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Minority Rights Group International (MRG) is an international non-governmental organisation working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 150 organisations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council, observer status with the African Commission on Human and Peoples' Rights, and is a civil society organisation registered with the Organization of American States.



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Introduction

This contribution is submitted by Minority Rights Group International (MRG). Egypt is home to a number of religious minority groups, including Christian, Jewish, Shiite, Baha'i, Qurani, Ahmedi, atheist, and ethnic minorities, such as the Sinai Bedouins and the Nubian indigenous people.

In 2014, Egypt adopted the current Constitution which enshrines the principle of equality of all citizens and non-discrimination (article 53) and recognizes several human rights and liberties. Nevertheless, the text failed to address many long-standing discriminatory elements that have marginalized minority communities for generations.

Freedom of Religion and Belief

A- The Right to Practice Religion

a. Jews

Jews are granted the right to publicly practice their religion by article 64 of the 2014 Constitution, however some official restrictions on Jewish festivities have hindered its de facto implementation. For instance, in December 2014, the Alexandria Administrative Court banned the annual festival commemorating the 19th century Jewish Saint Rabbi Yaakov Abu Hatzeira. The reasoning of the court for this permanent ban was 'its violation of public order and morality'.

b. Christians

Christians' right to publicly practice their religious rites is also granted by article 64 of the Constitution. As per article 235 of the same Constitution, a specific law for building churches was to be drafted. A church building law (Law 80/2016) was approved in August 2016 by the House of Representatives. However, it faced strong criticism by civil society organizations as it failed to engage the wider community in a participatory manner and entrenched the discriminatory framework surrounding church construction by grounding it in law.

Some of the law's provisions came to act as restrictions over building of churches. These include detailed building specifications (Article 1), the stipulation that churches must reflect the size of the surrounding Christian population (Article 2), the requirements of approval from the governor within

four months (Article 5) and the relevant administrative authorities (Article 6). None of these provisions exists in case of building of mosques.

While the law banned the closure of any church in which prayers were held before the law was approved, including unlicensed churches, closures of churches continued under security measures that failed to implement the provision. At least 14 houses of worship have been closed by police since the passing of Law 80/2016 in September 2016, in some cases justified as a pre-emptive measure to prevent communal violence.

With respect to unlicensed churches, the law stated that a committee would be formed to investigate their licensing. Of some 3,730 applications received by churches to regularize their status, by the beginning of 2019 just 627 had been officially approved. The slow process of looking into the registration of the remaining churches is problematic. Collective attacks by neighbours to prevent the committee from reaching the churches in question has been documented.

While collective prayer in a private home is not outlawed or illegal, attacks by Muslim villagers have nevertheless taken place under the pretext that an ‘unlicensed church’ has been set up in the village. While attacks on religious ceremonies, buildings intended for worship and shrines are criminalized in article 16 of the Penal Code, in practice perpetrators are rarely brought to account due to the enforcement of extra-legal mechanisms such as informal reconciliation sessions.

c. Non-Abrahamic religions and non-sunni Muslims

The recognition in the Constitution is granted solely to ‘heavenly religions’, and the exclusion of members of other religions, such as the Bahá’ís, is deeply discriminatory. The rights of these groups to public prayers, personal status laws and the recognition of their religious identity in official documents continue to be denied. Law 263 of 1960, which dissolved the Bahá’í spiritual assemblies, sequestered their property and banned Baha’i books, is still in effect. Furthermore, expression of their beliefs in public or carrying books or publications that promote their beliefs can be prosecuted under religious blasphemy provisions.

Muslims considered “non-traditional” (including Shi’a, Ahmadis and Quranists) are also targeted under the blasphemy provisions for public expression of their faith. Although they self-identify as Muslims, they are not recognised as such by the majority of Sunni Muslims in Egypt, thus facing several discriminatory restrictions in the public practice of their faith. Shi’ites are denied congregation halls (husyaniyat) in Egypt. In addition, the state has failed to respect the right of Shi’a to practice their religious rituals. The Ministry of Endowments has repeatedly closed the shrine of al-Hussein to prevent the Shi’a worship on Ashura, which is a holy day when Shi’a commemorate the death of Hussein ibn Ali.

B- Right to a Remedy

a. Christians

i. Reconciliation Sessions

A key element in the resolution of sectarian attacks against Christian communities is the continued practice of ‘reconciliation sessions’ between communities, often with the active encouragement of police and officials. These sessions rely on informal justice approaches that are usually in favour of the Muslim majority and are further entrenched by the failure of security forces and the formal judiciary to discharge their responsibilities to prevent and punish targeted attacks on Christians. This policy, besides undermining the rule of law and denying victims the right to remedy, also enables further attacks by promoting a climate of impunity for the perpetrators.

ii. The formal justice system

The dominance of this partial system of informal justice is accompanied by the failure of the formal justice system to protect Christian and other minority victims. This can be discerned at every step of the judicial system. The first step, filing a complaint at the police station, can involve various hurdles as in many cases police may refuse to register the incident. This failure may include not only denying justice to victims but also failing to protect them from imminent attacks. The judiciary is also keen to accept reconciliation sessions, explained above, in cases where serious crimes have taken place, including violence, assault, armed robbery and even murder. In these cases, reconciliation should not be legally acceptable as it only reinforces the impunity of those who have targeted Christians for attacks.

