

**A Continuation of Violations:
Military Policy towards Women Human Rights Defenders**

**Women Human Rights Defenders Program
Nazra for Feminist Studies
December 2011**

Content

Introduction	3
Who Are Women Human Rights Defenders (WHRDs)?	3
Attacks on Women's Human Rights Defenders since SCAF Took Power.....	4
Conclusion.....	12
Recommendations to the Egyptian Government	13

Introduction

It is no exaggeration to refer to sexual and gender-based violence as a pandemic. Globally, women and children are most in danger of being targets of this insidious form of human rights abuse, and those displaced or caught-up in conflict are often at greatest risk.

- UNHCR, 2001 foreword.

The above statement by the Office of the United Nations High Commissioner for Refugees (UNHCR) does not solely apply to refugee women, but to the situation of women globally, as the latter are generally the targets of human rights abuses. For the purposes of this report, the focus will be on women human rights defenders (WHRDs) and the unique human rights violations perpetrated against them.

On 11 February 2011, Hosni Mubarak, Egypt's president for the past thirty years stepped down, in response to the mass protests swept the country on Tuesday, January 25. In resigning, Mubarak handed the reins of power to the Supreme Council of Armed Forces (SCAF); an 18-member body composed of high-ranking commanders in the army, air force, and navy. The SCA, initially, pledged that it would hand over power in the duration of 6 months. However, it changed plans afterwards, promising, instead, to hand over legislative powers after a parliamentary election in the fall. Presidential elections would then follow, through which the transfer of executive powers would take place. Doubts began to simmer about the SCAF's commitment to the ideals of the revolution, however, as practices of Mubarak's regime started to make reappearance. This report will present an overview of the persistent practice of the Egyptian state in targeting WHRDs, a practice that was carried out by the regime of ousted president Hosni Mubarak, and which is still enduring under the rule of the SCAF. Importantly, the violations perpetrated against WHRDs take place in a context of non-recognition for the work of WHRDs and non-acknowledgment of the violations that take place against them as human rights violations.

Who Are Women Human Rights Defenders?

The main international instrument on human rights defenders is the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the Declaration on Human Rights Defenders. The Declaration was adopted by the UN General Assembly in December 1998, after 14 years of negotiation. According to Article 1 of the Declaration, a human rights defender is any person who promotes and strives "for the protection and realization of human rights and fundamental freedoms." What characterizes a defender, according to the Special Representative of the Secretary General on the situation of human rights defenders, Hina Jilani, is the activity of promoting and protecting human rights. Such a broad categorization was employed in order to avoid exclusion, including instead everyone who advocates for human rights.¹

¹ Report submitted by the Special Representative of the Secretary General on the situation of human rights defenders, Hina Jilani, to the 62nd session of the Commission on Human Rights, 23 January 2006 (E/CN.4/2006/95), p. 10. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/103/68/PDF/G0610368.pdf?OpenElement>

WHRDs adhere to the definition of human rights defenders above. In addition, the International Campaign on Women Human Rights Defenders defines them as women “*active in human rights defense who are targeted for who they are, and all those active in the defense of women’s rights who are targeted for what they do.*”² WHRDs face threats that are gendered, in addition to those faced by men. For the purposes of Nazra’s Women Human Rights Defenders Program (WHRDP), WHRDs include young women human rights activists, female labor activists and trade unionists, female protesters, women activists from minority groups whether ethnic or religious, as well as people with disabilities, and young women in old and emerging political parties and social movements. WHRDs are vulnerable to violent reprisal from the state as they are seen to be representing a threat to traditional gender roles, especially in patriarchal societies. The virginity tests conducted by the Egyptian army for some female protesters on 9 March 2011 are one incident of violations against WHRDs undertaken by the Egyptian authorities. According to Hina Jilani, the Special Representative of the Secretary General on the situation of human rights defenders:

Women defenders may arouse more hostility than their male colleagues because as women human rights defenders they may defy cultural, religious or social norms about femininity and the role of women in a particular country or society. In this context, not only may they face human rights violations for their work as human rights defenders, but even more so because of their gender and the fact that their work may run counter to societal stereotypes about women’s submissive nature, or challenge notions of the society about the status of women.³

