexual assault or rape by mobs of men between late June and early July 2013. The purpose of these attacks was to force the women to stay home and away from politics. Such attacks were consistently downplayed by the government and precautions were never taken. In anti-government protests particularly, no safety measures were taken for female protesters. Nevertheless, despite these attacks, women in unprecedented numbers continued to join the anti-government rallies that eventually led to the military coup.

Morsi's program for the presidential elections in 2012 dealt little with women's rights, particularly when compared to other presidential candidates.<sup>44</sup> Subsequently, women's rights not only failed to improve but even deteriorated under his presidency. According to the World Economic Forum 2012 report, the political rights of Egyptian women saw a dramatic decline, with Egypt falling to 125<sup>th</sup> place out of 133 countries.<sup>45</sup> As already mentioned, the percentage of female representatives in the Egyptian parliament dropped from 12.5 per cent in 2010 to 2 per cent in the 2011 parliament.<sup>46</sup> The European Neighborhood Policy progress report 2013 on Egypt, which concentrated on

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<sup>43</sup> David Hearst and Abdel-Rahman Hussein, "Egypt's supreme court dissolves parliament and outrages Islamists", *The Guardian*, 14 June 2012, Accession Date: 14 June 2012, <http://www.guardian.co.uk/world/2012/jun/14/egypt-parliament-dissolved-supreme-court>); Erato Kozakou-Marcoullis, "Speech on behalf of High Representative Catherine Ashton on the Situation in Egypt", EU Official Web Site, 12 December 2012, Accession Date: 15 May 2013, [http://consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/134262.pdf](http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/134262.pdf); "Egypt's prosecutor-general will remain on job", *Ahram Online*, 13 October 2012, Accession Date: 10 May 2013, <http://english.ahram.org.eg/News/55516.aspx>; Ahmed Eleiba, "The military in control", *Al-Ahram Weekly*, 3 July 2013, Accession Date: 4 July 2013, <http://weekly.ahram.org.eg/Print/3216.aspx>.

<sup>44</sup> "Report on Egyptian woman conditions in 2012", *The Egyptian Center for Women's Rights (ECWR)*, 22 January 2013, p.12, Accession Date: 10 June 2013; <http://ecwronline.org/blog/2013/01/22/egyptian-woman-conditions-in-2012/>.

<sup>45</sup> *Ibid.*, p.1.

<sup>46</sup> *Ibid.*, p.5.

progress during Morsi's rule, called on Egypt to pay particular attention to the protection of women's rights and gender equality. As the report stated,

The new constitution obligates the state to provide equal opportunities, but the previous provisions on gender equality have been dropped. Egyptian women activists feel that women have been intentionally excluded from the political and civil scene and that women's voices are not represented in the political process. There is deep concern about the Islamist political parties and their stance towards women's rights.<sup>47</sup>

The 2012 constitution backed by Morsi did not include any commitment to respect international conventions and treaties on women.<sup>48</sup> In addition, as already stated, the 2012 constitution has added two provisions to Article 2 of the 1971 constitution, declaring that principles of *shari'a* are now the principle source of legislation and that Al-Azhar is to be consulted in interpreting the meaning of these principles.<sup>49</sup> The other provision added to the constitution in Article 219 enables Islamist jurists to interpret a number of women-related issues.<sup>50</sup> These provisions aimed to increase the religious emphasis in the new constitution. However, their possible impact on Egyptian women's rights will not be known since the constitution did not survive long, with the military retaking power in July 2013.

### **Women's Rights in Egypt's Military Ruled Constitution**

Under renewed military rule, Egypt started to write its constitution once again. This time, women constituted 10 per cent of the constitutional committee assigned to draft the new constitution compared with 7 per cent in the previous committee, which had also been dominated by Islamists.<sup>51</sup> Although the five women elected to the committee were considered to be

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<sup>47</sup>“Implementation of the European Neighbourhood Policy in Egypt Progress in 2012 and recommendations for action”, EU Official Web Site, 20 March 2013, pp.5-7, Accession Date: 2 October 2013, [http://ec.europa.eu/world/enp/docs/2013\\_enp\\_pack/2013\\_progress\\_report\\_egypt\\_en.pdf](http://ec.europa.eu/world/enp/docs/2013_enp_pack/2013_progress_report_egypt_en.pdf).

