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Sophia Harris
Butler University

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*Women's Rights as Human Rights: A Study of Muslim Women's
Reproductive Justice in Contemporary Saudi Arabia and Egypt*

A Thesis

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Sophia Harris

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Abstract

Muslim women's reproductive justice has been formulated through strict applications and interpretations of religious and spiritual texts as well as the legal opinions of Islamic jurists and other trusted members of the Islamic community. I examine a conservative nation's interpretation of these texts (Saudi Arabia) in comparison to a more liberal nation's interpretations (Egypt), which are utilized to form policy on Muslim women's reproductive justice. I also discuss research provided by the United Nations and other international organizations on the subject in each country. The question of justice has been an ongoing and controversial one, especially so for women. When societies create an image of justice, it often does not include voices of those outside of their limits, those that they may consider incomprehensible. The contrasting views between Muslim women and Western women has been the height of the conversations regarding topics of sex, reproduction, fashion, family, and more. Justice, in the case of these subjects, can be looked at as an umbrella term, including the idea of rights as well, for these multiple subjects in order to create a more inclusive view of what reproductive justice specifically looks like for non-Western societies.

Introduction

In a time when the political climate of Muslim majority countries, specifically within the Middle East and North African region, is rapidly fluctuating between conservative and liberal ideals, women have become a pinnacle in driving the changes yet to come. For over a century now, women, along with their enforced societal position, have embodied all that is progressive and secular around the world. This is shown very clearly early on in the feminist movements in the late 20th century. The ideology behind achieving certain women's rights became specific to her reproductive rights. The idea of rights and justice became an entangled rhetoric that would

become the primary reason behind the development of various forms of social justice activism across the globe. This change in focus also came to promote the creation of discourse around human rights for non-western women, specifically so within Muslim majority nations. People often confuse the terms of *rights* and *justice* as being one in the same, yet, the two terms compose very different and intricate meanings for women, in particular, and for women of color even more so.

Reproductive rights, as defined by the Office of the United Nations High Commissioner for Human Rights, is related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination (“Sexual and reproductive health and rights”). Reproductive Justice is the complete physical, mental, spiritual, political, social, and economic well-being of women and girls, based on the full achievement and protection of women's human rights (Ross 4). Reproductive justice links reproductive rights with the social, political and economic inequalities that affect a woman’s ability to access reproductive health care services whereas reproductive rights focus on the legal aspects of women’s health care. While reproductive rights include access to healthcare and services such as abortion and contraceptive, reproductive justice involves equal access to safe abortion, affordable contraceptives and comprehensive sex education, as well as freedom from sexual violence. Although it may seem like a particularly broad term, reproductive justice can be quite simple once understood in certain contexts. For this particular subject, reproductive justice is examined through contraceptive, abortion, and access to each, and all that reproductive rights are, as these are all current issues women worldwide struggle with continuously.

The Theory Behind It All

In *Who Speaks for Islam?: What A Billion Muslims Really Think*, Esposito and Mogahed utilize the Gallup Poll to ask over 1.3 billion Muslims questions regarding the cultural, religious, and political clash between the Western and Islamic worlds. By asking people from the western and non-western worlds, they were able to obtain a view of how people view Muslims and their democracies as well as how Muslims view their own democracies. The title itself questions who it is that gets a say within the religion of Islam and who speaks for the entirety of the religion as well. However, the real question being asked by this novel is when will Muslims get to speak for themselves as well as represent their own wants and needs. The idea that someone must speak for or represent the entire Muslim population in general is an unrealistic one based on these polls alone.

In Saudi Arabia, for example, whereas of this writing, women were not allowed to vote or drive, majorities of women say that women should be able to drive a car by themselves (61%), vote without influence (69%), and work at any job for which they are qualified (76%). Egyptian women, who have faced far fewer restrictions than their Saudi counterparts, speak even more strongly in favor of women's rights, with 88% of Egyptian women saying that they should be allowed to work at any job for which they are qualified (102).

In highlighting the challenges faced by Muslim women within Muslim majority countries, the authors are able to identify the specific human rights necessities of these countries. For women, this means obtaining rights and overcoming years of injustices; however, Muslim women themselves require the ability to make decisions in terms of these rights and injustices. What do these women consider to be within their rights as females?; what do they consider to be injustices within their respective countries and lifestyles?

Lila Abu-Lughod speaks of the increasing importance of these matters in her work, *Do Muslim Women Need Saving?*. Starting out as a small piece regarding US intervention in Afghanistan in the early 2000s, Abu-Lughod pushed the idea of the white savior complex to its bitter truths in stating that the mission of the US was not to save women from the Taliban, as Laura Bush had stated, but to implement yet another form of imperialistic domination over countries deemed weak or savage in comparison to the western world. After studying in Egypt for many years, she was able to emphasize this deep clash of civilizations, which often depicts non-western women as victims in need of saving. She states that “projects of saving other women depend on and reinforce a sense of superiority, and are a form of arrogance that deserves to be challenged,” promoting the idea that neocolonialism is still such an important part of today’s world for western countries in terms of maintaining dominance over the non-western world (47). She discusses ideas of morality, women’s rights, humanity, religion, and more in a culturally respectful manner; this allows her reader to see that many Muslim women do not perceive their freedom in the same ways that western women perceive their freedom. Therefore, when it comes to sensitive subjects, such as reproductive *rights*, it is hard to identify injustices without developing the whole narrative of how these countries came to the laws that they have as well as both providing and establishing the importance of Muslim women’s stories and ideas on what reproductive *justice* looks like for them within their countries.

Muslim women’s reproductive rights are of incredible significance in Muslim majority countries more so today than ever due to the continuous progressive movements formed around open mindedness and enlightenment among Muslim youth. Several female academics have spoken out about the matter in ways that demonstrate the extreme importance it has played throughout time. In *Politics of Piety*, Saba Mahmood emphasizes the meager beginnings of the

women's movement in Cairo, Egypt specifically that became the foundation for an ongoing movement that strives to change the way in which women's rights are viewed in the Egyptian political realm. Although based on the idea of morality and what's right *for* the benefit of women, Mahmood introduces the importance of Muslim females' voices in matters of their own bodies, religiosity, politics, education, and families. When it comes to the reproductive justice movements sweeping through the Muslim majority nations currently, Mahmood's work provides a Muslim feminist framework that puts non-western, female voices at the forefront of their own issues. In discussing women's reproductive rights - in this case, contraceptive, abortion, and access to both - in Islam, the most obvious turn would be to the Qur'an; however, it is not just the Qur'an that shapes and creates religious depth and meaning within Muslim nations today. In taking a look at religious texts, interpretations, past and present legislation, social media, international organizations documentation, and more, a better understanding of the current status of Muslim women's reproductive rights will be obtained; more specifically, looking at a considerably conservative nation's interpretation of these texts (Saudi Arabia) in comparison to a more liberal nation's interpretations (Egypt).

