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HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on violence against women, its causes and consequences; and the Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice.

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on violence against women, its causes and consequences; and Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice, pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/23, 16/4, 15/21, 16/5, and 16/7.

In this connection, we would like to bring to your Excellency Government's attention information we have received concerning **allegations of violence against women by the Egyptian military in the context of the protests that took place in Cairo in November and December 2011.**

According to the information received:

Ms. A is a 31 year old journalist under training who was participating in the sit-in in Tahrir Square since 19 November 2011, when a group from the military intelligence and investigation unit in civilian clothes reportedly started cursing at the protestors and burning their tents on 17 December 2011. As Ms. A was leaving the square she was allegedly taken by the military to the Al-qasr Al-Ainy hospital where she was reportedly sexually harassed by the soldiers at the hospital. She was then taken to the Shura Council where she was supposedly beaten by members of the military intelligence and investigation unit. The beating allegedly continued in the detention room where her hand was broken. On 19 December 2011, she was transferred to the army hospital where she received treatment for her broken arm. She was allegedly not allowed to have any visitors on the grounds that she was under military arrest. Ms. A was brought before the

South of Cairo Prosecution Office in Zeinhoum. She was released from the al-Seyeda Zeinab police station on 20 December 2011.

Ms. B is a 30 year old independent film maker who was taking photos of the demonstration in Tahrir Square on 20 November 2011, when around 3:30 p.m. members of the Central Security Forces and some civilians reportedly started beating and kicking her. She was also allegedly sexually harassed with several persons touching her all over her body. She was taken to the Abdeen police station where she was reportedly placed in a cell with other men who threatened to harass her. At midnight, Ms. B was allegedly transferred to the public prosecution building where she spent the night handcuffed to a man. She saw the public prosecutor at 4:00 a.m. and was kept outside the detention cell with a police assistant who reportedly harassed her by stroking her shoulders and making sexual advances. She was then transferred to the al-Gabal al-Ahmar military camp where she was placed in a cell alone until her release at 10:00 a.m. on 21 November 2011.

A 23 year old reporter for Egypt's 25 January TV Channel was filming the demonstrations in Cairo's Tahrir Square on 24 November 2011 around 7:00 p.m. when she was allegedly beaten and sexually assaulted by civilian men (part of the popular committee established to defend homes during the January 25th revolution). Her cameraman and the rest of the crew were also reportedly beaten. Doctors from the field hospital reportedly intervened and brought her to the hospital where she was treated for a nervous breakdown and wounds (which consisted of scratches to various parts of her body, including her genitals).

Ms. C, is a 20 year old student who was peacefully protesting in Mohammed Mahmoud Street in Downtown Cairo on 20 November 2011, when at approximately 6:00 p.m. and following increasing clashes between the security forces and the protestors, the police began beating protestors and using tear-gas to disperse them. It is reported that as Ms. C ran to avoid the tear gas, she was attacked by three army officers who beat her with sticks in the arms, legs, head, and back. The officers also reportedly grabbed her breasts and kicked them when she fell to the ground. It is reported that after pleading for the beating to stop, she was eventually taken to the metro, where she was beaten once again, before being released. It is also reported that during these events, Ms. C witnessed other protestors being beaten by the security forces or trying to escape, visibly injured. On 24 November, 2011, Ms. C reportedly filed a claim (No. 41) against the Supreme Council of the Armed Forces at the Qasr El-Nil Police station. However, no action had reportedly been taken by the authorities except referring the victim to the Monira Hospital, where a doctor issued a medical report, to which she has had no access.

Ms. D, a 24 year old student who on 17 December 2011, was at the Mogamma' building in Tahrir Square, when at approximately 2:00 p.m., members of the military police began attacking protestors. After attempting to leave the site, Ms. D was allegedly taken by three soldiers, while her male friend was allowed to

leave. It is reported that one of the officers grabbed her by the hair, another one twisted her arm behind her back, and the third one hit her in the knee and shin. She was allegedly insulted and called a “prostitute and a daughter of a prostitute.” At some point, Ms. D was allegedly surrounded by 25 officers who touched her genital area and posterior, asking her questions such as how many times she had had sex. It is reported that Ms. D was forced to run down the 6th of October Bridge while an officer constantly hit her in the posterior with a stick, this despite her informing him that she could not run due to her asthma. It is also reported that civilians in cars occasionally slowed down to cheer the soldiers. The soldiers allegedly took Ms. D to the Egyptian Museum in Downtown Cairo where she was further beaten and sexually harassed, including by pulling down her pants, before she was eventually released.

