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**EGYPT**

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## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people. As well as having ECOSOC consultative status with the United Nations (registered name 'Alliance Defending Freedom'), ADF International has accreditation with the European Commission and Parliament, and the Organization of American States. ADF International is also a participant in the FRA Fundamental Rights Platform.
2. This report examines the societal violence experienced by religious minorities in the Arab Republic of Egypt, alongside legal restrictions on their ability to worship and evangelize. It explains why their right to freedom of religion must be fully respected and protected.

### a) Religious Freedom

3. Approximately 90% of Egyptian citizens belong to the Islamic faith.<sup>1</sup> Article 2 of the Egyptian Constitution designates Islam as the State religion, and the government is predominantly Sunni.<sup>2</sup> The Egyptian Constitution states that 'the principles of Islamic Sharia are the principle source of legislation,' although it also provides that the "principles of the laws of Egyptian Christians and Jews" are the primary source for laws affecting their "personal status" and religious affairs.<sup>3</sup> While Article 53 of the Egyptian Constitution protects against discrimination based on religion, Egypt's religious minorities often still experience grave discrimination and violence based on their religion and beliefs.<sup>4</sup>
4. Recent gestures by President Abdel Fattah el-Sisi have shown progress towards state respect for religious freedom. In 2015, he became the first Egyptian leader to attend a Christmas Eve service in Cairo alongside the Coptic Pope – a bold statement considering that only few years have passed since the Muslim Brotherhood, who formerly, if briefly, ruled the country, issued regular Fatwas declaring it immoral for Muslims to wish Christians a Merry Christmas.<sup>5</sup>
5. In a further positive move towards inter-religious harmony, President el-Sisi inaugurated a new Coptic Cathedral outside of Cairo in 2019 on the eve of Coptic

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<sup>1</sup> 'Crisis of Disappearing Christian Women and Girls Escalates in Egypt—As Police Do Little to Help' *Open Doors Hong Kong* (6 June 2018) <<https://www.opendoors.org.hk/en/2018/06/21871/>>.

<sup>2</sup> Article 7 of the Egyptian Constitution designates Al-Azhar University as the main authority for religious science and Islamic affairs. Al-Azhar is a prominent source of Sunni theology. Ahmed Morsy, 'An Independent Voice for Egypt's al-Azhar?' *Carnegie Endowment for International Peace* (13 July 2011) <<http://carnegieendowment.org/2011/07/13/independent-voice-for-egypt-s-al-azhar/3lvx>>.

<sup>3</sup> *Id.*

<sup>4</sup> Open Doors, 'World Watch List: Egypt' <<https://www.opendoorsusa.org/christian-persecution/world-watch-list/egypt/>>.

<sup>5</sup> Joel C. Rosenberg and Johnnie Moore, 'Egypt's Sisi is a Friend of Christians because he is a Good Muslim' *Christian Post* (11 January 2019).

Christmas. Able to accommodate 8,000 worshipers, the 'Cathedral of the Nativity' is the largest Coptic Church building in Egypt and the Middle East.<sup>6</sup>

6. Despite these symbolic gestures, the lived experience of many religious minority peoples is still one of fear and societal persecution. In many instances, the Egyptian government fails, or refuses to, protect minority religions from violence perpetuated by extremists.<sup>7</sup> These acts of violence often result in significant death and destruction of Church property.<sup>8</sup>
7. On Palm Sunday in 2017, the Islamic State (IS) group launched a particularly brutal attack on Christians. Two separate churches were bombed, resulting in the death of forty-two people and injuring over one hundred.<sup>9</sup> Aside from destroying the lives of many, the attack held a strong symbolic significance, as one of the Churches destroyed – St. Mark – was revered as the seat of the Coptic pope.<sup>10</sup>
8. This incident of aggression is not isolated. Indeed, only a few weeks after the Palm Sunday bombings, Church-attendees again found themselves to be the targets of violence. A group of Christians travelling on a bus to an Ascension Day service were attacked by masked gunmen in South Alexandria. Twenty-eight people lost their lives.<sup>11</sup>
9. Aside from frequent incidents of mass-murder, the escalating rate of kidnappings of Christians is alarming. Between April 2017 and June 2018, several Coptic women from as young as aged sixteen were reported missing after leaving school or Church. Evidence collated by Open Doors suggests that these women were taken by Islamic extremist groups for the purpose of forced conversion, in hopes to weaken the Christian communities of Egypt. Additionally, activists have reported that girls as young as twelve were taken from the streets, raped and compromisingly photographed, with the pictures used as a means of blackmail that they might convert their religion.<sup>12</sup>
10. In other cases, abducted Coptic women are sold into human trafficking rings and sent to Saudi Arabia or other Gulf States to work as domestic servants, where they face a high risk of physical exploitation and sexual abuse.<sup>13</sup>
11. Despite the frequency of violent incidents, police authorities do little to stop this persecution. In conflict situations, they often arrest members of the targeted minority groups as a means of placating the abusive mobs.<sup>14</sup> When victims attempt to find justice in the courts, they are often pushed into humiliating "reconciliation sessions"

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<sup>6</sup> 'Egypt's Sisi opens Mega-Mosque and Middle East's Largest Cathedral in New Capital' *Middle East Monitor* (7 January 2019).