Qur'an

The Qur'an and other Islamic texts reference women's reproductive rights in ways that have been interpreted by many Islamic scholars and jurists in order to create legislation based on religious influence. References to reproduction are common in the Qur'an and other religious texts, including in Hadith, Sunnah, and fatwas. These topics are spoken to the Prophet Muhammad from Allah, along with several other stories; these discussions are not unfamiliar to traditional Islamic culture but do come with limitations. Reproduction is consistently framed as the impetus for sexual relations. The Qur'an explicitly expresses that any teaching on the topic of

sex are specifically stated as taking place only between a married, heterosexual couple. All of the following stories, comments, or expressions laid out within this paper have only been applied as directly stated in these religious texts, with minimal interpretation from religious leaders in various Islamic communities. While contraceptive and abortion may not have been explicitly discussed within the Qur'an and other religious texts, the concept of both were mentioned in various ways that have allowed Islamic rulers to establish legislation regarding women's health care. In "Islam, Procreation and the Law," Zulie Sachedina discusses the preferred method of contraceptive that was used long before the invention of injections, insertions, and pills—that being the withdrawal method. According to Sachedina, in the hadith of Jabir, "A man came to the Prophet and said, 'I have a slave girl, and we need her as a servant and around the palm groves. I have had sex with her, but I am afraid of her becoming pregnant.' The Prophet said, 'Practice coitus interruptus with her if you so wish, for she will receive what has been predestined for her'" (Sachedina 108).

As the Qur'an is always the primary source of answers for Muslim jurists, many turn to Hadith as a secondary source. Another text that guides legislation regarding sexual relations is the sunnah. In Sunnah Abu Dawood and Sahih al-Bukhari, Abu Sa'id Al-Khudri discussed a moment when he was sitting with the Prophet and asked him about the female captives that had been given to him and his crew. He continued by asking the Prophet about *coitus interruptus* (withdrawal) as a resolution to wanting to have relations with the women but having no desire to impregnate them. In both versions of the story, the Prophet responded to Al-Khudri by stating that the method is something that shouldn't be done – seen as an interruption of Allah's plans – but is acceptable because, the Prophet stated, if Allah wishes to bring a being into existence then he will (Dawood and al-Bukhari). The sunnah rely on the verbally transmitted sayings of

Muhammad as well as reports which are, supposedly, from his many companions. Based upon these recorded reports, most forms of birth control have been fully approved by Islamic jurists, depending on the country.

The Qur'an does not explicitly reference abortion. Muslim views regarding abortion are shaped primarily by the hadith as well as legal, academic, and religious scholars. Within the Qur'an, there is one passage which mentions worth of a beings life; this passage can be used to justify why abortion is still illegal in most Muslim majority countries today. In Pickthall's translation:

For the cause We ordained for the Children of Israel that if anyone slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people; and if any one saved a life, it would be as if he saved the life of the whole people. Then although there came to them Our messengers with clear signs, yet, even after that, many of them continued to commit excesses in the land (Pickthall, 5:32).

In this passage, it is expressed that no life should be sacrificed unless as a form of punishment for previous wrongdoings. This passage can be applied to the overall ruling of the illegality of abortion. However, there are multiple exceptions that have been debated, and some even agreed upon among Muslim jurists in regard to legality. These exceptions have been established by looking closely at certain passages within the hadith. In referencing abortion more generally, the hadith has mentioned Muhammad as stating the cost for an unprovoked abortion would be in some form of blood money (whoever has caused the abortion must pay in some way) (Dawood 4555). Therefore, views have been shaped by the fact that within these stories, Muhammad still

allowed the mother to live, making the rulings on abortion much more complex than other laws. This is where certain exceptions become allowed.

Sunnah and Other Religious Texts

It has become a collective opinion, among Muslim jurists, that if an abortion will take place, it must be before four months of gestation. For example, in *Fiqh al-Sunnah*, Sayyid al-Sabiq has summarized classical jurists' views on the subject, stating that an abortion is allowed until the four month period because, after this state, it has been determined that, at this time, the fetus is in its full development stage (second trimester of pregnancy deems full “life” for most people) (1940). Having an abortion any time after this period is considered taking a life which is strictly prohibited as stated in the Qur’an. This concept is agreed upon by most Islamic jurists and religious leaders (Atay 2018). The only other factor, in favor of an abortion, that has been universally agreed upon is when the continuation of the pregnancy poses a threat to a mother’s livelihood.

In “Contemporary Muslim Ethics of Abortion,” Donna Lee Bowen discusses that the woman is seen as being the primary source of life whereas the fetus is the secondary or “potential” life. She continues by stating that Muslim jurists have agreed to choose the lesser of the two evils, that being abortion in most cases. It is seen that losing an already, fully formed life can bring about more evil in a person’s life whereas losing an underdeveloped life can “ward away” that evil (64-66). However,, most Muslim jurists find it best to consult with the physician in order to decide on the best option. Other cases such as rape and fetal deformity have been rarely, if ever, addressed in religious texts and continue to be topics up for debate within the Muslim realm. Access to both contraceptive and abortion are strictly dependent on the country in discussions; however, in *The Life of Muhammad*, it is shown that Muhammad allowed his female

companions as well as other followers to own their own material things and property in their individual lifestyles (Ishaq, 1998). Seeing as how Muhammad determined that women should be allowed to have the things that they want and need in life, access to proper health care would have been one of those things, meaning that most Muslim majority countries should be providing proper and accessible health care for Muslim women.

Saudi Arabia: Introduction

In Saudi Arabia, excerpts from these religious texts have been applied without much interpretation and with strict guidelines that are absolutely not up for debate. Due to these specific interpretations and laws, gender inequity exists in several developed countries all throughout the world. At the moment, Iran, Saudi, and Sudan are the only remaining countries that utilize Islamic law to develop all pieces of legislation and jurisprudence. While the World Health Organization (WHO) does recognize this as one of the major contributing factors in the stifled progress of women's rights in Saudi, they are also cognizant of the fact that various Islamic religious leaders all interpret Islamic religious texts in different ways, speaking in particular to the overall advancement of women's sexual and reproductive health issues. Author of *Daring to Drive: A Saudi Woman's Awakening*, Manal al-Sharif said, "this is what happens when the state intervenes in a person's private life; it creates two separate personas. It compels you either to lead two separate lives, or to violate what's imposed on you when the state isn't looking". Al-Sharif suggests that the state gets involved in the lives of individuals so much so that women, in particular, have begun to defy the rules, risking serious consequences for themselves. Although her book focuses on driving as a freedom for Saudi women, her aim can be broadened and applied to all Saudi women's issues.

Saudi Arabia is a country with a deep history of religiosity, economic prosperity, and a devout Islamic culture. From its rich history has grown several rules, law, and stipulations making it difficult for women and youth to live their regular lifestyles and express themselves in ways that allow for them to develop in a way that is important to their educational and health care benefit. Women, in particular, have struggled for decades to obtain the rights that women across borders have been receiving for years, including voting, driving, health care access, education, and more. The state has been in a position of power through the lineage of royalty for so long that these grand human rights violations have almost become regularly expected behavior from the country. As Muslim women in Saudi struggle to find what they believe to be their own individual freedom, various international organizations have played a substantial role in forcing these issues to be brought to light. Since the formation of the League of Nations in 1920, these organizations have been the primary source of creating various guidelines and agreements to instruct active members on issues they may not know how to handle within their nations. As an outcome, some of the most important organizations have been formed, such as the United Nations and the International Monetary Fund. These organizations have provided several new and improved opportunities for countries to better themselves, in areas such as technological advancement, modern healthcare, food safety, social justice and human rights, and other progressive policies.

The Kingdom of Saudi Arabia has been the pinnacle of Islam for centuries; it is the country of which many Sunni Muslim majority countries have looked to, for years, in desperate times. For example, Saudi has made religiously influential strides through its dawa, or proselytization, of Salafism, a branch of Sunni Islam that promotes emulation of the first three generations of Muslims. This is specifically shown through Indonesia's religious values and

customs. Saudi provided great religious structure and values for Indonesian Muslims when they needed it most due to religious schism; however, the ideals of Salafism proved to be a pressing conservative regime, which limited the religious freedom of Indonesian Muslims. Today, through the “Vison 2030” project coined by Saudi crown prince, Muhammad bin Salman, this restrictive religious order is set to be changed (Varagur 2020). The project is supposed to continue to incorporate Sunni Muslim values while promoting human rights issues, including religious freedom, access to healthcare, and women’s rights. It’s projects like these that keep Saudi at the top in terms of economy and religious leadership, which is why many countries, such as Indonesia, do look to the nation for guidance on complex issues.

