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Gender-Based Violence in Egypt and Morocco: Politics and Policy-Making

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Introduction

Violent practices against women are widespread globally. They occur in private quarters and public spaces by persons within a victim's close circles, including family members, as well as members of the larger society. Over the past half a century, the international community has taken steps to eliminate violence against women (VAW). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the United Nations (UN) General Assembly, has defined discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (UN Women, n.d.a). In 1993, the United Nations Declaration of Violence against Women took another step by defining acts of violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (UNGA, 1993).

This global engagement with VAW prompted attention on the legislative and policy-making levels, as well as within academic investigations in the Middle East and North Africa (MENA) region, where patriarchal traditions have endured. The paper focuses on Gender-Based Violence (GBV) directed at women and girls in Morocco and Egypt through a comparative investigation of laws and policies. We probe women's security over the past two decades and find that

while Egypt has experienced progress on fighting Female Genital Mutilation (FGM) and economic violence against women, Morocco has advanced on issuing a more progressive Personal Status Code and VAW in the domestic sphere. How can we understand this divergence between two North African countries where Islamic Sharia is the basis of family laws? And how have state-society relations impacted efforts to fight VAW in both countries?

We adopt definitions of UN Women on GBV, forms of violence and economic violence. GBV is defined as "harmful acts directed at an individual or a group of individuals based on their gender." Forms of violence challenging women and girls are defined as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. Violence against women and girls encompasses, but is not limited to, physical, sexual and psychological violence occurring in the family or within the general community, and perpetrated or condoned by the State" (UN Women, n.d.b). Economic violence is defined as a practice that "involves making or attempting to make a person financially dependent by maintaining total control over financial resources, withholding access to money, and/or forbidding attendance at school or employment" (UN Women, n.d.b).

We rely on news articles and reports and integrate them with insights from 17 in-depth interviews. We conducted the interviews through Zoom, which allowed us to meet with Egyptian and Moroccan stakeholders, including officials, legal and academic scholars, and civil society advocates. Interviews are based on

open-ended semi-structured questions to allow for capturing of valuable contextualised insights.

In the first section of our paper, we review gender and violence in scholarly works. In the second section, we give a brief overview of the state of women's security in Morocco and Egypt. In the third section we analyse the contentious politics revolving around VAW. In the fourth section, we evaluate policies identifying areas of failure and successes. We conclude with a policy recommendation section underscoring practices that can improve gender security in the North African countries.

Literature review

The study of Moroccan sociologist Fatima Mernissi on gender and patriarchy has been one of the earliest contributions on women in society by an Arab scholar (Mernissi, 1975) and was followed by other works (Beck & Keddie, 1978; Fernea & Bezirgan, 1977). Edward Said has provided a framework upon which hundreds of studies critiqued Western writings' female representation and gender roles of the East (Said, 1979). Comparing the region, its actors and relation dynamics to those of the West based on a binary of the rational / irrational, free / dominated, civilised / uncivilised helped justify the colonial project in the region, where female citizens needed saving (Ahmed, 1992; Boddy, 2007; Thompson, 2000).¹

Islamic family and criminal laws have been tightly linked to women's status and rights. Contrary to perceptions about women's limited freedoms under Islamic laws, several studies on pre-colonial Islamic legal tradition show that there has been a diverse legacy across Arab and Muslim societies allowing for various levels of rights and protections (Charrad, 2001; Esposito & DeLong-Bas, 2001; Kelly & Breslin, 2010; Rizzo et al., 2007). While normative laws seemed rigid and confining at times, the Islamic courts became spaces for women to expand their rights as jurists permitted daily practices beyond the hard letter of showing divergence between *de jure* and *de facto* (Peirce, 2003; Rapoport, 2005; Tucker, 1998, 2008). However, the codification of Sharia laws into modern legal structures following decolonisation and the emergence of new nation-states resulted in varied configurations of women's rights within the law. In several states, the politics of coalition-building between the new post-colonial ruling elite and the traditional elite, often more reserved and tribal, intersected with women's rights as an issue of contention or cooperation (Charrad, 2001; Kholoussy, 2010; Sonbol, 1996; Tucker, 1998).

Notwithstanding these important studies, the focus on violence as an important aspect of women's socio-political and economic experiences has remained relatively understudied until the 2010s. Examinations of women's collective action and networks that aimed to help navigate both the religious sphere (Arat,

1. This colonial framing has been so powerful that the 2005 Arab Human Development Report issued by the UN Development Program was accused by some MENA scholars of adopting a similar lens. An analytical lens that attributed challenges facing women primarily to culture and religion (Abu-Lughod, 2009; Bayat, 2005).

2005; Deeb, 2006; Mahmood, 2005) or the economic sphere (Abisaab, 2010; Hoodfar, 1997; Singerman, 1995) did not probe the ability of these networks to provide security to, or protest the harassment of, women physically or psychologically. With the advent of the Arab Uprisings in late 2010, more scholarship has been dedicated to the examination of gender violence (Ennaji & Sadiqi, 2011; Salhi, 2013), and the daily struggles between women and state authorities (Elliott, 2020). The popular mass protests brought issues of violence to the forefront of academic scholarship as well as policy-making studies on three levels. On one level, the uprisings showcased women's socio-political fight for democracy. Telling the story of female activists who had been at the forefront of the mass social movements was part of the history making of regime change and anti-authoritarianism (Abouelnaga, 2016; Allam, 2018; Hafez, 2019; Stephan & Charrad, 2020). On another level, the dynamics of the uprisings and their aftermath exposed the fragility of gender security in the public space and the long-endured state failure to protect women and children in private spaces as well as in the public space (Stephan & Charrad, 2020; Tadros, 2016). On a third level, the conversion of peaceful mass protest to fully-fledged civil wars and the emergence of brutal non-state actors as powerful political and military players, such as Islamic State of Iraq and Syria (ISIS), made the examination of conflict-related sexual violence relevant to the MENA region like never before (Allam, 2016; Cooke, 2019; Nordås & Cohen, 2021). While building on existing scholarship,

this paper focuses on policy-making and dynamics of negotiations between stakeholders engaged with VAW issues.