<sup>48</sup> “Women's Lost Rights in Egypt's Draft Constitution”, The National Council for Women, 9 December 2012, Accession Date: 12 July 2013, <http://www.ncwegypt.com/index.php/en/dossiers/constblog>.

<sup>49</sup> Zaid al Ali, “Egypt's constitutional morass”, The Middle East Channel, 23 August 2013, Accession Date: 7 October 2013, [http://mideast.foreignpolicy.com/posts/2013/08/23/egypt\\_s\\_constitutional\\_morass](http://mideast.foreignpolicy.com/posts/2013/08/23/egypt_s_constitutional_morass).

<sup>50</sup> “Egyptian women and the Constitution”, The National Council for Women, 5 December 2012, Accession Date: 12 July 2013, <http://www.ncwegypt.com/index.php/en/dossiers/constblog>.

<sup>51</sup> “10% is Women's Share in the 50-member Committee for Amending the Constitution”, Egyptian Center for Women's Rights, 2 September 2013, Accession Date: 9 October 2013, <http://ecwronline.org/blog/2013/09/02/0-is-womens-share-in-the-50-member-committee-for-amending-the-constitution/>.

strong representatives, they were too few to protect women's rights. Currently, women groups are afraid that, without fair representation, their voices will not be heard in the midst of political and economic crises. During the ongoing protests, thousands of Morsi supporters are killed by the military and police forces, meaning that, not only women's rights, but all human rights are under threat.<sup>52</sup> In October 2013, Amr Moussa, the chairman of the constitutional committee, claimed that in form and in content the new constitution differed completely from the 2012 Constitution of the Islamists. The new constitution will be presented to a referendum in late November or early December 2013. Ratification of the constitution will then be followed by fresh parliamentary and presidential elections. Unfortunately, however, from the draft constitution, the prospects for an improvement in women's rights in the new constitution seem to be dim.<sup>53</sup>

The democracy advocates claim that the draft constitution strengthening the role of Islamic law, giving the military extensive powers and undermining the rights of minorities and women. The most significant shortcoming of the new constitution is that it does not include any articles ensuring women's political participation in the new political order. Women groups' calls for restoration of a quota system that would ensure fair representation of women in parliament have not been taken into consideration.<sup>54</sup> Recently, al-Nour announced its reservations on giving quota to women on the ground that doing so would open the door for other minorities to ask for quotes, turning parliament into a collection of quotas.<sup>55</sup>

Although there are debates on the elimination of Articles 4 of the constitution which required consultation with Al-Azhar to interpret the meaning of the principles of *shari'a*, and Article 219 that accepts the principles of *shari'a*, its fundamental and jurisprudential rules, and its widely considered

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<sup>52</sup> Jessica Gray, "Women Still Scarce in Egypt's Constitution Process", WeNews, 19 September 2013, Accession Date: 20 September 2013, <http://womensenews.org/story/equalitywomen%E2%80%99s-rights/130918/women-still-scarce-in-egypts-constitution-process>.

<sup>53</sup> Gamal Essam El-Din, "Charting new waters", Al Ahram Weekly, 18 October 2013, Accession Date: 18 October 2013, <http://weekly.ahram.org.eg/News/4381/17/Charting-new-waters.aspx>.

<sup>54</sup> Shahira Amin, "Egypt Moves to Lower Expectations for New Constitutions", XIndex: The Voice of Free Expression, 18 November 2013, Accession Date: 20 November 2013, <http://www.indexonensorship.org/2013/11/egypt-moves-lower-expectations-new-constitution/>.