Saudi joined the United Nations (UN) during its uneasy beginning in October of 1945. Several countries have become close allies with the country due to its membership in the UN. For example, Saudi and China have great relations and have viewed each other favorably for years based on economic success involving trade (Neuhauser 2019). The UN and other international organizations have established several public reports, researching and analyzing Muslim women’s reproductive justice in Saudi, including the UN’s Population Fund (UNFPA). In the country implementation profile, the organization measures just how well countries are able to apply UN guidelines regarding human rights. The report demonstrates the overall lack of interest that Saudi has displayed in partaking in matters of human rights issues, such as education, women’s rights, climate change, and more (ICPD Secretariat 2014). Rodney Dixon, an international human rights lawyer, covers the concern that many countries began to express in regard to several of Saudi Arabia’s human right’s violations, both in the past and recently.

In 2018, he reported on the disappearance of Washington Post journalist, Jamal Khashoggi. The protests and rallies surrounding the ordeal made for a mass media coverage so

broad that all the world was suddenly watching Saudi to see how this would turn out. Among the most prominent protests and rallies were feminist protests focused on issues of women's rights. The rallies became so widely covered by various media outlets that they became incredibly problematic for the government and other authority figures in Saudi. Several female activists, who chose to either join in on the rallies surrounding Khashoggi's disappearance or protests regarding women's issues, began to be detained and arrested for involvement with these acts. Dixon discusses that several other women, who did escape arrest, refuse to speak out on the issue or be included in articles due to "fear of retribution". This was not the first time that Saudi has put women in compromising positions, preventing them from speaking out for their long-withheld rights *and* proper justices to be given to them; this would also not be the last time this type of misconduct would occur for Saudi women.

Contraception

Multiple countries have been on the fence about topics such as contraception and abortion, especially those countries which seem to use a more interpretive basis for creating legislation. In Saudi, contraceptive is something that has become prevalent more recently, although restricted in the past. Despite the birth control pills rising popularity, there are several other methods of birth control that have been of use in Saudi. In 2015, a survey conducted by the Department of Economic and Social Affairs of the United Nations, entitled "Trends in Contraceptive Use Worldwide," showed multiple forms of birth control being used by Saudi women but at surprisingly low rates. The report showed that 36.8% of Saudi women (married/of reproductive age) are using some form of contraceptive. The rates were estimated to be 11.6% for IUDs, 6.6% for condoms, 6.5% for birth control pills, and 4.2% for female sterilization. The lowest rates were among injectables and implants at somewhere around 1.3% altogether. In the

US, 74.4% of women, aged 15-49, are utilizing various forms of birth control (PRB, 2019). As the report shows, even though several contraceptive methods are available, many Saudi women choose not to use these regulations are typically enforced as being for married couples only.

While most government run or official sources state that birth control can only be obtained by prescription, some locals (from blogs and interviews with Muslim women) have stated that they have been able to obtain birth control without one. From data collected by the Free the Pill organization, Saudi Arabia is shown as being one of the many countries that do require a prescription in order for women to obtain birth control of any form (with the alternative option being an over-the-counter purchase, of course). In a blog entitled “Birth control, contraceptives, Viagra, condoms in Saudi Arabia” from the Arab Mode website, a woman currently residing in Jeddah states that various forms of birth control are, in fact, widely available without a prescription. It is still unclear as to whether a prescription is necessary for all methods of birth control in Saudi. The confusion about this stems from a prolonged period of overly regulated healthcare, which confuses both medical professionals and individuals seeking healthcare. In other words, Saudi doctors that want to help these women will find way to do so. These birth control methods are sometimes described as being readily available to anyone at most pharmacies in Saudi. However, at other times, it has been stated that women must show a marriage certificate in order to obtain such forms of contraceptive (Gynopedia 2020). It seems as though this implementation is only enforced in certain pharmacies, depending on the location (North, South, distance to Riyadh which is seen as a more liberal location, etc.).

Condoms are one form of contraceptive that are not included in these strict regulations, most likely due to them being a male centric form of contraceptive. It is well known that condoms are widely available at any local pharmacy within Saudi. The major commonality as

reported by popular media as well any marketing database is the astonishingly low sales rates of condoms in Saudi. This is something seen within most Muslim majority countries due to the prolonged tradition of only engaging in intercourse when married. Another form of contraceptive that is seen as completely unacceptable and taboo is Plan B, or morning after pill. This pill, and even the idea of this method in general, is completely banned within Saudi Arabia. It has not been something that is, or will be, up for discussion for several reasons regarding the idea that it interrupts what Allah has destined for a person and their future. Misoprostol, an abortion enacting pill, is registered by the state, however; this is believed to be strictly for the certain exceptions when a woman is allowed to abort her pregnancy.

Abortion

Abortion in Saudi Arabia is a topic that, surprisingly, continues to be up for debate among jurists and scholars due to its vague mentioning throughout several religious texts. On the surface level, abortion is absolutely illegal in the state. The Eastern Mediterranean Health Journal states that “Abortion is forbidden according to the Saudi Arabian interpretation of Islamic law and is only allowed when a medical committee decides there is a risk to the mother if she continues her pregnancy” (22). There are several exceptions and ways around this law that several scholars, physicians, and bloggers have discussed in great depth; though tricky and dangerous, it can be and has been done before. To begin with, the only way to even start trying to obtain an abortion in Saudi is by making sure the woman is under four months pregnant as that is the ultimate cut off for a woman to, legally, do anything. Once the second trimester begins, typically, most Muslim majority countries, including Saudi, will not allow any woman nor her family to allow for an abortion to take place. There are very few exceptions allowed in Saudi for a woman to be able to have an abortion.

The primary, most accepted exception for this, is if the mother's life is threatened by continuing with the pregnancy. As mentioned previously, in "Contemporary Muslim Ethics of Abortion," Bowen discusses how Muslims tend to universally agree that the woman's life takes precedence over that of the child's. The threat being posed to the woman's life is also something that has been heavily debated among Sunni schools of thought within Saudi. Currently, this is the primary exception among all physicians in Saudi. This exception stands when a woman's life is endangered due to the pregnancy (for example, a woman having the child of someone who has threatened her or doesn't want her to have the child) as well as if the woman's mental or physical well-being will be damaged as a result of the pregnancy (Worrell 2020). Furthermore, when a woman does display a need for the exception to be made, Muslim jurists have decided that a panel of medical experts will be put together in order to determine whether the situation is legitimate or not. This panel is to be composed of three physicians in high standing that will be appointed by the hospital's director and the director will also be required to write a recommendation for the woman to have the abortion. The patient must also write formal consent for her abortion. Moreover, her partner, guardian, and two other family members must also provide written consent for the abortion to take place (United Nations 2002). Once obtaining all these requirements, a woman may legally receive an abortion.

