



PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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REFERENCE: AL G/SO 214 (67-17) G/SO 214 (53-24) G/SO 214 (89-15)
EGY 6/2011

1 April 2011

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 torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 7/36, 8/8, and 7/24.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **allegations of torture, including forced 'virginity tests', inflicted by the army on 17 women who were peacefully demonstrating in Tahrir Square on 9 March 2011.**

According to information received:

On 9 March 2011, the Egyptian military arrested 18 women during a peaceful protest in Tahrir Square. Following their arrest, these women were initially taken to a Cairo Museum annex where they were reportedly handcuffed, beaten with sticks and hoses, given electric shocks in the chest and legs, and called "prostitutes". Thereafter, 17 of them were allegedly transferred to a military prison in Heikstep, where they were forced to take off their clothes to be searched by a female prison guard, in a room with two open doors and a window. During

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the strip search, male soldiers were allegedly looking into the room and taking pictures of the naked women. The women were then subjected to virginity tests in a different room by a man in a white coat and were threatened that “those not found to be virgins” would be charged with prostitution. Allegedly, a woman who said she was a virgin but whose test supposedly proved otherwise was beaten and given electric shocks. Information received indicates that army officers tried to further humiliate the women by allowing men to watch and photograph what was happening, with the implicit threat that the women could be at further risk of harm if the photographs were made public.

According to information received, all 17 women detained in the military prison were brought before a military court on 11 March 2011 and released on 13 March 2011. Several of them received one-year suspended prison sentences for disorderly conduct, destroying private and public property, obstructing traffic and carrying weapons.

Concern is expressed at the fact that the arrest and detention of these women, as well as the ill treatment inflicted on them, is solely connected to their peaceful demonstrations in favour of a democratic transition in Egypt grounded on human rights and gender equality.

While we do not wish to prejudge the accuracy of these allegations, we should like to appeal to your Excellency’s Government to seek clarification of the circumstances regarding the cases of these 17 women. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In addition we appeal to your Excellency’s Government to take all necessary measures to guarantee to the above-mentioned persons the right to be free from any gender-based violence, discrimination and abuse. Towards that end, we would like to draw your Excellency’s Government’s attention to the Declaration on the Elimination of Violence against Women, which was adopted by the United Nations General Assembly and which states that women are entitled to equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia, (a) the right to life; (b) the right to equality; (c) the right to liberty and security of person; and (d) the right to equal protection under the law (Art. 3).

Furthermore, we would like to draw your Excellency’s Government’s attention to article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. We would also like to bring to your

Excellency's Government's attention article 4 (c) and article 4 (d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of states to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms (adopted by General Assembly resolution 48/104 on 20 December 1993).

We also deem it appropriate to make reference to article 7(c) of the Convention on the Elimination of all Forms of Discrimination against Women which explicitly provides for the promotion and protection of women in freely participating in public matters. 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 concerned with the public and political life of the country.

Moreover, we would like to refer to the United Nations Principles of Medical Ethics, adopted by the General Assembly in 1982, and in particular principle 2, which states: "It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment."

In this context, we would like to draw your Excellency's Government's attention to paragraph 1 of Human Rights Council Resolution 8/8 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would also like to draw your Excellency's Government's attention to article 12 of the Convention against Torture, which requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and article 7 of the Convention against Torture, which requires State parties to prosecute suspected perpetrators of torture. We would also like to draw your Government's attention to paragraph 6b of Human Rights Council Resolution 8/8, which urges States "To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold those who encourage, order, tolerate or perpetrate acts of torture responsible, to have

them brought to justice and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and to take note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to combat torture.”

We would like to appeal to your Excellency’s Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.”

We would also like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Excellency’s Government adopts effective measures to prevent the recurrence of these acts.

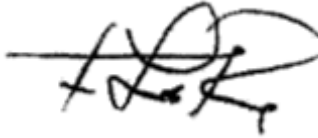
Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, medical examination, and judicial or other inquiries carried out in relation to these cases. If no inquiries have been taken, or if they have been inconclusive, please explain why.
4. What specific measures are being taken to prevent further virginity tests in detention facilities?

5. What specific measures are being taken to ensure that reparation is provided to those women having been subject to ill treatment including forced virginity tests?
6. Please indicate the legal basis of the arrest and detention of these women, and subsequent court proceedings against them, and how these measures are compatible with international human rights norms and standards as contained, inter alia, in the International Covenant on Civil and Political Rights.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.


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



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freedom of opinion and expression



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



Rashida Manjoo
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