

# report

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## **No change in sight: The situation of religious minorities in post-Mubarak Egypt**

By Mohamed M. Mohieddin with the support of Omar El Adl and Manar Mohsen





**Relatives mourn during the funeral for four Coptic Christians killed in an attack at a wedding, at Virgin Church in Cairo, Egypt.**

Reuters / Mohamed Abd El Ghany

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# No change in sight: The situation of religious minorities in post-Mubarak Egypt

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# Key findings

## Key findings

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|--|--|
| <ul style="list-style-type: none"><li>• In January 2011, after three decades, the Egyptian people brought the authoritarian rule of Hosni Mubarak to an end in a popular uprising. The January 25 Revolution, as it was known, was driven by a demand for greater civil and political liberties. However, insecurity and sectarian violence since then have increased – and it is Egypt’s religious minorities who are bearing the brunt of this renewed insecurity.</li></ul> | <ul style="list-style-type: none"><li>• The relevance of these issues has become even more apparent in the aftermath of Mohamed Morsi’s forced removal on 3 July 2013, with political tensions taking on an increasingly sectarian character, reflected in outbreaks of violence against minority members and their places of worship. Religious intolerance and discrimination are therefore not only having a direct impact on minorities but also contributing to Egypt’s ongoing insecurity.</li></ul> |
| <ul style="list-style-type: none"><li>• Research interviews in May and June 2013 with minority representatives and rights activists working on the ground, on the eve of the military deposing of Mohamed Morsi, highlighted the role of government policy, restrictive legislation, police inaction, irresponsible media coverage and the rise of religious hate speech in encouraging division and instability in Egypt.</li></ul>   | <ul style="list-style-type: none"><li>• The political upheaval in Egypt has done relatively little to change the entrenched discrimination and impunity in the country. Addressing the current protection gaps for religious minorities is an essential step in ensuring Egypt’s long term peace and stability, but this will require not only legal and constitutional reform but also the broad engagement of media, schools, religious institutions, police, judiciary and communities.</li></ul>       |

# Executive Summary

In January 2011, after three decades under President Hosni Mubarak, the Egyptian people joined together in an uprising – subsequently dubbed the January 25 Revolution – that brought his authoritarian rule to an end. The movement was driven by a widely shared desire for greater civil and political freedoms following a long period of repression, corruption, unaccountable governance and social division. However, while some progress has been achieved since then, security in the country has deteriorated – and it is Egypt’s religious minorities who are bearing the brunt of this renewed insecurity.

Egypt has a number of religious minorities living in the country, totaling around ten per cent of the total population. While Copts form the largest minority group, Bahá’í, Shi’a Muslims, Jehovah’s Witnesses, Quranists and Ahmadis also have a well established and historic presence spanning generations. These groups have suffered decades of sustained discrimination and violence, going back to the establishment of the Ottoman Empire, but more recently shaped by the pan-Arabism of President Gamel Abdel Nasser and the subsequent political repression imposed by President Anwar Sadat and his successor, Mubarak.

While the challenges have often taken distinct forms for different minorities – the restrictions on the construction of Coptic churches, the prohibition of public worship for Shi’a, the barriers to registering for an identification card as a Bahá’í – they ultimately derive from the same sources: discriminatory legislation, an exclusionary understanding of Egyptian nationalism and a strain of extreme Islamism hostile to non-Muslims and various schools of Islam, including Shi’a. As evidenced by the trauma and bloodshed that Egypt has experienced since the 2011 revolution, these issues have remained largely intact despite the country’s political upheaval.

In May and June 2013, the author and research team for this report conducted interviews with minority representatives and rights activists working on the ground

to assess the current situation for religious minorities. Drawing on this fieldwork and other material undertaken during the same period by a documentary team, as well as an extensive review of recent literature and media coverage on religious minorities in the country, the findings highlight how Egypt’s social, legal and institutional context have all contributed to acute protection gaps for these groups.

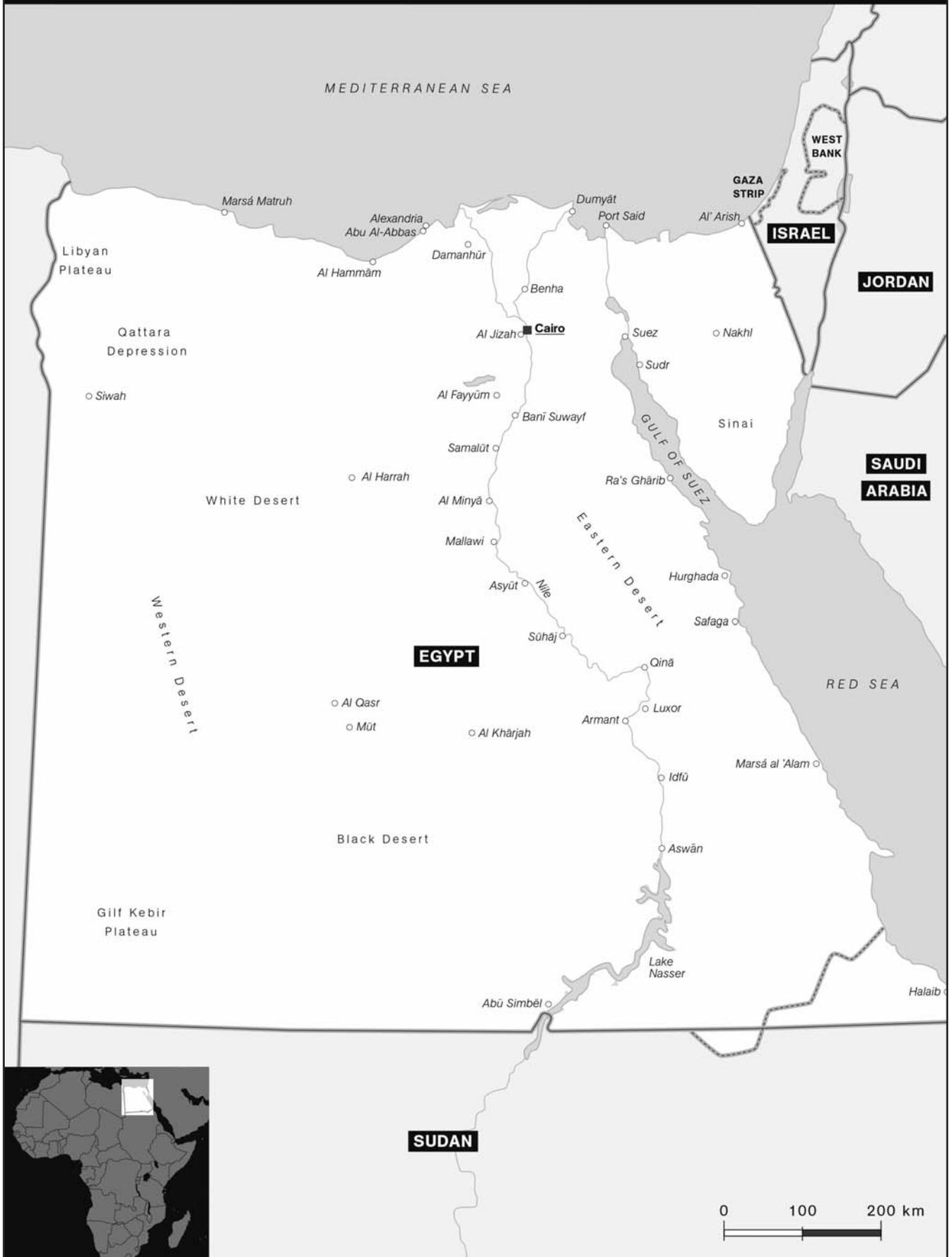
The issues include an ongoing climate of impunity, sustained by the government’s unwillingness to prevent or prosecute sectarian violence, as well as restrictive legislation from the Nasser era and even earlier that has yet to be annulled. Furthermore, engrained popular attitudes, social customs and the continued spread of hate speech through media, sermons and online channels have contributed to an escalation in attacks since the revolution.

The bulk of the research for this report occurred shortly before the sudden removal of President Mohamed Morsi on 3 July 2013. Events since then have only reinforced the relevance of these findings to Egypt’s ongoing struggle to reach a democratic and non-violent consensus on its future. However, as this report argues, the political upheaval in Egypt has done relatively little to change its entrenched discrimination and impunity. Addressing the current protection gaps for religious minorities is an essential step in ensuring Egypt’s long term peace and stability, but this will require not only legal and constitutional reform but also the broad engagement of media, schools, religious institutions, police, judiciary and communities.

*“What were the demands of the revolution? Weren’t they bread, freedom and social justice? If you asked anyone... they would say, that’s what I know about the revolution. Why did it start? Everyone is entitled to a place of worship.”*

Bahá’í respondent, June 2013

# Egypt



# Introduction

## After the revolution: Egypt's minorities since January 2011

Egypt's history as a modern state, since gaining independence in 1922, has been shaped by competing forces of liberalism and authoritarianism, secularization and Islamism. Throughout these shifts, however, Egypt's religious minorities – including Shi'a Muslims, Coptic Christians, Bahá'í, Jews, Quranists, Ahmadis and Jehovah's Witnesses – have long been marginalized from full social and political participation in their country.