The history of discrimination and a struggle for gender equality, however, set WHRDs apart from other defenders. In addition, patriarchal structures and practices make the task of WHRDs more difficult, making them vulnerable to additional violence specific to their gender. Special representative Jilani explained, however, that this is not to define WHRDs as a separate category, but to highlight the risks and challenges they face because of their gender so as to develop responsive strategies.⁴

Attacks on Women Human Rights Defenders under the SCAF

On 9 March 2011, at Cairo’s Tahrir Square, Egyptian army officers clamped down on protesters, violently clearing the Square. The army beat, detained, and electrocuted 17 women. Of these women, 7 were strip-searched, threatened with prostitution charges, and forced to undergo “virginity tests.” The women were brought before a military court on the 11th of March and released on the 13th. A senior Egyptian general admitted, on CNN, to the virginity tests the women were forced to

² Defending Women, Defending Rights; Proceedings of the International Consultation on Human Rights Defenders (2006), p.1.

³ Report submitted by the Special Representative of the Secretary General on the situation of human rights defenders, Hina Jilani, to the 58th session of the Commission on Human Rights, E/CN.4/2002/106, 27 February 2002, para . 91. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/111/22/PDF/G0211122.pdf?OpenElement>

⁴ Report submitted by the Special Representative of the Secretary General on the situation of human rights defenders, Hina Jilani, to the 58th session of the Commission on Human Rights, E/CN.4/2002/106, 27 February 2002. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/111/22/PDF/G0211122.pdf?OpenElement>

take, his justification being that the women “were not like your daughter or mine. These were girls who had camped out in tents with male protesters.”⁵

According to Salwa El-Hosseini, a female 20-year-old hairdresser, uniformed soldiers tied her up on the museum's grounds, forced her to the ground and slapped her, then shocked her with a stun gun while accusing her of being “one of the prostitutes all over the country”.⁶ According to an anonymous 17-year old female activist, the army soldiers claimed that they picked her up from a prostitute hostel and accused her of destroying the country. They verbally assaulted them with abusive remarks, and when she told them to abstain from insulting her parents, one officer responded, “If your parents had raised you well, you wouldn't have gone down to Tahrir.” The women were taken to a military prison in Heikstep, where they were to take off their clothes, in a room with two open doors and a window, after which they were searched by a female prison guard. Meanwhile, male soldiers were watching and taking pictures of the naked women. The “virginity tests” were held in a different room, conducted by a male wearing a white coat. The women were threatened with prostitution charges if they were not found to be virgins.⁷ “Forcing women to have 'virginity tests' is utterly unacceptable,” the Amnesty report said. “Its purpose is to degrade women because they are women.”

Samira Ibrahim, a female 25-year-old director of a marketing department in a private company, was arrested on March 9 and subjected to “virginity tests,” is the only woman to pursue legal action against the SCAF. Ibrahim filed an official complaint with the military prosecution to pursue criminal action against her alleged abusers, and to date, no serious investigation has taken place to identify the officials responsible for the conduction of the tests. Moreover, the Hisham Mubarak Law Center, the Egyptian Initiative for Personal Rights, Al-Nadeem Center for the Rehabilitation of Victims of Violence and Torture, Nazra for Feminist Studies, the New Woman Foundation, and the No Military Trials group filed a lawsuit on behalf of Ibrahim, with the Court of Administrative Justice challenging the use of “virginity tests” in all military facilities, against the Commander in Chief of the Military Forces and the Minister of Defense and others challenging the decision of forcing women to examine their virginity in military prisons and detention places for Armed Forces.⁸ In a court hearing on October 25, the lawyer of the defense denied the allegation and called for the dismissal of the case based on lack of evidence. Since she pursued legal action against the army and Samira is receiving many threats⁹ to be a second Khaled Said.¹⁰

It is worth noting that the “virginity tests” are just one example of a series of violations taking place particularly against women human rights defenders and have been persistent under the military rule.

⁵ <http://www.amnesty.org/en/news-and-updates/egypt-admission-forced-virginity-tests-must-lead-justice-2011-05-31>

⁶ http://articles.cnn.com/2011-05-30/world/egypt.virginity.tests_1_virginity-tests-female-demonstrators-amnesty-report?s=PM:WORLD

⁷ <http://www.amnesty.org/en/news-and-updates/egyptian-women-protesters-forced-take-‘virginity-tests’-2011-03-23>

⁸ “Hisham Mubarak Law Center Challenges the Decision to Conduct Virginity Tests on Girls Inside Military Prisons,” Hisham Mubarak Law Center, retrieved October 15, 2011 at <http://www.hmlc-egy.org/node/1706>

⁹ Video on Tahrir Diaries website, Samira and the Army, a Story of an Egyptian Girl, 15 November 2011, <http://www.youtube.com/watch?v=c29CAXR141s>

¹⁰ Said was a 28-year old Egyptian man who was beaten to death by police on June 6, 2010. His death is considered one of the galvanizing factors of the January 25 revolution..

