



Checklist for the Egyptian Government on Providing Justice for Women Human Rights Defenders

"[T]he prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State"
- UN Declaration on Human Rights Defenders (preamble).



| About Nazra for Feminist Studies

Nazra for Feminist Studies is a group that aims to build an Egyptian feminist movement, believing that feminism and gender are political and social issues affecting freedom and development in all societies. Nazra aims to mainstream these values in both public and private spheres.

| About Women Human Rights Defenders Program

The Women Human Rights Defenders Program (WHRDP) is an initiative established by Nazra for Feminist Studies in July 2011 as a reaction to the urgent need that arose since the revolution of 25 January 2011. The Program produce knowledge, monitor and document WHRDs situation and offers to WHRDs legal, psychological and medical support. For more information:

<http://nazra.org/en/programs/women-human-rights-defenders-program>

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| Team Work

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Introduction

On 25 January 2011, all sectors of Egyptian society rose in a popular revolution that toppled the head of the former regime, Mohammed Hosni Mubarak, on 11 February 2011, after a 30-year rule. In resigning, Mubarak handed power to the Supreme Council for Armed Forces (SCAF), which during its almost one and a half year rule, was responsible for grave human rights violations, especially against women human rights defenders (WHRDs)¹.

On 30 June 2012, Dr. Mohamed Morsi came to power as the first elected civilian president in Egypt. Despite the fact that Morsi was the country's president, the SCAF continued to have wide powers in accordance with the supplementary constitutional declaration, issued on 17 June 2012. Among the powers enjoyed by the SCAF is its immunity in its "current formation", has legislative power after the dissolution of parliament, and has the right to oversee the country's budget and the future constitution, having the right to demand that the constituent assembly revise any articles that "conflict with the revolution's goals and its main principles"². On 12 August 2012, the office of the president issued a new constitutional declaration annulling the declaration issued by the SCAF through which it enjoyed wide powers and which was considered restrictive to the powers of the president³.

On International Women Human Rights Defenders Day, Nazra for Feminist Studies is issuing this checklist, which provides **three suggestions to the Egyptian government** that can serve as viable steps towards providing justice to WHRDs who have faced grave violations since the January 25 revolution until the end of the rule of the SCAF. No one has been held accountable for these violations nor have trials been carried out for the violators. With a new government in power, appointed by a democratically elected president, we hope that the new government, headed by Dr. Hesham Kandil, will respond positively to these suggestions.

¹ For more information about the violations committed against women human rights defenders under the rule of the SCAF, please refer to "A Continuation of Violations: Military Policy Towards Women Human Rights Defenders", available at <http://nazra.org/en/2011/12/women-activists-are-still-being-pushed-away-public-sphere-authorities> and "One Year of Impunity: Violations against Women Human Rights Defenders in Egypt from August to December 2011", available at http://nazra.org/sites/nazra/files/attachments/nazra_one_year_of_impunity_2012_en.pdf, Nazra for Feminist Studies

² English text of SCAF amended Egypt Constitutional Declaration, 18 Jun 2012, available at <http://english.ahram.org.eg/News/45350.aspx> (Footnote different than that in the Arabic version, as no English equivalent is available).

³ English text of President Morsi's new Egypt Constitutional Declaration, 12 Aug 2012, available at <http://english.ahram.org.eg/News/50248.aspx> (Footnote different than that in the Arabic version, as no English equivalent is available).

First Suggestion: End the state of impunity Enjoyed by those responsible for violations committed against WHRDs

- Nazra for Feminist Studies has documented tens of incidents of violations committed against WHRDs during the last year alone (2011). Until the time of the writing of this report, no one responsible for these violations has been tried, nor have any legal procedures been taken against them, whether during the first 18 days of the January 25 revolution, or those responsible for violations during the rule of the SCAF.
- Rather than try and open a new page and attempt to break with a past that has been marked by violations against WHRDs, President Morsi has taken disappointing steps. One such step is the decision to appoint Field Marshal Mohamed Hussein Tantawi, former minister of defense and head of the SCAF, and Lieutenant General Sami Anan, former chief of staff of Egypt's military, as presidential advisors. Morsi also bestowed the Order of the Nile Medal on Tantawi and Anan due to their "significant services to the country"⁴. None of these decisions indicate an intention to hold the former heads of the SCAF accountable for the documented violations committed against WHRDs during their rule. On September 2012, the Attorney General decided to refer charges received against Tantawi, Anan, and any former member of the SCAF to the Military Prosecution.⁵ Military courts are not an impartial party that can carry effective investigations against former military leaders. This is as the military prosecution can easily decide to stay the charges against Tantawi and Anan, after staged investigations, or decide not to initiate criminal proceedings against them.