The treatment of Egypt's minorities has in part been a reflection of the country's broader political challenges, including restricted freedoms, sectarianism and undemocratic governance. Its political development, from liberal monarchy to the pan-Arabic socialism of President Nasser, was followed by a near monopolization of power by the National Democratic Party (NDP) under Sadat and his successor. From 1981, the country experienced three decades of enforced rule under Mubarak, with civil liberties restricted and any form of dissent aggressively suppressed.<sup>1</sup>

In early 2011, however, the country witnessed an unprecedented mass uprising against the incumbent regime - the 'January 25 Revolution' - with millions of Egyptians from a variety of different backgrounds taking to the streets to protest against rights abuses, political manipulation and a range of political and social restrictions. With Mubarak forced out of power and the establishment of an interim military government, there was widespread hope that Egypt was beginning a process of democratic renewal.<sup>2</sup> For rights activists, this included the strengthening of freedoms and protections for religious minorities as an important step towards ending their historic discrimination.<sup>3</sup>

These expectations have not been fulfilled, however. By the summer of 2013 many civil freedoms were still compromised or unrealized, particularly for religious minorities. Under both the interim military rule of the Supreme Council of Armed Forces (SCAF) and subsequently the government of Morsi and his Freedom and Justice Party (FJP), a newly formed party with close links to the Muslim Brotherhood, political freedoms continued to be restricted and independent voices such as those of NGOs, journalists and activists were silenced or intimidated.<sup>4</sup>

These abuses included official assaults and incitement to hatred. For example, a military assault against a non-violent protest by Copts in October 2011 resulted in 28 deaths and 212 injuries. Under Morsi, the 2012 Constitution was passed with restrictions on religious freedoms, and hate speech against religious minorities occurred with impunity.<sup>5</sup> The United States Commission on International Religious Freedom, in its April 2013 annual report, designated Egypt as a Country of Particular Concern and highlighted the government's complicity in "systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief."<sup>6</sup> This was a far cry from the expanded rights and freedoms that many minority members had hoped for.

## Minority perspectives on post-Mubarak Egypt

Against this backdrop of ongoing violence and discrimination, the author and research team conducted field interviews in May and June 2013 to assess the situation of religious minorities in Egypt from their perspective. The samples included a selection of religious minority members and human rights activists working across the country on the impact of political developments post-Mubarak on these groups. This report also draws on the material gathered in parallel during May and June 2013 by a documentary team, as well as a subsequent interview with religious minority members in September 2013. The findings reflected a strong sense of disenchantment with the post-25 January 2011 transition and increased uncertainty about the future implications for Copts, Bahá'í, Shi'a and other religious minorities.

Troublingly, the interview testimonies pointed to the continuation of many of the very practices that had driven Mubarak's ousting in 2011. This includes the ongoing reality of legal discrimination, particularly following the adoption of the 2012 Constitution by the Morsi government. The drafting and passing of this document was widely condemned by rights groups, including MRG, which criticized the lack of protection for some religious minorities as well as its exclusion of women's rights.<sup>7</sup> This was seen by activists as having further weakened the position of certain religious minorities, in the process

undermining their faith in any long term improvement in their situation.

*“The ideas are the same and have not changed. Islamists’ policies may bring more discrimination. The government will not provide any new anti-discrimination laws... except under extreme demands and will only respond to pressure. This is a deliberate policy.”*

Human rights activist, May 2013

Similarly, the culture of impunity that characterized much of the Mubarak era has also not been addressed. The apparent rise in physical violence, abductions and abuse against religious minorities was seen by some activists as having been facilitated by the lack of a committed response from authorities to rights violations.

*“The state is required to protect everyone. I think this failure on the part of the government could be some form of deliberate policy because it is consistent and there seems to be leniency from the state.”*

Coptic rights activist, June 2013

The field research, in conclusion, suggested that many of the deep-seated inequalities and layers of discrimination affecting minorities under Mubarak were still unaddressed, more than two years after the 25 January 2011 uprising. Indeed, the feeling among a number of respondents was that the situation since the beginning of 2011, far from improving, had in many ways deteriorated.

*“It is becoming worse. Every week we see a new problem and the government does nothing about it.”*

Coptic rights activist, June 2013

Together, these findings suggest that the issues facing Egypt’s minorities have yet to be addressed by the apparent transformation of the country into a functioning democracy. This has been borne out by subsequent developments in the country.

## Postscript: 3 July 2013 and post-Morsi developments – limited signs of improvement

Soon after the completion of the field research for this report, Egypt experienced yet another political upheaval on 3 July 2013 when Morsi was forcibly removed from power by the military following popular demonstrations against his government. As with the previous events of 2011, however, the situation for religious minorities remains uncertain. The controversial 2012 Constitution

was suspended and the December 2013 draft shows a number of significant improvements. For example, while Islam remains “the religion of the state” and Sharia “the main source of legislation”, the decision on whether the law is in line with its principles now lies with the Supreme Constitutional Court rather than Al-Azhar, as specified in the 2012 Constitution. In addition, freedom of religion is “absolute” in the new draft, instead of “protected”, and it also stipulates that the new government must pass a law regulating the construction of churches to allow Christians to “perform their religious rites freely”. Nevertheless, the draft still relies heavily on the template of the 1971 Constitution, and so replicates many of its weaknesses. In particular, the protection of religious minorities is still only extended to the ‘heavenly religions’, excluding other unrecognized groups such as Bahá’í, and is still subject to state legislation.<sup>8</sup> Furthermore, there is the issue of whether these freedoms will be practically implemented and protected by authorities.

The rise of sectarian assaults against minorities and the broader spread of civil conflict, including the death and injury of numerous pro-Morsi demonstrators in August following a military crackdown, also illustrate how far Egypt still has to come in achieving a non-violent and inclusive political consensus. The active targeting of Coptic Christians and their churches in revenge attacks, for instance, not only reflects an apparent escalation in hostility towards this religious minority from some sections of the population, but also the continued inability or even indifference of authorities regarding the protection of minority communities and provision of justice for victims.<sup>9</sup>

All of this means that, despite the subsequent political upheaval, the findings of the research have lost none of their relevance. The need for a more comprehensive and holistic process of transformation, tackling the multiple layers of discrimination in Egyptian society, remains unchanged. Yet it is an essential step not only for the protection of religious minorities, but also for the country as a whole in its journey towards full democracy, human security and respect for civil rights. The situation for religious minorities in the future will be a major indicator of whether Egypt has succeeded in achieving this.

## Structure of the report

This introduction gives a very brief overview of recent developments in Egypt and the particular importance of religious minority protection in the current environment. It also presents the methodology of the field research and highlights some of its main findings. Both areas are expanded on in the remainder of the report.

Section 1 summarizes the histories of Egypt’s religious minorities, including Shi’a Muslims, Coptic Christians,

Bahá'í, Jews, Jehovah's Witnesses, Quranists and Ahmadis, to the present day. It also describes the particular political, social and institutional challenges that different groups face, including discrimination, limited freedoms, hate speech and even deadly violence. These often take distinct forms for different minorities – the restrictions on the construction of Coptic churches, the prohibition of public worship for Shi'a, the barriers to registering for an identification card as a Bahá'í – but ultimately derive from the same sources: discriminatory legislation, an exclusionary understanding of Egyptian nationalism and a strain of extreme Islamism hostile to non-Muslims and various schools of Islam, including Shi'a.

Section 2 goes on to detail the different levels of discrimination and hostility towards religious minorities in Egypt, drawing on the testimonies of leading activists. The analysis focuses on three main areas:

- *The legal and institutional response*: rights gaps in the current constitutional framework, the poor implementation of basic protections and the lack of an effective response from the authorities to enforce justice for minority victims of hate crime.
- *The media and the rise of hate speech*: the role of the press, television channels and other platforms in perpetuating negative stereotypes and inciting hatred against minorities.
- *Nationalism and the limits of Egyptian 'identity'*: popular prejudices and cultural factors that perpetuate violence and discrimination against the country's minorities, even after its nominal democratization since Mubarak's removal.

The overarching conclusion from these interviews is that the situation of Egypt's religious minorities is rooted in a range of issues that have remained relatively intact, even against a backdrop of momentous political change. The gap between the positive visions of the 25 January 2011 uprising and the country's post-revolution reality is to a large extent a product of the failure to tackle these problems systematically in politics, the media and society at large.

## Methodology

This report is based on field research with nine religious minority representatives and human rights activists in Egypt during May and June 2013. Respondents were asked a series of set questions on the situation of religious minorities in Egypt. With one exception, these interviews were all conducted in person. The interviews were followed up with three interviews with minority members in September 2013, and also drew on additional material gathered by a documentary team during the May-June 2013 period that included testimonies from Bahá'í members. The widespread insecurity in the country at this time impacted on the ability of the research team to gather personal submissions, as well as the willingness of some communities to discuss these issues. The field research was also supported by a detailed desk review of party political programmes, media coverage, expert analysis and other available literature on key issues confronting Egypt's religious minorities. In light of subsequent events since July 2013, the review was extended to include events in the second half of 2013.

# The situation of religious minorities in Egypt

## Overview

Compared to other Arab states, Egypt is a relatively homogeneous society in terms of its cultural, ethnic, racial and religious structures. About 90 per cent of Egyptians are Sunni Muslim, with a much smaller representation of Shi'a Muslims, comprising less than one per cent of the population. A significant number of Muslim Egyptians follow Sufi orders<sup>10</sup> and there are a number of smaller religious groups, including Bahá'í, Quranists, Ahmadis, Jews and Jehovah's Witnesses. The largest religious minority are Christians, the majority of them Orthodox Copts.<sup>11</sup>

Religious minorities in Egypt find themselves in an uncertain situation. While Egypt's legal framework in theory guarantees all citizens equality before the law and religious freedom, these are not in practice guaranteed for certain religious communities or may be subject to considerations such as national security that may undermine these rights. Among other issues, these groups have experienced sustained discrimination, institutional marginalization, hate speech and direct physical violence in recent decades. This has been the case not only under the authoritarian rule of Nasser, Sadat and Mubarak, but also during the post-revolutionary period under the interim rule of the SCAF and then Morsi from his election in 2012 until his removal in July 2013. Since then, there has been little practical progress in realizing the rights and freedoms of Egypt's religious minority groups.

