

UPR of EGYPT – 34th session – November 2019

Fact sheet on the situation of religious and ethnic minorities in Egypt

Egypt is home to a number of religious minorities, including Coptic Christians, 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.

1. FREEDOM OF RELIGION OR BELIEF

The 2014 Constitution recognizes only 'heavenly religions', thereby excluding members of other religions, such as **Baha'is**, with negative consequences on their rights to pray in public, on the operation of personal status laws and on their access to official identification documents, as Egyptian IDs mention individual religious affiliations. Expression of their beliefs in public or carrying books or publications that promote their beliefs can be prosecuted under religious blasphemy provisions.

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

Followers of recognized religions also face restrictions in their freedom to practice their religions.

In December 2014, the Alexandria Administrative Court banned the annual festival commemorating the 19th century **Jewish** Saint Rabbi Yaakov Abu Hatzaira, as it was found "violation of public order and morality".

Coptic Christians face difficulties related to excessive restrictions placed on the building and operation of places of worship. A discriminatory "church building law" (Law 60/2016) was adopted in August 2016. This law imposes a series of stringent administrative and architectural requirements, including 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). None of these provisions exists in case of building of mosques.

Since the law has been adopted, at least 14 houses of worship have been closed by the police. As of September 2019, only 1109 out of the 3,730 applications received for churches to regularize their status had been officially approved.

Repeal the 2016 church building law and replace it with a unified legal framework for all places of worship

Shi'a Muslims and Ahmadis in Egypt 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

Amend the 2014 Constitution to recognize the rights of persons belonging to all communities as full and equal citizens

2. BLASPHEMY AND FREEDOM OF EXPRESSION

Religious blasphemy is an offense mentioned in the Penal Code in article 98(F) legal provision is frequently used to target a variety of expressions that are not unlawful according to international standards.

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.

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.

Repeal the current law on blasphemy and establish in its place legislation prohibiting hate speech and incitement

3. PROTECTION FROM VIOLENCE AND ACCESS TO JUSTICE

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.

At least 21 **Christian girls** below the age of 18 were abducted between June 2014 and June 2018. In eleven cases involving minors, the victim showed up after she had reached adulthood and converted to Islam. Police forces frequently fail to respond adequately, either in investigating the cases brought before them or taking steps to assist the families of the victims.

Communal violence and hate crimes against Coptic Christians remain a widespread problem. These violations are further encouraged by a failure of the state security and judicial apparatus to hold accountable those responsible for violence against religious minorities. Our reports document many instances when police refuse to register hate crimes, or to protect victims from imminent threats. The judiciary is also keen to accept reconciliation sessions, in cases where serious crimes have taken place, including violence, assault, armed robbery and even murder.

Reconciliation sessions between communities are informal extra legal sessions where customary law is applied. It is conducted 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. This resort to customary reconciliation processes undermines the rule of law and effectively denies victims the right to an effective remedy.

The resulting widespread impunity further encourages and facilitates acts of violence against minorities.

Refrain from resorting to reconciliation sessions for communal violence and hate crimes, and ensure that there is no discrimination in the right to access justice for members of religious minorities

4. FORCED DISPLACEMENT

Nubians, originating from the South of Egypt, have suffered waves of forced displacement in 1902, 1912, 1933 and in 1964 when the inhabitants of over 40 Nubian villages were displaced to build dams along the Nile river. 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.

While in the Constitution the right of Nubians resettlement to Nubia was agreed in Article 236, however, Presidential Decree 444 (2014) established a

large area of Nubian territory bordering Sudan as a militarized zone, hence banning civilian presence. Additionally, Presidential Decrees 355 and 498 (2016), approved the confiscation of some 1,100 acres of land for state-sanctioned construction projects.

Furthermore, Nubian activists have repeatedly reported administrative hurdles that effectively prevent access to compensation schemes, for instance through the request for unavailable documentation.

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

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.

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. This decision led to the evacuation of 802 houses in Rafah.

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.

Prioritize the protection of residents of North Sinai, including Bedouin, during military operations

5. MINORITY RIGHTS DEFENDERS

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. Nubian activist Gamal Sorour died in his cell in November 2017 during his arbitrary detention at the Shallal military prison.

Ensure that equal access to justice is available for members of ethnic minorities