

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; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: AL
EGY 3/2016:

23 February 2016

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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 25/13.

In this connection, we would like to bring information we have received to the attention of your Excellency's Government concerning the **attempt to close a human rights organization for its members' legitimate exercise of their rights to freedom of association and freedom of expression, as well as for the organization's legitimate human rights work, in accordance with the NGO Law (84/2002).**

The **Nadeem Center for the Rehabilitation of Victims of Violence and Torture** was established in 1993 and provides medical care services and counselling to victims of torture and enforced disappearance, as well as their families.

UN experts expressed concerns about the non-compliance of NGO Law (84/2002) with international human rights norms and standards in joint allegation letters sent on 17 November 2011 (see A/HRC/19/44, case no. EGY 12/2011); 12 February 2013 (see A/HRC/23/51, case no. EGY 4/2013); 20 March 2013 (see A/HRC/24/21, case no. EGY 5/2013); 29 August 2014 (see A/HRC/28/85, case no. EGY 11/2014); and 12 June 2015 (case no. EGY 10/2015 (Corr.1)). We acknowledge receipt of replies from your Excellency's Government of 17 and 21 January 2012, 19 May 2013, 8 November 2014 and 18 August 2015, however they remain unsatisfactory in light of our concerns.

According to the information received:

On 18 July 2014, the Government announced the enforcement of a requirement for all non-governmental organizations to register under NGO Law (84/2002). The Nadeem Center for the Rehabilitation of Victims of Violence and Torture (the Nadeem Center) complied with the requirement and was issued with an association license to carry out human rights activities.

On 17 February 2016, police officers delivered an “administrative closing order” to the Nadeem Center. The order was allegedly issued by the Ministry of Health’s Free Treatment Directorate for an unspecified violation of the organization’s association license.

On 21 February 2016, staff employed at the Nadeem Center inquired with several Government departments about the alleged violation of the organization’s association license. Officials informed the staff that the work of the Nadeem Center, including the publishing of reports on torture, is deemed a “medical activity” for which it is not licensed.

The “administrative closing order” of the Nadeem Center has been suspended until after a meeting between representatives of the organization and the Ministry of Health, scheduled for 22 February 2016, after which the Nadeem Center may be closed immediately.

Serious concern is expressed about the alleged reason for the issuance of the “administrative closing order” to the Nadeem Center, which may be an attempt to restrict the human rights work of the organization, especially the documentation and reporting of human rights violations such as torture and other forms of ill-treatment, as well as to restrain the legitimate exercise of the rights to freedom of association and freedom of expression of its members. Additional concern is expressed for the use of the NGO Law (84/2002) to restrict civil society space through, inter alia, the revocation of association licenses in an attempt to crackdown on human rights organizations in the country.

Similar concern is expressed about the broader effect of the above-mentioned attempt to close the Nadeem Center, which may have a “chilling effect” on civil society and human rights defenders as a whole, particularly those with dissenting opinions, exercising their rights to freedom of association and freedom of expression.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide information on the legal basis for the administrative closing order issued to the Nadeem Center and explain how this is compatible with international human rights law, in particular relevant provisions enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration on Human Rights.
3. Please provide information on the review of NGO Law (84/2002) and any plans to reform it to bring it in line with international human rights norms and standards.
4. Please indicate the measures adopted to ensure that human rights defenders and associations are able to carry out their legitimate work in Egypt in a safe and enabling environment without fear of retaliation, intimidation or harassment of any sort.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that the license of the Nadeem Center for the Rehabilitation of Victims of Violence and Torture will not be revoked, as long as all necessary measures have been taken to ensure that its revocation process and the reasoning justifying such attempt to revoke the organizations' license comply with international human rights law, in particular with the relevant provisions enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration on Human Rights.

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

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government of Articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which guarantee the rights to freedom of opinion and expression and the right to freedom of association respectively.

We would also like to refer your Excellency's Government to Human Rights Council resolution 24/5 (operative paragraph 2), in which the Council "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and 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 further refer to the report of the Special Rapporteur on the right to freedom of peaceful assembly and of association, which states that where a registration license has been rejected, the organization "should have the opportunity to challenge the decision before an independent and impartial court" (A/HRC/20/27, para. 61).

We would like 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right 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.

In that context, we would also like to refer to Article 5(b) of the aforementioned Declaration, which provides for the right to form, join and participate in non-governmental organizations, associations or groups; and Article 6, which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, as well as the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights.

We also wish to refer to Human Rights Council Resolution 22/6, which calls upon States to ensure that procedures governing the registration of civil society organizations are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the

possibility to appeal and avoid requiring re-registration and are in conformity with international human rights law.

We would also like to remind you of the recommendations accepted under the second UPR cycle of Egypt to promote and protect the right to freedom of association, as well as to adopt a new NGO law that is compliant with international human rights; including recommendations 166.210, 166.220, 166.221, 166.234, 166.236, 166.239, 166.240, 166.241, 166.244, 166.245, 166.246 and 166.248 (see A/HRC/28/16/Add.1).

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt ratified on 25 June 1986.