Status of VAW in Morocco and Egypt

In Morocco and Egypt, national surveys were conducted to assess the scope of violence against women and girls (VAWG). In Morocco, the first survey was conducted by the Moroccan High Commission for Planning (HCP) in collaboration with UN Women. A second survey was conducted in 2018. In Egypt, the first survey was published in 2009 and conducted by the National Council of Women (NCW) in collaboration with the USAID. A second survey came out in 2015 focusing on the economic cost of VAW. It was conducted by NCW and the Central Agency for Public Mobilization and Statistics (CAPMAS) in cooperation with the United Nations Population Fund (UNFPA).²

VAW in Morocco

Morocco's first nationwide survey to investigate GBV was conducted from June 2009 to January 2010. The study focused on a sample of 8,300 women aged 18-65 (UN Women, 2011). Results showed that about 62% of Moroccan women experienced at least one form of violence. Forms of violence included psychological violence (48%), violence limiting individual rights (31%), violence related to law enforcement (17.3%), and physical (15.2%), sexual (8.7%) and economic

2. A third survey was expected to be initiated in 2019-2020 but efforts were delayed due to the COVID-19 pandemic. Below are some of the important findings on the occurrence of VAW in the two countries.

(8.2%) violence (Alami, 2011).³ Within the 52.6% of forms taking place in domestic contexts, 55% was spousal violence. Within the 47.4% of violent incidences that took place outside the domestic contexts, 32.9% occurred in public spaces, 24.2% occurred in educational facilities, and 16% occurred in workplaces. Despite high rates of VAW incidences, the numbers reported to the authorities were significantly lower. Results showed that only 17.4% of public sphere violence was being reported, and only 3% of women facing domestic violence reported to the authorities (Alami, 2011).

Following the adoption of Law 103-13/2018, which criminalised VAWG, the HCP, in cooperation with UN Women, carried out the 2019 survey. The survey sample consisted of 12,000 females and 3,000 males aged 15-74. It showed that 57.1% of women were exposed to at least one form of violence (Haut Commissariat au Plan & ONU Femmes, 2019). The most common form was psychological (47.5%), followed by economic (14.3%), sexual (13.6%), physical (12.9%) and cyber violence (13.8%). The most common contexts where women faced violence were the domestic spousal context (46.1%), followed by the public sphere in educational institutions (22.4%), then the domestic

non-spousal context (18.6%), workplaces (15.1%), and public spaces (12.6%) (Haut Commissariat au Plan & ONU Femmes, 2019). Reporting on VAW increased from 2009 but remained low as only 6% of victimised women reported violence against them to the police (Revue de la police, Mars 2020).

The two surveys showed that violence rates did not dramatically vary based on rural/urban areas or female level of education. Age, however, seems to be a relevant factor as younger females face more violence. Rates of violent incidences against females within the age segment of 15-19 years and 20-24 years were 70.7% and 65.8%, respectively. Psychological violence was the most common form of violence, while sexual and economic violence almost doubled. In spatial terms, the domestic context (spousal and non-spousal) reflected the highest rates. Violence in workplaces remained almost at the same level, while violence in educational institutions decreased. Violence in the public space (other than work and educational institutions) decreased by almost half. The survey showed that, despite its prevalence in society, a large portion of Moroccans (48% of women and 70% of men) still believed that domestic violence is a private matter that should not involve the state's intervention (ONU Femmes, 2020).

3. The survey defined types of violence in each category as follows: psychological violence entails all forms of violence aiming to control, isolate or humiliate women; violence limiting individual rights includes acts of monitoring women's movements, style of clothing, choice of friends, work or education as well as use of birth control methods; violence related to law enforcement includes acts resulting from the failure to enforce Law 70-03/2004 of the Family Code (*al-Moudawana*); physical violence entails all harms inflicted on women's physical safety; sexual violence entails sexual coercion, sexual harassment, sexual touching, inciting to prostitution and all forced unwanted sexual activities; and economic violence includes of all actions aiming to limit women's access to and free appropriation of resources.

VAW in Egypt

In Egypt, the first nationwide survey had a sample of 4,408 respondents from females and males.⁴ The sample was divided into four categories: married females aged 15-49, married males aged 15-49, never married females aged 15-24, and never married males aged 15-24.⁵ It showed that 50.2% of married women were subject to spousal violence, manifesting in the forms of psychological (49.5%), limiting their liberties (19.7%), physical (16.1%) and sexual (13.8%).⁶ About 57% of women faced domestic non-spousal violence. Public spaces showed high rates of VAW where 94% of girls and 72% of married women experienced verbal street harassment, and 22% and 17%, respectively, were sexually harassed and inappropriately touched. Verbal harassment was 21% in workplaces and 15% in educational institutions (NCW, 2009).