The second exception that has been slightly enacted in Saudi by certain facilities, but is not universally accepted, is the situation of fetal deformity. In chapter 4 of *Islamic Ethics of Life: Abortion, War, and Euthanasia*, Vardit Rispler-Chaim discusses this issue in depth, stating that many Muslim scholars have recently argued that abortion is permitted if "the newborn might be sick in some way that would make its care exceptionally difficult for the parents" (87-88). Rispler-Chaim explains that this exception goes as far as mental handicaps, deformities, blood

diseases, and more; however, this is another very rare case due to a passage within the Qur'an stating, "Slay not your children, fearing a fall to poverty, We shall provide for them and for you. Lo! the slaying of them is great sin" (17:31). This verse specifically displays that although a child may have a condition, especially something that they can continue to live with, that may become very costly, this is not seen as a reason to end a child's life.

Other than the two exceptions, there are a few other ways for Saudi women to obtain an abortion. This does include, of course, going outside of the country which could be potentially dangerous for a person; however, there are an immense number of blogs that determine exactly where and how Saudi women can go for an abortion outside of Saudi officials' limits. The first example of this is found in a website entitled "Abortion in India" from an American woman, living in Riyadh who was seeking an abortion for non-medical reasoning and had no way of getting one within the state. She was able to discuss the matter with her boss, who is also a woman. Her boss recommended her to a doctor in Mumbai, who could conduct the procedure for her without any issues. The woman was able to obtain her tourist visa and travel to India to have her abortion. While there, the doctor mentioned to her that many Saudi women had actually come to her for abortions in the previous years. In a Reddit thread regarding the issue of how to obtain an abortion, this method of travelling for an abortion was mentioned several times as well. It was also mentioned that Misoprostol can be obtained through certain doctors within Saudi, although this, of course, may not be true as it is highly illegal for doctors to be doing this. Many medical professionals that defy the Saudi abortion restrictions do risk losing their license and the possibility of imprisonment. Another factor to note for Saudi women, trying to obtain an abortion, is that most websites mentioning the term *abortion* are currently blocked/banned from viewing by the public. The only alternative, provided by many organizations, is to do online

consultations via email with people working alongside these organizations and doctors that will work to help these women. Most of this contact information is found in very discrete blog spots throughout the internet. Therefore, the most common trend has become travelling outside of the state to receive an abortion of any sort.

Reproductive Justice for Saudi Women Today

The UN's "Reproductive Health Policies 2017" book, include slightly more information from Saudi than the UNFPA was able to collect. The chart from this book reports that there are about 24.6% of women in Saudi, who are on some form of contraceptive of literally any usage, brand, type, or dosage. It also does not specify whether these 24.6% of women are using traditional methods, such as withdrawal, or modern methods, such as the IUD. This raises extreme concern especially because the report also does not disclose what age the women reporting are at the time of this survey, meaning that any female from the age range of 15 to 18 and up may or may not be participating in some form of contraceptive method, traditional or modern possibly. One of the most frightening concerns shown in this report, is the lack of statistics shown on various forms of birth controls or percentages of preventive methods being carried out by women in Saudi. This omission raises many questions: Are women taking contraceptives and not reporting it? (since some forms are not necessarily approved) And, are women provided with the proper education and access to the resources they may not be aware that they need, or can receive? In most cases, the male guardianship law has made it difficult for women to access this education. Though the law has been *partially* amended for women over the age of 21, there are still tremendous concerns of violations stemming from report from several feminists, activists, and public figures around the world. The information provided is so incredibly vague and informal – one chart entitled "Unmet need for family planning" simply

states “NO DATA” across it – that it raises questions about unplanned parenthood and young pregnancies as well as a lack of health benefits from the several other positive impacts that contraceptive can have on a woman’s health.

Although this report does not provide much more information than that of the UNFPA, it does give awareness to the importance and necessity of women’s health within Saudi. This also helps demonstrate how other Arab countries are making progress in these areas, for Muslim women specifically, in comparison to Saudi. For example, Qatar, Turkey, and the United Arab Emirates (UAE) all have provided substantial data regarding female reproductive health in their respective countries. In trying to understand why it is that Saudi has withheld various rights and accesses from women for so long, it is easy to directly blame religion and conservatism as contributing factors; however, another source of these issues comes from Saudi’s refusal to sign the UN’s Declaration of Human Rights. The Universal Declaration of Rights (UDHR) is a doctrine that was drafted by a committee put together specifically to create such a document. Although not legally binding and over 70 years old, this document primarily acts as a “yardstick to measure Member States’ commitments to human rights,” as stated by UN Assistant Secretary-General, Andrew Gilmour (Green 2018). The document helps provide inspiration and guidance for those committed to its basic principles; those signed onto it are obligated to abide by minimum standards, laid out within the document, that can be pushed farther by various human rights instruments and treaties, which are required to be ratified by members. This agreement makes it so that much of the UDHR is now organized into a binding human rights responsibility.

As of 2020, there are 192 countries signed on and committed to the universal rights that are listed within this document; a document that promotes issues of women, LGBTQ+ persons, and more on a fundamental level. Saudi is not one of these countries; the country chose to

abstain from the declaration, claiming that several of the articles were in violation of Sharia law. The abstention was due mainly to two articles in particular. The first was Article 18, which allowed individuals to freely choose their own religion. The second was Article 16, the induction of equal marriage rights permanently. Though this declaration proved unsuitable for them, Saudi was able to sign onto Cairo's Declaration of Human Rights in June of 2000. This would allow them to take few human rights concerns into consideration while also having some form of documentation, representing their interest in human rights issues. This also demonstrated a way for Saudi to do so while staying connected to the religion of Islam. Having signed onto the UDHR would have made it easier to hold Saudi accountable for its lack of consideration towards women and women's reproductive rights as well. With all of this in mind, it still does not show any form of consideration towards women's reproductive health issues, especially so with a connection to a country that also has displayed incredible human rights violations in regards to women's health in past and recent years.

The Middle East and North Africa Health Policy Forum (MENA HPF) is a membership driven organization that has an online presence, where women and youth come to learn more about issues of health and health policies within the MENA regions. Since its formation in 2008, they have put out several reports, promoting a positive outlook on women's health and reproductive health as well as strong concerns about family planning. As of 2016, the organization has begun to put out a policy brief, entitled "Integration of Sexual and Reproductive Health Services in the Arab States Region: A Six-Country Assessment," which takes an incredibly detailed look into issues of sex, reproduction, women's bodily health, and more in six Arab countries, including Egypt, Jordan, Kingdom of Saudi Arabia (Saudi), Morocco, Palestine, and Sudan. This report covers various areas of female health including health care facilities,

access to these facilities, availability of private and public services, family planning resources, and much more. In reviewing what types of services all the primary health care facilities in Saudi offer, it was found that Saudi only offers 4 out of the 11 key components for a successful women's health care facility. Some of the most important ones that are missing include labor and delivery services, emergency contraception, STI/RTI screenings and treatment, breast cancer screening, and prevention for unsafe abortions along with post-abortion care. Without these services, Muslim women's sexual and reproductive health in Saudi is put at risk, presenting them with increased chances of receiving STIs and breast cancer or unplanned pregnancy. Although most previously mentioned sources stated that family planning services were typically unavailable in Saudi. The MENA assessment states that most health care facilities will refer women to different resources and facilities that are not provided to them as options when they ask about family planning (13-15). These resources are usually not discussed because they are either not allowed by the state or they are actually functioning outside of the state.