Recently, On 19 March 2011, activist and lawyer Ragia Omran was arrested while monitoring the constitutional referendum, and was accompanied by her sister and an American journalist. Ragia had an official monitoring permit from the Supreme Judicial Committee, but an army officer demanded that they leave the polling station, accusing the sisters of being traitors. They were brought to the Cairo Security Directorate, where a woman strip-searched them in a room adjoining the Lieutenant's office. They were accused of insulting a public official on duty, but the charges were dropped on 20 March 2011.¹¹

On 4 October 2011, during a demonstration in solidarity with activist Maikel Nabil, a blogger arrested by the military police for a blog post in which he criticized the military, Sahar Maher was arrested after recording the threats leveled against demonstrators by an army colonel. Maher was accused of assembling in front of a military institution, photographing a military institution and "military secrets." According to Maher, during investigations, it was suggested that she, a Muslim, is romantically involved with Maikel, a Christian, a hint at the rumors that can be circulated and which can cause her great problems, due to the taboo surrounding the issue of individuals of different religions being romantically involved.¹²

On 20 November 2011 Bothaina Kamel, Egypt's only potential female presidential candidate, was also sexually assaulted in Tahrir Square. According to Kamel, she was "beaten all over [and] touched sexually by army officers." Kamel recounts that some army officers tried to halt the assault when they recognized who she was, knowing that she will "talk to all the world."¹³ Kamel's assault, like other assaults against women human rights defenders, reflects the policy undertaken by Egyptian officials in resorting to sexual violations in dealing with women human rights defenders. Despite Kamel's ordeal, she was fortunate enough to be recognizable to some officers, who halted the assault.

On 25 November 2011, prominent American-Egyptian journalist Mona Eltahawy was subjected to brutal beatings and sexual assault by the riot police, which left her with a broken arm and hand. According to Eltahawy, "they [...] sexually assaulted me -- I was groped all over my body. I lost count of the number of hands that tried to get into my trousers."¹⁴ She was then dragged by the hair to the Ministry of the Interior, where she was detained for 10 to 12 hours by ministry officials, then by military intelligence. It is probable that Eltahawy's attackers did not know of her prominent stature, as she was attacked and groped on the street by Central Security Forces, Egypt's paramilitary force, if that is the case, then Eltahawy's case is indicative of the attitude towards women human defenders, one that is characterized by the resort to sexual violations to intimidate women. Colonel Islam Jaffar, Head of the military's Morals Department in Central Cairo justified the attack by claiming that Eltahawy did not have an Egyptian press pass to identify her as a reporter while she was in Tahrir Square, remarking, "she complained to me that she was beaten and sexually assaulted by Central Security Forces but what did she expect would happen? She was in the middle of the streets, in the midst of clashes [...] We are under threat. She could be a spy for all we know."¹⁵

¹¹ International Federation for Human Rights, Arrest and subsequent release of a human rights defender monitoring the referendum on constitutional amendments, 28 March 2011, available at: <http://www.omct.org/human-rights-defenders/statements/egypt/2011/03/d21176/>

¹² Hisham Mubarak Press Conference, 9 October 2011.

¹³ **Tim Hume, Mairi Mackay, Activist: Egypt's leaders label female protesters 'prostitutes,' CNN, 25 November 2011.**

¹⁴ Peter Beaumont and Bel Trew, Journalist Mona Eltahawy tells of Sex Assault in Cairo Ministry, The Guardian, 24 November 2011.

¹⁵ Anthony Shadid, Egypt Orders 3 American Students Released, and Journalist Is Assaulted in Detention, New York Times, 24 November 2011.