## The Copts

Copts are the largest minority in Egypt, though their exact numbers remain uncertain. Figures range between 4.7 and 7.1 million, comprising between six and nine per cent of the population,<sup>12</sup> though some estimates put the proportion at as much as 10 to 20 percent.<sup>13</sup> However, some do not consider the Copts an actual 'minority', arguing that on the criteria of citizenship and their continuing presence in the country that they are an integral part of the Egyptian majority. Pope Shenouda, the head of the Coptic Church from 1971 until his death in 2012, subscribed to this view on the basis that it was not religion that defines a minority: he described Copts as "part and parcel of the Egyptian nation".<sup>14</sup>

Nevertheless, the Coptic minority has experienced ongoing discrimination, marginalization, restricted religious freedoms and physical insecurity through successive periods of Egypt's recent history.<sup>15</sup> This is reflected in the country's legal framework and in the increasing number of attacks on Copts and their churches since the 1970s, as well as hate speech in the official mass media and educational discrimination.

*"When Copts talk about their rights, society gives them a deaf ear."*

Coptic rights activist, June 2013

*"With Christians, it is different because you can tell based on appearance or name or other indicators. They can then face discrimination in job opportunities and promotions."*

Coptic rights activist, June 2013

## History

Following the Arab conquest of Egypt in the seventh century, many Copts converted to Islam. Coptic historians attribute the spread of Islam to religious persecution, as well as the fact that converts were exempted from taxes imposed on non-Muslims (*Dhimmis*) and could serve in government positions, which *Dhimmis* could not. The *Dhimma* system also imposed rules regarding the organization of church affairs and other matters. The Ottoman edict of *Hatt-ı Hümayun* in 1856, however, promised equality in education, government appointments and the administration of justice. In practice it formed the basis of discrimination between Muslims and Copts.

Nevertheless, with the spread of modern education and the formation of a middle class, a Coptic rights movement emerged which advocated for equality of access to higher public offices and other areas of civic life. These demands, made by the First Coptic Conference in 1911, were rejected by the Islamic Conference held in Cairo in the same year. During the 1919 revolution Copts participated in the nationalist movement, with slogans such as 'Religion is for God and the homeland is for all'. Despite this, throughout the 1930s and 1940s these institutional barriers were preserved, as reflected in

the 1934 “El-Ezaby conditions” regulating church construction<sup>16</sup> – an area that would later become the source of much sectarian tension, discussed in greater detail below. This period also witnessed the rise of the Muslim Brotherhood and the Young Egypt Party, both parties with overt religious elements within their political programmes.

Conditions for Copts deteriorated under Nasser, who took power in 1956 following the 1952 military overthrow of the Egyptian monarchy. Among other issues, the nationalization of land and industries under the regime resulted in the confiscation of land and companies owned by Copts. This period also saw the rise of the Coptic Church as a political actor, whereby the church guaranteed the loyalty of the Copts to the regime in exchange for state recognition of the church as the sole legitimate representative of the Copts. During this period the Coptic middle class started to migrate abroad.

Following the defeat of Egypt in the 1967 war with Israel and the rise of Sadat to power, Islamic militant groups began to appear and the Muslim Brotherhood re-emerged as a political force after their suppression under Nasser. Copts then became a target of Islamic extremists. The first significant incident was in 1972, when the Holy Book Society centre in Al Khanka, near Cairo, was set on fire. The committee that investigated the matter recommended that the inequitable processes surrounding church construction should be resolved to prevent future incidents,<sup>17</sup> but this was not implemented.

The religious discourse of the state continued to expand, reflected in the 1971 Constitution’s amendment to designate Islam as the religion of the state in Article two, together with Sharia as a main source of the country’s legislation.<sup>18</sup> Salafism also gained a hold in Egypt from the 1970s, spreading to the country from oil-producing states such as Saudi Arabia.<sup>19</sup> The ruling National Democratic Party (NDP) also excluded Copts from meaningful participation, meaning their social problems and concerns were largely excluded from political debate.

## The Copts under Mubarak

During the regime of President Mubarak, between 1981 and 2011, the adoption of neoliberal economic policies led to increasing class polarization. This was coupled with a failure of governance evident in a widespread lack of public participation, government accountability and transparency. This led to the expansion of the role of Islamic and Coptic charitable organizations which replaced many basic state functions, such as the provision of education and health services.

The state security apparatus both encouraged and widely practised factional policies. Permission to build or renovate

churches was tightly controlled, for example, while few Copts attained high-level positions in the government, army and police. The already insufficient political representation of Copts diminished. While in the first elected National Assembly of the Sadat era (1979–84) 3.7 per cent of those elected were Copts, in all subsequent elections, including the post-revolutionary election of 2012, their representation in the Assembly never exceeded 2.2 per cent and on several occasions was as low as 1.4 per cent.<sup>20</sup>

In 2005, in what was seen by some activists as a “toothless” measure aimed at improving the image of his regime,<sup>21</sup> Mubarak issued a decree authorizing local governors to make decisions concerning building, maintaining and expanding church premises.<sup>22</sup> However, state security forces intervened to prevent the implementation of these decisions on the grounds that they would anger Muslims and threaten social peace.<sup>23</sup> New forms of oppression emerged, including forced evacuation of Copts from their homes through resort to customary law,<sup>24</sup> which demonstrated the state’s inability to enforce its own laws.

*“The government would act as though they are telling [religious minorities] that it is enough we are allowing you to exist in Egypt... Mubarak would not treat Copts as equals, but as exceptions.”*  
Human rights activist, May 2013

The social fabric of Egyptian society came under increasing strain as a result of religious violence, with the number of attacks on Copts rising from the 1970s.<sup>25</sup> The Mubarak regime exploited this sectarian violence to cast itself as the protector of the Coptic minority while discouraging the formation of a unified opposition to its rule.<sup>26</sup> As a result, tensions in the country intensified. In 2009, towards the end of Mubarak’s rule, a report placed Egypt ‘High’ in terms of its religious hostility and ‘Very High’ in terms of government restrictions on freedom of religion.<sup>27</sup>

*“The more the government failed in other fields and aspects, the more it would use religion to strike fear in the public.”*  
Coptic rights activist, May 2013

The January 2011 revolution revealed a split in the Coptic community. While the official stance of the church under Pope Shenouda appeared to be initially supportive of the regime,<sup>28</sup> many secular Copts and Coptic political activists took part in the demonstrations. Prior to this, Coptic activists had also been involved in opposition movements such as Kefaya and challenged Mubarak’s regime in the courts on legal and constitutional grounds.

## The situation post-25 January 2011

Despite the apparent unity of different groups against Mubarak in Tahrir Square, the post-revolution era witnessed a continuation of the same trends with regard to Copts. On 4 March 2011 Muslims destroyed and burnt the Church of the Two Martyrs in Itfeeh, followed

by further violence on 8 March between Muslims and Copts who were protesting against the Itfeeh incident four days earlier. Official reports put the number of deaths at 13 in addition to 140 injured.<sup>29</sup> In October 2011, Copts demonstrating outside the Maspero building in Cairo against the demolition of a church in Aswan were attacked by tanks and armoured vehicles on the

### Church burning and the link with official discrimination

One of the defining characteristics of violence against Copts in Egypt is the arson and destruction of Christian churches. This form of collective punishment has recurred repeatedly in Egypt's modern history since the rise in sectarian incidents from the 1970s onwards, spanning the 1972 burning of the Holy Book Society in Al Khanka to the recent attacks on more than 40 churches in August 2013.<sup>35</sup> These incidents, including those that occurred in July and August 2013 in reaction to Morsi's removal and the subsequent deaths of hundreds of his supporters, are typically carried out by mobs but are often facilitated by the failure of state security forces to take action against them.

Importantly, this long term pattern of violence against churches has also occurred against a backdrop of institutionalized discrimination against Egypt's Christian community. These include stringent restrictions on the construction and renovation of churches, typically involving a slow and arbitrary process of official review and approval, in contrast to the more relaxed and often unenforced regulations on the building of mosques.

*"If the mosque was built first, then there are stricter laws on how further away the church should be built, but it is more relaxed if it is the other way around."*

**Coptic rights activist, June 2013**

In particular, by including considerations such as proximity to surrounding mosques and the potential objections of Muslims residents as criteria, these conditions entrenched church construction as a local and sectarian issue.<sup>36</sup> Furthermore, by framing church construction as an area of ambiguous legality, the official regulations have had the effect of encouraging violent attacks against the church by interacting with popular prejudice in a "vicious circle".<sup>37</sup> While the 2012 Constitution directly acknowledged the right of Christians to a place of worship, the restrictions on church construction have yet to be repealed: an earlier attempt to create a single non-discriminatory legal framework for mosques and churches alike, following violence in May 2011, was not successfully passed.<sup>38</sup>

*"For renovating a church, you have to go to the governor and to build a new one, you must go to the president. The state cites many reasons, including that a new church 'does not clash with national security'...The procedures are worse than the laws because the government will go back to security reports and declare something dangerous to national security, but does not give any justification as to why it considers it dangerous. We have to consider that 'dangerous to national security' is a flexible expression."*

**Coptic rights activist, June 2013**

This has helped transform even minor church repairs into a divisive sectarian issue with potential for violence:

*"Building churches is like warfare - it can end in blood just to get it over with. And it can be worse with maintenance and renovations."*

**Coptic rights activist, June 2013**

The December 2013 draft constitution's requirement for the next government to pass a law regulating the construction of churches to allow free practice of their religion is a positive sign of improvement<sup>39</sup> – though as with other laws, there may still be challenges in implementing this in practice. Furthermore, Copts are not the only religious minority to face restrictions on their right to a place of worship. Bahá'í and other unrecognized groups are also banned from any form of organization, while Shi'a face popular and institutional resistance.