According to Principle 29 of the Updated Set of principles for the protection and promotion of human rights through action to combat impunity: the jurisdiction of military tribunals must be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which shall come under the jurisdiction of the ordinary domestic courts.⁶

According to the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in 2005:⁷ In cases of gross violations of international human rights law and serious violations of international

⁴ Decisions of the president of the republic on 12/8/2012, Egypt State Information Service, <http://www.sis.gov.eg/ar/Story.aspx?sid=60969> (Translated by Nazra for Feminist Studies).

⁵ Attorney general refers Anan graft charges to Military Prosecution, 9 September 2012, <http://www.egyptindependent.com/news/attorney-general-refers-anan-graft-charges-military-prosecution>. According to Article 9 of the Military Courts Law 25/1966, both former and current military officers are to be tried in front of the military judiciary.

⁶ UN Commission on Human Rights, *Report of the independent expert to update the Set of principles to combat impunity*, 8 February 2005, E/CN.4/2005/102/Add.1, available at: <http://www.unhcr.org/refworld/docid/42d66e780.html>

⁷ UN Economic and Social Council (ECOSOC), *UN Economic and Social Council Resolution 2005/30: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, 25 July 2005, E/RES/2005/30, available at: <http://www.unhcr.org/refworld/docid/46c455a8d.html>

humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him (para. 4).

- Investigation authorities should conduct impartial and independent investigations in all cases of human rights violations at the hands of the armed forces and the police. Civil investigation authorities should have the judicial jurisdiction to prosecute members of the armed forces for the crimes committed against civilians because the military prosecution is not an impartial party to hold investigations with military personnel because its members are military officers under direct command of army leaders.
- The Egyptian government should: (a) guarantee that individuals responsible for grave human rights violations are brought to justice (b) ensure the victims⁸ the right to effective remedy, including reparation.

According to the Basic Principles and Guidelines on the Right to a Remedy and Reparation, issued by the UN General Assembly⁹, the right to a remedy and reparation includes procedures such as Verification of the facts and full and public disclosure of the truth (Principle 22(b)); issuing a public apology, including acknowledgement of the facts and acceptance of responsibility ((Principle 22(e));and issuing judicial and administrative sanctions against persons liable for the violations (Principle 22(f)).

- There is no indication that the Egyptian authorities intend to bring the perpetrators of violations against WHRDs to justice. As news of the commencement of investigations with Tantawi and Anan, by a judge appointed by the Ministry of Justice, in charges accusing them of responsibility of killing protestors in the period from September 2011 to May 2012, a source from the military relayed the “dismay of the armed forces” from this news piece, as it presents an insult to the “symbols” of the armed forces¹⁰. On 19 October 2012, President Mohamed Morsi stated that he refuses offense to the armed forces, emphasizing his respect of incumbent and former leaders of the Armed Forces¹¹. The emphasis on respect of the leaders of the Armed Forces without holding investigations to ensure they are not responsible for the violations committed against WHRDs, during the rule of the SCAF, is an indication of the

⁸ According to the Basic Principles and Guidelines on the Right to a Remedy and Reparation, adopted by the UN General Assembly (A/RES/60/147), victims are “persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.” (para.8).

⁹ *Supra* note 7.

¹⁰ Military source: Armed Forces Dismayed About Insulting its Symbols, Egypt News, 17 October 2012, available at <http://www.egynews.net/wps/portal/news?params=195642> (Translated by Nazra for Feminist Studies).

¹¹ Dalia Othman, Morsi Rejects Rumors of Discord With Army, Al-Monitor, 18 October 2012, available at <http://www.al-monitor.com/pulse/politics/2012/10/morsi-keen-to-preserve-the-interests-of-the-armed-forces.html> (Footnote different than that in the Arabic version, as no English equivalent is available).

unwillingness of Egyptian authorities to fulfill the responsibility to provide remedy and reparation to the victims.