According to Eltahawy, a military officer apologized to her after he checked her identity¹⁶ and promised an investigation. To date, however, the results of the promised investigation have not been released.¹⁷

The right to human dignity proceeds from the assumption that the dignity of all humans must be respected by virtue of their membership of humanity. Any practice that serves to objectify human beings violates the intrinsic worth of the individual. The practices of beaten, assaults and harassing WHRD and the harshest practice which is virginity testing implicates women's very sexual identity, reducing women to sex objects, thus impacting on their value as human beings. Virginity tests are, by their nature, invasive and violent, and the impact on women's dignity and bodily integrity is severe. The right to privacy is also violated through virginity tests, as women identified as non-virgins might be exposed to violent reprisals, abandonment, or any other form of physical and emotional risk. Samira, the only woman to file a case against the army officers for the virginity test said "If the doctor who conducted the virginity test was actually a medical doctor, why did he put his hands inside me for 5 minutes? He wanted to humiliate me while he was playing with his cell phone so I would not go back to demonstrate again or ask for our rights again"¹⁸. In the same video, Samira spoke of the phone threats she has been receiving ever since she decided to file the lawsuit against the army. In many communities, survivors of sexual violence may be doubly victimized, once by the perpetrator and second by their communities, as they are perceived as a blight on the community or family "honor". In its worst form, this re-victimization is violent and even fatal. However, even the risk of ostracism and shunning from the community constitute potent psychological oppression.¹⁹

Article 1 of the UN Declaration on the Elimination of Violence against Women defines violence against women as "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 [...] whether occurring in public or private life." The preamble of the Declaration locates the roots of gender-based violence in historically unequal power relations between men and women and recognizes that "violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position."

Under international law, sexual violence amounts to torture when committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting officially. There is an evolving practice in the treaty bodies and the work of the Special Rapporteurs, and in case law in the regional context as will be analyzed in later sections, which makes it clear that positive obligations on part of the state are an integral part of considering whether or not the state has

¹⁶ Egyptian Activist Recounts the Facts of her Assault by Security Forces, Al Arabiya, November 26, 2011.

¹⁷ Anthony Shadid, *Egypt Orders 3 American Students Released, and Journalist Is Assaulted in Detention*, NEW YORK TIMES, November 24, 2011

¹⁸ Video on Tahrir Diaries website, Samira and the Army, a Story of an Egyptian Girl, 15 November 2011, <http://www.youtube.com/watch?v=c29CAXR141s>

¹⁹ Amnesty International documents such facts in many of its reports on sexual violence, from all regions of the world. It is often irrelevant whether the sexual violence occurred during armed conflict, crimes against humanity or in peace-time, as the focus is on perceptions of the "purity" or otherwise of the woman or girl concerned. For example, Amnesty International reported on the situation of women who had been raped in the Bosnian war in the early 1990s, and that "[m]any victims... pointed out that the public perception of rape was preventing them from rebuilding their lives and integrating with the society. [One complained that] "I do not have any rights. Wherever I go people perceive me – I am sorry to use this word – as a whore. But did I choose this life?" ("Whose Justice?" the women of Bosnia and Herzegovina are still waiting" (AI Index EUR/63/006/2009) page 59).

fulfilled its human rights obligations.²⁰ According to the Human Rights Committee's General Comment 20 on Article 7 of the International Covenant on Civil and Political Rights (ICCPR) that prohibits torture or to cruel, inhuman or degrading treatment or punishment²¹:

*It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against [torture or CID (Cruel, inhumane, or degrading) treatment] whether [these acts are] inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.*²²

In the case of the “virginity tests,” the choice of sexual violence is very powerful and effective, as it raises primal fears ingrained in women’s consciousness as it often reflects the reality of past violence and abuse. Once it has been established that a fundamental right, or rights, have been impinged upon, the question arises as to whether the infringement can be justified as a permissible limitation of the rights involved.

According to article 17 of the ICCPR, the right to privacy protects individuals against “arbitrary or unlawful interference with [their] privacy [... and] unlawful attacks on [their] honor and reputation.” The enforcement of “virginity tests” leads to the invasion of the right to privacy. Although the right to privacy is not absolute, its limitation is justified only if reasonable in the particular circumstances and is provided for by law in accordance with the provisions and objectives of the ICCPR. Enforcing “virginity tests” in order to ensure that the women would not accuse the army later of rape is not a limitation that serves to “promote the general welfare in a democratic society.” The women’s right to privacy was thus an unlawful attack on their honor and reputation.