In 2015, the Economic Cost of Violence survey showed that GBV cost the Egyptian economy around \$312.5 million, almost 0.1% of the country's gross domestic product (GDP). The number included direct and indirect costs of VAW such as the victim's movement to new homes, impact on transportation to work and schools, and post-violence medical and psychological care. Despite slight improvement from the 2009 numbers, the 2015 report showed that 87% of women were victims of sexual violence during

their lifetime, 13% of women faced at least one form of GBV, where 10% were exposed to sexual harassment in streets and markets, 7% in public transportations, 3.7% in workplaces and 1.2% in schools. The survey also showed violence in public contexts was mainly perpetrated by non-relatives as 13% of the sexual violence in the public sphere was perpetrated by male co-workers, 6% by male teachers, 5% by male acquaintances and 1% by other females. For the 24% of women who faced spousal violence, 22.3% of it was psychological, 11.8% was physical and 6.5% was sexual. These rates almost doubled when respondents were asked about their lifetime experience with spousal violence (NCW, UNFPA & CAPMAS, 2015).

The survey showed that almost 9 out of every 10 women were subject to FGM with a rate of 92%. Younger generations of females were less subject to FGM; the rate for the age segments of 18-19 years and 20-24 years was 60% and 75% respectively. When asked about being forced into marriage, 11% of women aged 18-64 were forced into their marriages, with 6% in urban versus 14% in rural areas. Almost 21% of women aged 20-24 married before reaching the legal age of marriage, a sign of progress if compared to women within the age group 60-64 where the rate of early marriages amounts to 41% (NCW, UNFPA & CAPMAS, 2015).

4. The cross-gender design was meant to grasp difference in perceptions of, experiences of, and reactions to, GBV.

5. The survey sample included inhabitants in Cairo, Alexandria, Elsharqeya, Elgharbeya, Beni-Soweif, Suhag and Qena governorates covering multiple income and education levels in rural and urban settings (NCW, 2009).

6. According to the survey, psychological violence entailed emotional and verbal violence such as humiliations, belittling, threatening violence, threatening divorce. Violence limiting liberties included isolation, deprivation of needed health care, limitation of free movement and of family visits. Physical violence entailed hitting, kicking, injuring, bone breaking, strangulation, injuring with a weapon. Sexual violence exclusively entailed coercion into sexual activities.

Policies and reforms countering VAW

New legislation was introduced in Morocco and Egypt but its implementation varied across time and space in both countries. In Morocco, the coming of King Mohamed VI (r. 1999-) to power not only introduced new anti-VAW laws but also situated the discourse on women's security as part of a global discourse on human rights. In Egypt, some reforms were enacted during the last decade of the Mubarak regime but more steps were taken after the 2011 and 2013 uprisings as the official discourse on women focused on empowerment, especially under President AbdelFattah al-Sisi. While some practices of street dissent were foreclosed in the aftermath of the 2013 uprising ("Full English Translation of Egypt's New Protest Law – Politics – Egypt", n.d.), other forms of mobilisation, in particular within the digital public sphere, brought new generations of feminist activists. In both countries, changes in the political scene impacted women's rights and the fight against VAW.

The struggle against VAW in Morocco

While some legislation existed in Morocco in the second half of the twentieth century, it was the 2004 Family Code, or *Moudawana*, that introduced qualitative reforms (Zoglin, 2009)⁷. The Code raised the legal age of marriage from 15 to 18 years, and abolished the concept of male matrimonial guardian (*wali*). It restricted the practice of polygamy by men, allowing it only by judicial approval and consent of the first wife. Verbal

divorce initiated by men was made illegal and divorce become valid only when approved by a judge. Women acquired equal rights to initiate a judicial divorce and continued custody of their children in case of their remarriage. The Family Code shifted the legal discourse on women's role in the family from one of total obedience to shared partnership (Manal, 2020).

The *moudawana* was in part the result of the reformist spirit that was embedded in the framework of the Moroccan Equity and Reconciliation Commission (ERC) and the human rights approach adopted by King Mohamed VI (Dennerlein, 2012). That the monarch holds both political power and religious authority in Moroccan society allowed for the implementation of numerous gender sensitive reforms despite resistance from conservative groups within society (Daadaoui, 2011; Hammoudi, 1997; Waterbury, 1970).

In 2008, Morocco implemented the *Tamkine* Programme,⁸ an initiative engaging multiple stakeholders including 13 ministries, 40 non-profit organisations, and eight UN agencies led by UN Women. Running as a pilot programme from 2008-2012, *Tamkine* envisaged VAW as a complex problem requiring multiple protection mechanisms across sectors and provinces. The programme increased awareness about the importance of gender equality on the local level, targeting localities in six provinces with high rates of poverty and gender disparity (Ministère du développement social de la famille et de la solidarité, 2008).⁹ Ded-

7. The *moudawana* is short for *moudawanat al-aḥwāl al-shakhṣiyyah*, also known as the Family Code in Moroccan law.

8. *Tamkine* in the Arabic language means empowerment.

9. The areas were Marrakech-Tensift-El Haouz, Tadla-Azilal, Souss-Massa Draa, Tanger-Tétouan, l'Oriental and Fès-Boulemane.

icated spaces were created to receive female victims of violence and provide them with psychological support, legal advice, professional training and education. The successful implementation of the pilot programme expanded beyond 2012 and continues to guide official and civil society interventions on the local and national levels (Royaume du Maroc, 2021).