- The failure to prosecute individuals who ruled the country during the periods that witnessed grave violations against WHRDs is a clear breach of article 12 of the Declaration on Human Rights Defenders. Egyptian authorities should specifically conduct immediate investigations in the events of the Maspero clashes (9 October 2011), Mohammed Mahmoud clashes (November 2011), and the Cabinet of Ministers clashes (December 2011), as the gravest violations against WHRDs were committed during the latter clashes.

According to the Basic Principles and Guidelines on the Right to a Remedy and Reparation, states should provide victims [of grave human rights violations] adequate, effective, prompt and appropriate remedies, including reparation (Principle 2(c)); Compensation for any economically assessable damage (Principle 20); and rehabilitation, which should include medical and psychological care as well as legal and social services (Principle 21)¹².

The International Covenant on Civil and Political Rights (ICCPR) (Egypt ratified the treaty in 1982), obligates ratifying states to provide “an effective remedy” to victims of violations of the Covenant. According to the UN Human Rights Committee, “Without reparation to individuals whose Covenant rights have been violated, the obligation to provide an effective remedy [...] is not discharged”¹³. States, especially during periods of political transition, “are under a moral and political duty to take comprehensive remedial measures and introduce elaborate programmes offering reparation to broader categories of victims affected by the violations rather than leave it to each victim to try to vindicate his or her right judicially”¹⁴.

Article 2(3)(a) of the ICCPR obligates states to “To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity”. According to General Comment 31, “Article 2, paragraph 3, requires that in addition to effective protection of Covenant rights States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights.”

- The Egyptian authorities can take preliminary steps to provide reparation to WHRDs by cooperating with the offices of Special Rapporteurs: the Egyptian government should respond to the communications sent from the offices of the following Special Rapporteurs in January 2012 concerning violations committed against WHRDs in November and December 2011: Special Rapporteur on the promotion and protection of the right to

¹² *Supra* note 7.

¹³ UN Human Rights Committee (HRC), *General comment no. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 26 May 2004, CCPR/C/21/Rev.1/Add.13, para. 15,16. available at: <http://www.unhcr.org/refworld/docid/478b26ae2.html>

¹⁴ United Nations, *Rule of Law Tools for Post-Conflict States: Amnesties*, 2009, HR/PUB/09/1, p. 35, available at: <http://www.unhcr.org/refworld/docid/4a953bc82.html>

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 practice¹⁵.

- The Egyptian government should provide information, not solely on mechanisms for reparation of the violations reported, but also on the steps taken to ensure non-recurrence of similar violations in the future. This is as the violations indicate the existence of structural problems in the security apparatus, which led to the violations mentioned in the communications. Until the publishing of this report, impunity prevails, as none of those responsible for the violations committed against WHRDs have been held accountable, nor have specific mechanisms for compensating the WHRDs victims of violations have not been formed.
 - On 9 October 2012, President Mohamed Morsi issued an amnesty decree pardoning “all felony convictions and misdemeanor convictions or attempted-crimes committed to support the revolution and the fulfillment of its goals during the period from January 25 till 30 June 2012”¹⁶. Although the decree is a positive step towards serving justice to protesters who were unjustly imprisoned, it does not come close to provide remedy and reparation to those protesters. The decree was not transparent; the criteria used to determine whether the crimes or misdemeanor were committed to “fulfill the goals of the revolution” were not made public. According to the decree, the amnesty applies to “every person who was convicted for some of the crimes committed during the January 25 Revolution”. The amnesty does not apply to everyone, then, but to the category of “some”, the qualifications of belonging to which are unknown. The absence of transparency leaves the task of deciding who is a “revolutionary” deserving of amnesty to the authorities, with the result being that all those arrested during the Cabinet of Minister clashes were not pardoned, without any explanation¹⁷.
- On 22 November 2012, the President issued Law 96/2012 “On the Protection of the Revolution,” which mandates new investigations and retrials for those responsible of murder or attempted murder and injuring protesters committed by all who occupied a political or executive position in the previous regime¹⁸. The law does not constitute an effort to provide remedy and reparations to victims of violations, as it required, according to Article 2, that new evidence come to light in order to hold new investigations and trials. The law does not specify

¹⁵ Refer to communications sent by the offices of Special Procedures to the Egyptian government with regards to complaints submitted by Nazra for Feminist Studies concerning violations committed against WHRDs in November and December, 2011, AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (89-15) EGY 2/2012, 19 January 2012.

