

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 Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
AL EGY 8/2016

8 July 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; Special Rapporteur on violence against women, its causes and consequences, and the Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, 23/25, and 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of travel ban against a woman human rights defender, Ms. **Mozn Hassan**

Ms. Mozn Hassan is one of the founders and the Executive Director of **Nazra for Feminist Studies**, an organisation that aims to build an Egyptian feminist movement and to provide women human rights defenders with legal, medical and psychological support. Ms. Hassan has worked extensively on violence against women in the public space, provision of psychological, medical and legal support for survivors from crimes of sexual violence, and political parliamentary participation of women and inclusion in decision-making positions in Egypt and the Middle East. She was awarded the Charlotte Bunch Women Human Rights Defenders Award in 2013. Ms. Mozn Hassan's organisation, Nazra for Feminist Studies, was recently accused of receiving foreign funding without authorization in connection with Case No. 173 and, in this context, Ms. Hassan was summoned before an investigating judge in March 2016. The organization, Nazra for Feminist Studies was the subject of two previous communications sent by 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 and the Special Rapporteur on the situation of human rights defenders, please see communication no. EGY 4/2016 sent on 24 March 2016 and communication no. EGY 6/2016 sent on 4 May 2016. We have still not received a response from your Government to these communications and we reiterate our concerns in the context below and encourage your government to provide a substantive reply to the communication sent.

According to the information received:

On 27 June 2016, security authorities at Cairo International Airport prevented Ms. Mozn Hassan from traveling to Beirut. She was invited as a Regional Expert to attend and participate in the Executive Committee meeting for the Women Human Rights Defenders (WHRD) Regional Coalition for the Middle East and North Africa, scheduled to take place in Beirut between 27 June and 1 July 2016. Ms. Mozn Hassan did not receive any official documentation indicating that she was under a travel ban, but when her passport was swiped at the airport a message appeared on the screen indicating that there was a travel ban issued in her name.

The order of travel ban was issued by the general prosecutor, who is the same instance prosecuting the case on foreign funding of organisations, known as Case 173.

Concern is expressed that the travel ban reportedly imposed against Ms. Hassan may be related to her work as human rights defender legitimately exercising her rights to freedom of expression and freedom of association. Further concerns are expressed on the fact that the use of travel bans against defenders was already documented in communication no. EGY 4/2016, when at least ten human rights defenders in Egypt were allegedly subject to arbitrary and unlawful travel bans in February and March 2016. We also express grave concern at the growing restrictions imposed on civil society organisations in Egypt including through the application of norms restricting the use of foreign funding. Finally, concerns are expressed about the potential chilling effect of the reported events on the work of human rights defenders and on the Egyptian civil society as a whole

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** 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 be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the travel ban issued against Ms. Hassan and how this measure is compatible with Egypt's international human rights obligations, in particular with article 12, 19 and 22 of the ICCPR.

3. Please provide information about the measures adopted to ensure that all individuals, including human rights defenders and civil society in Egypt are able to exercise their rights to freedom of assembly and freedom of expression, and the measures adopted to ensure that they are able to carry out their work 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.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations

It is our intention to publicly express our concerns through the press release attached as, in our view, the information upon which the press release is based indicates a matter warranting immediate attention. The press release indicates that we have been in contact with your Excellency's Government to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Dubravka Šimonović
Special Rapporteur on violence against women, its causes and consequences

Alda Facio
Chair-Rapporteur of the Working Group on the issue of discrimination against women in
law and in practice

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

The above mentioned allegations appear to be in contravention with Article 9, 12, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which provides respectively, that no one shall be subjected to arbitrary arrest or detention; everyone has the rights to liberty of movement, to freedom of opinion and expression; and to freedom of association with others.

We would like to emphasize that any restriction to the right to liberty of movement and the freedom to leave any country, including his own must be compatible with paragraph 3 of Article 12 of ICCPR which establishes that restrictions are only acceptable if they are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. Equally, we underline that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law, in accordance with paragraph 3 of the provision. The imposition of travel ban as a means to limit the exercise of freedom of expression and to prevent speech that is dissenting or critical is not compatible with article 19(3) of the ICCPR. We reiterate the statement by the Human Rights Committee in General Comment 34 that article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (CCPR/C/G/34).

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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organisations, associations or groups;

- article 6 (b) and (c), which provides for 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;

- article 12, (2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone 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.

We would like to refer also to the Commentary to the Declaration on human rights defenders which states that "travel restrictions imposed on defenders in order to prevent them from participating in assemblies of different kinds outside their country of residence is contrary to the spirit of the Declaration and the recognition in its preamble that individuals, groups and associations have the right to "promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels".

Furthermore, UN Resolution 68/181 adopted by the General Assembly on 18 December 2013, recalls that "domestic law and administrative provisions and their application should enable the work of women human rights defenders, including by avoiding any criminalization or stigmatization of the important activities and legitimate role of women human rights defenders and the communities of which they are a part or on whose behalf they work, as well as by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to relevant provisions of international human rights law".

Furthermore, reference is made to article 7(c) of the Convention on the Elimination of all Forms of Discrimination against Women in which States agreed to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right to participate in non-governmental organizations and associations. We would further like to bring to the attention of your Excellency's Government 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.