<sup>7</sup> *In Response to Persecution*, University of Notre Dame (2018).

<sup>8</sup> *In Response to Persecution*, University of Notre Dame (2018).

<sup>9</sup> 'Palm Sunday Church Bombing in Egypt Kills at Least 42' *Open Doors USA* (9 April 2017).

<sup>10</sup> Arwa Gaballa, Ahmed Tolba, 'Palm Sunday Bombings of Egyptian Coptic Churches Kill 44' *Reuters* (9 April 2017).

<sup>11</sup> Beth Ross, 'A Different Easter Story' *Open Doors* (15 February 2018).

<sup>12</sup> David Wright, 'Crisis of Disappearing Women and Girls Escalates in Egypt – as Police do Little to Help' *Open Doors USA* (3 June 2018).

<sup>13</sup> *Id.*

<sup>14</sup> Tadros, cited above § 27.

with the groups that attacked them, which inevitably results in them relinquishing some of their rights in order to reach a “peaceful agreement”.<sup>15</sup> Many times, these sessions result in the churches being forced to move outside of the towns they were in or to close.<sup>16</sup> In June 2018, a violent incident broke out in the village of Tarshoub when a group of Christians asked a group of young Muslim men to refrain from swimming naked in the canal outside their homes. In retaliation, the young men formed a mob and attacked the local Christians. When authorities arrived on the scene, they arrested several Christians, and held nine in custody until the Christian community agreed to reconcile. The outcome of the reconciliation session was that the Christians agreed to pay a \$14,000 fine if they are found at fault of inciting future offenses against their neighbors.<sup>17</sup>

## b) Blasphemy Laws

12. Despite el-Sisi’s recent gestures towards religious freedom, the Egyptian government still restricts religious speech and acts under a blasphemy law that makes it illegal to “instigat[e] sedition and division” or bring “disdain and contempt” to “any of the heavenly religions or the sects belonging thereto.”<sup>18</sup> Although the law appears to apply to all “heavenly religions,” the government only prosecutes those who ‘offend’ Sunni Islam.<sup>19</sup>
13. Such prohibitions of “blasphemy” have been used to prosecute and imprison many members of religious minorities. An Egyptian appeals court allowed a female Coptic Christian teacher to be jailed for six months.<sup>20</sup> The parents of the teacher’s students claimed that she had evangelized Christianity and insulted Islam while teaching. Religiously motivated prosecution targets children as well as adults. Two Coptic Christian children, aged ten and nine, were arrested for insulting Islam. The Imam of the local mosque filed a complaint against them for allegedly tearing pages from the Quran.<sup>21</sup>
14. Egyptian Muslims have also faced censorship and imprisonment for expressing criticism of different theological tenets. Al-Sayed Al-Negar was sentenced to one year in prison for calling for an “Islamic revolution” on Facebook, and publicly protesting the teachings of 9<sup>th</sup> Century Sunni scholar Al-Bukhary – rejecting his book by claiming that it promoted extremism and supported the ideologies of the Islamic State. In December 2015, television presenter Islam al-Beheiry received the same sentence after challenging this particular set of teachings on his show.<sup>22</sup>

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<sup>15</sup> Claire Evans, ‘Is Arresting Christian Victims the New Standard in Egypt?’ *International Christian Concern* (3 July 2018).

<sup>16</sup> Project on Middle East Democracy (POMED), *Prayers Unanswered: Assessing the Impact of Egypt’s 2016 Church Construction Law* (Report, 12 December 2018).

<sup>17</sup> Evans, cited above § 30.

<sup>18</sup> Egyptian Penal Code Art. 98(f).

<sup>19</sup> Oren Kessler, ‘Egypt’s Religious Freedom Farce’ *The National Interest* (21 May 2015).

<sup>20</sup> Arutz Sheva, ‘Egypt Jails Christian Teacher for Insulting Islam’ *Israel National News* (16 June 2014).

<sup>21</sup> Emad Abu-Zeld, ‘Two Coptic Children Arrested in Egypt for ‘Insulting Islam’’, *Ahram Online* (3 October 2012).

<sup>22</sup> ‘Blasphemy Cases Highlight Islamic Nature of Egypt’ *Fannack* (20 February 2017).

15. Some religions face complete bans from the Egyptian government. Minority religions like Christianity, Judaism, and non-Sunni Islamic sects are considered 'heavenly religions.' This designation means that adherents to these religions can practice their beliefs, albeit with severe restrictions. Many religions do not fall under the 'heavenly religions' category, making them completely unlawful.<sup>23</sup>
16. The Bahá'í are one such group barred from actively following their faith. Since 1960, at least six crackdowns have occurred against the Bahá'í faith, resulting in hundreds placed in detention.<sup>24</sup> The Bahá'í continue to be prevented from worshiping as they choose.
17. Some Egyptian legislators have also proposed a law outlawing atheism.<sup>25</sup> This proposal has yet to pass the legislature, but the ideology behind it remains strong. Many government officials seek to place increased legal limits on individuals' ability to freely choose their religious beliefs.