*"There is total opposition against Bahá'í and Shi'a. There is a problem with building houses of worship of other religions. The ministry of religious endowments makes no issue for mosques but everyone else faces problems."*

**Coptic rights activist, June 2013**

*"When the Copts, whose religion is recognized by the state, cannot receive their rights, how will other minorities?"*

**Coptic rights activist, June 2013**

orders of the SCAF, resulting in 28 deaths and 212 injured.<sup>30</sup>

The situation of Copts remained fragile after the election of President Morsi and the Muslim brotherhood-affiliated FJP, as the underlying causes of impunity and government inaction were not adequately addressed. An outbreak of sectarian violence in El-Khosous in April 2013, for example, was officially condemned but in the resulting court case, the most severe sentences - a life sentence and two 15 year terms - were handed down to Copts, even though they also comprised the great majority of victims. Nine Muslims were also convicted, but on vandalism charges with a maximum sentence of five years.<sup>31</sup> This trend has continued since 3 July 2013, when Morsi was forcibly removed from office by the military, including several attacks on Copts in which churches and homes were burnt. Violent assaults in July and August 2013 left many dead or injured, while security forces have been criticized for failing to prevent these incidents.<sup>32</sup> An attack on a Coptic church in October 2013 left four dead, including an eight-year-old girl.<sup>33</sup>

While the December 2013 draft constitution has opened up the possibility of improvement for Copts, including a strengthening of religious freedom and greater control over the construction of their churches, it remains to be seen whether there will be a substantive legal and policy shift towards addressing the ongoing institutional discrimination Copts have faced in public office, education, political participation and other areas of civic life. Despite the dramatic shifts in power since the January 25 revolution, the underlying marginalization of the Coptic community has remained largely intact.<sup>34</sup>

## Bahá'í

The group has a well-established history in the country, with the first Bahá'í arriving in Egypt during the nineteenth century. Despite their formal organization as a distinct religious community, however, in 1960 their legal status as a recognized group was annulled under the Nasser government.<sup>40</sup> This has contributed to the uncertainty about the exact number of Bahá'í in Egypt today, though estimates range from 1,500-2,000<sup>41</sup> to over 7,000.<sup>42</sup>

*“Since 1960, Bahá'í administration bodies have been forbidden, and it is now impossible to keep track or know numbers about the community.”*

Bahá'í respondent, September 2013

Though nominally guaranteed equal rights and religious freedoms under the 1971 Constitution, Bahá'í in practice have retained a secondary legal status due to

ongoing religious discrimination. While personal status issues in Egypt are informed by religious rather than civil law, this recognition only extends to Islam, Christianity and Judaism, not the Bahá'í faith. This means that many aspects of the lives of Bahá'í adherents, such as marriage, divorce and family relationships, are not recognized by the state.<sup>43</sup> This exclusion was reinforced by the fatwa issued against them in 2003 by Al-Azhar, the prominent religious institution, supporting their continued ban as apostates.<sup>44</sup>

One Bahá'í representative highlighted the role that popular ignorance and state manipulation played in perpetuating negative images about the faith:

*“Most people have no idea what the Bahá'í faith is...State security fights with all its weapons to promote the idea that Bahá'í are sinful and debauched and all the rest of it.”*

Bahá'í respondent, May 2013

These stereotypes have played an important role in the ongoing challenges that Bahá'í have faced in their country. Another Bahá'í member described an incident in 2000 when she and a number of other women were arrested on the basis of a false rumour:

*“The police arrived and claimed we had been seen naked by the Nile. How could I have been naked in the street?... Why would I get naked as an old lady? Eight women sleeping on a cold floor in January. We brought a piece of cardboard to sleep on and suffered through the night. I was detained for three months and thirteen days.”*

Bahá'í respondent, May 2013

Their official ‘invisibility’ has also had a profound impact on their ability to participate in civil and political life, reflected in the controversy over identification cards described below. Though a 2009 ruling resolved some of these problems, important restrictions remained in place despite the ruling.<sup>45</sup> Bahá'í were also the target of hostility towards the end of Mubarak's regime and in the wake of his resignation, including the torching of several Bahá'í homes: the perpetrators remain unpunished.<sup>46</sup>

## Bahá'í in Post-Mubarak Egypt

Following the January 25 Revolution and the events of July 2013, when the army returned to power, the situation of Egypt's Bahá'í community is still uncertain. The prescriptions of the 1960 Presidential Decree, despite the revolution, have yet to be annulled.<sup>47</sup> This means that despite the 2009 lifting of the restrictions on identification

documents, discussed below, Bahá'í have still not received actual recognition as a religion from the state.<sup>48</sup>

Their security also remains an issue. In February 2011, Bahá'í homes in Shouraneya were again set on fire, with some reports alleging the involvement of state security officers in the attack.<sup>49</sup> Salafi leaders have also continued to agitate against Bahá'í as a threat to national stability.<sup>50</sup>

*“Since the revolution, Bahá'í have not been very active in the media or even in social life. They are afraid, in part because of the rise of the Islamic current, whose attitude towards Bahá'í is unclear. We know that there are extremists among the Islamists who are ready to kill or exclude any faction. Some have claimed boldly that they are ready to exclude millions*

*of Christians. So what about Bahá'í? They must be afraid.”*

Human rights activist, May 2013

Furthermore, this discrimination has been replicated in subsequent legislation. The Constitutional Declaration of 2011 as well as the 2012 Constitution drafted by the Morsi government, while guaranteeing the “inviolable” right of freedom of religion, extended this only to Islam, Christianity and Judaism - meaning that Bahá'í are still prohibited from many basic freedoms, such as practicing their religious laws and constructing places of worship.<sup>51</sup> Though Bahá'í representatives lobbied for the revised 2013 constitutional framework to expand religious freedoms to their community, this has not happened and Bahá'í remain unrecognized in the December 2013 draft.<sup>52</sup>

### Living in a legal limbo – Bahá'í and the problem of identification cards

The impact of religious discrimination on minorities in every aspect of civilian life is clearly illustrated by the barriers that Bahá'í have faced in securing identification cards. This is in part a legacy of Nasser's punitive 1960 Presidential Decree outlawing Bahá'í organizations and public activities: this established the basis for much of the subsequent marginalization that the community have experienced. It was further reinforced by the computerization of records in the 1990s, tightening the restrictions on registration and reducing the scope for cards to be issued to persons who do not practise any of the three recognized religions, and the 2004 Circular 49/2004 issued by the Ministry of the Interior. This specifically instructed officials to refrain from providing cards to anyone other than Muslims, Christians and Jews.<sup>53</sup>

In particular, it effectively forced practicing Bahá'í into a limbo when registering for personal documents. As Egyptian citizens are required to include their religious affiliation and the Bahá'í faith is not officially recognized, unlike Islam, Christianity and Judaism, practicing Bahá'í were not able to secure official status. The effect of this institutionalized invisibility was to exclude them from Egyptian society. Without identification, Bahá'í found themselves barred from education, health services, employment and even the ability to secure death certificates or legally inherit.<sup>54</sup> The effects were devastating for Bahá'í members and effectively forced them into illegality, as not having an identification card is a criminal offence in Egypt.<sup>55</sup>

Following a court case launched with the support of activists, in April 2006 the Egyptian Administrative Court

upheld the right of Bahá'í to be registered on legal documents. However, the victory was short-lived: resistance from Al-Azhar and the government led to an appeal of the verdict in May. In December, after suspending the ruling, the Supreme Administrative Court revoked it altogether.<sup>56</sup> After a protracted legal case, however, in 2009 Bahá'í finally secured the right to an identification card. However, as their faith remains unrecognized by the state, Bahá'í are obliged to put a dash in the space instead of their religious affiliation. Marriage and Bahá'í personal law are still not acknowledged by the state: married Bahá'í who have refused to be issued documentation that lists them incorrectly as 'single' still reportedly face difficulties in setting up a bank account and other basic freedoms.<sup>57</sup> As one Bahá'í pointed out, the legal aspect of identification cards is only one dimension:

*“The Bahá'í cause is an ongoing issue and will not be solved by one thing.”*

Bahá'í respondent, September 2013

More fundamentally, as another respondent pointed out, the current legislation still refuses to recognize the validity of the Bahá'í faith and maintains their secondary status within Egypt:

*“Some people were happy with the ID ruling, but I consider it humiliating. A dash on your ID makes you nothing. It is not a 'right'.”*

Bahá'í respondent, June 2013

## Sufi Muslims

Sufi beliefs or practices are not distinct from Sunni or Shi'a Islam in the Muslim world, but rather a form of religious worship that is prevalent in both sects. The number of practising Sufis in Egypt is not known, though some estimates put it at 15 million or even higher.<sup>58</sup> Although prominent institutions such as Al-Azhar include Sufi practitioners, their political visibility has traditionally been low, with their position more associated with secularist and established politics than Islamism. This is accentuated by their relatively limited formal organization and even self-identification as a group, according to some commentators. One scholar has described Sufism as the “default setting” of Muslim belief in Egypt and argues that the uncertainty surrounding estimates of the group's size is in part because “many who might participate in some Sufi activities do not identify themselves as active Sufis.”<sup>59</sup>

However, since 25 January 2011 there has been some sign of increasing political involvement from Sufi groups, though this nevertheless remains limited.<sup>60</sup> More troublingly, there have been a rising number of incidents against Sufi places of worship in the post-revolutionary period, with the Secretary-General of the Union of Sufis in Egypt claiming that more than 100 attacks against shrines had taken place.<sup>61</sup> Their future situation therefore remains an area of concern in Egypt's current context.