Another organization that attempts to hold Saudi accountable for its violations is the World Health Organization (WHO). The WHO is a specialized agency that holds its main concerns within the international public health category. It was established in April of 1948 and is a segment of the UN's Development Group. The WHO publish several reports with extreme consideration of women's rights issues on a regular basis. In regards to Saudi, the WHO has held the country under a microscope for years, examining its gender-based discrimination and lack of regards towards women's health. Published by the WHO, the report "Gender inequity in Saudi Arabia and its role in public health," observes the negative impacts that interpretations of Islamic laws and social norms have had on women's health and well-being (Mobaraki and Soderfeldt 2010). They focus on the scarcity of current data and information coming out of Saudi and deem

it to be incredibly problematic and detrimental to the health and safety of women and girls in the country. In reviewing such a sensitive topic, they managed to obtain statistics regarding women's roles and rights in the country. This included looking at the rights to education, marriage, fertility, job opportunities, car driving, identification cards, and polygamy. The health care system in Saudi is primarily owned and run by the Ministry of Health (MOH), who is supported and funded directly by the government. Though the MOH has great infrastructures and does provide universal free medical care for Saudi citizens, the access and opportunities are limited by the interests of the Saudi government. This means that several of the various services offered are influenced by the interpretation of Islamic law. 60% of health services are made available by the MOH whereas the remaining 40% is provided by government hospitals and private hospitals (2010). As of 2006, the child mortality rate in Saudi was 20 per 1000 children. Since then, UNICEF has reported, the rate has gone down substantially to 7.4 per 1000 children.

The WHO points out that under the personal status law, unmarried women fall under the primary care of their father or eldest brother. Married women fall under the care of their husband as widowed women are under the care of her sons. The WHO demonstrates this as problematic because it impacts a woman's ability to receive health care by her own design. The MOH even legally prevents women from receiving care unless they are accompanied by their male guardian. Saudi women face several sexual and reproductive health risks due to these types of restrictions on their autonomy. Lastly, the WHO describes contraceptives as being a key aspect in the positive impacts on the health of women. However, though most scholars and governmental figures do not outright forbid contraceptives, there are no specific family planning programs in Saudi that promote the usage and benefits of contraceptives. Furthermore, the majority of facilities that do have family planning programs do not offer contraceptives as an option for

women looking to plan out the spacing of their child births, provide better childcare, and work to improve children's health and preservation of the mother's health. The WHO blames the "distribution of power and resources" as being a leading factor in why public health policy and practice is lacking so strongly in Saudi. In summation, the WHO requests that a much deeper examination of the country, its attitude, and its practices be carried out on a more regular basis with recommendations in specific towards the health care of Saudi men and women.

Mohammad Bin Salman: Saudi Women's Advocate?

As of 2017, Saudi Arabia has been slowly but surely making certain strides in the right direction in improving women's rights and gender inequity within the country. In 2017, a young and fresh new crown prince, Mohammad Bin Salman, was given rights to the throne. He has taken charge in almost every way but especially so in the eyes of the public sphere. Drumming up quite the media presence for Saudi, he has been deemed the primary reason changes for women have finally arrived. Most have now become familiar with the most recent law adjustment, allowing women to drive under certain restrictions. However, there have been several other recent changes, such as women having the ability to obtain passports on their own now. The Humans Rights Watch stated that "Women will also be permitted to notify the civil status office of a death, marriage, or divorce, and to obtain family records. The changes allow women, along with their husbands, to be considered a "head of household" with respect to their children, which should improve Saudi women's ability to conduct government business on their children's behalf" (2019). Many have also overlooked the fact that the UN, as of 2017, has elected Saudi to now hold a seat on the UN women's rights commission council. This is both good and bad for the progress of the country. Harriet Agerholm, *Independent* journalist, reports on the issue discussing the outrage this election has sparked within human rights and women's

rights groups around the world. The objective of the council is to “promote women’s rights, documenting the reality of women’s lives throughout the world, and shaping global standards on gender equality and the empowerment of women,” which many feel will be a difficult issue for Saudi to overcome.

Human Rights Watch reporter, Adam Coogle, agrees that this decision will be hard for Saudi to adjust to and accomplish without the full and unhindered inclusion of female voices (2017). He also states that it will be more difficult if Saudi continues to ignore the demands of the public, including releasing women’s right activists, survivors of domestic violence, women who attempted to escape abusive families, and others from prison. In discussing the country’s lack of progress on women’s rights issues, Agerholm mentions the fact that there still today is a law in place, enforcing segregation between men and women who are not related or married. She also brings up the issue of men and women’s forced separation in certain public spaces. At the end of the article, she brings up the first girls’ council meeting that was launched in March of 2017. The publicity photos that were distributed displayed 13 men on stage together and absolutely no women. “Organizers said women were involved in the launch event, but that they were obligated to sit in a separate room,” Agerholm states. Her comment emphasize the idea that positive strides for women’s rights are unattainable without women a part of the conversation. Marwa Rashad and Stephen Kalin, Reuters journalists, report on Muslim women’s rights reforms in Saudi, describing them as “thwarted by custom”. This article, published in August of 2019, takes a look at Saudi officials' direct and historic impact on new rights being granted to women. These rights, while good in intention and seemingly beneficial to the physical and mental health of women in some way, are still being restricted in as many ways as possible by the male guardianship system.

One of the new laws being celebrated by women allows women above the age of 21 to travel without permission. Women now also have the right to “register births, marriages and divorces, to be issued official family documents and be guardians to minors”. Islamic jurists and scholars, however, still say that this progress can be prevented through several legal avenues and informal methods. “We need enforcement of these laws and the establishment of reporting mechanisms when these policies are not being upheld, as well as watchdog organizations,” says US-based Saudi women’s rights activist, Hala al-Dosari. With closer watch from various UN councils and other human rights and women’s rights groups around the world, Saudi could finally be forced to enforce the laws that enact to display themselves as a female forward country, and possibly even one day retract the male guardianship laws once and for all. The article points out that one of the main things restricting these laws from becoming completely enacted by all is that male guardians still have the right to file cases of disobedience and absence from home against women.

The Saudi government does recognize this as a crime. The Saudi government has set up rules and regulations to restrain any law — past, present, and future — that may allow women any sort of freedom. Many say it is important for the world to be able to see how the Saudi courts would deal with male guardians' struggle for control, which could be in the near future for married couples in the country. The article ends by describing this newfound reform as “reform and repression,” meaning the right steps seem to keep happening, however, under the wrong circumstances. Reform for Saudi cannot come entirely without ultimate change. Lastly, Taif Alkhudary and Catherine Anderson, Al Jazeera journalists, call out Saudi on their so-called progress in an article entitled, “It’s high time to hold Saudi Arabia to account on women’s rights”. In this article, the two take a look at Saudi Arabia ‘s commitment to once again abolish

the male guardianship system. However, this article comes just five months before the publishing of the previously mentioned article, in which the male guardianship laws are still fully intact. Saudi is just one of the few countries to undergo a universal periodic review every year. Within this review, recommendations have been made calling for the abolition of the male guardianship system several times for several years. The article pointed out that this is the second time within six years that Saudi has made a pledge before the Human Rights Council to do away with the system altogether. The article reviews the trial of Loujain al-Hathloul, who was in the process of opening a domestic abuse shelter for women at the time of her arrest by the Saudi authorities in May 2018. Her trial along with several other female activists that were arrested around the time of the disappearance of Khashoggi.