¹⁶ English text: President Morsi's pardon decree for revolution prisoners

<http://english.ahram.org.eg/NewsContent/1/140/55104/Egypt/The-Balance-Sheet/English-text-President-Morsis-pardon-decree-for-re.aspx> (Footnote different than that in the Arabic version, as no English equivalent is available).

¹⁷ List of the names of those convicted and guilty of crimes covered by the pardon decree for some of the crimes committed during the January 25 Revolution in application of Presidential Decree, Law 89/2012, The Official Gazette, issue No. 250, 5 November 2012.

¹⁸ Decision of the President of the Arab Republic of Egypt, Law 96 for 2012 “On the Protection of the Revolution,” The Official Gazette, Issue No. 47, 22 November 2012.

the institution responsible for gathering the new evidence required for retrials and investigations. Furthermore, the law did not stipulate whether it covers the period of the rule of the SCAF and whether it is applicable to military personnel, seeing that the violations committed against WHRDs during that period were committed by military personnel. The law issued to “protect the revolution” thus fails to fulfill the responsibility of the Egyptian authorities to bring those responsible for grave violations of human rights to justice. This is as it fails to stipulate specific measures to ensure justice for violations committed from the January 25 revolution and until President Morsi came to power.

Second Suggestion: Undertake Policies to Ensure the Non-Recurrence of the Policy of Targeting WHRDs

Guarantees of non-recurrence constitute an important aspect of international human rights law. While ensuring an end to the state of impunity are among the policies required to guarantee non-recurrence, the latter also require changes to the laws and practices that allowed these violations, which in turn requires radical adjustments of state institutions.

States parties to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Egypt ratified the treaty in 1986) are obligated to “eliminate any legal or other obstacles that impede the eradication of torture and ill-treatment”¹⁹.

- In the context of the violations committed against WHRDs, Nazra for Feminist Studies has explained, in previous reports, that the violations are based on two main factors. Firstly, the absence of a legislative framework to protect WHRDs during their activism in Egypt, and, secondly, the societal context that WHRDs operate in. The societal perception of WHRDs, namely that they defy commonly held beliefs regarding femininity and the role of women in society, constitutes an important factor used by security personnel to diminish the importance of the work of WHRDs. The latter two factors have thus contributed to the production and perpetuation of a policy of targeting WHRDs with violations based on the fact that they are women to oust them from the public sphere.
- With regards to the factor relating to the absence of laws that can provide protection to WHRDs, Egyptian authorities should, through an elected parliament, adjust the definition of torture in Article 126 of the criminal code Law 57/1937 to bring it in line with Article 1 of the UN Convention Against Torture, which Egypt has ratified. Nazra for Feminist Studies has documented cases of violations against WHRDs that qualify under the international definition of torture and not the definition in Egyptian law, which stipulates that the victim of torture must be accused of a crime and that the torture is committed for the purpose of extracting a

¹⁹ Committee Against Torture, General Comment 2, Implementation of article 2 by States Parties, U.N. Doc. CAT/C/GC/2/CRP.1/Rev.4 (2007), para.4.

confession. The latter definition does not comply with the reality of the practice of Egyptian security forces, which practices torture as a method to intimidate and punish WHRDs.

According to Article 21 of the ICCPR, “The right of peaceful assembly shall be recognized”. In addition to the ICCPR, Article 11 of the African Charter on Human and Peoples’ Rights, Articles 5 and 12 of the Declaration on Human Rights Defenders, and Article 20 of the Universal Declaration of Human Rights all protect the right to freedom of assembly.

According to Article 3 of the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly, “Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty”²⁰.

Egyptian authorities must undertake measures to reform the police which have become accustomed to the use of violence in dealing with protesters, and whose systematic use of violence was one of the causes of the Egyptian revolution. Reforms include the following measures:

- The future elected parliament should amend Article 102 of the police authority law No. 109/1971 so that the use of lethal force is constricted to cases of self-defense for oneself or others against the threat of impending death or serious injury;
- Train law enforcement officials on the international human rights standards, including those relating to maintain the security of peaceful assemblies. The latter standards are clarified in the Declaration on Human Rights Defenders, the Code of Conduct for Law Enforcement Officials²¹, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials²².
- Applying the proposal of the National Initiative to Rebuild the Police Force, which has issued a detailed plan of the measures that the Egyptian authorities must implement to reform the police force. Among the measures presented is societal oversight of police work, replacement of the Security Forces and Central Security divisions with anti-riot and rapid-response units, and revision of the legal definition of torture²³;
- Adopt the Declaration on Human Rights Defenders in the Egyptian national legislation in order to enhance the protection of human rights defenders, including WHRDs, and guarantee that the rights enumerated in the Declaration are met.