## Egyptian Jews

The history of Jews in Egypt stretches back thousands of years. Despite facing discrimination during the Ottoman era, their social position was strengthened during the nineteenth century and by the early twentieth century they played a significant role in the country's commercial life. At its peak, in the 1940s, the Jewish community numbered as many as 70,000 or more, concentrated in cosmopolitan urban areas such as Cairo and Alexandria.<sup>62</sup>

However, Egyptian Jews were adversely affected by the swift deterioration of Arab-Israeli relations in the wake of the Second World War. The 1948 conflict with Israel encouraged an outbreak of deadly attacks against Egypt's domestic Jewish population, triggering the large-scale migration of thousands of Egyptian Jews over the next few years. Subsequent repression and violence in 1956 and in 1967 following Egypt's defeat against Israel, with hundreds detained and physically abused, encouraged most of the remaining Jewish population to emigrate.<sup>63</sup> Others converted, though this was no safeguard against discrimination.<sup>64</sup> Today, the community is estimated to number fewer than 70 people.<sup>65</sup>

## Shi'a

The size of the Shi'a minority in Egypt is unclear. Official statistics do not distinguish Muslims by sects and Shi'a Egyptians are discreet about their beliefs for fear of persecution. One estimate puts the total number of Shi'a at less than one per cent of the population,<sup>66</sup> though there is no consensus on the exact figure.<sup>67</sup> While they are adherents of Islam, Shi'a Muslims in Egypt are a “disfavoured”<sup>68</sup> minority and have faced sustained hostility for their beliefs at both a popular and institutional level. Their religious practices have often been restricted and viewed as a threat to national stability by religious and government officials – a tendency that has continued post-January 2011.<sup>69</sup>

In August and October 2007 security police detained two Shi'a activists. They were held on charges of “promoting extreme Shi'a beliefs with the intent of causing contempt of Islamic religion” and “spreading false rumours” that “could undermine trust in security agencies by claiming that prisoners and detainees died as a result of torture”.<sup>70</sup> In 2009, around 300 Shi'a were imprisoned by state authorities without explanation.<sup>71</sup> The 2009–10 annual report of the National Council for Human Rights (NCHR) subsequently highlighted increased sectarian tension towards Shi'a.<sup>72</sup>

Anti-Shi'a feeling remains strong in post-revolutionary Egypt. Tensions with Iran and fears of a ‘spread’ of Shi'a belief led to an escalation of hate speech and rhetoric by religious and political representatives. This culminated in violence in June 2013, when a mob led by Salafist sheikhs attacked Shi'a in the village of Abu Musallim, in Giza governorate, killing four people, including a prominent Shi'a figure, Sheikh Hassan Shehata.<sup>73</sup>

## Ahmadis

Ahmadis are followers of a modern Islamic sect that is considered heretical by some traditional Muslim scholars. In March 2010, government security officials arrested 11 Ahmadis on charges of “contempt of religion” and undermining national stability. They were detained for months before the final members of the group were released in June that year. A number of Ahmadis were also detained in December 2010.<sup>74</sup>

## Quranists

The Quranists are a small group of Muslims who regard the Qur'an as the only valid religious source for Islam. They have experienced state harassment due to its perception of the group as unorthodox.<sup>75</sup> In 2007, for example, four Quranists were arrested while accused of

defaming Islam, sparking condemnation from human rights groups.<sup>76</sup> A Quranist writer was also detained at Cairo airport in November 2009 and refused the right to travel out of the country.<sup>77</sup> In October 2010, a Quranist blogger was arrested in what was described as “forced disappearance”<sup>78</sup> and remained in prison for three months before being released.

## Jehovah’s Witnesses

There are currently 1,000-1,500 Jehovah’s Witnesses living in Egypt: despite being a form of Christianity, the faith is not officially recognized.<sup>79</sup> Congregations were formally established in the country from the 1930s and were able to practice with relative freedom until the 1950s. However, despite receiving formal recognition during this period, first in Cairo in 1951 and then in Alexandria in 1956, the Jehovah’s Witnesses suffered an increasing wave of hostile rumours accusing them of being covert Zionists and a threat to national security. In 1959 they were obliged to halt their activities and the following year, like Bahá’í, were declared illegal by presidential decree. In the decade that followed, in particular, its adherents were exposed to serious ill treatment.<sup>80</sup>

Despite repeated legal applications, court rulings have consistently denied them legal status, most recently in a December 2009 ruling. Nevertheless, in 2006 successful negotiations led to the government accepting their right to meet together in worship and prayer without interference, as well as granting them the right to meet in private in groups of up to 30 people. Nevertheless, incidents of surveillance and harassment of Jehovah’s Witnesses by state security continued in intervening years. Though the situation appears to have improved slightly since Mubarak’s departure in 2011, the group still face monitoring and occasional obstruction of their right to worship.<sup>81</sup>

## Gender: An intersecting vulnerability

Gender is a source of deeply entrenched discrimination in Egypt. The situation, though historically poor throughout the Mubarak era, may have deteriorated further since the 2011 revolution. A survey by the United Nations in April 2013 suggested that 99.3% of Egyptian women had suffered some form of sexual harassment,<sup>82</sup> while a November 2013 report published by Thomson Reuters declared it “the worst country” for women’s rights out of 22 Arab states.<sup>83</sup> Women have also been marginalized in the country’s legal framework. While the final version of the 2012 Constitution did omit the stipulation, included in earlier drafts, that gender equality would be subject to Shari’a law, gender was no longer mentioned in the prohibitions against discrimination. Furthermore, one of

its articles also referenced “a woman’s obligations towards the family and public work.”<sup>84</sup>

The discrimination and violence that religious minorities experience in Egypt may therefore be compounded by the intersecting vulnerability of gender. As the government only recognizes Islamic, Christian and Jewish personal law, practitioners of unrecognized religions such as Bahá’í are in theory subject to Shari’a. This is also prioritized over the personal law of a minority religion in cases where both faiths are involved: in a dispute involving a marriage between a Muslim man and Christian woman, for instance, Islamic law would be applied.<sup>85</sup> Coptic Christian personal law, however, can also disadvantage women. One example is the Church’s prohibition against divorce, except in cases of adultery or conversion: though this applies to Coptic men and women alike, it may in particular create additional barriers for victims of domestic abuse.<sup>86</sup>

Sectarian violence can also take on a strong gendered dimension against a broader backdrop of poorly enforced women’s rights. For example, a 2009 video of a sexual assault by a Muslim man on a Coptic woman in a public market was recirculated following an outbreak of sectarian violence in 2013.<sup>87</sup> According to the British Foreign and Commonwealth Office, “Egypt has witnessed an upsurge in sectarian violence over the transition period, and we are also aware of reports of abuse against women from religious minorities.”<sup>88</sup> However, one form of gender-based violence against minorities that is particularly entrenched is the forced abduction of Coptic girls and women.

This practice has attracted increasing attention in recent years. The Coptic Church first reacted to the issue in 1976, while international organizations have also subsequently highlighted the issue. Freedom House stated in 1999 that “there are credible reports from many areas of Egypt that militant Muslims kidnap or manipulate Christian girls into converting. This can even involve girls below the legal age in Egyptian law at which a person can change his or her religion”.<sup>89</sup> More recent reports suggest that these kidnappings, which some estimates suggest amount to hundreds of cases annually, often involve abduction, drugging, sexual assault, forced conversion and forced marriage.<sup>90</sup> According to one respondent, these incidents displayed signs of systemic and sectarian planning:

*“In [kidnapping] cases where the victim is a Muslim, there is a high likelihood that it is a family affair. On the other hand, the kidnapping of Copts is always more planned and ignored by authorities.”*  
Coptic rights activist, June 2013

While the departure of the girl or women is often presented as voluntary, one respondent argued that in many cases they had in fact been coerced or drugged:

*“Why is it that the kidnapped girl always appears on Islamist channels only, has she been coerced? What we know is that many of them had been drugged by their kidnappers.”*

Coptic rights activist, June 2013

The practice has been raised by Egyptian civil society organizations and on international platforms such as the US Helsinki Commission. A number of individual cases have also attracted media attention, sparking debate

within Egypt. The issue was recently highlighted in August 2013 by the Egyptian Association of Victims of Abduction and Enforced Disappearances on the International Day of the Victims of Enforced Disappearances, who called on the Egyptian government to honour its international legal obligations and take appropriate action.<sup>91</sup> Other commentators, criticizing the lack of official measures to prevent the practice, have called on the government to recognize and address the problem as a matter of urgency.<sup>92</sup>

# The legal and institutional response

## Egypt's constitutional framework

The situation of minorities in Egypt since independence in 1922, both in terms of the protections and restrictions they face, is closely related to their changing legal context through successive regimes. As the highest law of the country, the constitution in particular reflects the broader values that govern many aspects of Egyptian life. This includes the obligations of the state toward religious minorities and their rights.