With the advent of the Arab Uprisings in 2011, the popular mobilisation of the youth and women movement on 20 February called for improvement of their respective rights. In response, the king formed a committee of judges and experts in economics and sociology to draft a new constitution (Bendourou, 2012). Several articles of the new constitution highlighted the principles of equality and non-discrimination. Article 6 stated equal rights and liberties for women and men, as well as their full participation in political, economic, social and cultural fields. Article 19 emphasised the state's responsibility to enforce full equality between men and women through a dedicated institution to promote parity and non-discrimination (Kingdom of Morocco, 2011).¹⁰ On 17 June 2011, the new constitution was presented to the nation. Despite the absence of public debates and that the coordinating committee was accountable only to the king, the constitution was considered forward looking compared to previous ones (Ottaway, 2011; Sater, 2011).

In 2012, an alliance of parliamentarians and non-governmental organizations (NGOs) led a campaign to criminalise VAW. In 2014, parts of Article 475 of the

Penal Code, which allowed rapists to escape legal prosecution if they marry their minor victims, were abolished. In 2016, the Penal Code was amended to legalise abortion in cases of rape, and increase penalties for sexual harassment and rape of minors (Euromed Rights, 2015). The reforms also included issuing Law 27-14/2016 to fight human trafficking (Royaume du Maroc, 2016).

The relationship between the government and NGOs and activists reflected a contentious path as state legislations were often considered below the aspirations of feminist activists. In 2013, a preliminary bill to criminalise VAW was introduced by the Ministry of Social Development, Family and Solidarity (MSDFS). The bill was subject to heavy criticism from civil society organizations (CSOs), especially the coalition Spring of Dignity, for lack of consultation with grassroots organizations (ADFM, 2019). It took five years to issue Law 103-13/2018 to criminalise VAW. Despite some modifications, the law is still perceived as heavily relying on the prosecution dimension while paying less attention to preventive and protective measures (S. Benmesoud, personal communication, July 27, 2021). Some activists consider that the law fell short of identifying forms of VAW such as spousal rape, violence against single mothers, and other types of economic violence occurring within domestic contexts such as preventing women from receiving their inheritances. It was faulted for identifying rape based on the presence/absence of a matrimonial relationship rather than consent of the female victim to engage in sexual activity (Morocco, 2016). Other criticisms include objections to the law's

10. For a detailed view of how the Moroccan 2011 constitution tackled gender issues, see UN Women Gender Equality Constitutional Database (UN Women Global Gender Equality Constitution Database., n.d.).

language, which focused on what the lawmakers perceived as assault on public morals and youth corruption and not the physical safety of women (A. Saadoun, personal communication). Critics also objected to allowing all judicial procedures to come to a halt upon withdrawal of the complaint by the victim, which allows for social pressure on the victims from family or society (ADFM, 2019).

However, the law has had a positive impact on women's security as it defines types of violence against women, differentiating between psychological, physical, sexual, and economic forms. It criminalises forced marriages, sexual blackmailing and sexual harassment in both real and virtual spheres. It incorporates tougher sentences on aggressors in cases where the victim is a minor, has special needs, and if the aggressor holds special authority over the victim (Ministère de la Solidarité, de l'Insertion Sociale et de la Famille, n.d.). The law has also introduced new protective measures in case of spousal physical violence, denying the aggressing spouse access to the victim's household, preventing the aggressor from managing the family's properties, and confiscating any arms the aggressor may own.

The law also created units to receive and support women victims of violence (WV). Known as Cells of Support for Battered Women, these units were established inside courts of first and second degrees, central and local agencies of the Ministries of Solidarity, Health and Youth, in addition to police departments in both the General Directorate of National Security (GDNS) and royal gendarmerie. A new central national commission for women was also created under the Ministry of Solidarity to coordinate official and non-official interventions supporting WV. The

new commission has a central headquarter with local representatives along with members of the local cells adjunct to the courts in different provinces. This interdependent composition aims to coordinate action between the judicial and the administrative agencies, improve reporting on VAW crimes, advise on the best practices to protect women, and detect major challenges impeding the implementation of the law (Ministère de la Solidarité, de l'Insertion Sociale et de la Famille, n.d.).

The struggle against VAW in Egypt

Egyptian feminist groups and activists have faced challenges from governmental bodies as well as conservative groups within society who thought debates on women's rights and VAW to be too politically and socially disruptive. Feminist calls evolved along two levels of activism: an elitist official activism advanced by the NCW since its establishment in 2000 which was supported by the then first lady, Suzan Mubarak, and activism led by human rights and women's rights advocates. While the former focused on advancing women's rights in the private sphere, the latter emphasised women's safety in the public space especially during forms of political participation, as well as in the private spheres (Abouelnaga, 2016; Allam, 2018).

In 2000, Law 100/1985, which regulated marriage and divorce, was amended allowing women to put stipulations into marital agreements (El Alami, 1994). It allowed women to request judicial divorce, *khol'*, if they cede all financial rights to their husbands. Before this law, only men were able to initiate divorce. In 2004, due to the increase in number of divorce cases based on the *khol'* law, an exclusive court was created to adjudicate family disputes (al-Tawil, 2017).

