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## Human Rights Council

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Agenda item 4

**Human rights situations that require the Council's attention**

### **Written statement\* submitted by Nazra for Feminist Studies, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2019]

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\* Issued as received, in the language(s) of submission only.

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## **Egypt's UPR session approaches under extremely restrictive environment and amid continuous violations against WHRDs and LGBTQI+ Individuals**

In March 2019, a set of constitutional amendments, which extend President Sisi's current second term, allow him to remain in power for an extra term, and legitimize the Armed Forces intervention in civil life for "protecting democracy," have been approved in a referendum under an extremely restrictive environment and a wave of arrests of women human rights defenders, activists and members from the political opposition. The situation embarked a continuation of targeting and violations against women human rights defenders (WHRDs), feminists, and women activists for their activism and human rights advocacy and defense. These violations, which included arbitrary arrests, judicial harassment, harsh sentences, forced disappearances, mark the deteriorating situation of human rights in Egypt during the last four years. Furthermore, several HRDs/WHRDs and activists faced travel bans, asset freeze, and summons on the background of case 173/2011, commonly known as the NGO foreign funding case, since 2016. Under such restrictive conditions, LGBTQI+ activists and individuals are also facing sustained targeting by the state and non-state actors whether for their public activism and/or based on their sexual orientation and gender identity and expression (SOGIE).

During February and March 2019 ahead of constitutional amendments, the Egyptian state carried a wave of arrests against political opposition, WHRDs, and activists, in relation to calls for protests against the government on the background of Ramses Train Station accident, as well as the proposed constitutional amendments.

One of the clear examples of the targeting of WHRDs and LGBTQI+ activists during this period is the arrest of WHRD, feminist, and LGBTQI+ activist Malak Al-Kashif, who is a 19-year-old transwoman, on 6 March 2019. Al-Kashif, who is arrested in case 1739/2018 and faces charges of "misusing social media to commit a crime punishable by law," has been kept in solitary confinement for more than 85 days and has faced serious SOGIE-based violations since her detention as this statement is submitted. On 10 March 2019, Al-Kashif underwent a forcible anal examination, which is usually ordered by the prosecution and carried out in the Forensic Medicine Department in debauchery cases against homosexual men and transsexual women, in a public hospital without the prosecution's order. While the forcible anal examination is a form of torture regardless of the context it is deployed in, Al-Kashif underwent the forcible procedure with no order from the prosecution in what appears to be an intentional humiliation and SOGIE-based violence against Al-Kashif who is supposedly arrested in a politically motivated case.

Al-Kashif continues to be detained in the all-males Tora Prison in solitary confinement and is prevented from her regular walks inside the prison for fear of being seen by other male inmates. Al-Kashif lawyers reported her deteriorating psychological well-being as a result of the tough conditions of solitary confinement.

Under such repressive conditions, Egypt's Universal Periodic Review session approaches in November with civil society organizations, Human Rights Defenders (HRDs), and Women Human Rights Defenders (WHRDs) facing serious violations, obstacles and threats for their human rights advocacy and potential participation in the UPR process. A clear example of these impediments is the travel bans imposed on several WHRDs/HRDs, constituting a serious impediment to organizations' and defenders' ability to participate in advocacy during the UPR process. The state has imposed travel bans on at least 31 HRDs/WHRDs on the background of case 173/2011, including Nazra's executive director Mozn Hassan. Furthermore, WHRDs/HRDs and NGOs in case 173/2011 are operating under constant fear of reprisal for their human rights advocacy as they face severe charges that can lead to life imprisonment. These charges include establishing an entity in violation of the law, tax evasion, receiving foreign funding with the intention of harming national security. The latter alone could lead to life imprisonment as per article 78 of the penal code.

Such threats and impediments threaten to dilute the efficiency of the UPR process by preventing Egypt's civil society from participating in the process and hence undermining the main elements that make the UPR process a transparent and representative process.