²⁰ UN General Assembly, *Code of conduct for law enforcement officials*, 5 February 1980, A/RES/34/169, available at: <http://www.unhcr.org/refworld/docid/48abd572e.html>

²¹ *Id.*, According to the Commentary on Article 1 of the Code of Conduct for Law Enforcement Officials, “The term ‘law enforcement officials’, includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention [...] In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.”

²² Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

²³ The National Initiative to Rebuild the Police: A Police for the Egyptian People, Second Edition – October 2011, available at http://eipr.org/sites/default/files/pressreleases/pdf/national_initiative_for_police_reform_en.pdf

According to Article 5 (a) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Egypt has ratified the convention in 1981): States Parties shall take all appropriate measures: "To modify the social and cultural patterns of conduct [...] with a view to achieving the elimination of [...] practices which are based on the idea of the inferiority or the superiority of either of the sexes..."

- The latter article stems from the realization that eliminating discrimination against women cannot be solely based on legislation, as it also requires measures that aim to eliminate perceptions concerning the traditional role of women, and on which the discrimination is based. In fulfillment of the latter goal, Egyptian authorities should undertake the following measures:
 - Organization of training courses for police officers and other law enforcement officials to increase their awareness of the vital role played by WHRDs in Egypt and to eliminate the stereotypical views about the "appropriate" roles of women in society, which constitute a factor behind their persecution of WHRDs.
 - Distribution of the Declaration on Human Rights Defenders among police officers, other law enforcement officials, and judges and organizing training courses on the rights enumerated in the Declaration. Training courses raise the awareness of law enforcement officials that the women they target with violence fall under the category of WHRDs, with emphasis on the important role they play through their presence in the public sphere. The training should also include a detailed description of the violations that took place against WHRDs as a practical manner of recognizing and acknowledging crimes of the past.

Third suggestion: Protecting WHRDs from violations committed by non-state actors

According to Article 2 of the ICCPR, (1) "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

- Nazra for Feminist Studies has documented violations against WHRDs committed by non-state actors during the presence, and non-intervention, of police officers during the November 2011 clashes (Mohammed Mahmoud events). Numerous WHRDs have been attacked by individuals

in civilian clothes, and, in many instances, the attacks began after the use of a certain “password” from police officers, such as directing civilians to “not touch” the WRHD²⁴.

- Given the criticism faced by the Egyptian authorities as a result of the policy of security officers of committing grave violations against WHRDs²⁵, the trend of transferring the responsibility of committing the violations to non-state actors is noticeable. On 2 June 2012, a number of women on Mohammed Mahmoud Street were sexually assaulted by mobs. The assault and sexual harassment were repeated on June 8 during a demonstration organized to protest the sexual assault that took place on June 2. According to testimonies documented by Nazra for Feminist Studies, the WHRDs that experienced mob sexual harassment sensed that the attack against them was not spontaneous, but an organized strategy to intimidate them²⁶.
- The state is responsible for protecting WHRDs, regardless of the identity of the perpetrators, whether state or non-state actors. Article 2 of the ICCPR affirms the duty of states to ensure the fulfillment of the rights recognized in the Covenant to all individuals, within its territory and subject to its jurisdiction without discrimination²⁷.

ICCPR (General Comment 31): the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities [...] There may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties’ permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities (Emphasis added)²⁸.

Committee on the Elimination of Discrimination Against Women (General Recommendation 19): 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 compensation²⁹.

²⁴ One Year of Impunity: Violations against Women Human Rights Defenders in Egypt from August to December 2011, Nazra for Feminist Studies, 1 September 2012, available at <http://nazra.org/en/2012/09/“i-m-coming-back-you-i-want-kill-you”-one-year-impunity>

²⁵ “A Continuation of Violations: Military Policy Towards Women Human Rights Defenders”, *supra* note 1.