Egypt's first national constitution, passed in 1923, was in many ways its most liberal in the protection of religious rights for all citizens, including minorities. Most notably, it is the only constitution in Egyptian history that guaranteed absolute freedom of religion and equality for all citizens, regardless of belief.<sup>93</sup> Nevertheless, it set a regressive standard for future constitutions by stipulating that freedom of worship be in accordance with Egyptian traditions and morals.<sup>94</sup> This ambiguously worded article can be seen as legalizing the subjugation of a religious minority to the majority's morals and traditions.

Another dangerous precedent set by the 1923 Constitution is that it defined Islam as the state religion<sup>95</sup> - a provision that, with later constitutions, would provide the justification for treating Islam as the basis for the country's legislation too. This blurring of religious and political principles is an important element in the ongoing challenges minorities face in Egypt today. While the 1923 Constitution was revised in 1930, an aborted constitutional draft in 1954 took a step towards greater secularization by reducing the prominence of Islam as a state religion. However, with the exception of the 1958 Constitution - drafted for the temporary union of Egypt and Syria as the United Arab Republic<sup>96</sup> - this emphasis has been reasserted in subsequent constitutions.

In particular, the 1971 Constitution further weakened the position of religious minorities in Egypt. Besides establishing Shari'a law as "a principal source" (later amended to "the principal source") of the country's legislation, it also mandated that religious education would be taught as part of the school curricula.<sup>97</sup> This has posed a major obstacle for religious minorities in the realization of their equal rights, as guaranteed in the

constitution. This framework remained in place until Mubarak's forced resignation in 2011.

In the post-revolutionary period, following the suspension of the 1971 Constitution, there was hope that these inequalities would be addressed in the new draft. However, the version subsequently developed after Morsi's election provoked a boycott from opposition parties before being passed by FJP members and their political allies. The resulting document proved controversial and was regarded by some commentators as imposing a more Islamist system of governance on Egypt,<sup>98</sup> further entrenching the restrictions on freedom of belief.

*"First it was absolute, then with 1971 it became tied down. Now, after the revolution... there has been a total decline in freedom of religion."*  
Coptic rights activist, June 2013

While the 2012 Constitution continued to stipulate certain rights, such as freedom of expression, political participation and equality before the law, its guarantee of religious freedom specifically refers to the 'heavenly religions' (Islam, Christianity and Judaism). This ambiguity, which was absent from the previous 1971 Constitution, risked leaving other religious minorities, such as Bahá'í and Shi'a Muslims, unprotected.<sup>99</sup> Some respondents thought this undermined the very principle of religious freedom and also reflected an increasingly prosecutorial attitude towards minorities for blasphemy and other faith-related issues, such as the arrest of two Coptic children in October 2012 for alleged contempt of religion.<sup>100</sup>

*"There is freedom to practice religion but not to all. Only Christians are included in most cases."*  
Coptic rights activist, June 2013

*"In 2012, we saw a rise in contempt of religion cases... We also saw the case of the lawyer who had allegedly defamed religion as outlined in Article 44 of the [2012] constitution."*  
Coptic rights activist, June 2013

It also stipulates that Shari'a law is to be informed by Sunni doctrine and establishes the role of Al-Azhar in

determining Shari'a law: as this is also outlined as the basis for Egypt's legislation, it risks undermining the legitimacy of Shi'a, Ahmadis, Quranists and other religious minorities.<sup>101</sup>

*"In 1971, the first article of the constitution made Sharia a main source of law in Egypt. With the [2012] constitution, it is more specific where we now have an article to deal with the different schools of interpretation in Islam."*

Coptic rights activist, June 2013

An important element in the 2012 Constitution, compared to its 1971 predecessor, was the granting of personal law for some religious minorities in Article 3: "The principles of the legislations for Christian and Jewish Egyptians are the main source of legislation that organizes their civil affairs and religious affairs".<sup>102</sup> However, while this can be seen as a positive step towards greater autonomy for religious minorities, this is only extended to Christianity and Judaism,<sup>103</sup> leaving other groups such as Bahá'í in a limbo. Furthermore, it has also been criticized for potentially laying the basis for a religious state<sup>104</sup> and undermining the possibility of a unified secular legal code for all citizens.<sup>105</sup> As one respondent also highlighted, in circumstances where there is ambiguity over which form of personal law should be applied, Sharia typically takes precedence:

*"Shari'a can sometimes be applied to Christians when it comes to inheritance if there is no will. If one of the parents is Muslim, the guardianship goes to the Muslim parent, regardless of his/her capability as a parent, or sometimes even Muslim relatives. If you leave Islam you can be charged with contempt of religion and if the children are below 16 [the age at which Egyptians can issue a national ID card], the government can change the children's religion automatically and without consultation."*

Coptic rights activist, June 2013

Furthermore, personal laws for minorities may still disadvantage certain groups, such as women, whose position has already been weakened by the 2012 Constitution's omission of any direct guarantee of women's rights and the reference in Article 10 to "the duties of the woman".<sup>106</sup> Personal law provisions can also contain prohibitions that can significantly disadvantage the social freedoms of individual minority community members. One activist highlighted the issue of divorce as an area where members of the Copt minority were disadvantaged due to its prohibition by the Coptic church except in cases of annulment or adultery:

*"There is the issue of personal status laws. There should be unified laws for marriage and it should not be based on religious laws. Copts cannot get divorced in Orthodox Christianity and some convert to get around this."*

Coptic rights activist, June 2013

After the removal of Morsi on 3 July 2013 and the suspension of the 2012 Constitution, the proposed content of the new constitution was a major focus of debate. With its development initially overseen by a 10-person committee supported by a consultative 50-person assembly, initial 'leaks' of the draft amendments suggested some improvements, including a softening of the apparent restriction of religious freedoms to 'heavenly' religions and more direct reference to gender equality.<sup>107</sup> The organization Article 19, in its analysis of the August 2013 draft, acknowledged the greater emphasis on rights in the amendments but argued that the reference to the legal application of Sharia should be removed.<sup>108</sup>

The December 2013 draft suggests some significant but limited improvements for minorities, at least in principle. For example, while Islam remains "the religion of the state" and Sharia "the main source of legislation", this is now to be determined by the Supreme Constitutional Court rather than Al-Azhar. Freedom of religion is "absolute", instead of "protected" as was the case in the 2012 Constitution, and an additional article requires the next parliament to pass a law on church building that could relax the current restrictions. Nevertheless, the December 2013 draft constitution reflects many of the inbuilt weaknesses of its predecessors. In particular, the religious protection is still only applied to the 'heavenly religions' of Islam, Christianity and Judaism, excluding outlawed groups such as Bahá'í. This suggests that the improvements in the December 2013 draft, while welcome, are limited and unlikely in themselves to achieve a transformative effect on Egyptian society without much broader uptake of the principles of religious freedom among politicians, religious leaders and local communities.<sup>109</sup> An added issue, as discussed in the next section, is the problem of implementation.

*"[We need] one which will guarantee respect of citizenry and international standards. We need a secular constitution that is protective of freedoms, both in principle and in law. We need to criminalize discrimination and have legislation to protect the cultural and historical identity and heritage of minorities and religious places. Finally, we need to criminalize hate speech."*

Coptic rights activist, June 2013

## Lack of legal implementation and Egypt's climate of impunity

While Egypt's legal framework contains troubling gaps for its religious minorities, many rights and freedoms are in theory guaranteed by law. In fact, the insecurity and discrimination these groups routinely experience is often a reflection of the lack of legal implementation and weak response from police, judiciary and other state bodies to incidents of violence or discrimination.

The problem, raised in a number of activist testimonies, is not only the substance of Egypt's legal framework but also its interpretation and practical application. In reality, laws may be poorly enforced or manipulated selectively against minorities. One respondent argued that on paper the law contains both progressive and regressive aspects in its treatment of minorities: discrimination could often arise from the authorities disregarding the more progressive strands while applying the regressive elements. "The law does not work in favor of religious minorities," said another.<sup>110</sup>

An example of the gulf between the law as it is written and the law as it is applied is in the area of employment. In principle, there is no restriction against religious minorities reaching senior positions in public office, yet in practice the barriers for these groups are significant. The issue in these cases was not so much the law itself but the lack of will to respect and impose it. According to one activist, this remained the case even after the January 25 Revolution:

*"There are no changes in terms of laws. In terms of employment, there is no law to prohibit non-Muslims from being employed in the highest positions of government, but unofficially it is regulated. We have not seen a non-Muslim general prosecutor, Minister of Defence or head of intelligence."*

Coptic rights activist, June 2013

More seriously, this context can create an enabling environment for physical attacks against religious minorities. An extensive desk review by the author of major incidents against minorities between 1998 and 2013 identified a number of recurring patterns in the state's official response that have contributed to a climate of impunity.<sup>111</sup> These included:

- A consistent *denial of the existence of religious discrimination*, along with an unwillingness to address the issue of sectarianism in violent incidents, with officials frequently repositioning them as isolated events or the result of outside interference.