In January 2011, Egypt witnessed a mass uprising calling for regime change. During the early days of the uprising, women mobilised in high numbers for regime change more than for feminist issues. With their increased mobilisation in Tahrir Square and other public spaces, more GBV incidents occurred, calling attention for serious protection measures (Shash, 2017). Mobilising against GBV and other gender issues became a priority only after the fall of the Mubarak regime when the utopia of the Square turned into a dystopia, as Shireen Abouelnaga notes (Abouelnaga, 2016). Civil society took the lead on organising campaigns of protection. Efforts relied on existing initiatives such as *Harassmap*, a 2010 application that anonymously reports GBV incidents while identifying spatially dangerous areas for women (Toy, 2019). “Catch a Harasser,” another grassroots campaign, was launched in October 2012. Relying on female and male activists, it aimed to promote women’s safety in public places and to break the shaming culture by revealing harassers (Elba, 2014).

With the fall of the Mubarak regime, the NCW had a change in leadership that was more responsive to feminist issues (Feminist and human rights activist, personal communication, June 29, 2021). It put pressure on the Ministry of Interior (MOI) to install street cameras and increase security in public spaces (Ahrum Online, 2012). In 2013 the MOI created a special unit to fight VAW. Staffed with trained female officers, the ministry’s original plan was to extend the unit to local levels across the country.

Political turmoil led to another mass uprising in 2013 and the ouster of President Mohamed Morsi (r. 2012-2013). The continuing female political mobilisation led to an increase in VAW incidences in 2014, and during a wide celebration in Tahrir Square following the election of President al-Sisi (r. 2014-) a woman was subjected to gang sexual assault. While not the first sexual assault during political events,¹¹ the incident underscored the severity of GBV even during pro-regime celebrations. In response, the newly-elected president pledged state support to combat VAW (Kirkpatrick, 2014), forming a ministerial committee to draft an anti-VAW national strategy.¹² Article 11 of the 2014 constitution stated that “the State is committed to protecting women from all forms of violence and to empower them to balance their family duties and work requirements” (Arab Republic of Egypt, n.d.). A national strategy to fight VAW was released in 2015. It identified needed policies and suggested new forms of cooperation between the NCW and the government, especially on professional training of officials, to improve implementation of anti-VAW policies (NCW, 2015b).

In 2017, the NCW took active part in formulating a national strategy for women called Empowerment 2030 (NCW, 2017). It built on insights from stakeholders within the government as well as members of parliament, non-profit organisations, professional syndicates, and academics. The strategy pledged to integrate women into the implementation of the Sustainable Development Goals (SDGs), and lower VAW rates to almost 0% by 2030 (Morsi, 2017).

11. For more information on sexual violence against women in the public space during political mobilisation, see FIDH et al., 2014.

12. The committee included members from the NCW, Ministries of Interior, Justice, Social Solidarity, Religious Endowments, Health, Education, and Labour, and was later extended to include Ministries of Tourism, Culture, and Higher Education, as well as representatives from al-Azhar and the Egyptian church.

Other reforms included amending the Penal Code to include tougher measures against sexual assaults. Sexual harassment in public and cyber space was defined as a crime for the first time. Law 82/2016 was issued to criminalise sexual abuse and human trafficking (NCW, 2015a). In 2020, Law 177/2020 added a new article to the Penal Code to preserve the confidentiality of victims' identities to encourage assault reporting (NCW, 2020b). This legislation was in part a response to campaigns on social media led by Egyptian millennials about incidences of sexual harassment (BBC News, 2021). In August 2021, the Egyptian President ratified a parliament-approved bill to double down on the already existing penalty of sexual harassment both in real and cyber space (Egypt Independent, 2021b).

In 2016, Law 78/2016 increased punishment of all parties involved in FGM, including parents and medical workers. FGM was prohibited by a Ministry of Health decree in 2007, then criminalised in 2008. The latest reform of the Penal Code in March 2021 increased sentences for FGM perpetrators from a minimum of five to seven years, and up to 15 years if the procedure caused disability or death (EgyptToday, 2021a). The law was complemented with a national initiative to lower rates of FGM among girls (NCW, 2020a). The target rate is 55% in 2030, since older women who had been subject to FGM will still count in the statistics (NCW, 2017). Law 10/2021 criminalised calls for FGM even if such calls did not lead to practices (Ahram Online, 2021). It banned

public talk about potential medical justification for FGM (NCW, 2021).

On the economic front, there have been several reforms to minimise economic violence and improve women's access to their financial rights. In 2017, the inheritance law (Law 219/2017) incorporated new articles to criminalise denying women's access to their inheritance (NCW, 2020b). Another economic protection reform was introduced in 2019 amending the alimony law.¹³ It increased the fine on men abstaining from paying mandated support to divorcees and children from LE 500 to LE 5,000, and imprisonment for a year. In addition, those found guilty are to be denied access to some public services until payments are secured for divorced women (Daily News Egypt, 2019).

In addition, the government has made efforts to reach out to disadvantaged women in rural areas through training new groups of social workers known as rural pioneers. Affiliated with the Ministry of Solidarity, rural pioneers receive periodical training from the NCW on women's health and protective measures. They serve as social guides to inform rural women on FGM practices, and help disadvantaged local communities apply for social safety net programmes including *takaful wa karama*,¹⁴ a programme allowing cash transfer for poor households with children and the elderly. This programme targets vulnerable groups and has reached 3.6 million households where 89% of these beneficiaries are women (Mokhtar, 2020; Ministry of Social Solidarity, 2019).

