

# report

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## The State of Cultural Citizenship for Egyptian Minorities





Sara Kamel Zekry, 25, and her sister Christine work on a mural adorned with intricate Coptic icons, in a church at the hometown village of Aazaz, in the southern Egyptian governorate of Sohag, Egypt, January 15, 2022. *Credit: Reuters/Hanaa Habib.*

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# The State of Cultural Citizenship for Egyptian Minorities

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# Introduction

Throughout its history, Egypt has enjoyed considerable cultural diversity due to its rich plethora of faiths, religious sects and denominations, as well as linguistic and ethnic pluralism. Over the centuries, this cultural diversity has comprised as well as shaped identities coexisting side by side in the country. Expressions of cultural diversity have gradually receded, however, leading to the marginalization and exclusion of minorities.

This report focuses on ‘cultural citizenship,’ a concept that concerns ‘the rights of a minority or marginalized cultural community to reflect cultural difference without compromising their right to belong to a broader society.’<sup>1</sup>

As cultural citizens, members of a minority are allowed to enjoy the full range of rights without having to assimilate into the majority culture, and without the need to efface their cultural or religious differences in the public sphere. In this sense, cultural citizenship encapsulates the three pillars of minority rights, which include the right to protect minority identity while ensuring the right to public participation and the right to non-discrimination.

The main argument of this report is that the Egyptian state’s discourse on citizenship and minorities is too restrictive as it does not reflect the cultural, ethnic and religious diversity of the country.

The state relies on an ideal of ‘national unity’ to restrict and control the scope of Egyptian citizenship. In sum, the state does not guarantee the advancement of minority rights and the protection of cultural identity among the country’s minorities. This report calls for a review of the citizenship framework in Egypt’s Constitution and laws. It has is necessary to expand cultural citizenship in Egypt so that it encompasses pluralism, thus covering the rights of all Egyptians, including the rights of ethnic, religious and linguistic minorities in the country.

The statements of Egypt’s permanent mission to the United Nations attest to the state’s restrictive understanding of minority rights. The 2006 statement of the Egyptian delegate to the Working Group on Minorities stipulated that, ‘throughout its long history and ancient civilization [the Egyptian state] has not known the concept of minority, as Egypt is a melting pot in which different religions, cultures, and races have melded through the ages.’<sup>2</sup> The delegate added that within this understanding of the nation, ‘the true guarantee of the rights of all citizens is that the State respects them without discrimination.’ The

statement goes on to rule out any discussion on minorities, based on the assumption that this concept is readily used ‘to destabilize peoples and fracture national unity.’<sup>3</sup>

The last phrase is reminiscent of colonial era policies, at a time when the British government listed the protection of minorities as a reason to prevent Egypt’s full independence in the 1922 Unilateral Declaration of Independence. British colonial policies subsequently prompted Egyptians to deny the existence of minorities, as part of a nationwide effort to counter colonial rule and achieve full independence. Since then, denying the existence of minorities has remained the Egyptian state’s official policy. As the state remains caught up in such colonial-era debates and fails to overcome them, so it does not embrace the different aspects of citizenship and the ethnic, religious and linguistic diversity that characterizes the country. In this sense, the state fails to understand the importance of a comprehensive approach to citizenship, coexistence and hence inclusion.

This report is divided into five chapters, each of which aims to assess the status of minorities’ cultural citizenship in Egypt. The first highlights the constitutional framework for citizenship and pluralism. Chapter 2 deals with the securitization of minorities’ cultural rights and the restriction of such rights on security grounds, and how this issue affects minorities’ practice and protection of their cultures. In Chapter 3, the report discusses the impact of businesses on minorities’ cultural rights and the state’s role, through its promotion of development, in the preservation or abandonment of these rights. Chapter 4 discusses the violation of religious minorities’ freedom of opinion and expression – specifically through the country’s blasphemy laws and the increasing prosecution of beliefs through its terrorism and information laws. Finally, the report discusses hate speech directed against minorities. Each chapter ends with a set of rights-based recommendations for advancing cultural citizenship in Egypt.

This report will consider the situations of religious minorities in Egypt, such as Christians of different denominations, Muslims (Shi’a, Ahmadis, Qur’anis), Jews, Bahá’is and atheists. Furthermore, it includes ethnic minorities, such as Nubians, Amazigh and Sinai Bedouins.

In this report, the term ‘minority’ will be used to denote any group of persons that constitutes less than half of the population in the entire territory of a state, holds a

non-dominant position, and whose members share common characteristics of culture, ethnicity, religion or language, or a combination of any of these, which are different from the rest of the population.<sup>4</sup> This understanding of the term is based on the definition outlined by UN Special Rapporteur Francesco Capotorti. Capotorti's definition highlights both the objective elements (externally identifiable characteristics of culture, religion, ethnicity or language) and subjective elements (in particular, the right to self-identification).

The term 'indigenous peoples' will be used in accordance with the UN's working definition, which is a non-dominant group that has continuous presence on territory, which has enabled it to develop distinct political, economic and/or social systems, as well as a distinct language, culture and beliefs. According to this definition, indigenous peoples are resolved to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.<sup>5</sup> The definition also includes objective and subjective elements.

Nubians identify themselves both as a minority and as an indigenous people, having traditionally populated the territory between the first and sixth cataract of the Nile. Their traditional lands have allowed Nubians to develop distinct social, political and economic systems and maintain their cultural traditions and language. Their displacement and piecemeal compensation, as well as loss of important elements of their intangible culture need to be assessed in relation to their official status as an indigenous people. The Egyptian Constitution further gives them the right to return to their ancestral territories, as codified in Article 236. Similarly, the Amazigh community of Siwa oasis can be considered an indigenous people, given the self-identification as such by Amazigh across North Africa. Although indigenous peoples in many parts of the world self-identify only as indigenous and not as minorities, in the case of Egypt, many Nubians, Sinai Bedouins and Siwans identify themselves as either or both, reflecting their extreme marginalization in Egyptian society.



# Cultural citizenship and the Egyptian Constitution

Several articles contained within the Egyptian 2014 Constitution (amended in 2019) seemingly establish a basis for the legal understanding and conceptualization of national diversity. Article 1 supports a ‘democratic republican system based on citizenship and the rule of law.’<sup>6</sup> The idea of ‘citizenship’ can be understood as a byproduct of the drafting of the Constitution itself. The preamble refers to ‘the principle of citizenship and equality among the people of the nation,’ while Article 19 maintains the need to ‘the concepts of citizenship, tolerance, and non-discrimination’ in the field of education.<sup>7</sup>

Citizenship is thus a concept associated, at least at the constitutional level, with equality, tolerance and non-discrimination. Citizenship does not, however, imply erasing differences among the people of the country. Rather, it is an acknowledgment of these differences and the cultural pluralism of Egyptian society. This diversity is further emphasized in Article 53 of the Constitution, which prohibits discrimination based on religion, belief, sex, origin, race, color and language.

These articles on citizenship and non-discrimination are nevertheless dysfunctional because they run up against other articles in the Constitution that have discriminatory undertones. Following the above conceptualization of citizenship, Article 2 of the Constitution makes clear that the state has a dominant culture that defines the nation; it stipulates: ‘Islam is the religion of the state and Arabic is its official language. The principles of Islamic Shari’a are the main source of legislation.’<sup>8</sup> Recognition of the rights of Jews and Christians to regulate their personal status is mentioned in the Constitution, as is the freedom to conduct religious affairs and select spiritual leaders in accordance with specific laws (Article 3), and the freedom to practice religious rituals (Article 64). This creates a hierarchy of ‘recognized’ religions, while other faiths and belief systems are not recognized, or at least have no express right to be practiced openly.

It is clear from the same constitutional article that there is a one-language policy in operation in Egypt, thus excluding several minority languages, such as Nubian, Amazigh and Coptic. This constitutional discrimination is connected to a nationwide policy of Arabization that took place over several different historical periods and which led to the marginalization of these languages and their speakers.

Furthermore, the Egyptian Constitution clearly defines Al-Azhar in Article 7 as ‘the main authority in religious sciences and Islamic affairs,’<sup>9</sup> and gives Al-Azhar the right to determine what ‘true Islam’ is. Al-Azhar is the primary Islamic religious institution in Egypt and includes a university, mosque and research centre. In fact, Al-Azhar has been deemed by the Council of State as the final arbiter in assessing the Islamic factor in regarding licensing of audio and audiovisual productions related to Islam and its opinion also sought by the courts in cases of Blasphemy of Islam. Their consent is a precondition for other Muslim sects to practice their religious rituals openly. This affects the doctrines and practices of minority Muslim communities in Egypt such as Shi’ia, Ahmadis and Qur’anists.<sup>10</sup>

The constitutional debate surrounding culture rests on the premise that there is only one ‘cultural identity’ in Egypt. As Article 47 of the Constitution points out, ‘The State is committed to preserving Egyptian cultural identity with its diverse civilizational origins.’<sup>11</sup> This clause underpins the state’s focus on constructing an overarching national narrative, but the article does not clearly explain to what extent the concept of Egyptian cultural identity includes the cultural diversity present in Egyptian society today.

Article 48 of the Constitution further stipulates that ‘culture is the right of every citizen,’ and it adds: ‘The State shall secure this right and is obliged to support it and make cultural materials of all types available to the various groups of people, without discrimination on grounds of financial capacity, geographical location, or other grounds.’<sup>12</sup> However, the article does not mention racial, religious or linguistic difference as an explicit ground for discrimination. And although it does not necessarily exclude it, this leads to ambiguity about the state’s constitutional commitment to equality and non-discrimination for citizens of different ethnicities including Nubians, Amazigh and Bedouins, as well as religious minorities like Christians, Bahá’is, Jews and others, and linguistic minorities such as Copts, Nubians and Amazigh.

Article 50 in Chapter 3 of the Constitution on ‘Cultural Components’ also excludes minority and other cultural identities from the protection granted to Egyptian cultural heritage. In the field of cultural heritage, the

Constitution limits what the state is committed to preserving and maintaining to ancient Egyptian, Islamic and Coptic cultural heritage only.<sup>13</sup> In that way, it excludes many cultures that can rightly claim deep historical roots in the country.

Although Article 93 of the Constitution stipulates that ‘the state shall be bound by the international human rights agreements, covenants, and conventions ratified by Egypt, which shall have the force of law after publication,’<sup>14</sup> Egypt fails to acknowledge its human rights obligations towards minorities and indigenous peoples. For instance, Egypt has failed to ratify ILO’s Indigenous and Tribal Peoples Convention No. 169, an internationally binding treaty related to the rights of indigenous peoples.

Furthermore, the state fails to acknowledge that there are minorities in the country and has denied the applicability of the binding instruments that mention minorities (e.g. Article 27 of the International Covenant on Civil and Political Rights, ICCPR) to Egyptian citizens in the country. It applies a limited and reductive understanding of minorities, and hence violates their right to enjoy and exercise their cultural rights without discrimination or exception.<sup>15</sup> In that sense, the Egyptian Constitution has a restrictive understanding of citizenship, while having the potential to be expanded to a full-fledged concept of cultural citizenship reflecting a pluralistic society. This narrow reading supports the development of more restrictive policies on cultural rights tied to their securitization by the authorities. This will be discussed in the next chapter.