Concern is expressed that these cases do not constitute isolated events, but represent an ongoing pattern of violence against women peacefully taking part in protests by Egyptian security forces. According to information received, women human rights defenders who participate in demonstrations are increasingly targeted by security forces to prevent them from participating in the public sphere through the use of physical harm, intentional humiliation, and sexual assault accompanied by social stigma against such ‘deviant behavior’.

While we do not wish to prejudge the accuracy of these allegations, we would like to bring to the attention of your Excellency’s Government article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term “violence against women” means 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.

We also wish to recall article 4(b) of the United Nations Declaration on the Elimination of Violence against Women which provides that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women.

In addition, we would also like to bring to the attention of your Excellency’s Government article 4 (c & d) of the Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW), in its General Recommendation No. 19 (1992), concludes that gender-based violence is a form of discrimination against women as defined in article 1 of the Convention on the Elimination of All forms of Discrimination against Women (ratified by your Excellency's Government on 18 September 1981), whether perpetrated by a State official or a private citizen, in public or private life. Gender-based violence impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including those of sexual violence perpetrated against women and girls, to punish perpetrators and to ensure remedy without delay. In General Recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfill this obligation; in paragraph 9, it makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation."

We would also like to refer your Excellency's Government to its obligations under article 7 (c) of the Convention on the Elimination of all forms of Discrimination against Women, which requires States Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Finally, we would also like to recall your Excellency's Government attention to article 4 (o & p) of the United Nations Declaration on the Elimination of Violence against Women which notes that States should recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women, and should, moreover, facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels.

Moreover, we wish to appeal to your Excellency's Government to ensure that the right to freedom of peaceful assembly, as recognized under article 21 of the ICCPR, is enjoyed free of arbitrary restrictions. In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular paragraph 7 of the preamble, where it recognizes that, "exercising the rights to freedom of peaceful assembly and of association free of restrictions, subject only to the limitations permitted by international law, in particular international human rights law, is indispensable to the full enjoyment of these rights, particularly where individuals may espouse minority or dissenting... political beliefs". In this context, we would like to recall operative paragraph 1 of the same resolution that, "Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely,... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary

measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

We would also like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

As stated before, while we do not wish to prejudge the accuracy of these allegations, we wish to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 6, (a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; and

- article 12, paras 2 and 3 which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In addition, we would like to refer to the 2006 report of the Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly (A/61/312), and in particular to paragraph 98 which states that in conformity with article 15 of the Declaration [on Human Rights Defenders], the Special Representative urges States to ensure that law enforcement agencies and their members are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies, including the Declaration on Human Rights Defenders, the Code of Conduct for Law Enforcement Officials and other relevant treaties, declarations and guidelines. The Special Representative also advises all States that all allegations of indiscriminate and/or excessive use of force by law enforcement officials should be properly investigated and appropriate action taken against the responsible officials.

With regard to the role of media and human rights defenders in monitoring demonstrations, we would like to refer to the 2007 report to the General Assembly of the Special Representative of the Secretary-General on the situation of human rights defenders (A/62/225, paras. 91 and 93) which underlines how “monitoring of assemblies can provide an impartial and objective account of what takes place, including a factual record of the conduct of both participants and law enforcement officials. [...] The very presence of human rights monitors during demonstrations can deter human rights violations. It is therefore important to allow human rights defenders to operate freely in the context of freedom of assembly. [...] Journalists as well have an important role to play in providing independent coverage of demonstrations and protests. [...] The media must therefore have access to assemblies and the policing operations mounted to facilitate them.

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summaries of the cases accurate?
2. Please provide the details, and where available the results, of any investigations, medical examinations, and judicial or other inquiries which may have been carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please indicate if any measures have been put in place to guarantee the safety and integrity of women who have brought cases of sexual violence, including rape and harassment by military personnel to courts and whether reparation for the harm and suffering caused has been provided.

5. Please provide information on measures in place to ensure that the physical and psychological integrity of human rights defenders, including civil society and activists, is guaranteed and respected, and what measures are in place to ensure a conducive working environment for these individuals and organizations, in line with the Declaration on Human Rights Defenders.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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