

ECWR UPDATE

**A monthly update of ECWR's activities
and the status of women in Egypt**



Dear Friends,

The past weeks have been busy for us, despite the arrival of summer. Upon the completion of our research on sexual harassment, we held a press conference on July 17th announcing the results.

As expected, there was a big reaction from the press both in Egypt and abroad. Some contained errors, such as misreporting statistics or claiming that the results were for all Egyptian men, rather than for our sample of 1010 Egyptian men and 1010 Egyptian women from Cairo, Giza and Qalubeya; and 109 foreign women living in or visiting Egypt.

However, we are extremely grateful for the media's enthusiastic contribution to the struggle to end sexual harassment in Egypt, especially since our study found that over 60% of men and almost 1/3 of women in our sample got their information about sexual harassment from the media. This result demonstrates again how important the role of the media is in promoting human rights and encouraging substantive public debate in Egypt.

To read English and Arabic summaries of our study's results, please visit our website at www.ecwronline.org. You can also sign our petition for a new law against sexual harassment, or email us at ecwr@link.net and add your name. The full Arabic and English report on sexual harassment is currently being finalized and will be released in the coming month.

Many thanks,

N. Abul Komsan
Nehad Abul Komsan
Chair

Religious Debate Cut by Restrictions on Speech

On June 24th, ECWR held a 2-hour seminar to discuss Gamal El Bana's book, "Muslim Women: Qur'anic Liberation and the Restriction of the Clergy." 35 journalists, lawyers, and representatives from community NGOs, the Ministry of Education and the National Research Center participated. The speakers, Gamal El Bana, Soa'ad Salh (Professor of Feqh at Al Azhar University), and Nehad Aboul Komsan (ECWR's Chair) discussed the freedom of expression. Aboul Komsan criticized the confiscation of El Bana's books, a violation of the freedoms of thought and expression as well as respect for different opinions. She suggested the correct response to books is books.

Mr. El Bana spoke about his book and the topics he covered, including the 1952 Al Azhar Fatwa that denied women the right to vote or be elected because of her gender. He also discussed the veil, saying that the Qur'an didn't specify clothing so woman could cover their heads with hats instead of scarves if they choose.

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The Egyptian Center for Women's Rights

ECWR is an independent non-governmental organization dedicated to improving women's status in Egypt and the Arab region.

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Women's Testimony: A step in the right direction for women's empowerment – despite the justification

"... and get two witnesses out of your own men and if two men are not available, then chose a man and two women for witnesses, so that if one errs, the other can refresh her memory..."

The firestorm over Doctor Zeinab Radwan's interpretation of this controversial Quranic verse has died down after a detailed but unflattering explanation of support by the Islamic Research Council (IRC). Doctor Radwan, Deputy of the People's Assembly and keynote speaker at the round table discussion held by Egypt's National Council for Human Rights on April 23, suggested that the testimony of a woman is legally equal in weight to that of a man. Radwan also advocated enabling non-Muslims to inherit Muslims and vice versa.

Radwan, a professor of Islamic philosophy, stated that "the text of the Qur'an is related to a specific situation in which women were illiterate at the time." Ahmed El-Sayeh, a professor of Islamic philosophy at Al-Azhar University, also argued that Islam provides for full equality between men and women, stating that the subordination of women seen "within" Islam today stems instead from extremist sects in pre-Islamic eras. Both he and Radwan argue that the error comes from incorrect interpretations or implementations of the principles of Islam. Fouad Allam, a former Minister of Interior official who participated in the roundtable, also noted that "most Quranic references to witnesses do not make any reference to gender. Some references fully equate the testimony of males and females." Nehad Abul Komsan, lawyer and Human Rights activist, expanded on these themes in her powerful letter of last month, criticizing even the need for this debate when other countries of the world are discussing important issues such as "human rights, climate change, and the crisis of water and food all over the world." She explained that it is well established that the Qur'anic verses must be understood in context, noting that several of the Qur'anic judgments have been abolished, most famously the penalties, such as cutting the hand of the hungry thief ... [and] the abolishment of slavery." Radwan's statements are in line with these widely accepted legal reforms. Komsan also notes that both Egypt's Commercial and Civil Laws "recognize testimony regardless of the gender or religion of witnesses," arguing that the only exception which remains today is the Personal Status law from the 1920's, which was developed for the political purposes of the king and not based on Islamic Shari'a.