# The securitization of minority cultural rights in Egypt

The propensity of the Egyptian state to consider minority languages and cultures a security risk is linked to two main factors. The first is the security-oriented approach taken towards Egyptian civil society in general and the independent Egyptian human rights movement specifically. This has become evident in recent years following an increase in the number of arrests, security restrictions and threats against many human rights and political activists, including those belonging to various minority communities. This oppressive way of dealing with civil society through the prism of security underpins the stigma attached to minority cultures and their association with practices that allegedly constitute a serious threat to Egyptian society and unity. The second factor is likely historical and is linked to the colonial powers' historical exploitation of minority issues as discussed above. This has made the Egyptian state more sensitive to ethnic and religious differences in the country from a security standpoint, and has even pushed Egyptian society toward a national narrative free of differences.<sup>16</sup> This chapter deals with two case studies, regarding Nubians and Copts, to show how deeply minority cultures are securitized and how the phenomenon cuts across a number of unrealized rights.

It is important to note that on the international stage, the state takes an approach that is more receptive to pluralism with regards to certain aspects of minority heritage. For example, in 2019, the Nubian Heritage Association was included as an advisory body to the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage of UNESCO. Indeed, this is also associated with various media articles discussing Nubian historic customs and traditions, which has led to an increase in the representation of Nubian heritage. More recently, Coptic festivals in relation to the journey of the Holy Family through Egypt were added to UNESCO's List of Intangible Cultural Heritage in 2022. However, the preservation of minorities' cultural identity, as a *lived* element that needs protection has seldom been highlighted in official contexts. Rather, the state refers to minority cultures as 'historic'. In this sense, securitization of the lived cultural identity of minorities is discussed in this chapter.

## The security-oriented approach to Nubian cultural identity

### Nubian identity and culture

Nubian Egyptians are an indigenous people who have inhabited the Nile valley region for thousands of years from the first cataract in Aswan to the sixth cataract, almost 50 km north of Khartoum in Sudan. Throughout the 20th century, Nubian people faced multiple displacements and relocations following the decisions made by successive governments to store and exploit the Nile's floodwaters with dams. Nubians faced four waves of forced migration and internal displacement beginning with the construction of the Aswan Low Dam in 1902. This led to the flooding of several Nubian villages when water levels were raised in 1912, and again in 1933. Subsequently, the construction of the Aswan High Dam in 1964 displaced the inhabitants of thirty-six Nubian villages, who were not adequately compensated for the harm suffered. This displacement is among the primary reasons for the decrease in the use of the Nubian language. Following successive governments, Nubians have demanded the right of return to their ancestral lands and for Nubian history and traditions to be included in the educational curriculum and for measures to be taken to prevent the Nubian language from disappearing in Egypt. There are no official statistics on the number of Nubians in the country, as the official census does not count ethnic minorities.

### The securitization of Nubian cultural identity

Nubian culture has been marginalized by successive Egyptian governments that have dealt with it as a threat to national security. The Nubian language, which was widely spoken by Nubians prior to displacement, is not recognized officially as one of Egypt's languages; nor is Nubian language training included in school curricula for Nubians. The language and other aspects of Nubian culture are marginalized in media outlets including satellite channels, radio, and state newspapers and magazines. In addition, Nubian civilization and its distinguished cultural heritage are also excluded from



school curricula, while Nubian history is seriously misrepresented. One aspect of Nubian culture that has been promoted are Nubian dances, which are represented in the activities of the state's cultural palaces.<sup>17</sup> However, dance constitutes a very limited portion of Nubian culture and has only been promoted as an element of local folklore rather than as an integral element of cultural identity.<sup>18</sup>

## Suppression of cultural activities and violations of freedom of assembly

According to one activist, 'the State's attitude to Nubian cultural rights takes the form of threats and intimidation against us Nubians. The baton is used to prevent us from celebrating our culture, customs, and historical traditions.'<sup>19</sup> Nubians are eager to celebrate World Nubia Day on 7 July, but the Egyptian authorities have usually prohibited such celebrations over the years. According to one activist:

*After the January 2011 revolution, the Egyptian state allowed and even provided official places for this celebration, such as the Egyptian Opera House and the Library of Alexandria. That happened over a few years, but then it stopped due to administrative complications. In 2016, Nubian youths tried to celebrate, but the celebration was banned on Nile barges in the Aswan islands. The authorities threatened to revoke boat licenses if the celebration took place. There was also a media attack against Nubians in some Arab countries where they were accused of foreign funding, because of their celebration of World Nubia Day. Every year [since then], we are threatened with security action to prevent the celebration.<sup>20</sup>*

In 2017, dozens of Nubian activists gathered to renew their demand for the right of return to their ancestral lands during Nubian Assembly Day that was planned on 3 September 2017. This came to be known as 'the protest of the drums', as protesters played traditional drums (*dufuf*) during the protest. Security forces arrested 24 protesters. Held in Al-Shalal prison for 77 days, the protesters were charged with 'inciting demonstrations, disrupting public transportation, demonstrating without a license and possessing leaflets.' When a young Nubian went to visit a detainee on 13 September 2017, police arrested him, bringing the number of detainees to twenty-five. The incident was followed by the arrest of seven other Nubians on 3 October after they objected to the Aswan District Court's decision to renew the detention of the 25 people arrested at the rally, bringing the total number of Nubian citizens in pretrial detention to thirty-two.

The authorities have also violated Nubians' freedom of association. In 2017, the security agencies intervened in the activities of Nubian organizations to curb their activities. The then-president of the Nubian Union faced attempts by the security services to remove him from his post. An Intelligence Agency official encouraged members of the Union's board to visit the president of the Union at his office and force him to sign his dismissal or face a freeze on all Union activities, as well as the confiscation of its assets. The Nubian group refused to bow to the pressure from the Intelligence Agency, and the general assembly of the Union voted to keep the president in office until the next election.

## Representation of Nubian cultural identity in the media and press

Nubian identity and history are not adequately represented in official and mainstream media, not least because there are no channels on Egyptian satellite television that specialize in Nubian subjects. Nubians and their culture may be mentioned in brief segments on Egypt's Channel 8, which is typically dedicated to the people of Aswan and southern Upper Egypt.

Nubian activists and youth have repeatedly proposed the creation of television programs to be broadcast in the Nubian language, and they have demanded that their history and civilization have a place in school curricula. In December 2013, during the first educational forum organized by the Ministry of Youth, two hundred Nubian youths proposed the launching of television programs in the Nubian language. The proposals included attention to the culture and heritage of Nubians, intensive courses to combat the media blackout of Nubian civilization and cultural diversity, and the integration of Nubian culture with other cultures. Officials ignored the proposal.

Furthermore, there is no official Nubian-language radio station or programming in Egypt showcasing Nubian cultural identity, history and civilization, other than a radio station founded in 1949 that did not have a Nubian name but was called 'Sudan Corner Radio from Cairo.' It broadcast during limited hours and paid no attention to Nubian culture or history. Contents focused mainly on Sudanese people in the north and south of the Nile Valley. Initially, the radio station had just one program, entitled 'Inspired by the South,' which was a light talk and variety show. Its name was later changed to 'Nile Valley.'

There are also no official press releases dealing with Nubian culture and history, but there have been unofficial attempts by Nubian themselves to address this gap. In 2013, a newspaper called Voice of Nubia (*Sawt al-Nuba*) was published as a new youth press project, alongside the

newspaper Nubia News (*Akhbar al-Nuba*) published by the Nubia General Club under a July 1999 license from the Supreme Press Council. According to Nubian activists, publication had to be stopped due to limited financial resources.

## Nubian cultural identity in school curricula

The General Nubian Club in Cairo has demanded that Nubian history and culture be reflected in official curricula at the basic education levels (primary and preparatory) and that scholarly sources and references to Nubian and African affairs be prepared for those curricula. The group has made this demand in support of Nubians' right to their cultural identity being represented in school curricula. Although the Ministry of Education announced that Nubian history would be taught in schools starting in the 2013–2014 school year, the Ministry has not implemented this commitment. The mentions of Nubian history in the current Egyptian school curriculum contains misrepresentations of Nubian history. For example, Nubians are referred to in a way that depicts them as having had a combative and antagonistic relationship to the Egyptians throughout ancient Egyptian history.

## The restriction on teaching the Nubian language

Nubian is one of the oldest languages in Egypt, along with the ancient Egyptian and Coptic languages. It is classified as a Nilo-Saharan language belonging to the Afroasiatic language family. Following the Arab conquest of Egypt, Nubians ceased writing in the Nubian alphabet, although it was revived again in the mid-seventies. The Nubian alphabet consists of twenty-six letters – including four vocalized letters unique to the Nubian language: seventeen consonants, five vowels and two semi-vowels. The language is divided into two dialects. The Matoki dialect is practised by people in northern Nubia, especially in ancient villages and on islands situated between the cataract in Aswan to the Arab Nuba region by the third cataract. As for the Fadicca dialect, it is spoken by Nubians living in the southern part of the Arab Nuba region in the north to the Egyptian-Sudanese border in the south.

The displacement of Nubians from their original homeland south of the Aswan reservoir, their resettlement to a new environment and the migration of many to major cities led to a sharp decline in the use of Nubian language. Recently, anxieties have intensified among Nubians about the potential extinction of their language, and broad initiatives to revitalize it have therefore emerged.

Nubian demands for the right to have the Nubian language recognized and taught arose during the drafting

of the 2014 Constitution. The Nubian literary activist Haggag Oddul, a representative of the Nubian Union in Aswan and a member of the Committee of 50 formed to draft the Constitution, made two demands as conditions for ratification of the proposed text. The first was to insert an article in the Constitution mentioning ethnic and linguistic pluralism, but the Committee of 50 disagreed with that proposal and omitted the words 'ethnicity' and 'language'. Article 48 of the 2014 Constitution makes no reference to non-discrimination based on ethnicity or language, providing only for 'non-discrimination on grounds of financial capacity [or] geographical location.' The second demand made by Haggag Oddul was to teach the Nubian language in schools, because this is an inherent right of Nubian people, along with resettlement of Nubians to their former villages on the banks of Lake Nasser. This demand was met with disapproval by the other members of the Committee of 50, who regarded the call to recognize the Nubian language in the Constitution as a prelude to Nubian secession from Egypt.<sup>21</sup>

There have also been calls by Nubian activists for the preservation of Nubian language through proposed changes to school curricula in Egypt. One person who has made such demands is Mosaad Harki, president of the Egyptian Nubian Development Foundation, who says that the teaching of the Nubian language must be spread in Egyptian universities and schools across Aswan, alongside Arabic.<sup>22</sup>

## The security-oriented approach to Coptic cultural identity

### Coptic cultural identity

In the first century CE, Saint Mark visited Alexandria and founded one of the oldest Christian denominations, which later became known as the Coptic Orthodox Church. During the first four centuries CE, Christianity began to spread in Egypt. After the Arabs entered Egypt in the seventh century, Christians became '*ahl al-dhimma*' ('people of the covenant'), an Islamic concept for non-Muslims. This denomination, which applied specifically to Christians and Jews, instituted rules governing aspects of minority cultures. Under the Umayyad and Abbasid caliphates, official bureaus were Arabized, and the Coptic language was banned from markets and public life. Arabic thus gradually replaced the Coptic language, which began to recede.