Certain rights are non-derogable under international human rights law, however, amongst which is the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.²³ In the Egyptian case, an army official justified virginity tests by claiming that they are a protective measure so that the women involved do not claim that the army raped or harassed them, “We wanted to show that they were not virgins in the first place”.²⁴ Seeing that “virginity tests” are a form of sexual violence that amounts to torture, as it was committed by a public official, the authorities cannot claim that the practice was committed due to the extraordinary circumstances in Egypt.

Despite the fact that the army admitted in media statements that “virginity tests” took place, no investigation took place as to who conducted the “tests,” the perpetrators thus walking away with impunity. The effective prosecution of cases of sexual violence is often undermined by stereotypes on the part of officials.²⁵ However, states are obliged by international human rights law to dispel

²⁰ “Documenting Human Rights Violations by States Agents: Sexual Violence,” Amnesty International Publications and the International Center for Human Rights and Democratic Development, p. 19.

²¹ According to Article 7, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

²² General Comment no. 20 (44) Art.7, CCPR/C/21/Rev.1/Add.3

²³ Art. 7, ICCPR.

²⁴ Samiha Shafy, *Horribly Humiliating: Egyptian Woman Tells of Virginity Tests*, SPIEGEL ONLINE. November 6, 2011.

²⁵ *Defending Women, Defending Rights*; Proceedings of the International Consultation on Human Rights Defenders (2006), p. 33.

discriminatory practices and attitudes in order to implement the right to equality.²⁶ Judgments play an important role, as they indicate to society that the conduct in question is criminal and unacceptable, thus addressing attitudes that seek to excuse criminal conduct.²⁷ Certain of the Rules of Procedure and Evidence of the International Criminal Court reflect good practice adopted in some national jurisdictions, that seek to eliminate stereotypes and prejudices, specifically those that degenerate women, amongst which a rule that requires the Court to disregard prejudicial attacks on a victim's credibility as a witness through the use of evidence of that person's previous sexual history; it also requires the Court not to infer from previous sexual history evidence that a victim or witness is predisposed to be sexually available (Rule 70(d)). The direct opposite can be observed in the case of "virginity tests," in which army officials assumed that the women's involvement in protests to be indicative of "disrespectful" sexual behavior; that they thus bear responsibility for the treatment they received.

History of Violations Against Women Human Rights Defenders

Violations to the rights of WHRDs are not unique to the rule of the SCAF. The history of violations against WHRDs extends to the days of former president, Hosni Mubarak, whose strong security apparatus had a long record of violations against. On 11 May 2006, Abeer Al-Askary, a reporter for *Al-Dustour* newspaper, five or six men beat her, put her in a police microbus and then drove her to the Sayyida Zeinab police station while covering demonstrations at the High Court. After Al-Askary resisted the police and created a scene, grabbing the attention of passersby who demanded that the officers stop abusing her, the police replied, "She's been committing adultery." They tore her clothes and ripped the buttons off her shirt, continuing to slap and punch her while she was forced to lie on the ground with an officer stepping with his shoe on her face. In order to justify their violent assault on Al-Askary, the officers resorted to sexually charged claims, referring to the lie that she committed adultery to gain the approval and sympathy of the bystanders. This was a case in which the discrediting of women by portraying them as sexually "devious" serves to deny them the possibility of support or protection from the community, or in this case, from passersby.

On 18 May 2006, while covering a protest in Cairo against the trials of Hisham El-Bastawisy and Mahmoud Mekky, who drew attention to the violations that took place in the 2005 presidential elections- Associated Press correspondent Nadia Abul Magd was trampled by security police and insulted and threatened by thugs. On 8 September 2006, Reporters Without Borders reported that

²⁶ The Convention on the Elimination of All Forms of Discrimination against Women, Article 5(a) contains the obligation "[T]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

According to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 2(1): "States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:
(b) Enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;"

²⁷ In the case of *Opuz v. Turkey*, the European Court of Human Rights referred to 'the existence of a *prima facie* indication that the general and discriminatory judicial passivity in Turkey created a climate that was conducive to domestic violence.' (*Opuz v. Turkey*, Application 33401/02, judgment 9 June 2009, Paragraph 198.)

Reuters journalist Samar Said, based in Cairo, was being harassed and followed by state security services. Security forces informed and intimidated Said by telling her detailed information about her travels, phone calls and work. Said was exhaustively interrogated several times in 2003 and accused of being a spy. She suspected that the 2006 threats and harassment were due to her research and reporting on the state security's detention of Islamist political activists and members of other banned organizations.