13. Known as *qanoun alnafaqa wa almot'a*, the alimony law is based on Law 58/1937, which regulates financial responsibilities in the familial context.

14. *Takaful wa Karama* in Arabic means solidarity and dignity. The programme was initiated in 2015.

Challenges to VAW prevention efforts: evaluating policy responses

In Morocco, the *Tamkine* programme brought in significant anti-VAW reforms (ADFM, 2016). Changes in the criminal law, the establishment of cells supporting battered women and a reporting system for data collection were all born out of it (Dayde & Hantar, 2012). Yet with the conclusion of the pilot phase, collaborative work between state and NGOs relapsed. As the Justice and Development Party (PJD) led the government,¹⁵ a conservative vision regarding women and family status was adopted and legislative reforms to implement Morocco's commitments to international conventions slowed down.

Some feminist activists note that Law 103-13/2018 has been a fragmented and incomplete framework for protection (ADFM, 2019). One major problem is early marriage, which is criminalised only when the minor files a complaint, a practice that is uncommon. NGOs cannot file a complaint unless they are legally representing minors forced into marriages (L. Amili, personal communication, July 29, 2021). Judicial approval of the practice proved to be less protective than hoped. With 85.2% of requests approved by the courts, these marriages turned out to be the rule not the exception (ADFM, 2019). Judges often approve requests based on families' claims of poverty and how these marriages help alleviate economic hardships for the whole family (K. Elliott, personal communication, July 12, 2021).

Reporting violence to the authorities remains a complicated process for the victim, who needs to present evidence of assault for the complaint to be investigated.¹⁶ Many activists criticise this procedure claiming that it puts the burden of proof on the victim, who often lacks the resources to do so. Several of our interviewees have recommended that the police investigate complaints and provide evidence before transferring the case to the public prosecutor. Others highlight how police personnel lack training and investigative methods appropriate to VAW, especially in domestic contexts. This decreases the ability to present all evidence to public prosecutors (A. Saadoun, personal communication, July 23, 2021). Additionally, most of the restraining orders aiming at protecting the victims from VAW perpetrators are issued by the court at the end of the prosecution, leaving the victims unprotected till the court issues the ruling (F.Z. Chaoui, personal communication). They suggest that having special courts for VAW can accelerate prosecution and deter acts of violence (A. Saadoun, personal communication, July 23, 2021).

While Law 103-13/2018 calls upon public authorities to raise public awareness about gender equality and fight social stereotypes leading to VAW, it did not identify authorities or their responsibilities. Cells of support for battered women remain understaffed and its personnel are inadequately trained, hindering their ability to offer the needed care for victims. Police officers rely on local NGOs in their local communities to provide legal advice to victims during the filing of complaints at police stations (K. Elliott,

15. The Party of Justice and Development led the Moroccan government from 2012 to 2021.

16. Victims of domestic violence should present a medical report certifying that the violence caused an injury and a status of disability that could last more than 20 days (ADFM, 2019, p. 53).

personal communication, July 12, 2021). More often, women are not aware of the process of filing complaints, leading to dismissal of many cases due to incomplete documentation (Elliott, 2020). Despite this low-level collaboration, authorities do not acknowledge the important role of local NGOs. In its 2020 report, the National Committee for Supporting Battered Women highlighted the need for higher level coordination between stakeholders. However, it lacks the authority to make changes to policies to improve coordination (Ministry of Solidarity, Social Development, Equality and Family, 2020).

Anti-VAW activists complain that government-sponsored shelters are limited in number and capacity. There are about 60 shelters receiving mixed cases of women in need, ranging from VAW victims to homeless elderly. Furthermore, shelter regulations do not allow mothers to accompany their children, deterring many victims from using them. The shelters also suffer from lack of stable funding and resources, including proper psychological and medical services needed for victims' rehabilitation (F.Z. Chaoui, personal communication, July 16, 2021). While the state offers shelters, some activists note that shelters run by the NGOs are still doing most of the work in receiving and orienting battered women (L. Amili, personal communication, July 29, 2021). Since 2002, many women's NGOs have run listening and orientation centres for WVV where they offer psychological and legal support, provide temporary accommodation, and offer vocational training to help victims economically to decrease dependence on their aggressors (Deramaix & Moriceau, 2019).

NGOs have been forerunners of anti-GBV social work, but the state's engagement with women's security pro-

vision had its challenges. Rather than building strong ties with existing NGOs, the conservative government of the PJD opted for creating new organisations that were closer to its socio-political agenda, especially on the local level. These new NGOs were less embedded in local communities, and less progressive with regards to women's rights and liberties. The government's partnership with select NGOs affected the visibility and impact of the state's programmes (L. Amili, personal communication, July 29, 2021). Improved partnership between the state's agencies and NGOs on the local level is crucial to efficient implementation of policies and should not be left to personal preferences of local officials.

In addition, anti-VAW activists argue that funding and resources provided to programmes need to be more stable. They contend that foreign aid is often temporary, calling upon the state to guarantee stable support (S. Benmesoud, personal communication, July 27, 2021). They also call for the expansion of the authority of the national commission for supporting battered women nationally to connect different stakeholders working in the field. With a new liberal government in place, the mission of converging new programmes between the state's agencies and women's NGOs might now be better facilitated.