During the rule of Muhammad Ali Pasha in the early 19th century, Christians saw relative improvement to their living conditions and were given a measure of freedom to set up churches and regulate their own lives. In the late

19th and early 20th centuries, with the arrival of Catholic and evangelical religious missions to Egypt, Christians played a major role in the development of cultural and educational life in Egypt. Christians were represented in public office in this period, and some Christian ministers were appointed to successive governments.

According to estimates in the 2017 International Religious Freedom Report, approximately 90 per cent of the Egyptian population is officially designated as Sunni Muslim and approximately 10 per cent are Christian. Christians reside throughout the country, although they are found in higher concentrations in Upper Egypt and some neighborhoods of Cairo and Alexandria. Some 90 per cent of Egyptian Christians belong to the Coptic Orthodox Church, while followers of other Christian denominations make up about two per cent of the total population. This includes the Anglican/Episcopalian and Protestant denominations, the Armenian Apostolic Church, the Catholic Church (Armenian, Chaldean, Melkite, Maronite Greek, Latin and Syriac), and the Orthodox Church (Greek and Syriac).<sup>23</sup>

## The securitization of Coptic cultural identity

Although Christians in Egypt have the right to practice their religious rituals openly, as members of one of the three religions protected by the 2014 Constitution and its 2019 amendments, they suffer from:

- a) Restrictions to their cultural identity in public life and official institutions, including the media and press (representation of Coptic cultural identity via channels, programs, newspapers and publications), and marginalization in school curricula of the centuries-long epoch of Coptic civilization.
- b) Prohibition on the teaching of the Coptic language despite the repeated demands which Coptic activists have made to official institutions.
- c) Suppression of the practice and enjoyment of Coptic cultural identity in public life and official institutions.

There are no official statistics on Coptic representation in official or private cultural life, but the documented testimonies of Coptic activists, as well as accounts in the press, media and cultural archives<sup>24</sup> show that:

- Not one of the nine state television channels is dedicated to Copts and their cultural identity, and coverage of Coptic affairs is confined to broadcasts of Christmas and Easter mass.
- Four private satellite channels represent the official Coptic Orthodox Church (the main church in Egypt), broadcasting on various satellite channels whose signal

overlaps via Nilesat. One is Aghapy TV, which started broadcasting in 2005 on the American satellite Telstar, then on a Chinese satellite station. Aghapy focuses on Coptic heritage and art and aims to ‘spread Christian awareness and spread the Coptic heritage of the church, including history, language, and arts.’

MarMarkos TV has been broadcast from the papal headquarters in Cairo since 2011, in addition to which are CTV and Koogi children TV.

- There are Christian channels not affiliated with the church but broadcast on Nilesat, including Alkarma TV, Miracle, Noursat Shabab, Good Shepherd TV, Taraneem, Healing Channel, The Kingdom Sat, The Way TV and Csat.
- Several private channels broadcast via the European satellite Hot Bird. They are financed and supervised by Coptic businessmen, and the most important are Al-Ruh, Al-Malak, Qaus Quzh, Allah al-Hayy, Al-Injeel, and Sat7. There is also Logos TV, aimed at Egyptian Christians, migrants and expatriates abroad, under the direct supervision of the church.
- Some newspaper pages are allocated to church news, but there are several private newspapers that represent Copts and their cultural identity, namely *Watani*, *Al-Tariq wa Al-Haqq*. According to the Supreme Press Council, there are 16 newspapers published by Christian churches and sects, including *El-Kirazah*. The Youth Bishopric of the church puts out 3 magazines: *El Kalema*, *Resalet El Shabab*, and *Aghsan*. Some businessmen also put out newspapers dealing with the situation of Christians in Egypt, such as *Aalem El Meshabeer*, *Nida’ El Watan*, and *Agras El Watan*. Egyptian churches do not have official news agencies; there was a Christian news agency called Middle East Christian News Agency, but it stopped working.
- The state has 25 official radio stations, none of which has a radio station or program for Copts in Egypt. There is no program on these official stations dedicated to Coptic issues.

## The security-oriented approach to the Coptic language

### The Coptic language

The Coptic language is an integral part of Egypt’s history, civilization and culture, representing the most recent stage in the evolution of the ancient Egyptian language. Coptic appeared at the end of the 4th century BCE after the decline of Demotic script. Coptic language remained the popular language after Christianity entered

Egypt in the first century CE and persisted for several centuries after the Arabs entered Egypt in the seventh century, until the Umayyad Caliphate Arabized official bureaus in the eighth century. In the 11th century, the use of Coptic in the streets and at home was banned, and by the beginning of the 12th century, Arabic had replaced Coptic. After that, Coptic was used by the Coptic Orthodox Church for prayer and religious rituals, with many Copts maintaining an understanding of spoken Coptic.

During the 19th and 20th centuries, several attempts were made to revive the language, and it was taught in Coptic schools. Several patriarchs of the Coptic Orthodox Church, foremost among them Pope Cyril IV (1816-1861), contributed to the establishment of *khedivial* (i.e., the Ottoman viceroy's) government schools based on the teaching of Coptic alongside Arabic and other foreign languages. But with the rise of Nasserism in the early 1950s, based on the policy of Arabization and the imposition of Arabic in schools, Coptic schools were affected and were nationalized, which was a setback to the community's ongoing attempts to revive the Coptic language.

### The prohibition on teaching the Coptic language

The Egyptian authorities have rejected many individual and collective community initiatives to include the Coptic language as part of official educational curricula put forward by Coptic and Muslim activists. The authorities have even pursued and questioned Coptic activists making this demand.

One Coptic activist said: 'In February 2014, I submitted a request to publicize a formal human rights institution representing Coptic youth. I was summoned to the Egyptian General Intelligence Directorate's National Security Service. During an interrogation that lasted hours, the intelligence officer explicitly asked me to stop teaching Coptic and to stop asking for the Coptic language to be taught.'<sup>25</sup>

The first of many initiatives to reintroduce Coptic within Egyptian formal education took place in 2010. It was carried out by a group of young people active on

Facebook. They used social media to demand the teaching of Coptic in schools, on the grounds that even though the Coptic language is the historical and original language of Egypt, it is not one of the languages officially taught at school.

In July 2019, a Coptic activist presented a proposal to the Minister of Education through a formal memorandum calling for the creation of a clear timeline for teaching Coptic in schools, applying the UNESCO Convention Against Discrimination in Education, and establishing a separate curriculum for the Coptic language. On the contrary, the security authorities arrested the activist in November 2019 and detained him, just before he was due to travel to the UN Forum on Minority Issues to testify on that year's theme, namely 'Education, Language and the Human Rights of Minorities'. During his 26 months in detention, the activist was tortured and severely abused. He was charged with several offences, including joining a terrorist group.

### Conclusion

According to the Nubian and Coptic case studies and the two minorities they represent, coupled with testimonies gathered from stakeholders and activists from different communities, the Egyptian authorities treat the cultural and linguistic rights of minorities as security risks. Cultural identity is marginalized in the public sphere, and minority cultures are usually excluded from representations of cultural life by the media and from other cultural institutions. Initiatives and demands by Nubian and Coptic activists and youths and their community leaders have been repeatedly rejected and ignored. The authorities' disregard for minority rights and the prohibition against the teaching of languages like Nubian and Coptic constitute violations of the rights of the country's linguistic minorities. In addition, the Egyptian educational authorities have failed to take the necessary measures to promote knowledge of the history, traditions, language and culture of Nubians living on Egyptian territory, thereby marginalizing this community and ignoring its cultural identity and internationally recognized rights.

## Focus: Gender, Education and Amazigh Cultural Identity in Siwa

The Siwa oasis is located in the desert, approximately 26 km from the Libyan border and 830 km from Cairo. This desert setting and Siwa's remote location have imposed harsh conditions on the Amazigh residents of the oasis, affecting many aspects of their lives. Education is one of them, where the last educational level available locally is secondary school; the nearest university to Siwa is the University of Alexandria, which is 600 km away. Students in Siwa face several problems during the school year, the most challenging of which is the severe shortage of school staff members, which affects their schooling and deprives them of their right to a decent education. This prevents young people from pursuing many fields which the oasis is in dire need of, such as teaching, medicine and engineering. Educational facilities can be found in Siwa, but the number of teachers who are available to teach in these schools is very limited.<sup>26</sup>

Industrial, agricultural and technical schools are lacking, although their presence is of great importance, given that the basic work of the people of the oasis is handicrafts and agriculture. There is also no school for tourism and hotels, although Siwa is considered one of the most important tourist destinations in Egypt.<sup>27</sup>

The people of Siwa speak Siwi, which is a dialect of Tamazight, the Amazigh language. Until now, Siwi has not received any official recognition from the Egyptian government, and the Arabic language is used as the language of instruction in Siwa schools. Although there are many calls to teach the Amazigh language in schools to facilitate the learning process for students, the Egyptian government has not agreed to these demands. There is a contradiction in this matter in the text of the Egyptian Constitution, which states that the Arabic language is the only official language. However, it also states that 'The state is committed to support it and provide all types of cultural materials to the different groups of people without discrimination based on financial capacity, geographical location, or anything else. The state gives special attention to remote areas and the groups most in need'.<sup>28</sup>

Meanwhile, the failure to recognize the cultural rights of the Siwa minority, while rejecting and marginalizing it

or marketing their culture as folklore without putting any social dimensions into development considerations, and preserving the cultural identity of the group, causes a state of cultural isolation among the community. Many Siwans tend to isolate themselves for fear of losing their cultural identity and causing its extinction, which in turn reinforces the negative stereotypes that affect some members of the community.

Perhaps the most significant challenges are those confronting the Amazigh women of the Siwa Oasis, who live in a state of multiple and intersecting discrimination. While there is no regulation or law that directly causes this discrimination, their inadequate access to decent education, the lack of recognition of the Siwa language and their lack of access to legal services cause various forms of multiple discrimination faced by Amazigh women. Amazigh women also suffer from intersectional discrimination, for being women and for being Amazigh. Outside the family nucleus, there is strict segregation from an early age between men and women in the oasis. The men are engaged in agriculture and the markets, while the women, especially those who are married, are confined to their homes, and seldom venture outside.