For many WHRDs, their families constitute strategic support systems. Paradoxically, families also constitute their greatest weakness, threats to family members often the last straw that prevents WHRDs from continuing their activism. Such was the experience of Shaymaa Abul Kheir, a reporter for *Al-Dustour* newspaper, who received messages through her relatives and neighbors warning her that her brothers would be detained if she did not drop charges against the leaders of the former National Democratic Party (NDP) and police officers after being beaten and groped by "government supporters"²⁸ while covering a protest on 25 May 2005 over the fraudulent constitutional referendum.

Not only reporters faced violent reprisal from the state, however. On 25 May 2005, on what became known as "Black Wednesday," Dr. Magda Adly, one of the founder of Nadim Center for Rehabilitation of Victims of Violence, was beaten at a demonstration when she tried to help two colleagues that she heard were held by the police at a nearby pharmacy. Five buses carrying hundreds of young men carrying and wearing badges of the, then-ruling, National Democratic Party, who proceeded to beat and assault the protesters as the police officers stood by. One of the hired thugs beat Adly and pulled at her skirt trying to strip her of her clothes. She tried to hold on to her skirt but "he put his hand between my legs and touched me. I screamed and tried to push him away. Police officers standing around were watching and refused to help me."²⁹ In addition to Magda Adly, activist Nora Younis along with 30 other women were pulled out of a demonstration and taken to a parking garage by police officers. Government sponsored thugs sexually assaulted Younis and the women, tearing their clothes and leaving them half-naked and crying on the street. Younis submitted a CD of photographs of the attackers as a lawsuit against the police but the state did not press charges.³⁰

Communication number 323 of 2006 was raised by the Egyptian Initiative for Personal Rights (EIPR)³¹ and INTERIGHTS³² before the African Commission on Human and People's Rights (ACHPR) on behalf of four of the female journalists and activists who were assaulted on the events of the Black Wednesday, including nine charges made against the Egyptian government for violating the African Charter on Human and Peoples' Rights. The Egyptian government ratified the Charter on 20 March 1984, the Charter becoming part of Egyptian law. The nine charges include the targeting of the female activists and journalists with sexual and physical violence (Article 2), the

²⁸ *Shaymaa Abol Kheir, Al-Dustour Harassed*, Committee to Protect Journalists, June 21, 2005.

²⁹ "Egypt - Magda Adly" Retrieved October 12, 2011 from <http://www.frontlinedefenders.org/node/344>

³⁰ "Egyptian activist takes fight for freedom online," Retrieved October 12, 2011 from <http://www.csmonitor.com/World/Middle-East/2009/0105/p04s01-wome.html>

³¹ The Egyptian Initiative for Personal Rights (EIPR) is an independent Egyptian human rights organization that was established in 2002 to promote and defend the personal rights and freedoms of individuals. www.eipr.org/en

³² INTERIGHTS is an international legal human rights NGO based in London, UK. www.interights.org

violation of their right to equal legal protection (Article 3), their right to dignity and not being subjected to cruel or humiliating treatment (Article 5), and the state's shortcoming in its responsibility to protect women from violence (Article 18, Paragraph 3). Civil society organizations decided to resort to the ACHPR after the public prosecutor decided on December 2005 to suspend investigations of the claims made by female activists and journalists, the pretext being the inability to identify the perpetrators. This decision was supported by the Appellate Court on February 2005, domestic remedies thus exhausted.³³ On 25 May 2006, the ACHPR decided to take on the communication.

Dr. Adly was a victim of another violent attack on 30 April 2008, when she was attacked with a knife by a police officer in Kafr El Dawwar, in el-Beheira governorate, after she attended the hearing of Sobhy Mohamed Hussein and his sons Ahmed and Mohamed. She had visited them in police custody the previous day where she observed that they had been subject to torture. In addition, members of their family had given her their bloodstained clothes testifying to physical abuse at the time of their arrest, which she presented to the judge during the hearing. The police officer attempted to escape but was prevented and taken into custody and later admitted that he was following the orders of Ahmed Maklad, an intelligence officer who was implicated in allegations of torture and ill treatment against the three men.³⁴

On 11 March 2008, Amal Saed and Wedad El-Demerdash were attacked by workers affiliated with the plant's management, in response to the demonstrations held by the workers, including them, for two consecutive days. Saed was sexually harassed and her veil violently removed. El-Demerdash, on the other hand, was threatened to be raped in front of her husband and children. When both women tried to report the violations, the El Mahalla police station refused to report the incidents.³⁵

³³ According to Article 56 of the African Charter on Human and People's Rights: Communications relating to human and peoples' rights [other than those of States parties] received by the Commission, shall be considered if they: (5) Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged.