In Egypt, some activists have criticised the pace of anti-VAW reforms. They view the consecutive legal amendments to the Penal Code to toughen punishments on GBV and FGM as fragmented reforms that ought to be gathered under one unifying law criminalising all forms of GBV (Feminist and human rights activist, personal communication, June 29, 2021). However, others argue that this slow pace to pass incremental reforms is a deliberate policy to avoid confrontation

with opposing parties and gradually test the applicability of new legislation (Researcher A in development and gender affairs, personal communication, July 17, 2021).

Government reforms were prompted by several VAW incidents urging timely responses from the state. In a sense, the slow, yet constant, momentum of advancing laws fighting VAW has continued despite restrictions on street mobilisation and activism. Other forms of mobilisation, in particular within the digital public sphere, brought new generations of feminist activists. These activists adopt a position focused on fighting patriarchal traditions that have imperilled women's safety, in public and domestic spheres, without championing the wide array of issues, especially political ones, that are embraced by human rights activists. By focusing on improved physical protection, social and marital rights, and economic rights of women and girls, as well as positioning themselves as apolitical actors, they managed to mobilise state authorities as well as a wider audience of youth in society.

While some of the post-2011 calls for gender justice continue to be visible in the state's discourse and policy, some argue that fighting GBV has been a convenient topic to showcase the state's adherence to modern and civil values (A. Hamada, personal communication, August 18, 2021). They further contend that not all GBV topics can be tackled with ease, even by the government. Fighting FGM was an ideal battle for the state to engage with, especially after the fall of Islamist rule in 2013. In taking a firm stance against the practice, rebuking the conservative interpretations of the text that are used to sanction it, the regime presented itself as a champion of women's rights (N. al-Baghdady, per-

sonal communication, July 17, 2021). The same goes for the issue of sexual harassment in public spaces. But effecting reforms in the familial and domestic sphere has been harder to implement in Egypt where religious institutions continue to challenge more progressive narratives. It has been easier to advance calls for female protection in the public space and to lobby religious institutions behind it than to fight forms of domestic violence. Domestic, spousal violence, marital rape and early marriages are still considered thorny topics to criminalise (Researcher B in development and gender affairs, personal communication, July 17, 2021).

Several attempts to reform the personal status code were blocked by religious institutions. In 2017, President al-Sisi called for a reform of the family code to restrict verbal divorce by men and ask for its formalisation through official documentation. Yet, Al-Azhar, the highest Islamic religious institution in Egypt, refuted this proposal and insisted on the religious validity of the practice, despite the problems it causes to an increasing number of women (Al-Monitor, 2020). Al-Azhar enjoys a near monopoly over authority to interpret religious texts, which are the basis for family code reforms. Therefore, any reform for the family code requires its religious approval (Feuer, 2020). In an effort to respond to societal calls to improve living conditions for women, Al-Azhar established a special department to issue religious edicts (*fatwas*) for women in 2017 (A female professor of Al-Azhar University, interview with the authors, 27 July 2021). The millennia-old institution argues that it approaches reforms from a scientific perspective rather than reactionary fashion to social calls. However, feminist activists including some Islamic feminists find that its reform pace of the religious discourse and its impact on women's is-

sues does not keep up with the current and urgent needs of society. They note that issuing case-by-case *fatwas* remains short of overhauling the personal status or family codes. Some feminist activists argue that this slow pace allows for the persistence of domestic violence. These feminists oppose the authority Al-Azhar enjoys over the family code law, which hinders the issuance of a more modern code (Feminist and human rights activist, personal communication, June 29, 2021).

Unlike the slow pace of the religious institutions, activism on social media has been more effective in fighting VAW. During periods of lockdown in the time of the COVID-19 pandemic, cyber sexual harassment and blackmailing emerged as a new threat to women's safety. Virtual platforms became more active with victims, posting their testimonies and encouraging them to prosecute their offenders. Victims of the same aggressors met online and cooperated to jointly file complaints to the public prosecutor office. Several social media pages started to offer psychological support for the victims upon their request while opening the door for youth volunteering for the cause (Founder of *Ma'aky* page, personal communication, July 13, 2021). In response to this new form of activism and to encourage reporting against sexual assault, Law 177/2020 was issued to preserve the confidentiality of victims' identities.

The influx of cases created a momentum for reporting VAW crimes, connecting victims and administrators of social media pages with the NCW legal office and the public prosecutor's office (Hamada, 2021). This resulted in building and prosecuting several cases of VAW, especially the case of a student of a prestigious university sentenced to eight years for sexual assaults (Egypt Independent, 2021a). However, a high-profile case of gang rape showed that additional protection should be awarded to witnesses during trials (EgyptToday, 2021b). The social media activists fight violence not as specific incidences but as a culture, and aim to radically change the patriarchal mindset that allows VAW to endure (A. Hamada, personal communication, August 18, 2021).

The social media impact in Morocco has raised awareness about women's rights, yet it did not translate into tangible policies. One case underscores the contradiction within the legal framework governing issues where women's security is involved. The case involves the indictment of a Moroccan woman featured in a pornographic video that circulated online. The woman was sentenced to one month in prison based on Article 490 of the Penal Code, while her aggressor, a Moroccan man living abroad, was not subject to Law 103-13/2018 for circulating the tape without her knowledge (Kozłowski, 2021; Salomé, 2021).

Recommendations

State policies in Morocco and Egypt show that there is enough political will to fight VAW, yet there is room for improvement. We suggest two sets of recommendations for future policies. The first set engages support from the European Union (EU) to the two countries. The second set of recommendations is based on intra-North African policies to deepen female security.

