

Arab Republic of Egypt

Submission by CSW to the Universal Periodic Review 34th session

Introduction

- 1 CSW is a human rights organisation specialising in freedom of religion or belief (FoRB) for all.**
- 2 This submission seeks to highlight particular concerns regarding the right to FoRB in the Arab Republic of Egypt, as well as restrictions on freedom of expression, assembly and association.**
- 3 During the second Universal Periodic Review (UPR) cycle in 2014, Egypt accepted eight recommendations pertaining to FoRB, which were mostly non-specific and included calls for Egypt to encourage initiatives that promote ‘respect and religious tolerance’ (South Sudan, Cuba, Oman) and create ‘better understanding between all people and religions’ (Azerbaijan). The country was further urged to promote social dialogue to bring positive values to religious discourse (Jordan, Pakistan). Egypt noted Cape Verde’s recommendation to strengthen protections of the rights of religious minorities, particularly the right to freedom of worship, and to end ‘all impunity for violations of these rights.’**

Freedom of religion or belief (FoRB)

- 4** During the reporting period, President Abdel Fattah el-Sisi has shown support for the Coptic community, who are the only religious minority to experience improvements in the enjoyment of FoRB.
- 5** On 5 January 2015, President Sisi delivered a message of national solidarity and equality of citizenship at St Mark’s Cathedral in Cairo, making him the first serving Egyptian president to attend a Coptic Christmas Mass.
- 6** On 10 April 2017, the Egyptian government declared a three-month state of emergency, three days of mourning, and increased security following attacks

on St George’s Church in Tanta and St Mark’s Cathedral in Alexandria on 9 April.

- 7** In December 2018, the Egyptian Prime Minister approved the legalisation of 168 churches and buildings belonging to the Coptic Orthodox Church and Evangelical Church.

Renewal of religious discourse

- 8** Egypt accepted a recommendation to develop religious discourse that endorsed ‘the values of tolerance, social cohesion and mutual understanding’. In the reporting period, President Sisi and Al-Azhar¹ made some positive moves towards improving religious discourse and dialogue, including in addresses delivered by President Sisi at Al Azhar University and Awqaf (the Ministry of Religious Endowments) and the World Economic Forum in 2015.
- 9** In April 2017, Pope Francis visited Egypt at the invitation of the Grand Imam of Al-Azhar, Ahmed al-Tayyeb, during which they spoke at the International Peace Conference arranged by Al-Azhar. Pope Francis then received the Grand Imam during a private visit at the Casa Santa Marta in the Vatican in October 2018.
- 10** On 4 February 2019, the Grand Imam of Al-Azhar and Pope Francis signed a ‘Document on Human Fraternity for World Peace and Living Together’ during a Global Conference on the subject in Abu Dhabi, United Arab Emirates.

Church legislation

- 11** On 30 August 2016, the Egyptian Parliament passed the Church Construction and Renovation Law (Law 80/2016), enabling applications for the maintenance, renovation and construction of new churches and

¹ The Al-Azhar Mosque is Sunni Islam’s foremost authority in Egypt. Its associated university is considered the centre of Islamic learning in Egypt. While Al-Azhar it is not an official arm of the state, its connection

to the Egyptian government is apparent in the training it gives to government-appointed imams, and the Grand Imam of Al-Azhar is appointed by the president.

places of worship to be submitted to relevant provincial governors. Previously, permission for building a new church could only be granted through presidential decree, which occurred once every year or every other year.

- 12 While the new legislation marks a step towards ensuring FoRB for the Christian community, it contains vague prerequisites for the construction of new churches. The law specifies that the size of any new church must be proportional to the number of Christians in the surrounding neighbourhood. This is almost impossible to calculate, given that Egypt is yet to release religious data from the latest census.
- 13 The law also stipulates that provincial governors should consider ‘the preservation of security and public order’ when deciding on an application – an ambiguous caveat that could be used to justify the refusal of an application. Furthermore, the law does not provide objective measurement criteria that would negate personal objections to applications, nor does it provide any accountability for or avenues to appeal against a governor’s rulings.
- 14 In contrast to the numerous, ambiguous prerequisites for the construction of churches, the construction of new mosques is based only on compliance with standard building regulations and comes under the direction of Awqaf. The regulations governing the construction of Christian places of worship therefore highlight government discrimination between Christians and Muslims, which undermine efforts to create equal citizenship. The law also falls short of a universal measure applicable to the construction or renovation of all places of worship.