The courts in Saudi are also set up for the ultimate failure of females to succeed. for example, “the defendants were denied access to lawyers, and independent monitors were barred from the courtroom”. This is just another example of the country’s distaste for women, leading their own lives and taking control of their own freedom. The article moves on to highlight some of the repeated commitments made by Saudi over the past few years. During the country's 2013 universal periodic review, they committed to do away with the prosecution of women’s rights activists as well as the severe lack of gender equality persisting within the country. This was also the same year in which they also agreed to dismantle the system of male guardianship due to the increased pressure from the media as an outcome of the killing of Khashoggi. In 2018, there were incredibly strong recommendations made to the country including allowing women the right to travel, to drive, to have access to registrations, as well as the right to activism. As mentioned in the previous article, some of these recommendations have been taken into account, however, with incredulous stipulations via the male guardianship system. Countries that made

this recommendation to abolish the male guardianship system include Spain, Iceland, Sweden, Slovenia, Switzerland, and New Zealand, among several others. With several countries views and opinions in mind, it would be expected of Saudi to get to work on this right away but that still, as of 2019, does not seem to be the case and may not be any time in the near future. The article describes Saudi as very selective in its approach to international human rights obligations.

Moving Forward: Progress Yet to Come

One of the most important recommendations that has been made to Saudi is to “immediately release the human rights defenders, in particular women”. This comes in good taste from Germany and is heavily backed by other countries. Iceland has also recommended the country to “immediately end the ban and criminalization of protest and unconditionally release anyone in prison solely for exercising their rights to freedom of association and peaceful assembly, including women human rights defenders”. As of currently, Saudi has made absolutely no strides to create even the slightest bit of progress on either of these matters. Although making horribly slow progress, the Saudi is finally beginning to put more focus on human rights, specifically women’s rights in general. If Saudi would take into consideration all of the UPR recommendations and implement everything that has been addressed directly to them, not only word currently detained women’s rights and human rights activists be freed, a long and hard goal of obtaining equal rights and equity for women in Saudi can be achieved. Loujain’s brother, Walid, stated that “standing with Loujain means getting one step closer to gender equality”. With all of this in consideration, the Saudi could make incredible strides and give women the plausible physical and mental health care that they deserve and have longed for him through decades of strife, influenced by a history of rules, regulations, and religious superiority in their nation.

Human Rights Watch reporter, Hiba Zayadin, discusses concerns of male guardianship laws and sexual harassment as being the most important issues of consideration currently (2020). In the article, she tracks the social media commentary on Twitter that Saudi women have been making over the course of several weeks. The tweets were a collection of many similar stories of women's experiences with sexual harassment along with the reasons why they chose not to report, and the much-expected demands to abolish the oppressive male guardianship laws once and for all. Although she did celebrate the newly introduced laws that will protect women against sexual harassment and employment discrimination, Zayadin highlights why many of these changes just aren't enough. Many female activists remained imprisoned for protesting which took place over two years ago, while some have been released but banned from traveling for life. In regard to guardianship laws, the biggest issue of concern is for women residing within abusive marriages and families.

“Saudi women complained that if they attempt to flee abuse, they can still be arrested and forcibly returned if their male family members bring a legal claim based on *uquq* (parental disobedience), *inqiyad* (submission to a guardian's authority), or leaving the marital or guardian's home. They also spoke of how when they report abuse, they are often referred to closed shelters, which they are typically not allowed to leave unless they reconcile with family members or accept an arranged marriage”

Zayadin's comments depict only some of the horrors that Saudi women with abusive families have had to suffer through due to these discriminatory laws. Many of these tweets call for the safe release of female activists from prison and the creation of an open safe space, where women's right movements and discussions can take place to further the advancement of

women's rights within the state. Zayadin herself calls upon the international community to help Saudi women and aid their demands in order to pressure the state into making the right decisions for their women and children. Although these advancements are not specific to women's reproductive justices, they are an alleviation to the restriction of rights that has been in place for so long. This newfound progressivism is the right step toward allowing women the right to make choices in all matters involving themselves and their bodies.

Egypt: Introduction

Egypt is particularly important in this case due to how many unsafe abortion continue to take place within the state and among Egyptian women, in general; it is also an extremely important country to observe as they recently have become much more progressive in terms of the push for contraceptive and birth control as a way to create population regulation (Awadalla 2012). This is just one example of an authoritative regulation imposed on women's bodies within Egyptian society. In the context of Islam within a more outwardly liberal country, such as Egypt, reproductive justice has been at the forefront of Muslim women's rights movement and continue to be a subject up for debate among Muslim women, scholars, and Islamic jurists. When creating legislation regarding such a topic, multiple cultural values are taken into account including the religious, spiritual, scholarly, and diplomatic aspects of a society.

A *faqeeh*, or Islamic jurist, is a specialist in creating and understanding *fiqh*, or Islamic jurisprudence and law. Islamic jurists play a massive role in the rules and regulations within Muslim societies. They hold the responsibility of understanding *shari'ah*, or Islamic law, and interpreting the divine law as shown in the Qur'an and the Sunnah and using those interpretations to provide guidance to Muslim communities on certain topics that may not be explicitly defined in such religious texts. The jurist's rulings, or *fatwa*, are heavily based on

questions provided to them by the community which help them to create legislation on topics which may not have been discussed previously. A *fatwa* is not a completely enforced law by a governmental branch of the state but is a highly regarded, authoritative legal opinion or interpretation that a jurist makes on issues regarding *shari'ah*. Currently there are several scholars that help make these decisions and are considered highly regarded jurists in Egypt including Nabil Elaraby, Farouk Seif Al Nasr, Farouk Sultan, and Salâh Ud Dîn At Tijânî. Many of the previously listed jurists, however, are much older and less involved in the more contemporary discussions such as reproductive justice. Musawah is a group of twelve women from varying countries, including Egypt, that help promote progress advancements in legislation regarding women's issues such as reproductive justice. Among the twelve women are multiple scholars, activists, legal practitioners, and more. They have put forth articles regarding equality in the family, divorce laws, and the marriage contract. In their articles, they always make sure to address any religious opposition to their proposals which is beneficial for women who continue to struggle between religion and politics regarding such issues.

They also have several initiatives that undergo the task of educating women on the concepts of *qiwamah* and *wilayah*, or the approval of men's power and authority over women and their bodies. There are many similar organizations including the International Commission of Jurists (ICJ) which is composed of over 60 judges and lawyers from around the world. This organization has participated in movements regarding abortion rights such as the 2017 United Nations statement, addressing access to safe and legal abortions globally. In this statement, the death rate from unsafe abortions is discussed as being about 47,000 per year with 22 million unsafe abortions being conducted per year, a large portion of that being North African women, as demonstrated from the chart in the 2010-2014 "Global, regional, and subregional classification

of abortions by safety”; countries in Northern Africa have incredibly high rates of unsafe abortions, standing at around 1.4 million per year. This is an ongoing occurrence that organizations like Musawah and ICJ continue to propose legislation that would help reduce or completely diminish the rate at which women are dying from unsafe abortions. For official organizations, representing the state, the opinions are a bit different. For example, Dar al-Ifta al-Misriyyah is an educational institute and government body, representing Islam and conducting legal research for the public. The organization has a *fatwa* website where members of the community may ask several questions regarding their personal issues.

Contraception

In regard to birth control and contraceptives, jurists from Dar al-Ifta have revealed that it is completely acceptable as long as it does not lead to the death of an already forming embryo, meaning any secondary formation from the original zygote produced from fertilization of the female egg by male sperm. The jurists of Dar al-Ifta also utilize the teachings of Hanafi scholars in order to handle some tougher issues such as abortion. On the topic of abortion, there were multiple cases presented to the jurists but they all primarily held the same approach. The jurists decided that abortions were not permissible due to poverty, evidence of deformities or hardships for the child’s being, and neglect of oneself. Dar al-Ifta tackles a wide range of topics but sticks to a more straightforward interpretation of the Qur’an in order to help guide the Muslim community in Egypt. *Fatwa* helps to shape several aspects of women’s lives and it can be extremely difficult to know which source to choose from when there are so many options out there but these previously mentioned organizations continue to debate the conversation of what reproductive justice should look like for Muslim women, not only in Egypt but around the globe.