Some Amazigh women have recently begun to go out to work as teachers or in carpet manufacturing, but this depends on the extent of the family's openness and economic status. Since it is not common for women to be allowed to go out and work, most working women are unmarried. After marriage, they will no longer be able to work. Women in Siwa suffer not only from the poor quality of education provided to them, but also from the customs and traditions that do not allow them to develop their lives outside their families or to take decisions such as continuing their education outside the oasis, choosing a life partner or even going out into the community.<sup>29</sup> Siwan women also do not have access to legal services, as the nearest family court or national councils, such as the National Council for Women, are in the governorate of Marsa Matrouh, which is about 300 km away from Siwa. The lack of access to these services leads to even more discrimination against Siwan women.<sup>30</sup>



# Minority cultural rights, heritage and business

This chapter deals with the way in which businesses and state development policies affect the cultural rights of minorities in Egypt. The basic premise is that when the Egyptian state undertakes economic development projects, or when partners within the private sector are involved, or even when government clears the way for the private sector to work in areas where Egyptian minority communities are present, the government does not take into account the basic cultural rights of these groups. Added to this is the expropriation of property belonging to minority communities and individuals for the benefit of business owners who end up creating commercial projects that are architecturally and culturally inconsistent with their contexts.

The argument put forward here is based on the evidenced absence of cultural citizenship from the Egyptian state's agenda. Given its approach to heritage and culture, the Egyptian state only allows for the existence of a single cultural identity, which it has the power to define, at the expense of whomever the state wishes to exclude from its arbitrary definitions. Therefore, determining when to preserve heritage and cultural rights and when to disregard them is an issue the Egyptian state has unlimited power to determine. As a result, minority cultural rights are threatened since the state considers itself to be the only power that can determine how and where these rights are implemented or not.

While constitutional articles mention the concept of cultural diversity, for instance, Article 50 of the Constitution, these are often undermined by economic interests that prioritize sector-specific business demands. Although Egypt's ancient cultural heritage is reputed to be among the treasures of the world, the expansion of the role of the private sector, especially in the fields of construction and resource extraction, has had a major impact in the way the cultural sector and heritage are managed by state actors in present-day Egypt. It also distances the development process pursued by the Egyptian state from any meaningful participation by local populations in development and reconstruction as stipulated in the Constitution in Article 236.

## Business and development impacts on Nubians

One of the most prominent examples of cultural rights violations in Egypt concerns the Nubian community. As already explained, Nubians have a historical link to their ancestral lands on the banks of the Nile in southernmost Egypt going back thousands of years. Before their displacement, Nubians lived in relative isolation from other communities, which helped them practice and maintain their language, while at the same time enabling them to preserve a set of rituals and customs distinct from those of other groups. For instance, many traditional Nubian rituals related to the Nile river. Birth was associated with washing a newborn's face with the river's waters. During traditional Nubian weddings, Nile water was poured on the bride's head after the ceremony. Even after death, the deceased was washed with Nile water for purification.<sup>31</sup>

Agriculture was the primary occupation of ancient Nubians. The palm tree also had great significance in the lives of Nubians, who believed that cultivating it was a kind of life insurance. This explains why, according to Nubian tradition, ten palm trees should be planted for every newborn baby as insurance for life. Egyptian Nubians were meagerly compensated for the palm trees they lost in 1964 when the Egyptian government decided to build the Aswan High Dam to collect surplus water and generate electricity.

Egyptian authorities have undertaken several major economic development programs that have negatively affected Nubian culture. Modernization during the period when the Nile dams were built was based on a political ideal that often clashed with traditional cultures, including the Nubian culture. Thus, as the Egyptian state entitled itself to 'modernize' the Nubian community, so the cultural fabric of Egypt began to change as state officials advanced the idea that traditional culture was backward. It is therefore not surprising that controversial water politics in Egypt, particularly in the context of hydropower development in the southern parts of the country, resulted in four instances of mass Nubian relocation from ancestral lands.

The first of these forced displacements occurred during the construction of the Aswan reservoir between 1898 and 1902. The project, which was designed and implemented



by British engineers active during the colonial occupation, was intended to preserve and store the river's floodwaters. This first modern dam over the Egyptian section of the Nile river also resulted in the partial or total displacement of seven Nubian villages. The second relocation, which took place in 1911, occurred because of the Egyptian government's desire to raise the water levels in the reservoir to an additional six meters, which led to the deliberate flooding of eight Nubian villages and the relocation of their residents. The third relocation happened in 1933 and affected the inhabitants of ten villages. Finally, the construction of the High Dam, which was promoted as a project of 'national liberation,' destroyed the homes and livelihoods of 18,000 families across 350 kilometers. To build the High Dam in the early 1960s, more than 100,000 Nubians were relocated from their ancestral lands with a promise to restore them to their homes after the water levels stabilized. More than 60 years on, that promise has yet to be fulfilled.

Nubian culture was greatly affected by forced displacement, which resulted in their relocation to the Kom Ombo desert. Many Nubians now live in a desert environment far from the river on whose banks they lived for thousands of years. This has affected Nubian customs and traditions, not to mention their heritage. Housing in the cities where Nubians were relocated also changed, from traditional, spacious Nubian houses with courtyards open to the sky, to small, cramped houses in desert environments. Nubians were not allowed to build additional floors, which made living difficult, and this led some young people to depart for major cities. This increased the unavailability of agricultural land. The few Nubians who received agricultural land found it unfit for traditional forms of farming and crops. Loss of livelihoods therefore contributed to the mass migration of Nubians to nearby cities, where they were unable to preserve many aspects of their culture given their disconnection from land, river and memory.<sup>32</sup> This post-displacement period in Nubian society was also marked by a decrease in the practice of Nubian language. The language was widely used before the 1964 relocation. An estimated 200,000 people spoke Nubian before 1964, at a time when this minority language was largely learned by children in their homes within traditional villages and settlements.

Article 236 of the 2014 Egyptian Constitution recognizes Nubians' right to return to their historical lands, obliging the state to develop these lands in consultation with local people and to preserve the cultural identities of these areas. According to the article:

*The State shall guarantee the creation and implementation of a plan for the comprehensive economic and urban development of border and*

*underprivileged areas, including Upper Egypt, Sinai, Matrouh and Nubia. This shall be done with the participation of the residents of these areas in the development projects, and they shall be given priority in benefiting therefrom, considering the cultural and environmental patterns of the local community, within 10 years from the date this Constitution comes into effect, as regulated by law. The State shall work to develop and implement projects to restore the residents of Nubia to their original areas and develop such areas within 10 years, as regulated by law.<sup>33</sup>*

Although this is a constitutional provision, there has been little consultation in any development and policy-making processes concerning Nubian lands, especially in areas to which Nubians are entitled to return under Article 236.

In recent years, the state has planned several economic development projects without consulting Nubians despite the projects' impacts on Nubian lands. The Egyptian countryside project (al-reef) is a major initiative announced by President Abdel Fattah el-Sisi on 30 December 2015 and supervised by the Cabinet-affiliated Egyptian Countryside Development Company. The project aims to provide 1.5 million *feddans*<sup>34</sup> of land for investment. This megaproject targets land in eight governorates: Qena, Aswan, Minya, New Valley, Matrouh, South Sinai, Ismailia and Giza. It consists of three phases.

Perhaps the most controversial from the Nubian point of view is the first phase, which includes offering 168,000 feddans in the Toshka area of southern Aswan. The land overlaps with the Nubian area of Furkudi, one of the areas proposed for the Nubians' return to their ancestral lands around Lake Nasser. This prompted Nubians to protest and organize marches against the project, which evolved into a sit-in by Nubian activists in the desert between Aswan and Abu Simbel. Some of them met with the Prime Minister in December 2016. Subsequently, in February 2017, el-Sisi announced at the Aswan Youth Conference that the Furkudi area had been excluded from the project.

The large number of presidential decrees that allocate land for development work that overlaps with historical Nubian lands is a matter of concern. There are at least three presidential decrees allocating land that overlaps with the villages and historical territory of Nubia covered by the right of return mentioned in Article 236 of the Constitution. These include, for example, Presidential Decree 444/2014, which designates certain areas adjacent to the Egyptian border as military zones, thus making them off-limits to civilians. This constitutes an obstacle for Nubians to return to these areas.

While this decree concerns military interests, Nubians find that they have little recourse to civilian authorities

which refuse to discuss this issue. For example, the Office of the Prime Minister has refused to discuss these demands with Nubian activists, deeming the decree an act of ‘sovereignty.’<sup>35</sup> There are also decisions of a purely economic nature, such as Presidential Decree 355/2016, which reallocates 992 acres of state-owned land to the New Urban Communities Authority for use to create a new urban community (an extension of New Toshka City)

Another incident that caused uproar among Nubian communities was the implementation of a project led by an Egyptian businessman Samih Saweros, one of the richest persons in the Middle East. The aim was to develop a tourist megaproject on the Nubian islands of Amun and Qelada in Aswan, which triggered many reactions and deepened the crisis facing the inhabitants of the Nubian islands. The dispute erupted in November 2020 when several Nubian people raised concerns on social media about an attempt by the businessman’s guards to intimidate and forcibly evict local people from Amun Island. Saweros told media that he had formally purchased Qelada Island from its owner before the January 2011 revolution. Saweros argued that he had obtained a 49-year usufruct right to Amun Island from a tourism holding company, even though his tourism megaproject has now been suspended for ten years due to what Saweros describes as ‘trespassing’<sup>36</sup> by local Nubians.

The megaproject, consisting of a seven-star hotel and a luxury tourist resort, was based on an agreement with the Egyptian General Company for Tourism and Hotels (EGOTH). Its president, Mervat Hataba, has stated that the state-owned company had signed a contract with Orascom to develop Amun Island, with plans for ‘an integrated tourist project with investments amounting to 1 billion Egyptian pounds.’ Hataba also added that a contract was signed with a security company to protect engineers and workers because residents ‘blocked them’ from building the project.<sup>37</sup>

The public company therefore ended up being one of the parties to this conflict. It did not distinguish between the rights of Nubian people to their land, and those who are trespassing on it, in a clear effacement of Nubian rights and reflecting a strong bias towards the businessman. This conflict may appear to be a disagreement over legal formalities, but in essence it contributes to the absolute rejection among Nubians of the alliance between power and capital that has taken away their customary rights to ancestral lands.

Nubians’ outrage at the show of force on the island by the businessman’s security guards and their rejection of the attempt to force them out led to arrests. In December 2020, security personnel stormed the village of Jabal Taquq and used tear gas against its residents. Five Nubians were arrested and charged with demonstrating,

using force and disturbing the peace. One of those arrested was Khaled Arafat, who claimed in the media that he had ownership documents for Amun Island. It is obvious here that the state and its security institutions are biased toward one side in the conflict – the businessman – at the expense of the local Nubian population. Nonetheless, after about eight months in prison, Aswan Criminal Court acquitted the Nubian demonstrators of the charges made against them.

It is clear from the above that discrimination is normalized at state level, and that it is institutionalized through various state-sponsored bodies such as EGOH. These incidents not only constitute a breach of the right to equality and non-discrimination, but also calls into question the state’s credibility in fulfilling its obligations under Article 236. Even in a best-case scenario, exploiting Nubian ancestral lands and culture, and changing their character and identity by building luxury tourist resorts without involving local communities in the development process, would still be incompatible with Article 236 of the Constitution. Nubian property is being used to generate profits for major businessmen in Cairo. These projects are typified by the relentless assault on ancestral lands, the architectural integrity and heritage of the local population, and the connection between people and place.