Recommendations

- 15 **Amend the new legislation on church building and renovation by removing the expansive and ambiguous grounds on which an application can be refused.**
- 16 **Extend revised legislation on church building and renovation to cover the houses of worship of all religious groups.**

Discrimination and violence against Copts

- 17 While Christians have received greater support from President Sisi and higher-level government officials

during the reporting period, discrimination and sectarian violence against Copts has persisted at a local level, particularly in Upper Egypt, often with inadequate intervention on the part of security services to prevent or end it.

- 18 In February 2016, Mervat Seifein, a Coptic teacher was twice rejected for promotion despite previously being offered the post of school director at Beni Mazar Secondary Girl’s School, Minya on 8 December 2015. Owing to her being a Christian, protesters across the school demanded that the previous director, a Muslim, be reinstated. Seifein was then offered a similar position at a nearby boys’ school but her arrival was marred by protests by pupils chanting “We don’t want a Copt.” Police were unable to break up the protest and Seifein was prevented from taking up this post.
- 19 In May 2016, a 70-year-old Coptic woman was stripped and taken into the street where she was beaten and paraded to onlookers, following unsubstantiated rumours that her son had an extra-marital relationship with a local Muslim woman. The family lodged a complaint at Abu Kourkas Police Station, after receiving threats. Around 300 armed men began attacking Christians in the village the following day. They looted and set fire to seven homes, causing damage worth an estimated EGP350,000. Security services did not arrive until two hours after violence broke out, arresting six people out of approximately 300 responsible.
- 20 Between late January and February 2017, CSW reported six sectarian killings in Al-Arish, Sinai Peninsula. These included a Coptic trader, Wael Youssef, shot dead in his grocery shop by masked men and a veterinary surgeon, Bahgat William Zakhar, shot in the head as he left his clinic. The perpetrators committed these murders in busy areas in broad daylight without being intercepted, highlighting the failure of local security services to provide basic protection for Copts in Al-Arish.

Recommendations

- 21 **Increase the presence of police and security service personnel in Upper Egypt and ensure that they proactively investigate reports and incidents of sectarian violence and other crimes against religious minorities, bringing perpetrators swiftly**

to justice through state-sanctioned judicial processes.

- 22 Review the policing of sectarian incidents to ensure that police do not unlawfully discriminate² in the course of their duties, in accordance with international human rights standards for law enforcement.**
- 23 Initiate civic education programmes to provide human rights training for police and security service personnel.**

Violence against minority religious or belief communities

- 24** During the reporting period, the government has failed to provide legal recognition for non-Abrahamic religious or belief communities, who continue to suffer significant levels of discrimination by state and non-state actors.
- 25** Atheists, Jehovah's Witnesses and the Baha'i have been effectively banned since the passage of Law No. 263³ under President Gamal Abdel Nasser in 1960 which granted official recognition only to Islam, Christianity and Judaism.
- 26** While Article 64 of the 2014 Egyptian constitution declares freedom of belief to be 'absolute', 'the freedom of practising religious rituals and establishing places of worship' is limited to 'the followers of revealed religions,' namely Islam, Christianity and Judaism. This contradicts Article 53 which stipulates: 'All citizens are equal before the Law. They are equal in rights, freedoms and general duties, without discrimination based on religion, belief...or any other reason.'
- 27** Egypt accepted recommendations to ensure compliance with the human rights enshrined in the International Covenant on Civil and Political Rights, ICCPR, (Philippines) and adopt necessary legislation to give effect to these rights (South Africa). However, confining the practise of religious rituals and the

establishment places of worship to three religions is incongruent with Article 18 of the ICCPR.