<sup>55</sup> Rana Muhammad Taha, "Al-Nour Party against adding a constitutional article on gender equality", Daily News Egypt, 5 November 2013, Accession Date: 20 November 2013, <http://www.dailynewsegypt.com/2013/11/05/al-nour-party-against-adding-a-constitutional-article-on-gender-equality/>.

sources, it is not currently clear whether that would be the case since the Islamist Salafi Al Nour party is strong in the constitution-drafting process.<sup>56</sup>

Similar to the 2012 constitution, the draft of the new constitution includes “vague references to morality, to traditional family values, and to women’s obligations towards family and society.”<sup>57</sup> The draft adopts both the same wording and principles as the previous constitution with respect to this issue. For instance, Article 10 continues to view the state as responsible for protecting the “original values of Egyptian families”, while Article 11 continues to oblige the state “to provide assistance to women to satisfy their obligations towards family and society.”<sup>58</sup> The new constitution is likewise unimpressive concerning human rights issues as a result of its failure to emphasize Egypt’s adherence to international treaties and declarations.<sup>59</sup>

### **Concluding Remarks**

The Arab Spring raised hopes for democratization in the region, leading the people to believe that they would gain proper political rights and civil liberties. In particular, in Egypt, having been suppressed under previous authoritarian regimes and a conservative Islamist way of life, women were full of hope of finally gaining equal rights with men. However, women of Egypt who joined the demonstrations to bring democracy to their country have actually ended up with fewer rights under the new Islamist regime than they used to have under the authoritarian Mubarak regime. Although democratization can take place in a single night through the overthrow of authoritarian regimes and the creation of new regimes and leaders via free elections, this is not enough to consolidate democracy. The consolidation of democracy entails a democratic culture that includes civil liberties and political rights that includes women’s rights.

Interestingly enough, the dilemma lies within democratization itself. Egyptian women worked so hard to realize the 25<sup>th</sup> of January Revolution to gain their freedoms. However, this revolution merely brought Islamists to power who were not interested in the expansion of civil liberties and political rights, including women’s rights. On the contrary, they preferred to limit the rights women possessed during Mubarak’s era. First the women presentation in

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<sup>56</sup> Bassem Sabry, “Problems lie ahead for Egypt constitution debate”, Al Monitor, 30 September 2013, Accession Date: 1 October 2013, <http://www.al-monitor.com/pulse/originals/2013/09/egypt-constitution-highlights-new-draft.html>.

<sup>57</sup> Zaid Al Ali, “Egypt’s constitutional morass”.

<sup>58</sup> Ibid.

<sup>59</sup> Dahlia Kholaf, “Battle intensifies over Egypt’s constitution”, Al Jazeera, 3 September 2013, Accession Date: 11 October 2013, <http://www.aljazeera.com/indepth/features/2013/09/201392125842364641.html>.

the constitutional committee, People’s Assembly and the Shura Council was very low since most political parties placed female candidates at the end of their list. Second, women were mentioned under the chapter on the moral foundations of society and additionally, discrimination on the bases of gender was not mentioned. Third, the religious institution, Al Azhar, was granted consultation rights in interpreting *shari’a* principles, including on women-related issues. Fourth, the 2012 constitution also failed to include any commitment to respect international conventions and treaties on women. Finally, women suffered violence and sexual harassment during the protests, both against the Morsi and military governments.

In order to complete transition to democracy in Egypt as stated by the International Federation for Human Rights (FIDH), new Egyptian government must adopt laws and policies that would promote gender equality, incorporate women in political decision-making (legislative, executive and judiciary) by including them into elections and as members in assemblies. In addition, the new administration in Egypt must prohibit all kinds of discrimination (including in the area of the family: marriage, divorce, guardianship, child custody, inheritance, and legal capacity) against women in the new constitution and guarantee the full compliance of all legislation with international conventions as well as adopting laws that would prohibit all forms of violence against women.<sup>60</sup>

Having overthrown the legitimately elected Islamist Morsi government in July 2013, the military is currently struggling to establish its own regime in the midst of polarization between ultraconservative Islamist politicians and more liberal-minded but less well-organized civil society forces. Violence between the two groups has increased tremendously, with the military’s heavy-handed intervention in protests also causing hundreds of deaths. In this current chaotic political atmosphere, in which concessions on women’s rights are often used as bargaining chips by to appease the Islamists, it is not clear whether Egyptian women will be able to gain the rights they deserve.

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<sup>60</sup> “Women and the Arab Spring”, pp.81-83.

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