## Business and development impacts on Coptic Christians

With respect to Egypt’s Coptic Christians, who are the largest Christian community in the Arab world, violations of cultural rights are also multiple. Christianity dates back nearly 2,000 years in Egypt and is one of the oldest religions in the country along with Judaism, which preceded it. Many ancient Coptic heritage sites can be found in the country, such as churches and monasteries protected under the Antiquities Protection Law.

The tangible cultural heritage of Egypt’s Coptic minority faces numerous threats. Perhaps the most serious of these are the attacks carried out against historic Egyptian churches, which escalated dramatically in 2013 due to the turbulent political situation in the country. The August 2013 social unrest resulted in attacks on several historic churches and the theft of some relics from various local museums. Among the churches attacked were the Church of the Virgin Mary and the Church of Anba Abraam and Deir Mawas in Minya.

Furthermore, the restoration of churches and monasteries is sometimes neglected, leading to partial collapse. One example is the historic Monastery of Saint Fana in Mallawi, in southwestern Minya, which dates

back to the 4th century CE. Its ancient western wall collapsed in December 2019, resulting in three deaths and four injuries. Although the Supreme Council of Antiquities is responsible for restorations, the Ministry of Antiquities attributed the delay in restoration to the church, arguing that the matter relates to the costs the Coptic Church has to pay. In January 2022, part of the northern wall of the church at Sohag's White Monastery also collapsed. Built in the 4th century CE on the remains of Pharaonic buildings, this monument is one of the oldest structures in the country. According to specialists, the risk was known for years, but the Coptic Church budget did not allow for the necessary restoration work to be carried out. One of the monks at the monastery told the Cairo24 news website that he had been in constant contact with the Ministry of Tourism and Antiquities since 2019, repeatedly asking it to restore the wall, but the restoration was delayed too long.

The problem lies in the existing funding system for restoration work in the country. In the case of Islamic heritage sites, the Ministry of Endowments (Awqaf) provides dedicated funding, while in the case of Coptic heritage sites, the church itself is expected to cover costs of restoration and maintenance work. Article 30 of the Antiquities Protection Law No. 117 of 1983 states:

*'The Ministry of Awqaf, the Egyptian al-Awqaf Authority, the Egyptian Coptic Awqaf and Churches Authority, individuals, and other entities that own or possess registered archaeological or historical properties shall bear the restoration and conservation expenditures, under Council supervision, when the Council deems that necessary.'*<sup>38</sup>

This legislation is problematic, as it imposes a sectarian division on the funding available for heritage in this country. In any event, the law specifies that 'in cases of imminent danger, the Council shall carry out the necessary restoration and maintenance of the referenced properties until the expenses are paid by the individuals that own or possess properties registered as antiquities.'<sup>39</sup> It thereby assigns responsibility entirely to the Supreme Council of Antiquities and the Ministry of Antiquities.

## Dayr Abu Daraj

In the case of the Monastery of St. John of the Ladder in Ain Sokhna, also known as Dayr Abu-Daraj, the violation has gone beyond mere negligence. In this case, a flagrant violation of the ministerial decision to designate the monastery as a historical site took place. Despite promises made by the president of the Supreme Council of

Antiquities to protect the site, the monastery's land was sold to investors by the General Authority for Tourism Development in cooperation with Suez Governorate during 2008 and 2009.<sup>40</sup>

Egypt has strict laws to protect cultural heritage. Law 117/1983 (amended in 2010, 2018 and 2020) focuses on the protection of antiquities. According to Article 5 bis, 'The Council has the right to remove any infractions, whether residential, commercial, industrial, or otherwise, at antiquities sites and areas.' In addition, Article 17 grants the Minister of Antiquities, or their authorized designee, the right to halt an encroachment on a heritage site until a decision to remove the encroachment is issued after the approval of the competent committee, namely the Supreme Council of Antiquities. The decision is then implemented by the local authorities with police protection. Anyone who violates Article 5 bis is punished under Article 44 bis, which calls for imprisonment for a term not exceeding one year and/or E£50,000 to E£200,000. Those who violate Article 17 are punished with imprisonment for three to seven years and a fine of E£100,000 to E£1 million.

In the case of Abu Daraj Monastery, the loss and destruction of what remains of the historical site is linked to the state's desire to 'develop' and 'grow' the region. It is also linked to massive private construction investments. The massive Galala Plateau Development Project, a state-sponsored initiative whose implementation is carried out by the Armed forces Engineering Authority, was publicly announced in 2015. The project aims to build an international city, a university and a tourist resort overlooking the Gulf of Suez. It will have two luxury hotels, an industrial zone, a medical city, an Olympic village, a water desalination plant and low-income residential areas, in addition to the new Ain Sokhna-Zafarana Road. According to an official statement made by the Egyptian government, more than eighty companies with about 80,000 workers have been hired to complete the project. Furthermore, once the project is completed, it is expected to create 10,000 jobs with investment estimated at US\$100 million. The proposal includes the building of a highway, which would completely change the area and the mountain landscape on which Dayr Abu Daraj is located.

The Armed Forces Engineering Authority started carrying out development work in the area around Dayr Abu Daraj in 2015, principally the construction of a connector road and the construction of a road up to Galala plateau, and the creation of the Galala coastal resort and Galala International City. As a result, the monastery's land was bisected (a coastal lower half and another on the mountaintop), and some antiquities at Dayr Abu Daraj disappeared, as well as some historic inscriptions. This is despite the fact that the director of the

Road Department at the Armed Forces Engineering Authority was warned by the director general of the Suez Antiquities Region in a letter dated 15 June 2015.<sup>41</sup>

This violation by the Engineering Authority and investors prompted the monks of the Monastery of Saint Paul, along with young activists, to launch a national campaign to raise awareness of the threats posed by the megaproject to the monastery and the church. As a result of the campaign, various authorities, including the Standing Committee on Islamic and Coptic Antiquities at the Supreme Council of Antiquities, were put on notice. Members of the Standing Committee and the General Secretariat of the Supreme Council of Antiquities visited the site and acknowledged the existence of the remains of a historic monastery in December 2016. Furthermore, in August 2018, the Standing Committee approved a decree from the Minister of Antiquities designating 51 feddans as an antiquities site.<sup>42</sup>

In late 2016 and early 2017, repeated attacks were carried out on core parts of the monastery, including the cave church on the mountain and the monks' cells. On 20 December 2016, a fire broke out in the church, causing significant damage to the colorful walls and ceilings. Another attack occurred in June 2017 when the cave church was buried under rubble after heavy equipment entered the site and damaged the church. While no one was held responsible, the attacks were mostly carried out by investors worried that the land they had previously bought might be taken from them.<sup>43</sup>

Violations against the historic monastery continued. The most prominent was the attack on September 2018, which was perpetrated using heavy equipment, and which affected the antiquities on the mountaintop within the protected zone of the monastery, specifically in the 51-feddan zone, which includes caverns and the cells. These

areas were known only to those with the coordinates using geodetic survey instruments, according to the testimony of one of the activists interviewed. The Minister of Antiquities was informed of the incident. No punitive measures were taken against the perpetrators of the attack. The February 2019 ministerial decree, published in the Official Gazette, did not mention the destroyed historic monastery. Nor did the decree provide any reassurance concerning the protection of the few remaining sites in the lower section of the mountain.

## Conclusion

This chapter shows that many types of assaults have been carried out on minority cultural sites. In the Nubian case, the main assault on cultural identity is linked to relocation, the seizure of land and changes to Nubians' way of life that have caused loss of language and social disconnection. In addition, the state's ties to large-scale investment projects on Nubian lands, which are changing the overall character of these territories, while depriving Nubians of the right to participate in development and the right to return to their lands in accordance with Article 236 of the Constitution. With respect to Copts, the preservation of tangible heritage would be strengthened by the introduction of legislative amendments that would ensure the state's responsibility for both restoring and financing the restoration of minority cultural sites, in line with state practice concerning the restoration of Islamic sites. Those responsible for destroying and obliterating antiquities for financial gain must be held accountable. The state, with all its agencies, must also stop initiating investment deals on archaeological land, specifically land where minorities' antiquities are located.



# Prosecution of religious beliefs and violations of freedom of expression

Blasphemy laws remain a primary legal device for stifling freedom of expression of religious minorities. Freedom of expression is a fundamental human right and one of the main pillars of religious freedom. Such laws are violating human rights standards regarding the freedom of expression and freedom of religion or belief. Furthermore, they violate the principles of citizenship and cultural citizenship, as they discriminate against the beliefs of minorities, leading them to withdraw from public space. The security narrative, which was explored earlier, is the catalyst to this particular violation of freedom of expression. In what follows, Articles, 98(f) and 160-161 of the Penal Code, also known as the blasphemy articles, will be examined and analysed for possible contradictions with the Constitution and relevant international human rights conventions of human rights. The selective application of blasphemy articles will be analysed, particularly against different religious minorities.

In addition, The Penal Code, the Cybercrime Code and the Terrorism Code will be critically viewed in the context of the existing blasphemy articles. The investigative authorities have expanded their use of these three pieces of legislation, together with the blasphemy articles. Perhaps one of the reasons for this expansion is the increase in the number of laws that allow restrictions on free expression. Moreover, the anti-terrorism legislation, if applied, may lead to pretrial detention up to two years.<sup>44</sup> In the past, religious minorities have been discriminated against under the blasphemy articles. Now, those laws overlap with other legislation, which is why the blasphemy articles cannot be looked at in isolation from the restrictive legislative system as a whole.

## Egyptian blasphemy articles: Article 98(f) of the Penal Code

The emergence of the blasphemy articles in the Egyptian Penal Code has been linked to the sectarian violence of the 1970s. The draft articles were submitted to parliament within bill 29 of 1982, which was aimed at 'safeguarding security and stability and combatting the abusers of religion'. What started as a containment strategy for hate speech against Copts<sup>45</sup> evolved into a broader security strategy underpinning the Penal Code.

Article 98(f) states that 'anyone who exploits religious belief to propagate extremist thoughts verbal or written, with the purpose of fomenting discord, ridiculing a divine religion or its followers, or damaging national unity shall be liable to imprisonment for a term of not less than six months and not more than five years and a fine of not less than 500 [Egyptian] pounds, and not more than 1,000 pounds'.<sup>46</sup> The article in question does not conform with constitutional standards for drafting penal legislation, because its vague formulation can be interpreted in multiple ways that can be contradictory to the law's original objectives. For instance, the article mentions 'extremist thoughts' as a criminal act, while extremism is not clearly defined within the law. This term is later defined by the emergency State Security misdemeanour count of Nasr City as 'diverting from the settled religious facts of rituals and behaviours, symbols, sanctities'. The interpretation here leans towards the prevailing religious norms, which utilize established religious beliefs and practices as a parameter for defining extremism.<sup>47</sup> This interpretation criminalizes religious minorities, particularly those with beliefs and practices contrary to the norm.<sup>48</sup>

Moreover, the article uses the term 'exploits religious belief', which is an abstract generic term that can lead to contradictory interpretations by different parties (prosecutors/judges). According to the law's explanatory memorandum, 'the draft was set to halt anyone who exploits religion as a shield to publicize their extremist thoughts, in the forefront comes clerics, sheikhs, priests or other religious scholars'.<sup>49</sup> It is not clear from the memorandum whether the phrase is related to people of the same religion exploiting faith to promote extremism, people outside that particular religion, or the use of ideas to defame a religion, regardless of whether these ideas are religious or not.