- 28** Despite accepting four recommendations pertaining to freedom of assembly and five pertaining to freedom of association, Shi'a Muslims have been prevented from participating in collective worship during the reporting period.
- 29** In 2015, the Deputy Minister of Awqaf, Mohamed Abdel Razek, declared that Awqaf would not allow Shi'a Muslims to practise their faith during Ashura celebrations, particularly at Cairo's Hussein, Sayeda Zeinab or Sayeda Nefisa mosques. A perimeter fence was erected around the Hussein Mosque, with Awqaf officials standing guard to prevent Shi'a worshippers from entering.
- 30** On 24 November 2017, a group of gunmen thought to be affiliated with ISIL attacked Al Rawda Mosque in Bir al-Abed, which belongs to the Sufi community. At least 305 people were killed and 128 injured.
- 31** In March 2017, the branch of ISIL in Sinai posted a video featuring militants beheading two elderly Sufi men accused of practising sorcery.
- 32** On 10 and 11 December 2014, the Ministry of Awqaf held a workshop to 'raise awareness' among imams of the 'growing dangers and spread of Baha'ism', under the pretext of 'maintaining the Islamic constants and foundations in the face of deviant thoughts that destroy the minds of young people'.⁴ Despite accepting seven recommendations to uphold freedom of expression, those professing atheism in Egypt have continued to be targeted by state and non-state actors during the reporting period.
- 33** In January 2015, Karim Ashraf Mohamed al-Banna, a student from Cairo, was sentenced to three years in prison for 'insulting Islam' after announcing on Facebook that he was an atheist. Al-Banna was arrested as part of an operation to close and then demolish an alleged 'atheist café' in the neighbourhood of Abdeen.

² UN High Commissioner for Human Rights (1997), International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police www.ohchr.org/Documents/Publications/training5Add1en.pdf

³ Harvard Divinity School Religious Literacy Project, The Baha'i Faith in Egypt http://rlp.hds.harvard.edu/faq/bahaifaith-egypt#_ftn1

⁴ Daily News Egypt, 'Ministry of Endowments warns against 'Baha'i threat', 11 December 2014, www.dailynewsegyp.com/2014/12/11/ministry-endowments-warns-bahai-threat/

34 In late December 2017, Amro Hamroush, head of the Egyptian Parliament's Committee on Religion, proposed a bill to make atheism illegal. He said: "the phenomenon [of atheism] is being promoted in society as freedom of belief, when this is totally wrong." In March 2018, an atheist named Mohammad Hashem was invited to Alhadath Alyoum TV studio to participate in a debate, during which he was shouted down and kicked out by the host. Former Deputy Sheikh of Al-Azhar, Mahmoud Ashour, was also a guest on the show. He recommended that Hashem receive psychiatric treatment.

Recommendations

- 35 Amend Article 64 of the constitution in accordance with Article 18 of the ICCPR, noting the recommendations of General Comment 22.**
- 36 Repeal Law 263 (1960) on religious minorities and cease any state-sponsored initiative that promotes one religion or belief system over another.**
- 37 Pass legislation consistent with Article 53 of the constitution.**

Blasphemy laws

- 38** Egypt's blasphemy laws continued to provide a basis for targeting religious minorities during the reporting period.
- 39** Contempt of religion is criminalised under the Egyptian penal code (Law 58 (1937)), while the broad and equivocal terminology Article 98(f), as amended in 2006 allows charges to be brought for a myriad of ambiguously defined offences.
- 40** In June 2014, Kerolos Shouky Attallah, a Coptic student from Luxor, 'liked' a Facebook page run by Christian converts and began to receive threatening messages from Muslim neighbours accusing him of insulting the Prophet Mohammed. Leaflets were then distributed in his village demanding action be taken against him; one leaflet read: 'You will not be men if you don't kick him out of your village.'

- 41** Attallah was then summoned to trial. The days preceding the trial were marked by sectarian attacks on Christian homes and businesses, using Attallah's alleged offence as the pretext for the violence. Security services were not present for the start of the violence. They later arrested a handful of perpetrators before leaving the scene, but did not return when violence resumed. Attallah was found guilty of defaming religion (blasphemy) and inciting sectarian violence (Article 176), and sentenced to six years' imprisonment.
- 42** This case is indicative of a pattern observed in other blasphemy cases. In cases involving the Coptic community, violent groups from the majority faith launch attacks as soon as rumours of blasphemy having been committed or charges being brought against them emerge. During such violence, individuals are assaulted and their personal property is damaged or looted. The victims themselves are often arrested for inciting sectarianism, in addition to the initial charge of blasphemy. The perpetrators enjoy almost complete impunity, with no charges being brought in relation to violent attacks.