- A *failure to enforce rule of law* before, during and after attacks, due to lack of political will or capacity, resulting in inadequate prevention, prosecution and punishment of minority-related crimes.
- A *preference for reconciliation and appeasement*, often including referral to local community and religious leaders to help pacify both victims and perpetrators, with no differentiation between either and little emphasis on due judicial processes.

A recurrent pattern throughout has been an apparent refusal to acknowledge the reality of sectarian violence. The Kosheh massacre, which was triggered by an argument between a Copt and Muslim but quickly developed into collective violence, was subsequently described by then President Mubarak as being "a money dispute between two individuals" that was then "exploited by seditious elements and rumour-mongers".<sup>112</sup> Similarly, the suicide bombing of a church in Alexandria on New Year's Eve 2010 was also framed as an 'outside' or externally orchestrated incident. Former Egyptian Deputy Minister Abdallah Al-Ash'al said in a televised interview, "The people who carried out this attack are Egyptians, but the Mossad exploited them".<sup>113</sup> Egyptian officials, including Minister of Interior Habib al-Adly, also blamed the Gaza-based Army of Islam for the attack.<sup>114</sup>

This, of course, overlooks the role that long term legal discrimination and state policy has also played in encouraging sectarian violence. Strict official regulations have historically been in place on the building of churches, for example – restrictions that are far more stringent than those applied to the construction of mosques. While these may finally be relaxed or clarified if the December 2013 draft constitution is put into effect,<sup>115</sup> these regulations have at times resulted in actual or threatened demolition of structures, such as the dome of a church at Beni Suef on January 2011 on the eve of the uprising against Mubarak.<sup>116</sup> Respondents also highlighted the tendency of the state to arrest religious minorities such as Copts but not Muslims during outbreaks of sectarian violence.

This institutional indifference or even hostility may have helped enable the more general sense of impunity that has characterized many attacks on Coptic churches. The state has even been accused of manipulating sectarianism for its own political ends. A report by the Union of Lawyers for Legal and Democratic Studies at the beginning of 2011, for example, blamed the state for using religion and sectarianism as a political tool to stay in power, while providing immunity to the perpetrators of these crimes.<sup>117</sup> The opposition also used the Alexandria bombing as a tool to attack the government: the effect of this politicization, however, may at times undermine the possibility of reaching a positive consensus on the problem of sectarianism.

*“The state is required to protect everyone. I think this failure on the part of the government could be some form of deliberate policy because it is consistent and there seems to be leniency from the state.”*

Coptic rights activist, June 2013

Together with actual legal discrimination, the government’s reluctance to prosecute and punish crimes against religious minorities, such as the burning of houses and churches, is a major factor in the ongoing climate of impunity in Egypt. Incidents where minorities have been explicitly targeted have repeatedly been characterized by the failure of both the security forces to prevent violence and the judicial system to deliver adequate justice to its victims. According to one activist, this failure to take concrete action is sometimes a reflection of poor capacity and other times of deliberate policy, but the end result is that minorities are often left without police protection when violence occurs.<sup>118</sup>

The massacre of 21 Copts at Kosheh in 2000, for example, occurred despite the presence of security forces: furthermore, while one man was convicted for the death of a Muslim during the riots, to this day no one has been prosecuted for the murder of the Copts.<sup>119</sup>

*“There is no implementation of law, this is the real problem. Take the incident of Kosheh - everyone walked free.”*

Human rights activist, May 2013

*“There is no justice and the crime goes unpunished.”*

Human rights activist, June 2013

Another issue that also emerged during the field research for this report was the state’s historical use of reconciliation meetings to resolve deadly sectarian disputes, rather than the justice system, as a way to deal with incidents without acknowledging deeper sectarian tensions. While this can be a valuable approach for reducing friction and has an important role to play in improving relations between different religious communities, it should not be treated as a substitute for criminal prosecution when death or injury has occurred.

The inadequacy of this approach has been demonstrated repeatedly in recent years. Initial reconciliation without adequate police protection at Kosheh in 2000, for example, failed to prevent the subsequent deaths of Copts. Another outbreak of sectarian violence occurred in February 2001, shortly after almost all of the initial defendants accused of participating in the violence were acquitted - clear evidence that the government’s heavy investment in the area as a pacification strategy had not addressed the underlying problems.

The danger is that this strategy, besides undermining equality before the law, may also send out an implicit message to perpetrators that crimes against minorities will not be punished - so reinforcing the climate of impunity.

*“The government must understand reconciliation and appeasement is not enough. We need concrete actions.”*

Coptic rights activist, June 2013

These failures to protect minorities and ensure their physical security were still apparent shortly before Morsi’s removal, when four Shi’a were killed by a mob in a village outside Cairo after in June 2013. The inadequate official response to this incident was condemned by organizations such as Human Rights Watch, which reported that riot police had been present during the incident but had not taken any action to bring it to a halt.<sup>120</sup> The problem has persisted in the wake of Morsi’s removal, as evidenced by the wave of violence against Copts in August that security forces also failed to prevent.<sup>121</sup> These incidents illustrate the persistence, despite the apparent political transformation in Egypt since January 2011, of insecurity and weak rule of law for the country’s religious minorities. Addressing these problems will require a systematic transformation of the police, judiciary and state policy.

*“We know the problem, so we know the solution: no discrimination, equality in the law and no bias from the state. We need anti-discrimination laws and a restructuring of government employees to give them trainings on human rights. We should enforce international treaties and international law.”*

Coptic rights activist, June 2013

## Sectarian violence against Copts in El-Khosous, April 2013

The ongoing volatility in Egypt, as well as the failure of the post-revolutionary state to resolve Mubarak's legacy of sectarianism, was illustrated in the violence that overwhelmed the town of El-Khosous, just outside Cairo. Though the cause remains uncertain, the incident appears to have been sparked by a small personal dispute. Nevertheless, the violence was escalated by a cleric calling Muslims to arms from the loudspeaker of the local mosque in the evening of 5 April 2013. Four Copts and a Muslim died in the ensuing violence. Two days later, following the funeral for the four Copts killed in the attacks, another outbreak of sectarian conflict occurred outside St. Mark's Cathedral in Cairo that led to two more deaths and 90 injured.<sup>122</sup>

As with other incidents, the violence was also enabled by the failure of the state to take effective action. During the clashes on 7 April, in fact, riot police were even reported to have directed tear gas directly at Copts in the cathedral, on the orders of members of the crowd which was engaged in attacking the congregation.<sup>123</sup> Pope Tawadros II subsequently accused Morsi of "negligence" in failing to prevent the attacks<sup>124</sup> and the National Salvation Front, the coalition of opposition parties, blamed

the President and the Ministry of the Interior.<sup>125</sup> The government, on the other hand, while lamenting the incident, refused to acknowledge the root causes of the sectarian violence. A statement by the FJP, for example, talked of a situation "aimed at dragging the nation into chaos, from which only Egypt's enemies and their agents will benefit" while the party's Secretary-General blamed it on "criminal thugs with the aim of sowing division rather than anything having to do with religion."<sup>126</sup>

These characteristics reflected a recurrent blueprint for similar incidents against religious minorities such as Copts: the state's refusal to recognize the sectarian nature of the violence and the politicization of the issue by other parties. This fault line was also replicated in the press, with coverage divided between state and independent outlets. A Brotherhood-affiliated television channel even reported that the violence was instigated by Copts protesting against the policies of the Pope: a presidential aide likewise held Copts responsible for the events that unfolded.<sup>127</sup> The result of this division and denial, as illustrated by further outbreaks since April 2013, is a failure to achieve a clear national consensus on how to address the persistent problem of religious hatred.

# The media and the rise of hate speech

## The role of the Egyptian press

Print journalism and other popular forms of media, including television and online forums, play a major role in constructing and framing the issue of religious sectarianism. While the press can make an important contribution to improving relations between religious communities by promoting better understanding, it can also have a negative impact by spreading myths and reinforcing stereotypes that can encourage discrimination and even violence against minority groups. More generally, when discussing religious minorities and sectarian violence, the media can provide an incisive analysis of the underlying rights gaps and other issues or obscure them further through biased, inaccurate or misleading coverage. This in turn can have an impact on popular attitudes and public policy, for better or worse.

Despite constitutional guarantees of press freedom and a diverse range of publications, Egypt's media has been dominated by party-owned outlets that have served as communication channels for the government or other parties. Journalists and commentators have also been intimidated or silenced for their opinions. Troublingly, the independence and integrity of the press has not markedly improved since the 25 January 2011 uprising, with Freedom House downgrading Egypt's status from 'Partly Free' to 'Not Free' in its 2013 Freedom of the Press report. This was due to the increasingly polarized and partisan nature of press coverage by public and private media outlets under both the SCAF and Morsi.<sup>128</sup>

An extensive desk review and analysis by the research team of several violent incidents towards religious minorities between 1998 and 2013 found a number of key negative trends in Egypt's media coverage, particularly among state-owned outlets.<sup>129</sup> These included:

- *Extreme politicization of newspaper reports:* press coverage of sectarian violence was frequently informed by the political bias of the outlet. This meant that the interpretation of events among state-sponsored outlets usually reflected the state's official line rather than the perspective of minorities. Independent media were more likely to highlight structural factors such as protection gaps or lack of rights as contributing factors, as well as criticize the state and police response

– though these criticisms could also be politically driven.