The blasphemy law's main dilemma, in the Egyptian legislative system especially, is that it protects only certain religions and not all faiths, which confirms its discriminatory nature. Furthermore, the legislation criminalizes 'any act of blasphemy or contempt of a divine religion or its followers',<sup>50</sup> referring to the religions specified in the Egyptian Constitution, Articles 2 and 3 by which are granted the protection to practice religious observance under Article 64 of the Constitution. These protections are accorded to Muslims, Christians and Jews

only. However, contempt of non-‘divine’ (i.e., officially recognized) religions or unrecognized sects of Islam or Christianity is not criminalized under article 98(f) of the Penal Code. Therefore, the blasphemy article forms a violation of the right to equality, which is a clear form of discrimination against believers of religions whose religion is not recognized. Additionally, this violates the right to equal legal protection, as it applies to members of selected religions only.

The contradictions and gaps in this loosely worded article are manifested in the selective application of the article on certain religions and sects. The danger is that this type of legislation could gravely reduce the ability of religious minorities to express themselves freely in public. In addition, discriminatory legislation opens the door for transgressions committed by multiple parties (including state institutions) against unrecognized beliefs and religions, which will be discussed in more detail in the final chapter.

Next, Al-Azhar has been deemed by the Council of State as the final arbiter in assessing the Islamic factor in regarding licensing of audio and audiovisual productions related to Islam. Subsequently, the relevant state institutions such as courts consult Al-Azhar on whether these publications conform with the ‘renowned religious facts’ or not. The reference to official religious institutions of a particular creed is, without a doubt, discriminatory against other beliefs, including those of Shi’a, Ahmadis and Qur’anists, which Al-Azhar does not agree with.<sup>51</sup>

## Articles 160-161 of the Penal Code

Article 160 sets penalties over acts that are not connected to blasphemy. Indeed, it may actually contribute to the protection of religious observance. However, the loosely worded terminology contained in it may lead to its abuse and its usage as a blasphemy law article and to stifle freedom of expression. It is crucial to understand the separate aspects of the article, as follows:

‘Anyone who is involved in the hereby listed acts shall be liable to imprisonment for a term and a fine of not less than 100 [Egyptian] pounds, and not more than 500 pounds or one of these penalties: 1) Anyone who deliberately disrupts or prevents the occurrence religious rituals or processions of any recognized religious community by violence or threats. 2) The same penalties apply to anyone who damages, breaks, destroys or desecrates premises intended for the holding of religious rituals or other objects venerated by the members of a religious community or population group. 3) Whoever desecrates or otherwise violates graves or cemeteries, the

sentence shall be five years imprisonment if the crime is committed for a terrorist purpose.’<sup>52</sup>

Many unspecified terms are embedded within Article 160. For example, when referring to the disruption of religious observance, the law is unclear about whether the act of disruption itself is criminalized. In this regard, would church bells ringing at the same time as an Islamic call to prayer (*azaan*) be criminalized, or does the disruption imply threatening actions or violence in the pursuance of violating rights?<sup>53</sup>

In the second part of the article, religious observances are mentioned with the aim of protecting freedom of religion or belief. However, the term ‘desecrates’ is vague and not accepted in a legal context, bearing in mind that some religious observances of a certain denomination may be deemed unacceptable by another denomination and a desecration of their holy premises. The same applies to graves and cemeteries, owing to the ongoing argument between some Muslim sects about the issue of visiting and the practice of receiving blessings in the cemeteries of the families of the Prophet and Sufi saints. In this case, would these practices be considered a ‘desecration’?<sup>54</sup>

These articles are vague to the extent that they can be used to criminalize beliefs or religions that are contrary to the norm. Bearing in mind the Constitution’s exclusive protection only for the three religions accepted by the state’s official institutions, the discriminatory nature of these articles is even more apparent.

Article 161 establishes penalties for the distortion of religious scriptures and imitation of a religious ceremony for the purpose of ridicule. It is apparent that this article is more specific in its role of protecting religions in the public sphere, yet it does not establish protection for individuals. Hence, it focusses on the protection of religion, excluding individual believers.

The article states that its provisions should apply to: 1) The printing or publication of a book deemed holy by the adherents of a religion that performs its rites, if the text of the book is intentionally distorted in a way that alters its meaning. 2) Mimicry of a religious celebration in a public place with the aim of ridiculing it or exposing it to public view.<sup>55</sup>

The article’s first part does not consider the doctrinal disputes that may lead to differences in interpretation of religious scriptures, which leaves the responsibility of determining such distortion to the prevailing religious majority. This is likely to jeopardize a religious minority’s rights to retain its own scriptures, which may be deemed ‘distorted’. Under this same article, religious scriptures are not protected equally. Minority scriptures are being discriminated against because only those scriptures deemed to belong to the three ‘divine’ (i.e., those recognized in the Constitution) religions are



allowed to be practised publicly. While the second part criminalizes ridiculing actions of religious assembly; this statement is in stark contradiction to the right of expression as stated in Article 19 of the ICCPR.<sup>56</sup>

## Other legal articles employed to constrain the freedom of expression of religious minorities

The above-mentioned articles show the various ways in which religious minorities and their beliefs and practices can be criminalized based on underlying forms of discrimination. Some minorities, including Copts and atheists, usually face charges such as for the use of social media for blasphemous purposes. Hence, light should be shed on the fact that the internet is under strict surveillance, while hundreds of websites are blocked, collective surveillance on communications is performed, and the laws limiting freedom of expression have been intensified as seen in the Cybercrime Law No. 175 of 2018 (Law on Combating Information Technology Crimes). In conclusion, this legal package seeks to control cyberspace and restrain online freedom of expression, contributing to the wider expansion of terrorism charges in cases that used to be classified as blasphemy cases.

## Case studies concerning the violations against Egyptian minorities with regard to freedom of expression

### Christians

'Marco Girgis' was a conscript in the Egyptian army who was accused of writing a Facebook post deemed to be blasphemous to Islam. He was arrested on the 14 June 2021 and was sentenced to five years in prison amidst several irregularities regarding the institution entrusted with prosecuting him and carrying out the investigation. A month after Marco's arrest, State Security Emergency Prosecution accused him of blasphemy against a heavenly religion, as well as insulting the Islamic religion and using the internet to commit terrorist acts. However, after the end of the state of emergency in Egypt in October 2021, the prosecution referred the defendant to a standard court, and after several subsequent referrals, the court decided that the prosecution lacked the necessary jurisdiction. The Financial and Commercial Affairs Prosecution registered the matter as a misdemeanour case under Articles Nos.

98-(F), 160-1, 161-1, 171-5 of the Penal Code. In the absence of the defendant's lawyers, new charges were added, and Marco Girgis was subsequently referred to the misdemeanour section in Cairo's Economic Court.

The referral decision stated that in the period between December 2020 and July 2021, the defendant committed the following: (i) exploiting religion to propagate extremist ideas, using Internet websites and Facebook - through multiple accounts - to undermine the Prophet Muhammad and God, to sow discord and denigrate Islam and its adherents, while harming the national unity of Egypt; (ii) infringing on a religion whose rites are performed publicly through words and images using a Facebook account to publicise sexual phrases and images with the goal of insulting God; (iii) violating the principles and values of the Egyptian family and society, wherein divine religions and rites are venerated, by sending harmful images and phrases to Facebook accounts; and (iv) creating and using a private Facebook account to commit the aforementioned crimes. Accordingly, the defendant was sentenced to five years' imprisonment, even though he was acquitted of the last charge,<sup>57</sup> The verdict was upheld by an appellate branch of the Economic Court in Cairo, which endorsed the ruling in September 2022.

Another case involving restrictions of freedom of religion or belief in the context of social media concerns the case of Girgis Sameh. Sameh was charged by the Supreme State Security Court with spreading false news with the intent of disrupting the public peace, using a social media account to commit a crime and joining a terrorist group. These charges came after the defendant shared a social media post which was considered offensive to the Islamic religion and its symbols, leading to sectarian assaults on Copts in the village of Al-Barsha, Mallawi in Minia Governorate on 25 November 2020. This charge was made even though the accused was not a village resident, and his possession of the indicated Facebook page was denied several times.

According to the Egyptian Initiative for Personal Rights, tens of Muslim youth paraded along village streets shouting hostile slogans against Copts, instigating attacks on their houses and property. Additionally, the youths are said to have thrown stones and Molotov cocktails at doors and windows causing serious burns to an elderly lady, burning down a cattle barn and committing theft in another, while also damaging a bus and several cars, house windows and a local church. The events led to the arrest of thirty-five people - fifteen Copts and twenty Muslims citizens - under Case No. 8291 of 2020, Mallawi administrative prosecution. While the arrested defendants were released on 12 January, Samir's incarceration continued pending investigations as part of Case No. 1111 of 2020.

The case did not make sense in the least insofar as Girgis was not in the village at the time, nor is there any evidence that he incited violence by any means. Notwithstanding the evidence, the parties who committed violence were released. Sameh was released in September 2022, after 22 months of pretrial remand. Sameh's case illustrates the expansion and misuse of anti-terrorism charges to persecute religious opinions and convictions.

## Atheists

Another case involving contentious online public material involves the non-religious blogger Anas Hassan, who was arrested in August 2019 and sentenced to three years' imprisonment and a fine of E£300,000, by the Economic Court of Alexandria on 27 February 2020. The investigations department at the General Directorate of Information Technology in the Ministry of Interior attached a security monitoring report about the Facebook page entitled 'Egyptian Atheists' which shares non-religious ideas and criticizes religions. Anas' home and phone were searched under the terms of the detention and inspection warrant. The referral decision had cited the non-discrimination Articles 161-1 and 176 of the Penal Code, in addition to the Law No. 175 on Combating Information Technology Crimes of 2018 (the Cybercrime Code), particularly Article 25 regarding the protection of the Egyptian family and society's values and principles.

Article 161-1 state that any transgression against a publicly practised religion in the ways detailed in Article 171 is punishable: These include: the printing or publication of a book deemed holy by the adherents of a religion that performs its rites, particularly if the text is intentionally distorted in a way that alters its meaning. Furthermore, as per the provisions of Article 176, whoever induces discrimination against a certain sect based on origin, gender, language, religion or doctrine in the aforesaid methods is punishable by imprisonment if the incitement disturbs public peace. Thus, it is implied that discussion of atheistic views or criticism of religion shall be considered 'religion-based discrimination' and a violation of Egyptian family values, according to this referral decision.