²⁶ Testimonies on the Recent Sexual Assaults on Tahrir Square Vicinity, Nazra for Feminist Studies, 13 June 2012, available at <http://nazra.org/en/2012/06/testimonies-recent-sexual-assaults-tahrir-square-vicinity>

²⁷ UN General Assembly, *Human rights defenders*, 4 August 2010, A/65/223, para. 30, available at <http://www2.ohchr.org/english/issues/defenders/docs/A-65-223.pdf>

²⁸ *Supra* note 13, para. 8.

²⁹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General Recommendations No. 19, adopted at the Eleventh Session*, 1992, A/47/38, para. 9, available at: <http://www.unhcr.org/refworld/docid/453882a422.html>

- The duty to protect entails the protection of WHRDs from violations committed by non-state actors. Failure to prosecute non-state actors who committed violations is an omission that gives rise to legal responsibility for the state, according to international human rights law.
- Egyptian authorities should conduct transparent investigations regarding the violations committed against WHRDs by non-state actors. Police and military officers who failed to protect WHRDs from these violations should also undergo investigations.
- Police officers should be present during demonstrations to protect protestors from any attacks from outside the demonstration.
- The absence of any form of protection of demonstrations led to the formation of “human chains” to protect female protestors from the widespread phenomenon of sexual harassment. However, the exploitation of the idea of “human chains” and its adaptation to become a new tool to sexually harass female protestors has been noticeable, given the absence of any effective security presence to protect female protestors³⁰.
 - The complete absence of any security presence was noticeable during the demonstrations that took place on Friday, 12 October 2012, dubbed “Accountability Friday”. Presidential spokesperson Yasser Ali’s stated that “it is preferable that security officials remain outside the scene for the interest of demonstrations”³¹. This statement constitutes a peculiar stance for the Egyptian authorities, seeing that the responsibility of maintaining the safety of protestors and the protection of the right to peaceful assembly falls on the state, and not, as Ali claimed, on the organizers of the demonstration. Ali’s statement is also indicative of the realization of the Egyptian authorities that the presence of security forces presents a threat to demonstrations, given their violent conduct with protestors and the absence of any programs to reform and train security officers on appropriate conduct during peaceful assemblies.
- Egyptian authorities should provide special protection to WHRDs, seeing that they face specific forms of violence for defying social norms of what constitutes acceptable roles of women in society:
 - Provide special attention to the violations faced by WHRDs in the reports submitted by the Egyptian authorities to international committees, such as the Committee on the Elimination of Discrimination against Women. A specific section should be dedicated to addressing violations against WHRDs and the steps taken by the Egyptian authorities to deal with these violations.

³⁰ *Supra* note 26.

³¹ The Presidency: We Preferred that Security Forces Stay Away From the Million-Men Marches in Tahrir, Al-Shorouk, 13 October 2012, available at <http://www.shorouknews.com/news/view.aspx?cdate=13102012&id=840784eb-66dd-4c99-9857-091135575644> (translated by Nazra for Feminist Studies).

- Formulating protection programs for WHRDs including early warning systems to anticipate the necessary measures to protect WHRDs and launch them. According to the former Special Representative of the Secretary-General on the situation of human rights defenders:

“Certain categories of defender are more likely to be targeted during certain periods of time [...] according to the political agendas in their countries [...] These ‘seasonal’ changes in the vulnerability of human rights defenders could be a basis for the adoption of strategies for protection that would be especially active on behalf of certain defenders precisely during periods of expected vulnerability.”³²

- Trainings on human rights, gender, and the Declaration on Human Rights Defenders should be a precondition for the selection of police officers and law enforcement personnel involved in protection mechanisms.³³
- Initiate an evaluation of the protection needs of WHRDs, who must be primarily involved in this process, seeing that they are the primary stakeholders:
 - WHRDs and human rights organizations should be consulted with regards to the cases in which Egyptian authorities should pay special attention due to the vulnerability of WHRDs in these conditions, such as during assemblies calling for women’s rights in Egypt.

³² UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders*, 30 December 2009, A/HRC/13/22, para. 51, available at: <http://www.unhcr.org/refworld/docid/4bbd9a2f2.html>

³³ Commentary to 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, UN Special Rapporteur on the situation of human rights defenders, p. 22, para. e, July 2011, available at <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>