The controversy surrounding Doctor Zeniab's comments has died down somewhat after receiving a "seal of approval" from the IRC. However, the reasons the IRC gave for its support, in contrast to the reasons stated above given by scholars and activists, were less than flattering to women. According to Abdallah El-Naggar, IRC member, Islam accepts children's testimony as they have the ability to watch, observe, and give information; Islam would therefore "easily acknowledge the testimony of a woman." With so many more empowering, dignifying and arguably correct arguments to choose from, it is a shame that comparing the testimony of women to that of children was required. However, a change in the law whatever the justification is a step in the right direction – and Komsan notes that already many judges accept the testimony of only one woman in practice, requiring the presence of two only to conform to the law. And although the IRC rejected Doctor Radwan's proposal to allow non-Muslim wives to inherit Muslim husbands and vice versa, it agreed to allocate a mandatory will to non-Muslim wives to enable them to lead an "honorable life" after their husband's death. This decision was seen as a victory by Radwan: "It does not really matter how non-Muslim wives will be granted their financial rights. What really matters is they are going to take it." It also may not really matter what justification is used to alter sexist laws – what matters is that these changes are occurring. A change in the law serves to empower women here and now, and may be used as a springboard for the further advancement of women's rights – so that perhaps one day eliminating sexist laws and practices will require no justification whatsoever.



"Clouds in Egypt's Sky" A summary of findings from ECWR's report on sexual harassment in Egypt

Sexual harassment is "unwanted sexual conduct deliberately perpetrated by the harasser, resulting in sexual, physical, or psychological abuse of the victim regardless of location, whether in the workplace, the street, public transportation, educational institution, or even in private places such as home or in the company of others such as relatives or colleagues, etc."

The sample of 2020 Egyptian participants was divided equally between male and female Egyptians in 3 governorates in Egypt: Cairo, Giza, and Qalubiya. The study also included 109 foreign women living or traveling in Egypt for different purposes.

- 83% of Egyptian women and 98% of foreign women surveyed reported exposure to harassment
- 72.5% of victims surveyed were veiled
- 66.1% of foreign women confirmed that their experiences with sexual harassment had a negative impact on their vision of Egyptian society
- The vast majority of women did nothing when confronted with sexual harassment, fearing for their reputation, or the reactions of people around them.
- Egyptian women and men who witnessed harassment of Egyptian women and foreign women are likely not to help victims of harassment, most attributed this to disinterest in the affairs of others.

Contact ecwr@link.net for the full results of our study



Egypt Misuses Religion to Censor Debate on Women's Human Rights: The June 16th UN HRC MEETING

At the June 16th meeting of the UN Human Rights Council (the Council), controversy broke out after the Egyptian delegate interrupted an NGO report about human rights abuses in the Middle East. An NGO representative, Mr. David Littman, was given the floor to deliver a joint statement for the Association for World Education (AWE) and the International Humanist and Ethical Union (IHEU), denouncing female genital mutilation, the penalty of stoning for adultery, and child marriage. Within 22 seconds, he was interrupted on a "point of order" by the delegate of Egypt. The Egyptian delegate, Amr Roshdy Hassan, noted that the Human Rights Council President, Doru-Romulus Costea, had previously barred discussions of Sharia law in December, and therefore, he suggested that Mr. Littman should not be able to speak about Sharia law. In 2006, the Organization of the Islamic Conference decided to adopt a policy of zero tolerance against any perceived insults to Islam. Plans were then put in place to seek changes in the UN in order to provide additional "protection" for Islam. Since then, several Islamic countries have been quick to challenge any type of rhetoric that might be perceived as an attack on Islam. Correspondingly, following Mr. Hassan's challenge, the delegate from Pakistan also offered his support for the censorship.