b. Non-sunni Muslims

The security forces have showed tolerance to the operation of a vigilante group called ‘Coalition of Muslims for the Defense of the Companions of the Prophet’ which was formed with the aim of online monitoring and suppressing Shi’a activity in 2013 in a number of ways including banning Shite practices in al-Hussein mosque. Security forces continue to cooperate with this group and rather than defending the community’s right to practice their religion freely, they arrest Shi’a worshippers. Law enforcement agents and the judiciary failed to hold such groups accountable and no charge of incitement was placed against them.

Atheists

Atheists have regularly been threatened and attacked on account of their beliefs. A number of incidents of physical violence at the hands of Egyptian civilians have been met by passivity of security forces, when they did not participate in the assault. For example, in 2014, a number of residents of Al-Bitash area in Alexandria attacked Ahmed Harkan after he stated his beliefs on television and handed him to the police. He reported that he, his wife and his friend were assaulted by police officers.

C- Violations of the right to freedom of expression and Blasphemy Law

Religious blasphemy is an offense mentioned in the Penal Code in article 98(F), which punishes a wide range of activities: ‘the exploitation of religion in the promotion or support in words or writing or by any other means of extremist ideas with the intention of provoking sedition or contempt or disdain for one or more heavenly religions or sects belonging to them or to damage national unity or social peace.’ This legal provision is frequently used to target a variety of expressions that are not unlawful according to international standards, as explained below.

a. Christians

A common source of blasphemy allegations against Christians are Facebook posts critical of members of the Muslim clergy or statements by Christian teachers in classes considered contrary to Islamic traditions. Between 2014 and 2018 at least 5 cases of religious blasphemy were filed against Christians, 4 of which went to the court. A broad understanding of blasphemy is used: for example 4 high school students sarcastically mimicking a IS scenes, a case that occurred in April 2015, lead them to be prosecuted under blasphemy law.

b. Non Sunni- Muslims and Atheists

The freedom of expression of “non-traditional” Muslims (including Shi’a, Ahmadis and Quranists) is heavily restricted as they constantly face the risk of blasphemy accusations for expressing their religious opinions publicly, praying in public or owning books that promote Shi’a, Qurani or Ahmedi thought.

D- Rights related to marriage & family

Bahais

Bahá'í couples, and by extension their families, are not officially recognized by the Egyptian government. In many cases, spouses with children and grandchildren are still registered as 'single' on their ID cards. The issue lies in the lack of recognition of Bahá'í marriage certificates. As a result, their offspring are also not automatically recognized. Their lack of documentation also deprives them of a number of rights including registering for schools and health insurance. Furthermore, converts to Baha'ism also face troubles in having ID cards issued.ⁱ

E-Violence Against Women and Children's Rights

Forced Disappearances of Christian Minor Girls

At least 21 Christian girls below 18 years of age were forcibly disappeared between June 2014 and June 2018. In eleven cases involving minors, the victim showed up after she had reached adulthood and converted to Islam. A number of sources have reported that police forces frequently fail to respond adequately to cases where Christian girls have disappeared, either in investigating the cases brought before them or taking steps to assist the families of the victims.

F- Forced Displacement and Destruction of Property

a. Nubians

Throughout the twentieth century, Nubians have faced numerous displacements, following resolutions by successive Egyptian governments to build dams along the river Nile. Nubians have suffered waves of forced displacement in 1902, 1912, 1933 and in 1964 when the inhabitants of over 40 Nubian villages were displaced. At no point were Nubians adequately compensated for the scale of the damage they suffered due to the loss of their native homeland, culture and ancient civilization.

Nubian activists have repeatedly voiced their concerns over the government's circumvention of their

responsibilities through administrative hurdles that would prevent adequate compensation. Furthermore, the office of the President issued a series of resolutions that undermined many of the rights laid out in the new Constitution. While in the Constitution the right of Nubians resettlement to Nubia was agreed in Article 236, Presidential Decree 444 (2014) established a large area of Nubian territory bordering Sudan as a militarized zone, hence banning civilian presence there. Also, Presidential Decrees 355 and 498 (2016), approved the confiscation of some 1,100 acres of land for state-sanctioned construction projects.

b. Sinai Bedouins

Since 2014, the Sinai region has become the territory for operations against IS. As the conflict between Wilayat Sinai (IS) and Egyptian security forces has intensified, the situation of Bedouin communities living in Sinai has steadily deteriorated, due in part to the actions of the Egyptian army around the city of Rafah and the area bordering the Gaza Strip.

For example, on 29 October 2014 a Council of Ministers Decree named the areas which would constitute an empty buffer zone in the Egyptian city of Rafah and would be evacuated of their inhabitants. This decision led to the evacuation of 802 houses in Rafah. The number of houses whose residents will receive compensation is 724 homes housing 1156 families.