### c) Religious Registration Laws

18. Even "heavenly faiths" such as Christianity face obstacles to worship and assembly in the form of Egypt's church construction and registration laws. Law 80/2016 was a 2016 revision of prior church construction laws, and was intended (according to the government) to streamline the process for church construction.<sup>26</sup> The law requires minority religions to obtain church permits before they can organize congregations, arrange meetings, or build or renovate facilities.<sup>27</sup> Yet the law does not address the fundamental problem of an approach that treats religious minorities and church construction as national security concern that must be managed to avoid conflicts with the Muslim majority.<sup>28</sup> Security agencies have a role in reviewing applications, and churches must obtain approval from the local government before forming a new congregation, meeting, or building or renovating facilities.<sup>29</sup> By contrast, Sunni Muslim religious organizations need only show proper ownership of land and meet basic building codes.
19. The instance of a minority group seeking a legal religious permit can trigger a violent societal response.<sup>30</sup> In September 2018, for example, several homes were attacked in a village in Upper Egypt where Christians were meeting temporarily in lieu of an

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<sup>23</sup> Human Rights Watch, 'Prohibited Identities: State Interference with Religious Freedom', (Report, November 2007).

<sup>24</sup> *Id.* at Sec. IV.

<sup>25</sup> Kimberly Winston, 'Egyptian Parliament Considers Outlawing Atheism' *World-Wide Religious News* (4 January 2018).

<sup>26</sup> Project on Middle East Democracy (POMED), 'Prayers Unanswered: Assessing the Impact of Egypt's 2016 Church Construction Law' (Report, 12 December 2018).

<sup>27</sup> Law No. 80 for 2016.

<sup>29</sup> POMED, cited above § 27.

<sup>29</sup> POMED, cited above § 27.

<sup>30</sup> Samuel Tadros, 'Religious Freedom in Egypt' (Report, 9 November 2010) <[https://www.heritage.org/civil-society/report/religious-freedom-egypt#\\_ftn3](https://www.heritage.org/civil-society/report/religious-freedom-egypt#_ftn3)>.

approved building permit. Only a few weeks later, the same style of attack was coordinated in a neighboring village for the same reason of religious intolerance.<sup>31</sup>

20. Egypt has also faced criticism that, despite the intentions of Law 80/2016 to streamline church approvals, very few church applications have actually been approved. As of November 2018, only 8 church construction permits had actually been issued, while the number of approvals for church licensing was 783 out of over 3,800 pending applications as of March 2019.<sup>32</sup> Many churches have been closed even while they had applications for approval pending.<sup>33</sup> Concerningly, this law has been used to pressure religious dissenters to accept 'customary renunciation.'<sup>34</sup> The Egyptian government, after arresting religious advocates and protestors, pushes religious groups to fall in line with its standards under Law 80/2016 before the government will release religious protestors.<sup>35</sup>

## Recommendations

21. Ensure that international norms and standards on freedom of religion and belief are fully respected, including respect for the rights of religious minorities;
22. Repeal Penal Code Art. 98(f) in its entirety, or amend it so that it is only limited to cases of incitement to violence;
23. Amend or revoke laws and decrees, including Law 80/2016, that limit the right to freedom of thought, conscience and religion, and the rights of religious minorities to freedom of assembly;
24. Expedite the approval process for church construction and permitting, remove the burdensome obligations that apply only to religious minorities, allow religious groups of all sizes to gather without prior approval, and strictly limit or eliminate the role of security agencies in the approval process;
25. Prosecute all cases of religiously motivated violence so that violent extremists are not emboldened;
26. Reform or eliminate the reconciliation process in resolving cases involving religiously motivated violence so that religious minorities are not forced to abandon their ability to freely live out their faith in public;
27. Provide training for local law enforcement when responding to incidents of religious violence so that the attackers rather than the religious minority victims are arrested and prosecuted;

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<sup>31</sup> 'Coptic Diocese says Group Attacked Christian Homes in Egypt' *AP News* (1 September 2018).

<sup>32</sup> 'New 156 churches legalized, total number amounts to 783,' *Egypt Today* (6 March 2019).

<sup>33</sup> Egyptian Initiative for Personal Rights, 'EIPR decries state's closure of churches that filed for legal status and demands the release of all arrested persons. Fourteen functioning churches shut down since the church construction law was issued' (Press Release, 30 April 2018).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

28. Stop all criminal prosecutions, arrests and all other forms of intimidation of individuals as a result of the peaceful exercise of their rights to freedom of expression, freedom of association, and assembly, or freedom of religion or belief; and
29. Freely allow individuals to convert from one religion to any other religion, or no religion.



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