However, the delegate from Slovenia then reminded the Council that, according to the rules, any NGO representative has the right to make a statement within the merits of the agenda item under discussion. The meeting became heated when Mr. Hassan responded by claiming that Sharia law should not be discussed in any capacity. The delegate from Pakistan reiterated his support for Mr. Hassan's comments, insinuating that any discussion of Sharia law would amount to spreading hatred against Islamic countries. Delegates from both Canada and Slovenia responded by supporting Mr. Littman, arguing that he was not attempting to discuss religion, but rather human rights. President Costea subsequently called for a five minute adjournment in order to "seek a better judgment." Forty minutes later the meeting resumed and Littman was finally allowed to proceed. He claimed that AWE believes that only a clear fatwa from Al-Azhar Grand Sheikh Sayyed Tantawi will change the prevalent practice of FGM in Sudan and Egypt. The Grand Mufti, Ali Gomaa, had already issued a fatwa denouncing FGM, but since the Grand Sheikh is considered the foremost Sunni Arab authority, AWE believes that a clear fatwa issued by him would have a greater impact. Mr. Hassan quickly interrupted Mr. Littman, proclaiming that "Islam will not be crucified in the Council." President Costea responded with a ban on references to religion in the Council, stating that "this Council is not prepared to discuss religious matters in depth, and consequently, we should not do it."

When the Council was established in April 2006, the UN Member States decided that members of the Council "shall uphold the highest standards in the promotion and protection of human rights." However, since President Costea's proclamation, several media organizations have speculated that Islamic countries like Egypt will continue to accuse NGOs and Western countries of vilifying Sharia law in order to prevent in-depth discussions of their own prevalent human rights abuses. Regardless of whether abuses are related to Sharia law, this ban will likely have a negative effect on the protection of women's rights, since it may now be difficult to by-pass religious discussion and press member nations like Egypt to better-address abuses. In addition, several organizations have framed Mr. Costea's ban on religious discussion in the Council as an attack on free speech. Correspondingly, in commenting on the meeting at a press conference on June 18th, UN High Commissioner for Human Rights Louise Arbour said: "It is very concerning in a Council which should be...the guardian of freedom of expression, to see constraints, taboos, or subjects that become taboo for discussion."

ECWR Activities

Volunteers: ECWR's volunteer interns are currently preparing a set of briefing papers aimed at the media and the international community that explain the issues on which we work. Topics include: violence against women, FGM, rape, employment, political participation, human trafficking, services for women in Egypt, a guide to international mechanisms for local NGOs, and others. For copies, please email ecwr@link.net. The briefs will also be posted on our website at www.ecwronline.org.

Sexual Harassment: ECWR continued work on our Million Signatures Campaign, addressing the need for criminalization of sexual harassment in the Arab world. To sign the petition, please visit our website at www.ecwronline.org or email us at ecwr@link.net.

**Email ecwr@link.net
to volunteer.**



GAMAL EL-BANA, Islamic scholar, is the youngest brother of Hassan El-Bana, founder of the Brotherhood, but he does not belong to the Brotherhood, as he conflicted with brotherhood's leaders and wrote books opposed to their behavior and tactics in politics. With dozens of books on Islam to his name, Some of his opinions are harshly criticized, because he is calling for a "renewal" of Islamic thought on the basis of the Qur'an and the Sunnah to better fit today's brave new world and the revision of the basis of Islamic fiqh.

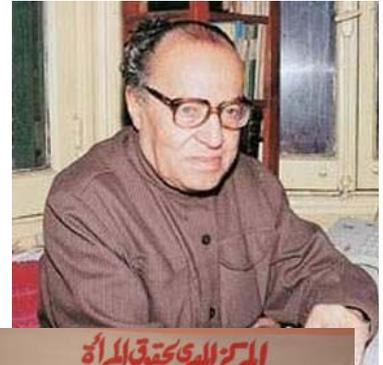
Some books that have been confiscated:

The Responsibility for the Failure of the Islamic State; The Veil (Al Hejab); Allowing Woman to be Imam; Muslim Women Between Qur'anic Liberation and the Restriction of the Clergy; Female Circumcision

Why these books were confiscated

"The Responsibility for the Failure of the Islamic State" (1994), was met with anger from Al Azhar, especially the 4th section refuting the Sunni dogma prohibiting temporary marriage for Muslim expatriates in non-Islamic countries. Also controversial is El-Banna's statement that neither the Qura'an nor authentic Sunna require women to wear a veil. "There is no specific verse that obliges women to wear headscarves, but you find verses setting the broad lines for [public modesty or decency]. El-Banna claims the veil is a pre-Islamic tradition based on his research on the Arab world before the Prophet's (PBUH) time. In those days, he says, Arab women covered their head and left the upper parts of their chest uncovered. He thus concludes that the verse commands women to cover their chests. He also denies that female circumcision is a mandatory Sunna. According to him, mandatory Sunna is what the Prophet was told to do by Allah, or what he said as an explanation to what has been stated in the Qur'an. Neither case applies to circumcision. Moreover, El Banna considered circumcision a contradiction to the concept of the perfection of creation that was stated in the Qur'an. It does not add anything to the body but is amputation and we should not impose it on children, and deprive girls of what God gave them, or her right to keep her whole body intact. His opinion that smoking does not break the Ramadan fast also proved controversial. He believes smoking to be *makrouh* (undesirable but not forbidden) due to its adverse effects on health, but since it involves no liquid or solid entering the body, smoking does not break the fast.

Al Azher does not search for books to be banned, but only responds to complaints from authorities or people asking for Azher's point view.



Freedom of Expression ...continued

Aboul Komsan added that there is a very clear difference in clothing between Arab countries, pointing to the effect of tafseer (interpretation of verses in the Qur'an) in creating the differences.

El Bana pointed out that women were great contributors in wars, including the woman that sacrificed her life to defend the prophet Mohammad and was killed by the arrow instead of him. Since women also were encouraged by the army to fight, how can women's voice be Awrah (forbidden/taboo)? He also called on religious leaders to be humble, debate openly and reopen the discussion on Fiqh. He gave the example of Omer ibn al-Khattab, one of the best known companions of prophet Muhammed (SAW) and the second Khalif after the death of the Prophet in the era of the Righteous Caliphs). In a sermon, he began to specify women's dowry. When one woman stood up and contested his right to specify this rather than allowing each woman to decide for herself, even this highly exulted leader stopped and admitted he was wrong before the whole congregation.

Dr. Soad Saleh also disagreed with the banning of books, citing the Qur'an's call for believers to consider proof. She examined the difference between the freedoms of thought and belief, and disagreed that the Sunna is separate from the Qur'an, but clarifies it (for example, the Qur'an mandates prayer but the Sunna gives detailed instructions on how and when to pray). She also said the Hadeth explain punishments in life and the Qur'an explains punishment in the afterlife. She supported Islamic leaders opening discussion on Fiqh outside of Sharia (Islamic law), such as divorce. She suggested forming a committee of specialists in Fiqh to examine sections related to women and her position. Dr. Soad Saleh called on ECWR to convene a committee of Al-Azhar leaders and religious specialists to discuss new issues and Fatwas to be covered by the media.

The seminar was exciting and dynamic, but unfortunately Gamal el-Banna left the discussion early, before hearing Dr. Soa'ad Saleh or the journalists, which is the core of dialogue. The comments in fact, were not very different from his own opinion. The conference concluded with agreement that confiscating controversial books is wrong at all levels, and should instead we should answer books with books. **ECWR is not for or against the content of the books, but we call for freedom of expression, rational debate and respect for all points of view.** Islam as well, is in agreement with these principles, but they are becoming lost in the crowd of alarmist satellite channels and leaders who limit religious discussion, try to dictate clothes and details of worship, and forbid discussion. A mind open to diversity and peaceful debate is in alignment with the principles of Islam, and in no way should be limited by confiscating and banning books or censoring thoughts.

The Egyptian Center for Women's Rights

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