Recommendations

- 43 Amend Article 98(f) of the penal code in line with Article 18 of the ICCPR, noting the recommendations of General Comment 22. Amendments should also reflect the recommendations and conclusions of the Rabat Plan of Action (2012).⁵**
- 44 Review all cases in which defendants are facing charges of blasphemy, insulting religion, insulting Islam, disdain and contempt for 'divine' religions, and related charges under Article 98(f) of the penal code, including a review of court practices and judges where these charges have been brought.**

Civil society and NGOs

- 45** Egypt accepted several recommendations relating to the protection of civil society alongside recommendations pertaining to freedom of expression, freedom of assembly and freedom of

⁵ UN High Commissioner for Human Rights, Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, October

2012
www.ohchr.org/EN/Issues/FreedomReligion/Pages/RabatPlanOfAction.aspx

association. However, the situation for civil society, non-governmental organisations (NGOs) and human rights defenders (HRDs) deteriorated severely during the reporting period.

Civil Association Law

- 46 On 15 November 2016, Parliament passed the Civil Association Law, which local NGOs say “effectively eradicates civil society”. The legislation places complete responsibility for administering civil society on government departments and the security apparatus, through a body called the ‘National Agency for the Regulation of Foreign Non-Governmental Organisations’. The agency comprises officials from the Ministries of Foreign Affairs, Justice, and International Co-operation, and from state security bodies.
- 47 NGOs must apply to this agency for legal status, and prove that they meet extensive and subjective registration conditions, such as not engaging in ‘activities that might harm the national security of the country, or activities that might violate the public order, morals, or health.’ The law grants the government right of veto on any resolution passed by a registered organisation, and grants officials jurisdiction over NGO board appointments and the frequency of meetings. Any application for registration that does not receive a response within two months is automatically rejected.
- 48 Organisations conducting activities without legal permission risk sentences of five years’ imprisonment and fines of up to EGP1 million (approximately GBP50,500) for staff. This includes cooperating with any organisation inside the country that has links to any outside foreign body, including the UN. In addition, NGO staff will be held criminally liable for any administrative error made by the government agency.
- 49 This law contravenes stipulations on freedom of expression, assembly and association contained with Articles 19, 21 and 22 of the ICCPR, which Egypt has signed and ratified.

Human rights defenders

- 50 During the reporting period, HRDs have been summoned for questioning, regularly banned from

travel, had their passports confiscated, and their personal, family and organisational assets frozen.

- 51 At 3.30am on 19 May 2016, plainclothes police officers arrested HRD Mina Thabet in his home. Thabet’s work at the Egyptian Commission for Rights and Freedoms (ECRF) focused on the rights of minorities, including the Coptic community. During his arrest, Thabet was assaulted by police officers in front of his family. He was blindfolded, put in an unmarked car, and taken to an undisclosed location where he was denied access to a lawyer. Thabet was later interrogated and mistreated by National Security agents. He was slapped in the face, beaten up and threatened with electrocution.
- 52 The General Prosecutor kept Thabet in detention for 31 days on suspected national security charges. When he was finally released on bail, Thabet was warned that the detention and mistreatment he experienced was meant “to teach him a lesson” and he would face more serious consequences should he be arrested again.
- 53 Thabet’s case illustrates Egypt’s failure to implement accepted recommendations, including ensuring that all detainees are protected from torture and all other ill-treatment in prison; that security forces act in accordance with human rights laws and international norms on the use of force; investigating and prosecuting excessive use of force and crimes committed by security forces; and ensuring due process of law for detainees.

Recommendations

- 54 **Repeal the Civil Association Law and any other restrictive NGO registration laws.**
- 55 **Immediately and unconditionally release all HRDs detained or awaiting trial on charges derived from their civil society work, and investigate cases of wrongful imprisonment.**
- 56 **Immediately lift travel bans on and unfreeze assets of HRDs and individuals from civil society and NGOs.**