However, the violence between the army and the militants led to further destruction of property and evictions. Between July 2013 and August 2015, security forces demolished at least 3,255 buildings in Rafah including mosques, hospitals, schools and homes, and destroyed vast swathes of agricultural land. With the launch in February 2018 of Operation Sinai 2018, more than 3,000 buildings had been destroyed by May 2018, resulting again in widespread evictions and loss of livelihood, including lack of resources, such as water, electricity and gas.

G- Due Process and Right to a Fair Trial

a. Nubians

The Nubian community organized a series of peaceful protests and demonstrations between 2016 and 2017 to advocate for the implementation of Article 236 of the Constitution, to which Egyptian authorities have responded with increasing repression, including arbitrary arrests.

When Nubian activists raised objections against Resolution 498 of 2016 in January 2017, police forces arrested six activists ahead of a demonstration. They were charged with public gathering,

carrying signs and objecting to an executive resolution. In September 2017, Nubian activists also staged a demonstration against the presidential decrees and called for the implementation of their constitutional rights to be resettled to their historic land. During these peaceful protests, 24 Nubian activists were arrested and were held in a military prison for 76 days.

Indeed, many victims of arbitrary arrest, violence and other forms of mistreatment by police experience further violations of their rights, including prolonged detention without charge, denial of legal support and unfair trials. Since September 2017, Nubian activists facing trial have suffered a range of exceptional measures, in violation of standard judicial procedures. Nubian activist Gamal Sorour died in his cell in November 2017 during his arbitrary detention at the Shallal military prison. He had fallen into a diabetic coma as a result of poor health care. The Public Prosecutor has frozen investigations into Sorour's death. Interrogations without the presence of a lawyer or any other form of defence were conducted inside a military camp. Their case was referred to a special court, an Emergency State Security Court, which allows for no appeals.

b. Sinai Bedouins

Since the passing of the Constitution, the Egyptian government has failed to adhere to its obligations and instead reverted to an overwhelmingly militarized approach in its counter-terrorism operations in North Sinai.

While hundreds have been killed in the fighting between IS and the Egyptian military, including many civilians, evidence has emerged that some of those killed by security officers may have been executed in staged extrajudicial killings. The estrangement of many in Sinai from the Egyptian government has been driven in part by the failure of authorities to deliver justice for hundreds of Bedouin who suffered arbitrary and unfounded allegations during the security crackdown years before.

H- Racial discrimination

a. Nubians

Nubians continue to suffer discrimination by state and private institutions, due to their culture and skin color. There are various cases of discrimination in schools, football teams as well as in the media. In one case, the victim committed suicide upon excessive verbal bullying by the workers in the institute she studied in.

The spread of racism in Egyptian society can be traced back to the media's constant portrayal of Nubians as servants, drivers and members of black gangs. These stereotypes exist alongside the media's tendency to spread hate speech and rumors about the supposed desire among Nubians for secession from Egypt and the establishment of an independent state.

b. Sinai Bedouins

Likewise, Sinai Bedouins have suffered a long legacy of discrimination and portrayed in the media as spies or smugglers. Indeed, efforts by Bedouin communities to obtain title deeds for long-demarcated tribal lands were rebuffed and Bedouins were routinely denied positions in the army or civil service.

The government's continued failure to deliver on its promises of economic growth in the region strengthened the involvement of some Bedouin groups in informal and sometimes illicit activities, largely cut off from the mainstream economy.

Recommendations

- Amend the 2014 Constitution to recognize the rights of persons belonging to all communities as full and equal citizens
- Remove all discriminatory provisions in the Constitution, including the restriction of legal recognition to the 'heavenly religions', to ensure full legal equality for all religions and beliefs without exception
- Repeal the current law on blasphemy and establish in its place legislation prohibiting hate speech and incitement
- Issue a law banning discrimination, in line with Article 53 of the Egyptian Constitution
- Repeal the 2016 church building law and replace it with a unified legal framework for all places of worship
- Regulate reconciliation sessions between Christian and Muslim communities to ensure all processes are fair, transparent and impartial, consistent with alternative dispute resolution (ADR) best practices
- Guarantee the full rights of all religious communities, including those not currently recognized in Egyptian law

- Support the resettlement of the Nubian population in their ancestral territory, in line with Article 236 of the Constitution, through the development of a legal framework to recognize the community's land rights and enable their return
- Issue legislation addressing the specific challenges of racism, providing clear recognition and penalization of racial discrimination on the basis of color, ethnicity or language
- Prioritize the protection of residents of North Sinai, including Bedouin, during military operations
- Take concrete steps to address the underlying issues of injustice, marginalization and lack of development opportunities in Sinai

ⁱ Bahais were granted the right to identity documentation in 2009, when the Supreme Constitutional Court upheld the ruling to put a dash instead of their religious affiliation in their ID cards. While this compromise allowed governmental offices to issue ID cards for Bahai's, it has maintained Bahai's secondary status. Furthermore, this compromise is restricted only to those Bahá'í who had their previous IDs registered as Bahá'í or 'other'. Muslims or Christians who have converted to Bahá'ism, on the other hand, are denied this right.