³⁴ "Egypt: Attack on human rights defender, Dr Magda Adly, while attending hearing of victims of torture in detention," Frontline Defenders, 7 May 2008. Retrieved October 11, 2011 from <http://www.frontlinedefenders.org/node/1428>

³⁵ Sexual Harassment Afflicts Ghazl al-Mahalla Plant Threatening Female Workers of Sexual Assault, The Hisham Mubarak Law Center, Retrieved November 27, 2011 from <http://www.hmlc-egy.org/node/946>

Conclusion

WHRDs have faced persistent attacks from the Egyptian state, which targeted journalists covering demonstrations, as in the case of Samar Said, high-profile activists such as Dr. Magda Adly, and lesser known activists. The nature of assaults, stripping off of clothes, sexuality baiting, threatening women with prostitution charges, reflects the gender-specific violations WHRDs have faced for years. The context in which violations occur is especially important, as it underpins tactics undertaken to silence WHRDs. Tapping into collective beliefs about women's worth, their "normal" space and role in society makes it easy to dismiss violations against WHRDs as "normal." Such a trend can be observed in the justifications used by army personnel in the case of the, now infamous, "virginity tests," for example, members of the SCAF explaining the violation away by assuring that the women involved are not "like your daughter or mine," but deviant women who "camped out in tents with male protestors." By tapping into subconscious beliefs about "proper" conduct for women in Egyptian society, the violation was painted in the light of a corrective action undertaken by the army to punish "sexually deviant" women, who are pictured as "the other," pitted against "normal" society and "respectable" women. By portraying these women as threats to society, they are diminished into deviants who are denied any possible support from their communities.

The notorious case of "Virginity tests" only served to focus international attention on an enduring practice that has plagued WHRDs in Egypt for years. It is at this critical transition phase in the history of Egypt that the military should make a clear break with the repressive policies of the past. It is also a message being sent by the authorities to prevent women from practicing their rights to assembly and engaging in political and public sphere by stereotyping their existence in the public by targeting them on sexual assaults.

Recommendations to the Egyptian Authority

1. Acknowledge violations committed under the SCAF rule during transition, particularly the violations against protesters and activists, including women, during several incidents that took place in the past 9 months (Maspero incident on October 9th, Breaking- up the sit-in on 9 March during which the virginity testing took place, 9 April, 1 August and other incidents).
2. SCAF must turn in its authority immediately to a civilian government or entity to ensure a real transition from the past regime to a new democratic state that is respecting the rule of law.
3. Ensure all cases of alleged human rights violations are exclusively subject to the purview of civilian jurisdiction, except the ones committed by military personals, whose jurisdiction falls within military tribunals. In order to effectively address grave violations of human rights that are documented in this report, and deter future violations, the Egyptian authority should make sure that soldiers and members of the police who commit violations are brought to justice. The key to holding the latter accountable is to conduct prompt, impartial investigation into allegations of their crimes against women human rights defenders. A commission of inquiry/ investigation committee that is made up of independent human rights organizations needs to be established, so that the investigation and recommendations that come out of it are completely impartial and not tarnished with bias.
4. Publicly acknowledge the significant role played by women defenders and those working on women's rights or gender issues in the advancement of societies as a first step to preventing or reducing the risks they face. Specific national policy should be adopted to protect civil society and human rights defenders in general and women human rights defenders in particular.
5. Egypt should specifically bring its national legislation in line with its international obligations protecting freedom of assembly, the right to join and participate in non-governmental organizations, or groups.
6. Egypt should protect the right to access to effective remedy in the event of violations.
7. Involve women human rights defenders in consultations as specific stakeholders in protection programs and other initiatives.

Acknowledgments

Masa Amir, Nazra researcher, wrote this report, with research and documentation assistance by Salma El-Naqqash, WHRDP program coordinator, and Zeinab Khalil, intern. The report was edited by Yara Sallam, WHRDP program manager.

Copyrights: this report is published under a

Creative Commons Attribution-Noncommercial 3.0 Unported License