Since 2014, there has been an escalation against WHRDs and HRDs in case 173/2011. Nazra for Feminist Studies and its executive director Mozn Hassan were handed an asset freeze order in January 2017. Nazra's asset freeze, in specific, is an unprecedented incident in the case as Nazra is the only association registered under the Social Solidarity Ministry to have received such order. In addition, 2018 witnessed various WHRDs/HRDs in the case being summoned by the case's investigative judge, including Mozn Hassan who appeared before the judge in June 2018 and was released on bail amounting to 30,000 EGP.

Despite this restrictive environment, Nazra for Feminist Studies has submitted an individual UPR submission on the laws and policies of sexual violence, documentation of violations facing women human rights defenders, activists, feminists, and politicians, and SOGIE-based violations. Nazra also submitted a joint review on SOGIE-based violations by state and non-state actors. The reviews were submitted before the referendum on constitutional amendments and the situation has been worsening since.

Sexual violence against women in public spaces remains to be a grave problem and that WHRDs and women who speak up against sexual harassment are targeted by tactics of arbitrary arrests and conditional release on probation. A clear example of targeting WHRDs who speak up against harassment is the case of Amal Fathy who was sentenced to two years of imprisonment in case 7991/2018 after the Maadi Misdemeanor Court of Appeals upheld the first-instance verdict on 30 December 2018, on charges of spreading false news with the intention of disrupting public peace. Prior to that, Fathy was arrested on 11 May 2018 from home and detained by the Maadi Prosecution as a reaction to a video she posted where she criticized state's failure in protecting women from sexual harassment. The Maadi prosecution detained Fathy on remand in Case 7991/2018 until 21 June 2018. Yet, she remained in pre-trial detention in a separate case, 621/2018, by the state security prosecution until 18 December 2018, when a Cairo Criminal Court ordered her conditional release. She can be taken back to detention to serve the two-year sentence in case 7991/2018.

Despite the publishing of the National Strategy to Combat Violence Against Women (NSCVAW) four years ago, we are still calling for monitoring of implementation mechanism, which is lacking until now rendering the NSCVAW meaningless on the ground. Moreover, a unified law to combat violence against women never materialized despite continuous demands and promises. Egyptian syndicates also lack any policies to combat violence against women as journalists, lawyers, and teachers continue to face violations without accountability for perpetrators. For instance, Lawyer Hoda Abdel-Wahab was assaulted on 29 March 2017 in the syndicate by another lawyer, without holding him accountable to date.

Nazra documented violations by state and non-state actors against LGBTQI+ individuals. State-sponsored violations included online entrapment by the moral police, arbitrary arrests from public areas with no warrants, torture and sexual violence in detention places, and legal escalation. After Mashrou' Leila concert which witnessed several rainbow flags being raised on 22 September 2017, at least 75 individuals were arrested between September 2017 and March 2018 in an unprecedented crackdown against the LGBTQI+ individuals and communities. At least 20 individuals were arbitrarily arrested without warrants from streets for their perceived or actual homosexuality, while at least 40 cases of online entrapment of users of gay dating applications were documented. Police reports and prosecution used screenshots of conversations taken without judiciary warrant to prove entrapped users are guilty, which is in clear violation of article 57 of the Egyptian constitution and article 309 bis of the Egyptian criminal code.

Nazra also documented grave violations against transwomen by state actors inside detention places. Five cases reported undergoing sexual harassment and three transwomen reported being sexually assaulted by a group of police personnel inside detention places.

Furthermore, a significant increase in violence perpetrated by non-state actors was reported. Online entrapment from dating applications was also used by non-state actors to target homosexual men and transwomen in what appear to be hate crimes. Survivors of these entrapments avoided reporting to the police for fear reporting will backfire when the Police officers knew how they met the perpetrators. Nazra has documented 5 cases in Cairo during the last two years.

Consequently, Nazra for Feminist Studies is urging the United Nations and the Human Rights Council to monitor states' implementation of resolution 67/144 on WHRDs adopted by the UN in 2013. We also call the UN and its bodies to urge the Egyptian government to close case 173/2011, immediately lift the travel bans and asset freeze imposed on HRDs/WHRDs, suspend the moral police unconstitutional targeting of LGBTQI+ individuals, and to enact a mechanism to protect LGBTQI+ individuals from increasing levels of societal violence.

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