In Egypt, as of today, the laws regarding contraception and abortion are seemingly straightforward and easily understood; however, for most Egyptian women, this is not the case. Currently, there are multiple forms of birth control considered to be legal within the state including the pill, IUDs, male and female condoms, emergency contraceptive (such as Plan B), birth control shots, and more (United Nations Population Fund). Some sources have even stated that contraceptives can be purchased without a prescription, over-the-counter, in most pharmacies in Egypt. According to The Oral Contraceptives (OCs) Over-the-Counter (OTC) Working Group, Egypt is in fact one of the many countries that allows women to purchase contraceptives without a prescription. Although this gives accessibility to more people and is incredibly lenient in its regulation, this can also be potentially dangerous for women. Reporter, Rebecca Hersher, in the public health department at NPR discusses in her article, *Over-The-Counter Birth Control Pills Would Be Safe For Teens, Researchers Say*, that it may potentially be safe for younger teens to purchase over-the-counter contraceptive; however, due to the continuous change in women's bodies as they age, this could be dangerous because of the variations in formulas that are available for women. Each formula is made for a certain body type or hormonal makeup; therefore, purchasing the wrong kind and staying on it for too long can cause tremendous hormonal imbalance. Though this ability can be potentially detrimental, it does allow for a decline in unplanned pregnancies among women.

However, the purchase of contraceptives in Egypt is gradually declining due to overall stigma encompassing women's sexuality. In the article entitled "Buying birth control: Sexual stigmas and STDs" by Ahmed Ramadan from *Egypt Independent*, many Egyptians who do use contraceptives choose to purchase outside of their area of residency because of the social stigma that comes along with purchasing. This stigma is prevalent among both Egyptian men and

women. The act of purchasing contraceptives outside of marriage is described as being potentially damaging to the health of young Egyptians in particular; therefore, the purchase rate for many contraceptives is incredibly low. The article goes on to mention that many young Egyptians have their partners purchase their contraceptive or purchase outside of their neighborhoods. Some have even gone as far as asking friends from different countries to bring them pills, condoms, and more. Although there may not be any explicitly forward laws regarding contraceptives at the moment, Egyptian government officials and religious leaders have made the use of birth control and other forms of contraception seem quite regular and important for the sake of their society. In August 2017, President Abdel Fattah al-Sisi announced the incredible need for contraceptives as a way to slow the rapidly increasing population growth as Egypt saw the birth of 2.6 million babies in 2016 alone. It has not been mentioned what methods of contraceptives are available within Egypt; however, the United Nations Population Fund conducts a regular survey, Egypt Demographic and Health Survey (EDHS), that shows 59% of all married women in Egypt as using some form of contraceptive. “The most widely used methods are the IUD, the pill, and injectables, and 3% of these women cited that they use traditional methods,” demonstrating that there are multiple methods available within the state (EDHS 2014).

This saw an increase, in 2015, to 70.6% of Egyptian, married and unmarried, aged 15 to 49 years old. Due to the president’s strong push for such a need for contraceptives in 2017, this number could potentially see increasing rates in the future. A newer trend that is growing in popularity is the concept and use of Plan B, or the morning after pill. The Plan B pill is widely available to the public in Egypt; however, this is, of course, only by prescription and recommendation by a physician. A study conducted at the First Global Conference on

Contraception, Reproductive and Sexual Health on the topic of emergency contraceptive in Egypt was able to discover that Egyptians are becoming more interested in the Plan B pill, yet, several of them lack the proper education to obtain the pill. The study mentions the work of Omar M. Shaaban on the Plan B pill in a survey conducted in Upper Egypt. Shaaban's study concluded that "There is a need for EC in Egypt. However, a big gap in knowledge leads to nonuse or incorrect use of EC and negative attitude toward it. If health service planners and policy makers could fill this gap, a considerable decline in the prevalence of unwanted pregnancy may be achieved by using EC" (198). Another study in 2013, conducted by a group of physicians from multiple universities in Egypt, displayed that 75% of women in Alexandria had no knowledge that the Plan B pill was an option for them. Moreover, about 19% of them also were under the assumption that the Plan B pill and the abortion enacting pill were the exact same pill. Over 50% of these women thought this pill was illegal in Egypt and the remaining women were completely unsure of its legality in the state. The article describes that it is a physician's role to make sure women are aware of all of their reproductive options in life; however, this has not been the case even though the Plan B pill has been legal and registered in Egypt for many years now. About 20% of the women interviewed had taken the Plan B pill before but none of them had full knowledge of what the pill does as some of the 20% were under the impression that it was an abortion enacting pill (El-Sabaa et. Al 169-170).

In the discussion section of this article, it was explained that these results were incredibly alarming and dangerous as many women were taking the pill at any time that they discovered that they were pregnant since they believed the pill would be a resolution to that issue. In a study conducted in 2017, Nana Abuelsoud and Doaa Abdelaal look at the current access to and knowledge about emergency contraceptives in Egypt. The study took place in the Greater Cairo

area of Egypt; not only does it look at general female knowledge regarding the method, but it also observed how pharmacists within the area felt about distributing Plan B and providing knowledge about it to women. It was discovered that most pharmacists within the area were not comfortable with providing information about the pill and primarily told women to refer to their physicians for more guidance. Of the 78 women who were surveyed to see if they knew about Plan B, less than 20% of them had any prior knowledge of it and even fewer of them had been regularly using various forms of contraceptive. 21 out of the 78 women were relying on male condoms and information on the internet for guidance regarding options for family planning and contraceptives. If these women were properly informed of the functions of the pill, they would know that the pill must be taken within 48 hours after intercourse. Taking the pill improperly, of course, can not only be totally ineffective but can, also, cause other future complications for women's health. Legally, a woman does need a prescription to obtain any form of the Plan B pill; however, Dr Magued Adel Aziz Mikhail, an Egyptian doctor in Giza, does provide the pill without a prescription.

Abortion

As for abortion within Egypt, this is traditionally illegal. In Egypt, abortion is only permitted to save the life of a woman. Misoprostol (the abortion pill) sales have been restricted and it is not even registered by the state. Reasons including maintenance of physical health, mental health, cause of rape or incest, fetal impairment, social/economic reasons or available upon request, are not permitted. These laws are stated in the Egyptian Penal Code of 1937, the current version, which is being used for criminal law, acts, and punishment (260-64). Article 261 states: "Whoever causes the miscarriage of a pregnant woman by giving her medicines or using methods leading to abortion, or by indicating them to her, whether with or without her consent,

shall be punished with detention”. Under the “Permissibility Causes and Penalty Preventives” section of the codes, article 61 makes it permissible for women to undergo an abortion if it will save their lives as a result. This permissibility, however, does have several stipulations including receiving permission from a spouse or parent, two specialists, a physician, and, in certain cases, a religion leader. The following three articles go to demonstrate the punishments for the parties involved in authorizing an abortion. One of the agreed upon punishments is that the persons involved can be imprisoned for up to three years. Any medical professionals involved may be subject to imprisonment for anywhere from 3 to 15 years. Performing the act will result in punishment, however, they cannot be punished simply for having the intention to commit the act. In January of 2004, Al-Azhar mosque, one of Egypt’s most highly regarded mosques, issued a *fatwa* against abortions of all sorts. The unfortunate impacts of these strict regulations have been traumatic to the female population in Egypt. The largest impact that these laws have are influences for underground/unsafe abortions. Egyptian women continue to heavily seek out abortions, illegally.