It is also worth mentioning the case of Ahmed Harkan, an atheist activist who was arbitrarily barred from travelling multiple times following administrative decisions. This case shows how those with beliefs contrary to the norm are regularly being punished. Harkan identifies himself as an atheist rights activist; he advocates for freedom of belief through frequent appearances in religious TV programmes and debates discussing the conditions of atheists and non-religious people worldwide. In 2014 and 2017, he was detained and endured humiliation and maltreatment, and in 2017 he was

stopped at Hurgada airport, questioned by the State Security officer about his beliefs and why he departed from Islam.

Harkan was barred from travelling three times in December 2016, June 2019 and October 2019. The travel ban was justified by a State Security decision given his activism and media appearances, after which he started a hunger strike. After many legal endeavours before the State Legal Council and the Supreme Administrative Court, the Administrative Court decided to revoke the decision of disallowing Ahmed Harkan from travelling abroad, issued by the Ministry of Interior's Travel and Immigration Department in September 2021. However, this ruling was declared only after Harkan had effectively left the country on foot and announced his arrival in Tunisia in October 2020, looking for a better future.

## Shi'a

As far as other minorities like Shi'a Muslims are concerned, possession of books or pamphlets is often the reason for prosecution. These publications are sent to the Al-Azhar Research Council to check for conformity with the approved interpretation of Islam according to Al-Azhar; in some cases, the publications were considered to violate Islamic doctrine and thus, representing incriminating evidence of blasphemy. The prosecutors would also interrogate the defendants on their beliefs and methods of prayer, which is an infringement on their religious freedom.

The case of activist Haidar Kandeel is an example of the violations committed against the Shi'a minority. Kandeel was the founder and coordinator of the Egyptian Shi'a Youth Coalition. Kandel was arrested at his home in Tanta city in December 2019; he was later transferred to the State Security facility where he was humiliated and mistreated. He remained forcibly disappeared until 23 May 2020, until his appearance before the State Security Prosecution. He was questioned about his affiliation with Shi'a doctrine, and his beliefs and religious practice. He was then charged with 'blasphemy and spreading Shi'ism and anti-state thoughts as well as establishing an outlawed group' under Article 98(f) of the Penal Code. Tanta Criminal Court requested a consultation from the Islamic Scientific Research Council, which confirmed that Kandeel's alleged activities had contributed to the spreading of Shi'a doctrine. Despite Kandeel's release, he was ordered to receive weekly police monitoring visits from August 2020 until the time of writing. He was also fired from his work at a private newspaper due to security directives. In addition, his personal belongings at the workplace were ransacked, and he was banned

from travel after his passport was seized in the absence of a court order.

Another incident of Shi'a persecution concerns the arrests of Mostafa Al Ramly and Mahmoud Youssef in May 2019. The two men were charged with 'founding an illegal group to spread the Shi'a doctrine'. In their arrest warrant, they were found to have possessed 'books on the Shi'a sect' and a 'prayer soil (*turbah*)', used for prayer according to Shi'a doctrine. Accordingly, the State Security Misdemeanour Court of Mashtol Al Souk in Sharkia governorate sentenced the defendants to one year in prison, in accordance with Article 98(f) along with other blasphemy articles. It is evident that they were convicted for their beliefs, as the evidence cited refers to the personal religious belongings used in practising their religious rituals.

## Ahmadis

Ahmadis suffer the same persecution for their religious convictions and opinions through blasphemy law charges as Christians, atheists and Shi'a. Their homes are stormed; their books are banned. Ahmadi publications have also been used as incriminating evidence of allegedly 'promoting Ahmadi thought'. This charge rests on the notion that Ahmadi thought contradicts '[t]he religious facts confirmed by most believers and supported by the holy manuscripts'.<sup>58</sup> On many occasions, Ahmadis are penalized by dismissal from work or study associations simply for expressing their own viewpoints.

In January 2018, a court handed down a six-month prison sentence and a fine of E£200,000 against a defendant charged with the possession of Ahmadi leaflets. The leaflets were considered to 'cast doubt on the pillars of Islamic faith and sowed panic in the hearts of the people'. Later in the same year, Al-Azhar terminated Gamal Mohammed Said Abdulghani, a professor at the theology college in Al-Monofeya campus, on charges of belonging to the Ahmadi sect, which it considers an apostate group from Islam.

## Qur'anists

Qur'anist activists have long endured various forms of punishment due to their convictions and ideas. Reda

Abdul Rahman, a Qur'ani researcher and blogger, and several of his family members, were arrested in August 2020. Seven relatives of Dr. Ahmed Sobhy Mansoor, the founder of the Qur'anic school of thought in Egypt, were detained. Later, all were released except for Abdul Rahman, who had disappeared in August 2020 and later reappeared before the State Security Prosecution two months later. Prosecutors charged him with belonging to ISIS, adopting terrorist ideas and indirect promotion of extremist ideas. Reda said that he was shocked by the accusations of terrorism made against him, given that he adamantly opposed this. He was kept in custody for about a year and half in harsh conditions until he was released in February 2022.

Reda's case shows the extent to which accusations of terrorism have been manipulated to prosecute believers of convictions and religions contrary to the norm. Prior to his most recent detention, Reda was accused and detained at least twice before. On the first occasion, his detention was related to posts relating to his own blog, where he published his personal views and thoughts. As a result, he was imprisoned for eighty-eight days until the court decided to release him. In 2016, Reda was re-detained and re-interrogated. He was told by National Security officers to stop writing his online blog. On all three occasions, Reda was questioned about his beliefs and faith in the Prophetic Sunnah.

## Conclusion

The preceding examples all point to a glaring pattern of discrimination against religious minorities embedded within current Egyptian legislation. The right to freely express religious beliefs by minorities is regularly violated through a series of contentious laws. In addition to the state's usage of blasphemy article: Article 98F of the Penal Code, Articles 160-161 are also used. Moreover, new laws are being used to devastating effect to curb freedom of expression, including the Cybercrime Code and the Terrorism Code. This legislative framework poses a major obstacle to religious minorities' expression of their beliefs, while further enabling the controlling tactics of the Egyptian authorities which are currently sanctioned by law to violate the right to freedom of expression of religion or belief.

# Hate speech against minorities

This chapter discusses legal issues concerning hate speech, highlighted by examples concerning Egypt's minorities, and will be followed by a list of recommendations to the Egyptian government on how to strengthen the legal system to counter hate speech. Hate speech is a major threat to cultural citizenship and cultural diversity, as it encourages discrimination, hostility, violence and feelings of hatred and contempt. As such, international law excludes hate speech from the overall framework affirming the right to freedom of expression.

## Domestic legal framework

Egypt is committed to prohibiting hate speech under the Constitution. This follows on from the country's ratification of two binding international legal texts concerning the prohibition of hate speech. These are the ICCPR and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Thus, Egypt is obliged to implement a ban on hate speech under Article 93 of the Egyptian Constitution. The article stipulates that the state's adherence to international human rights conventions should be given force of law. Moreover, Article 53 of the Constitution criminalizes discrimination and incitement to hatred. The Constitution recognizes diversity within society, since it bans discrimination based on religion, belief, sex, origin, race, colour, language, social level or disability.

## The Penal Code

The Penal Code does not devote a chapter or section to acts of hatred, nevertheless, it restricts some hate speech forms Article 176<sup>59</sup> clearly stipulating the prohibition of incitement to discrimination based on their religion, belief, sex, origin, race, colour or language. Notwithstanding, this legislation has been criticized in as much as it does not embrace all affected segments of society. Furthermore, this piece of legislation sets the prohibition of discrimination based on its effect on the disruption of public peace. It follows that discrimination is not a crime, and that it should be associated with another crime (disturbing public peace), which further contravenes

Article 53 of the Constitution, which states that discrimination is a crime. It is also contrary to the text of Article 161 bis, which prohibits doing or refraining from doing an act that would discriminate between individuals or against a group of people based on gender, origin, language, religion or creed.

Hate speech that constitutes incitement to discrimination or violence falls under the provisions of Articles 95 and 96,<sup>60</sup> the same as the prohibition of incitement and encouragement to form a gang to attack a class of inhabitants. These pieces of legislation have also been criticized for their lack of clear definition of the notion of 'gang', for instance as set forth in article 89.<sup>61</sup> Moreover, the penalty of incitement under these articles is imprisonment or severe imprisonment, which is a hefty punishment when applied to minor acts of incitement to violence.

Hate speech that constitutes incitement to hatred and enmity is also a grey area in current legislation. Incitement to hatred and enmity has not been targeted directly in the Penal Code, except for the prohibition of incitement to hatred of 'socialist principles'. Nonetheless, Article 309B\bis<sup>62</sup> restricts some forms of incitement to hatred like bullying, show of force, control, exploitation of the vulnerability of the victim or any state believed to abuse the victim such as sex, religion, race, physical appearance, health condition, mental state, social status in pursuance of intimidation, degradation or exclusion.

## Hate speech in Egyptian life

Egypt is an extremely diverse country when it comes to its religious, ethnic and linguistic minorities and indigenous peoples. Various forms of hate speech will be illustrated through examples focussing on four minorities: Copts, Shi'a, Nubians and Sinai Bedouins.

### Christians

Copts are subjected to different form of hate speech, in addition to the incitement of hatred by religious elites who portray them as unbelievers and '*kafirs*'. This in turn exposes them to different forms of verbal and physical assault. Additionally, the repeated calls to avoid congratulating

Christians on their holy feasts and disallow prayers for their deceased contribute to further incitement to enmity.

Different types of incitement to discrimination are rife in present-day Egypt. In 2017, a preacher at the Islamic Research Centre of Al-Azhar stated online: 'The blood of a Muslim is superior to non-Muslims,' and he added: 'You can call me a racist, say whatever you want, of course, but Muslim blood is superior'. Speech such as this is built on an ideal of racial and religious superiority, which can encourage further expressions of hate speech and discrimination.

Many forms of hate speech that fuel aggression and violence are tied to sectarian assaults on Christians. For example, Egypt's Grand Mufti Shawki Allam, declared in 2017 that there are approximately 3,000 fatwas urging the burning and demolition of churches. These statements are often intertwined with conflicts between local minority communities and their majority neighbours that take on a sectarian form through incitement and hatred. While monitoring many incidents of sectarian violence against Copts, it is clear that speech inciting violence is commonplace in Egyptian society, not least in the form of rumours, calls on social media platforms and preaching carried out within mosques.