EU support

- EU aid to North African countries should incentivise better cooperation between state authorities and civil society. Most of our interviewees noted that governmental reforms would have a far reaching impact if coordination between states agencies, as well as between the state and NGOs, improved.
- EU aid should include professional development for police forces and CSOs, especially on recognition and handling of forms of violence in domestic and public spheres.¹⁷
- EU programmes for institutional reform need to pay attention to timing. Law enforcement personnel should be educated about the problem of VAW and receive proper training before being assigned anti-VAW units.¹⁸
- EU programmes should prioritise funding effective informational and advocacy campaigns to highlight to the public

existing protective programmes and laws. Our interviewees noted that lack of awareness undermines available resources and decelerates state and society efforts.

- EU programmes need to encourage incorporating the media as partners in the fight against VAW. Media personnel need training with regards to:
 - Knowledge about VAW and its impacts on societies.
 - Sensitivity-training on reporting, with an eye on gender stereotypes.
- EU programmes should incentivise establishing anti-VAW units in organisations. Such units would report on incidences of violence and provide support for victims. Important organisations include religious institutions, syndicates, sports clubs, and public offices.
- EU programmes need to support conducting qualitative studies to better identify forms of violence in different contexts. While surveys help us understand the scope of the problem, case studies inform us on the particularity of cases and locales. Qualitative studies identify best practices, policy evaluation, and pre-emptive strategies to fight VAW. Case studies also have the benefit of identifying those violent practices that fall outside existing definitions and/or legal categories and therefore may remain in the blind spot of both researchers and policy-makers.

17. Important lessons can be borrowed from existing programmes on women, peace and security and their post-conflict efforts to train the trainers. In the MENA region, the Cairo International Center for Conflict Resolution, Peacekeeping & Peacebuilding has been leading efforts in the WPS agenda.

18. Several of our interviewees in both countries have complained about how male and female officers' lack of proper training and understanding of VAW often lead to their adoption of practices that reproduce patterns of power domination, and thus hinder women's rights and/or inhibit policies to empower and protect women.

Intra-North African recommendations

Portable lessons from Morocco to Egypt

- Morocco's cells of support for battered women in police stations and public prosecutors' offices has been a successful policy for gathering accurate information about, and fighting, VAW. It complements efforts by different authorities of law enforcement, especially police and justice system. This interconnectedness, if adopted in Egypt, would allow for improved data collection and grasping of the different dimensions of the problem.
- Morocco's local cooperation between the cells of support and the women's organisations can be adopted, with modifications, as a model for state-society collaboration.
- Egypt would benefit from Morocco's track record in overhauling the family code to provide better protection for women and children.
- Increase the number of available shelters for battered women as in Morocco can be helpful to the Egyptian context. Egypt has 10 shelters for battered women across the country, and would benefit from expanding this number given its high rate of population growth.

Portable lessons from Egypt to Morocco

- Nationwide programmes aimed at financially empowering women have a long-term impact on women's security and protection. Egypt's accomplishment in that regard would be highly beneficial to women in Morocco.
- More authority should be given to the Moroccan National Committee of Support for Battered Women to enforce

the engagement of public institutions in the fight against VAW; the active role of the Egyptian NCW is a helpful example.

- Egypt's rural pioneers/guides is a successful policy in reaching out to rural women and educate them about laws, resources and economic opportunities.
- Egyptian society's experience in engaging social media to expose incidences of violence and loopholes in current legislation can be highly effective in reaching out to both official institutions and young audiences. Such campaigns can help counter existing patriarchal traditions and fighting VAW in Morocco.

Conclusion

Serious steps have been taken in both Morocco and Egypt to fight VAW over the past two decades. In Morocco, new laws protecting women have been issued and units for support are in place. However, the structure of the Penal Code needs to be revised to minimise the conflict between old and new laws. The newly-formed bodies whose mandate includes reporting and fighting VAW are still in need of additional training and resources to improve their effectiveness. And a central national body lacks the authority to enforce the compliance of all public institutions engaged in the fight against VAW. Expanding socioeconomic protection in Morocco can complement the already existing efforts to create safer spaces for women in public and domestic contexts.

State institutions in Egypt have led an active role to fight VAW, especially in the public sphere. With new laws and socioeconomic protective measures in

place, efforts to improve security provision for women have made significant progress, although combating VAW in domestic contexts is still wanting. Adopting a slow-moving approach reflects the government's preference to avoid major confrontation with conservative groups. However, postponing the issuance of a progressive personal code might have the opposing effect.

While the effectiveness of centralised public institutions is more pronounced in the Egyptian case, the decentralised social impact of the CSOs is more visible in the Moroccan case. The government in Egypt has enforced new protection measures that rely on a top-down approach, since some topics are best addressed centrally, namely the FGM. In Morocco, the government's measures are more effective when coopera-

tion with local women's organisations is in place. Both countries can benefit from sharing experiences to reach a point of state-society equilibrium where policy-implementation is most efficient. Aware of the context specificity of these experiences, we believe these home-grown solutions have a higher probability of success within the MENA contexts.

VAW remains a central threat for societies in the MENA region. There is a clear benefit in fostering ties of cooperation between southern and northern neighbours of the Mediterranean to combat this form of social aggression. Allocating sufficient resources and expertise transfer to practitioners in governmental and non-governmental bodies will yield dividends on social, political and economic levels, and ultimately boost the stability of the region.

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