In an article entitled “The Trouble With Abortion in Egypt” from *CairoScene*, journalist, Farah Hosny, interviews multiples locals and doctors in order to display the problem with the current illegality of abortions in Egypt.

Despite the severity of potential sentences, women still seek out abortions, whether surgically, or via the ‘abortion pill’, a medication called Misotac, which can be used up to seven weeks after the fact and essentially induces a miscarriage. “I always get a few women a month who come in asking for abortions, both married and unmarried,” says Dr. Rania*, a gynecologist who works in a private clinic. “I would say I get about five or six cases a month maybe – they’re mostly

unmarried,” says Dr. Hisham* a pro-choice OBGYN – one of the few in Egypt – who provides abortions at a private hospital. “Keep in mind this is a very low number compared to the rate of abortions across Egypt because you should note that the upper social class is a limited class. Most of those who come to me will belong to that class. If you look into the low-middle classes you’ll find its way, way more than this.”

This section of her article demonstrates why the legality of abortion is a necessity for Egyptian women, especially when most of them, according to El-Sabaa, lack the proper knowledge regarding their general options. The article goes on to discuss that no matter what the legal or social status of abortion may be, women will continue to find a way to terminate their pregnancies as they have done so overtime. Hosny also mentions that one of the doctors at the private clinics she visited informed her that more than a third of Cairo women (married and unmarried) look to terminate their pregnancy. From Dr. Yassin in Upper Egypt, Hosny mentions, there was a survey conducted that showed 41% of Egyptian women having had an abortion and 25% of those women as having had more than one. She ends at a clinic that gave her more information about Misotac, an abortion enacting pill, among Egyptian woman. Women who do have the knowledge of this pill have reportedly been importing these pills from abroad in order to have this option; however, this pill is still only 60% effective which is another reason why underground abortions have become such a huge issue.

In Abortion and Islam: Policies and Practice in the Middle East and North Africa, Leila Hessini conducted a study which estimated that between the years 1995 and 2000, there were 2,079,216 abortions, and 2,542 maternal deaths due to unsafe abortions. She emphasizes that though there are more safe and private clinics now, this trend is still common among Egyptian

women trying to find ways to obtain an abortion. As mentioned in Hosny's article earlier, even though most abortions are done in these private facilities, this number of women is among the upper/upper middle class whereas there is still an incredible need for safe and affordable abortion facilities for low/lower middle-class women as well. Furthermore, this demonstrates that, in terms of access to both contraceptive and abortion, Egyptian women have a large variety of contraceptive available to them, they just do not have the proper information and access to information allowing them to know what is available to them; as for abortion, women continue to seek out illegal facilities and procedures since most safe, private facilities do cater primarily to the needs of high class citizens.

Egyptian Women's Rights Moving Forward

In Egypt today, there is still much work to do for women across the country. The UN has officially begun mitigation of the socioeconomic impacts of COVID-19. Starting with the implementation of the UN's Partnership Development Framework (UNPDF), which would allow for women to be able to take part in leadership positions and other economic opportunities. This new project will also allow female voices to support their own access educational and work/professional opportunities (*Egypt Today* staff 2020). Rania Al-Mashat, Minister of International Cooperation, stated that a primary agreement as of April 2020 is to enhance the ongoing support for infrastructure throughout this plan, including digital transformation and financial inclusiveness for women. In 2017, the Egyptian Initiative for Personal Rights and the feminist global alliance Realizing Sexual and Reproductive Justice (RESURJ) demanded that the Egyptian government provide an alternative to the current abortion law and change the protocol on women's rights in Africa. They drafted a document entitled the "Maputo Protocol of the African Charter on Human and Peoples' Rights". This document would guarantee the "safe

medical abortions for women whose lives or health are endangered by the continuation of the pregnancy, and where the pregnancy is a result of rape or incest” (*EIPR 2020*). The documents encompass a multitude of topics, including personal, economic, professional, civic and political rights, non-discrimination, education, and the right to participation. On the Global Day of Action for Access to Safe Abortion, several women spoke out to support this document. They told personal stories of their experiences with unsafe abortions or being unable to access an abortion at all due to restrictions. Many of them spoke of various medical conditions they developed from obtaining unsafe abortions; women who were unable to find accessible abortions also spoke about the trauma their bodies went through to carry their babies to full-term, even though many were unable to, causing them to miscarry after all of the physical turmoil. Rasha, a homeless Egyptian woman, spoke to Egyptian Initiative for Personal Rights (EIPR) about her experience with abortion in the state. She described how she became pregnant at the age of 13, causing her family to disown her indefinitely. Her friends encouraged her to find abortion pills illegally, which only made her ill. When she went to the hospital for treatment, she stated that the doctors treated her very poorly. Rasha stands by a woman’s right to choose and fully supports the implementation of the Maputo Protocol document (*EIPR 2020*). Although there has become a regulation and greater awareness of Plan B pills and other forms of contraceptive, there is still plenty of work to be done. Currently, Egypt has not made any new strides in respect to abortion specifically, meaning there will still be several women undergoing unsafe abortions every year or suffering through what could be a completely fatal pregnancy for the mother.

Conclusion

In examining legislation applied by both a conservative, Saudi, and a more so liberal, Egypt, it is easy to see that there are several forms of application that have been utilized among

two Muslim majority countries in order to guide Muslim women on issues of their bodies. In terms of religious texts, the analytical basis of Islam is as filled with a rich abundance of knowledge as Saudi Arabia is filled with oil. Several passages within the Qur'an, Hadith, Sunnah, and *The Life of Muhammad* help Muslim rulers gain a better understanding of how to regulate their countries. These texts are often historicized in a light that allows the content to transcend throughout time and impact the lives of Muslim women in troubling ways. These passages have been applied in ways that restrict Muslim women from being a part of the conversations regarding their own bodies and lives. The traditional approach to these texts reinforces the idea of women as second-class citizens that need to be spoken for; this very literal interpretation makes it harder for women to obtain any sort of freedom without the help of a man. These passages have been integrated into current legislation in a way that has sparked an upheaval in Egyptian women especially. Islamic schools of thought as well Islamic jurists, scholars, and highly regarded beings have added depth to legislation/ruling by explaining how certain passages should be interpreted. In Saudi Arabia, the passages, as mentioned throughout this paper, have been applied in the most strict and regulated form possible with not much room for interpretation. However, its counterpart, Egypt, has shown that certain passages can be up for interpretation as long as approved of by Islamic jurists. This paper specifically discusses how the issue of women's reproductive rights has been approached by these two countries through their intersecting, religious views. These two countries demonstrate exactly how there is no singular, true Islam being as they have taken the religious scriptures and applied them in such diverse ways. These countries continue to progress in their views regarding various methods of contraception, abortion, and access to proper healthcare and health care needs for Muslim women. Muslim women's perspective of what reproductive justice should look like, although not

completely in opposition to western women's views, is a separate position in the fight for women's rights. Women's rights are not universal; they must be understood through the perspective of the society in which those rights would impact. With all of this in consideration, these two nations could make incredible changes in ways that would give women the plausible physical and mental health care that they have consistently demanded, and that they deserve, throughout decades of strife, influenced by a prolonged history of rules, regulations, and religious superiority that stifled their requests for progressivism. And, although many changes need to be made in order to fix the injustices committed against women within these states, they are on similar, yet, diverging paths that will eventually lead women to where they need to be in order to fully take control of the rights of their bodies for good.

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