



OPEN LETTER

Geneva, 20 October 2016

Bin the Travel Ban

Lift undue restrictions on Mozn Hassan and Egyptian civil society's right to freedom of association

In January 2011, a young Egyptian woman, then 32, joined millions of her fellow citizens in protest in Tahrir Square in Cairo and across the country to demand the overthrow of President Hosni Mubarak and call for the ushering in of a new era of freedom and democracy for Africa's second most populous nation. Her name is Mozn Hassan, a courageous feminist and woman human rights defender, whose decade-long struggle to secure equal rights for women in Egypt before and after the revolution saw her and Nazra for Feminist Studies - the organisation that she founded and leads - being named as one of the 2016 Laureates of the Right Livelihood Award, "for asserting the equality and rights of women in circumstances where they are subject to ongoing violence, abuse and discrimination". The international recognition of the contribution of Egyptian women, during and after the revolution, to upholding democracy and fundamental human rights, should be a cause of celebration. But today, it is uncertain whether Mozn will be permitted to travel to Europe to receive her award, because of a travel ban imposed on her by the Egyptian authorities in June 2016.

Mozn's travel ban is the latest in a series of measures taken against her and over two dozen prominent leaders of Egyptian civil society under the ambit of the infamous Case 173 of 2011, commonly known as the "NGO Foreign Funding case". In March 2016, Mozn and her colleagues were summoned for questioning in connection with the case. Other civil society organizations, such as the prestigious Cairo Institute for Human Rights, have had their assets frozen, the Nadeem Center for Rehabilitation of Victims of Violence has been threatened with closure and still other human rights activists, such as Ahmad Abdallah, founder and board member of the Egyptian Commission for Rights and Freedoms, have even spent time in prison. But what grave crimes are they accused of to merit such restrictions of their freedoms? Case 173 alleges that 37 Egyptian NGOs, including Nazra for Feminist Studies, are illegally receiving foreign funding in breach of a Hosni Mubarak-era Law on Associations and Community Foundations (Law 84 of 2002). According to the International Centre for Not for Profit Law (ICNL)'s analysis of the law, Law 84 prohibits any association from foreign funds without advance approval of the Ministry of Social Solidarity, and provides for financial



penalties and imprisonment of up to one year for violations to the law. ICNL observes that amendments made to Article 78 of Egypt's Penal Code in 2014 tighten restrictions even further by providing for expanded penalties, including life imprisonment on anyone who accepts foreign funds in order to conduct activities deemed harmful to Egypt's national interests and unity. It is difficult to argue that the vaguely worded and overbroad provisions of the Penal Code amendments are not intended to send a chilling message to civil society and silence all independent voices that may not always agree with the government's policies.

We, the undersigned representatives of international civil society organisations note with appreciation Mozn Hassan's contributions to documenting violence against women, promoting women's rights and political participation and Nazra for Feminist Studies' provision of legal, medical and psychological support to women survivors of violence in Egypt. Mozn's work does not in any way harm Egypt's national interests, to the contrary, it furthers Egypt's compliance with its own progressive post-revolution 2014 Constitution and its obligations under international law as a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Indeed, during Egypt's last Universal Periodic Review (UPR) at the UN Human Rights Council, Egypt's delegation noted that the 2014 Constitution refers to women's rights in 20 different articles including on women's rights to hold leadership positions and protection from violence. Further, Egypt as a State Party to CEDAW is committed to adopt appropriate legislative and other measures to prohibit discrimination against women, and establish legal protection of the rights of women on an equal basis as men. Mozn and Nazra for Feminist Studies are supporting the realisation of these provisions; they have provided legal support for over 100 survivors of sexual harassment and women human rights defenders arrested for participating in peaceful protests, and their pioneering Women's Political Participation Academy successfully mentors Egyptian women seeking to hold leadership positions in institutions ranging from labour unions to parliament.

Mozn Hassan was summoned to appear before a judge investigating the "NGO Foreign Funding" case soon after her participation in various side events and workshops at the UN Commission on the Status of Women (CSW) in March 2016. On 27 June 2016, she was prevented by the airport authorities in Cairo – acting on the instructions of the investigating judge and the Prosecutor General – from attending and participating in the Executive Committee meeting for the Women Human Rights Defenders Regional Coalition for the Middle East and North Africa, as the Regional Expert for the coalition, that took place from 27 June to 1 July 2016 in Beirut, Lebanon. The travel ban, which has not been provided in writing to Mozn, is a clear reprisal measure designed to stop her from participating in international mechanisms and meetings, and to silence her voice.



Article 22 of the International Covenant on Civil and Political Rights (ICCPR) – which Egypt is a State Party to – guarantees the right to freedom of association, and we assert that this right extends to all activities of an association, including fundraising. Indeed, Maina Kiai, the UN Special Rapporteur on the Rights to Freedom of Assembly and of Association has held that the ability to seek, receive and use resources is inherent to the right to freedom of association and is essential to the existence and effective operations of any organisation. It is deeply distressing and unfortunate that the Egyptian judicial authorities continue to use Law 84, which is inconsistent with Egypt’s obligations under the ICCPR, to harass Egyptian civil society activists when Hisham Badr, then Ambassador of Egypt to the UN in Geneva, made a commitment at Egypt’s UPR in 2014 that a new association law would be enacted following consultation with civil society. While this new law is yet to be enacted, we are concerned that the draft law to govern civil society organisations approved by Egypt’s Cabinet on 8 September 2016 maintains a restrictive approach towards regulating civil society activity. We urge the Egyptian competent authorities, in particular the Prosecutor General and the Ministry of Foreign Affairs to immediately lift the travel ban on Mozn Hassan, so that she is able to travel to Europe to receive the Right Livelihood Award, but most importantly, to exercise her well established right to work, travel and operate freely as a human rights defender under international law, including the ICCPR and the UN Declaration on Human Rights Defenders. We also urge the Egyptian competent authorities to cease ongoing judicial proceedings under Case 173 until a new associations law is enacted that provides an enabling environment for civil society to operate free from hindrance and insecurity. In his comments in 2014 at Egypt’s UPR, Ambassador Badr said that engagement with civil society was a key pillar in the political and social transitional processes, and that civil society was a natural partner to the government. Lifting the travel ban on Mozn Hassan and stopping the persecution of Egyptian civil society under Case 173 would go a long way towards realising these sentiments, and ensuring that hard won gains of Egypt’s revolution toward the rule of law and democracy are not squandered.

Signed by:

Sharan Srinivas, Director of Research and Advocacy, Right Livelihood Award Foundation

Mary Lawlor, Executive Director, Front Line Defenders

Michel Tubiana, President, EuroMed Rights

Phil Lynch, Director, International Service for Human Rights

Robert Hårdh, Executive Director, Civil Rights Defenders

Danny Sriskandarajah, Secretary-General, CIVICUS