One example of this is the assault on a church in the village of Al-Tood in Abu Tesht district, North of Qena governorate, which took place in March 2018. The building was attacked by a group of the village's Muslim residents, who were rejecting the legalisation of a church established in their village. According to the Egyptian Initiative for Personal Rights, 'incitement against the church was carried out in the streets of the village and several its mosques. The demonstrators attacked the church building from the outside and broke the windows and the electricity meter. The perpetrators of the attack threw stones at nearby Coptic homes, and then built a brick wall about a meter and a half high at the entrance of the street leading to the church.' This incident is an example of how preaching in mosques coupled with social media posts can be used to instigate violence against church buildings and homes owned by members of the Coptic community. One Facebook post read: 'Sorry Copts, but our dear village will only have a Muslim house of prayer', while another bragged: 'May God grant our men the strength to finish the demolitions'.<sup>63</sup>

## Shi'a

Egypt's Shi'a Muslim community faces two dominant forms of hate speech. First, Shi'a face hate speech circulating in elite circles and promulgated by religious leaders in the state's official institutes which insist on erroneously and baselessly linking Egyptian Shi'a with

Iranian foreign policy. Second, hate speech and hate crime happen at the local level. Local abuse is epitomised by the 2013 torture and killing of Sheikh Hasan Shehatah along with three Shi'a in Zaweyat Abu Muslim village. On 24 May 2013, Altawhed mosque in the village displayed a video of eighteen Shi'a villagers escorting Shia leader Hassan Shehata on a visit to Imam Shafei's Shrine. A protest broke out in the nearby mosque during which members of the public shouted against Shi'a, calling them heathens (*kufar*), while displaying posters that read: 'We don't welcome Shi'as in our village.'<sup>64</sup>

This example is further evidence of the exploitation of religious sentiments to instigate violence against Shi'a communities. Less than a month later, while Sheikh Hasan Shehatah was visiting a Shi'a home, he was attacked by dozens of protesters who assaulted and killed him along with three other Shi'a Muslims. While cheering and shouting 'Allah Akbar'.

Moreover, there are various Facebook pages about the supposed heresies of Shi'a and their infidelity, in addition to campaigns combating 'Shi'ism in Egypt'. Such speech can also be found on the social media pages of official religious institutes, which readily publicize derogatory comments regarding Shi'a religious practices, especially ceremonies such as *Ashura* (the Shi'a holy day, when the martyrdom of Hussein is commemorated).

## Nubians

Hate speech targets Nubians at many levels. Many forms of hate speech question their loyalty to the Egyptian state and stigmatizes them, based on accusations of separatism and supposed betrayal – due to the fact that the Nubian people live on both sides of the border with Sudan. Another form of hate speech faced by Nubians concerns an attack on the grounds of skin colour, and questions Nubian people's loyalty to Egypt based on racial discrimination.

The Border Centre for support and consulting (BSC) monitored forms of hate speech on TV channels, newspapers and film. The results show that some kinds of hate speech stereotypically depict Nubians working as household servants, waiters and doormen - a widespread stereotype that is inherently discriminatory. Other forms of speech incite hostility towards people of colour, in the context of which Nubians are referred to with derogatory and racist language, often hinting at the idea of a separatist tendency among Nubians.

## Sinai Bedouins

Sinai Bedouins face different forms of hate speech. The development of their region was neglected for decades, leading to a lack of economic development. Several



extremist and militant groups have based themselves in Sinai. Consequently, hate and discriminatory speech against Sinai inhabitants is on the rise. It is worth mentioning that this speech also intersects with arbitrary and systematic violations of human rights committed against inhabitants of Sinai, including extrajudicial killing, forced displacement, house demolitions, as well as arbitrary killing through the bombing of residential areas.

Perhaps one of the most prominent forms of hate speech affecting Sinai Bedouins involves the use of the term ‘traitor’ to refer to members of this particular ethnic minority. Reda Abdussalam, former governor of Al- Sharqeya governorate, wrote a Facebook post in July 2019 where he charged several Bedouins of treason, accusing them of being the cause of terrorism in the Sinai Peninsula. He added in the post, ‘Undoubtedly, there are sizable numbers of Sinai Bedouins who aren’t loyal to Egypt at all’.<sup>65</sup> He called for the people of Sinai to ‘request for relocation to a safe area determined by the State for a period of 6 months’ so that governorate can destroy areas inhabited by local Bedouins, ‘including the remaining traitors and mercenaries’.<sup>66</sup>

## Conclusion

Hate speech quells diversity and undermines the foundation on which the state is built, namely citizenship. Hate speech opens the door for discrimination, animosity and violence against different minorities, thus jeopardising the cultural diversity of society. International law refers to hate speech in a clear, specific and tiered way, mandating the state to prohibit hate speech that is inciting to discrimination, animosity and violence. This does not infringe on the freedoms of expression and opinion.

The Egyptian Constitution criminalizes hate speech briefly in Article 53. Additionally, the Penal Code tackles different forms of hate speech in several articles. Nevertheless, hate speech is prevalent in Egyptian society, threatening the state’s peace and stability. Despite this situation, there are currently no serious attempts by the government to recognize the issue, and monitor and address hate speech in Egypt.



# Recommendations

## The Egyptian government should:

- 1 Amend the 2014 Constitution to recognize the rights of persons belonging to minorities, expand the recognition of cultural rights, and protect their identity and heritage.
- 2 Urge the Egyptian authorities to adopt a constitutional article that recognizes the right of linguistic minorities to learn their own languages and to have them included in educational curricula at different educational levels and taught in their own schools.
- 3 Recognize the right of members of linguistic minorities to carry out their own educational activities to teach their own languages.
- 4 Amend Article 48 of the Constitution to include explicit criteria for non-discrimination based on ethnic, religious or linguistic differences.
- 5 Amend Article 50 of the Constitution to include religious, ethnic and linguistic identities in the country.
- 6 The state must stop prohibiting minorities' cultural celebrations.
- 7 Review and revise the social studies curricula at different school levels so that they include the histories of the various civilizations of Egyptian minorities and their relationships to Egypt.
- 8 Enable the representation of various cultural identities in the media (including terrestrial and satellite television channels, radio stations, print media and digital outlets).
- 9 The security agencies must stop interfering with and curbing the activities of minority organizations.
- 10 The state should continue to work with UNESCO to include further elements of minority heritage on UNESCO's List of Intangible Cultural Heritage.
- 11 Recognize the cultural rights of minority and indigenous communities in the country and extend legal protection for all antiquities regardless of their religious affiliation.
- 12 Amend the Antiquities Protection Law to change the sectarian way that the restoration of archaeological sites is funded, which causes divisions between communities in the restoration process and excludes minorities from gaining protection for their antiquities.
- 13 Implement and abide by Article 236 of the Constitution, which recognizes the right of Nubians to return and their participation in the development of their historical lands, and refrain from taking decisions that will alter the identity of their lands without their consent.
- 14 Repeal Articles 98(f), 160 and 161 of the Penal Code, known as the blasphemy articles, concerning religious minorities' expressions of their beliefs as well as any other religious expression contrary to the norm, and bring blasphemy trials to a halt in those cases where they are not addressing hate speech.
- 15 Ensure legal protection of all religious minority activists along with respecting their freedom of expression.
- 16 Establish protection for members of all religious faiths to be able to practice their rituals publicly.
- 17 Suspend dismissals from work committed against members of religious minorities due to their beliefs.
- 18 Repeal Articles 25 and 27 of Law No. 175 on Combating Information Technology Crimes (the Cybercrime Code), which target expressions and publications contrary to the norm.
- 19 Prosecutors should refrain from using anti-terrorism articles to restrict the free speech of minorities.
- 20 Establish an anti-discrimination commission, as enabled by Article 53 of the Constitution. The

formation of an anti-discrimination commission is a constitutional provision that has been delayed for more than eight years.

- 21 Cooperate with civil society, utilizing its expertise in joint efforts at identifying, monitoring and combatting hate speech as well as raising awareness of its dangers.
- 22 Carry out the necessary adjustments to legal provisions concerning hate speech with the aim of making implementation more effective.
- 23 Provide training on hate speech and the importance of combatting it for clergymen, judges, members of the general and administrative prosecution, policemen and other senior state officials.
- 24 Establish a specialized section on the General Prosecution website to record hate crime complaints, to be conveyed to respective authorities, along with encouraging the victims to have recourse to the law. In order for such procedures to be trusted and used, the confidentiality of such complaints must be ensured.
- 25 Establish an independent anti-discrimination expert committee which can provide guidance on ways to identifying hate speech and providing advice on cases characterized by lack of clarity.
- 26 Launch campaigns to promote diversity and raise awareness of hate speech and its consequences.

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# working to secure the rights of minorities and indigenous peoples

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## The State of Cultural Citizenship for Egyptian Minorities

This report argues for the need to reframe the concept of citizenship, as expressed by the Egyptian Constitution and state institutions. The existing official narrative champions a single cultural identity. In contrast, the report issues an urgent call for the recognition and equal protection of the cultural rights of all the different religious, ethnic and linguistic communities making up Egyptian society.

The report considers the situations of religious minorities in Egypt, such as Christians across different denominations, Muslims (Shi'a, Ahmadis and Qur'anis), Jews, Bahá'ís and atheists. Furthermore, it includes an assessment of the cultural rights of ethnic minorities such as Nubians, Amazigh and Sinai Bedouins.

Chapter One deals with the question of cultural citizenship as it is enshrined in the Egyptian Constitution and reflects on a number of shortcomings in terms of a lack of inclusivity in the definitions of citizenship to include cultural citizenship, particularly in terms of the cultural rights of religious and ethnic minorities. In Chapter Two, the authors argue that ethnic minorities are often misrepresented as a threat to nationalist notions of Egypt as a single and homogenous society. This reinforces their marginalisation from participation in political and public life, leading to serious threats to the security of minority activists. The securitisation of minority cultures can be seen in the treatment of linguistic rights for Egyptian Nubians and Copts, as well as the gaps in the Egyptian school curriculum regarding their culture and history. The chapter then goes on to discuss the cultural rights for Amazighs in Siwa, with a focus on the status of Amazigh women.

Chapter Three deals with the subject of minority rights in relation to cultural heritage and business. Business and tourism development along the Nile is discussed in terms of the negative impact of hydroelectric dams, reservoirs and tourism on Nubian villages and the cultural rights of Nubians. The chapter then discusses the case study of the destruction of the remains of the historic Coptic Abu Daraj Monastery near the Red Sea. Chapter Four covers the issue of the prosecution of religious beliefs and violations of freedom of expression among Christians, Atheists, Shi'a Muslims, Ahmadis, and Qur'anists, particularly with regards to current legislation. Chapter Five touches on the issue of hate speech against minorities with regards to domestic legal framework, including the Penal Code, and hate speech in Egyptian public life more broadly.

An extensive list of recommendations to the Egyptian government is included in this report, which includes:

- Amendment of the 2014 Constitution to recognize the rights of persons belonging to minorities, expanding the recognition of cultural rights, and protecting their identity and heritage.
- Urging the Egyptian authorities to adopt a constitutional article that recognizes the right of linguistic minorities to learn their own languages and to have them included in educational curricula at different educational levels and taught in their own schools.
- Recognize the right of members of linguistic minorities to carry out their own educational activities to teach their own languages.

This resource is an excellent point of reference for lawyers, activists, campaigners and community leaders seeking to advance cultural citizenship and cultural rights in Egypt.



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