- *Obscuring the reality of violence against minorities:* outbreaks of sectarian violence were frequently presented as isolated events caused by individual 'trouble makers' or 'outsiders', not a reflection of Egypt's broader societal divisions. This places an emphasis on immediate and reactive measures to these issues, such as 'reconciliation councils', instead of longer term and transformative solutions.
- *Externalization of blame:* incidents of sectarian violence were often framed in terms of national security, especially among state-sponsored outlets, with hostile groups such as 'terrorists' or 'Zionists' identified as the perpetrators. This served to redirect the focus away from domestic tensions, in particular the role of government policy and legal discrimination in promoting the violence.

The scapegoating of sectarian violence on outside elements such as foreigners or terrorists was commonplace among certain state-supported outlets. International media coverage of the arrest and torture of hundreds of Copts by police in 1998 at Kosheh, for instance, was condemned by one state-sponsored newspaper as an attempt "to destroy national unity and help Egypt's foreign enemies."<sup>130</sup> Another article framed it as "the game of Jews", who – without making any distinction between Jews as a religious group and Zionists as a political movement – it accused of trying to spread sectarian tension to destroy Egypt.<sup>131</sup>

Similarly, in the wake of the church bombing in Alexandria on New Year's Eve 2010, another outlet argued that it was the responsibility of all Egyptians to put their differences aside and "focus on national unity against terrorism."<sup>132</sup> This tendency among government-controlled outlets has continued well into the post-Mubarak era, as was evident in coverage of the outbreak of sectarian violence in El-Khosous in April 2013 that left as many as six Copts and a Muslim dead. One newspaper editorial accused April 6, an anti-government movement, of being responsible for the incident and blamed "invisible hands that are working to drown Egypt in sectarian strife" as instigators of such incidents.<sup>133</sup>

The propagation of conspiracy theories, portraying incidents as a matter of national security and external hostility rather than a domestic attack on a minority, also serve to distract from the sectarian nature of this violence, which is actually an internal issue created by conditions within the country. This reflects another tendency, similar to that of the government, among sections of the press when covering sectarian violence – the denial of any sectarian dimension at all, and a reaffirmation of Egypt’s ‘unity’ at the very moment that this unity has been most clearly compromised.

At the same time, Egypt has also produced nuanced analysis of the legal and institutional discrimination that underlines sectarian violence, as well as contributing factors such as police inaction, widespread impunity and the unchecked spread of hate speech. This has often originated from the private or independent press rather than the state-sponsored media. For instance, following the Kosheh massacre in 2000, one independent newspaper blamed the incident on a range of internal political factors, including the spread of Islamic extremism and inadequate public services.<sup>134</sup> After the 2011 Alexandria bombing, too, some independent newspapers highlighted the issues of religious discrimination and political exclusion underlying the attack, as well as the government’s role in perpetuating these problems through its policies.<sup>135</sup> Events in El-Khosous in 2013 were also framed by another newspaper as part of a recurring pattern in Egyptian society where no distinction was made between the victims and the perpetrators of these incidents.<sup>136</sup>

The current state of Egypt’s press suggests simultaneous tendencies towards dissimulation and truth seeking. Either way, the media will likely play an important role in the future development of the country, including the situation of its religious minorities. Whether the contribution it makes is positive or negative may depend on a combination of factors, including freedom of expression and a commitment to responsible reporting, but it will continue to inform both popular perceptions and public policy towards religious minorities. This has become especially evident in light of the growing incidence of hate speech discussed in the next section.

## Hate speech

Though it has been a feature of Egyptian political life for decades, hate speech remains a prominent issue in the post-revolutionary context. Besides demeaning minority groups and reinforcing negative stereotypes, hate speech can also directly contribute to violent attacks:<sup>137</sup> in the context of social instability and weak rule of law, as is currently the case in Egypt, the dangers of hostile or

denigrating political rhetoric, media coverage and popular representations are particularly high.

*“Now, after the revolution, it has become normal to see hate speech.”*

Coptic rights activist, June 2013

Despite the emphasis of the 25 January 2011 uprising on civil liberties and protections, since the fall of Mubarak there has been a consistent failure to tackle the spread of hate speech in Egypt. At times it has even appeared to have been officially tolerated by the government. In June 2013, for example, Morsi was criticized for not condemning hateful and violent rhetoric by other speakers at a pro-government ‘No to Violence’ rally that he attended.<sup>138</sup> Prior to this, he was also implicated in using hateful and denigrating language towards Jews in a 2010 speech before his presidency.<sup>139</sup> The use of hate speech by religious and political representatives has also been linked to sectarian violence, including the murder of four Shi’a in Greater Cairo in June 2013,<sup>140</sup> a case discussed in greater detail below. Besides political speeches, religious platforms and the published press, hate speech against Copts, Shi’a, Jews and Bahá’í is also prevalent on television channels. While this was an ongoing problem under Mubarak, the lifting of restrictions since 2011 has led to a renewed focus on this issue.<sup>141</sup>

Hate speech has continued to be a cause for concern in Egypt in the months after Morsi’s removal. In August 2013, for example, an Egyptian Catholic leader accused the post-Morsi interim government of failing to take meaningful action to tackle hate speech in religious sermons that he linked directly to attacks against Christian churches that month.<sup>142</sup> Shi’a representatives advocating for stronger legal protections against hate speech also complained in November 2013 that the Constituent Assembly drafting the new constitution had failed to allow them meaningful participation or consultation in its development.<sup>143</sup> This suggests that Egypt’s enabling environment for hate speech, together with the government’s apparent inability or lack of interest in addressing it, could easily continue unaffected by the country’s recent political upheaval.

One possible action to reduce its pervasiveness, as one respondent suggested, might be to establish a stronger penal code to regulate incitement to hatred in the press and other areas. There has in fact been discussion since 2011 of the need to develop a more coherent legal framework to counter hate speech.<sup>144</sup>

*“We may benefit from hate speech laws that curtail the incitement of violence through media”.*

Coptic rights activist, June 2013

Nevertheless, in Egypt the balance between curtailing hate speech while protecting freedom of expression is particularly challenging, as the latter has historically been restricted by the ruling regime. This was illustrated by the mixed reception from civil society when in 2010 the Mubarak government suspended 12 television channels for featuring incitement of hatred towards Shi'a. While some commentators applauded the measure as a progressive step towards curbing the spread of dangerous religious rhetoric on Egyptian television channels, there was also concern that this was part of a wider crackdown on the media in general.<sup>145</sup> Morsi's statement in September 2012 at the United Nations that "Egypt respects freedom of expression, freedom of expression that is not used to incite hatred against anyone" was also interpreted by some as a clear restriction on freedom of speech, particularly his qualification that insults against Islam would not be allowed "by word or by deed".<sup>146</sup>

While the debate about the role that legislation could play in countering hate speech is valid and useful, it should only be one element in a wider counter strategy that draws on more responsible media reportage and engagement from civil society. One positive example is the training programme provided by the organization Al Sawt al Hurr to encourage students to produce more accurate and non-partisan reporting that avoids the use of hate speech.<sup>147</sup> Focusing efforts on the development of a more respectful journalism and political discourse in Egypt is therefore an important area for improving the situation of religious minorities.

*"State-run cultural palaces and other venues should try to espouse values of human rights. We should emphasise publications in the field of human rights and give the media attention. Finally, we need more awareness for clergy men and the modification of religious rhetoric."*  
Coptic rights activist, June 2013

### Hate speech and the mob killing of Shi'a in Abu Musallim

The killing of four Shi'a in the village of Abu Musallim, outside Cairo, on 23 June 2013 demonstrated the deadly potential of hate speech in Egypt's volatile post-revolutionary context. A large crowd, led by two Salafi leaders, surrounded a house where 24 Shi'a practitioners were observing a religious rite and proceeded to attack those inside with stones and Molotov cocktails. Four Shi'a men, who left the building to protect the remaining members of the group, were then beaten to death. The incident had been preceded by several weeks of escalating rhetoric by Salafist preachers that helped inflame popular anti-Shi'a sentiment. At a national level, the Al Nour Party and its affiliated organization the Salafist Call hosted a conference to condemn what they claimed was the "spread" of Shi'a belief in Egypt.<sup>148</sup> Online social media also played a role, with a film of Shi'a visiting a religious site in May uploaded onto YouTube

and subsequently played to a crowd at the local mosque.<sup>149</sup>

Importantly, though, this was not simply a localized incident of sectarian violence but also a symptom of a broader intensification of hate speech against Shi'a by religious leaders, government officials, media figures and other prominent actors since the fall of Mubarak, including repeated anti-Shi'a pronouncements from members of Al Azhar and denigrating posters with logos of major Islamist parties. More generally, the continued refusal of the government to recognize Shi'a religious rights helped validate the spread of hate speech against them.<sup>150</sup> The Arab Network for Human Rights Information, a non-governmental organization based in Cairo, highlighted the clear evidence of rising hate speech in the weeks before the attack and condemned the failure of security forces to take any measures to prevent the violence.<sup>151</sup>

# Nationalism and the limits of Egyptian ‘identity’

## Egyptian culture

While the situation of religious minorities in Egypt is strongly informed by institutional inequalities and irresponsible media coverage, sectarian violence and discrimination is also firmly rooted in popular attitudes. The activists interviewed for this research repeatedly stressed the important role that culture and Egyptian identity play at a grassroots level in sustaining this hostility:

*“Limited thought and culture as well as a lack of humanist ideals are the main drive behind sectarian tension. It was never state security, we have penetrated these institutions a long time ago, but we need to foster acceptance of other.”*

Human rights activist, May 2013

*“It is a long battle not only against an ideological government, but also a deep-rooted mentality within the Egyptian society.”*

Coptic rights activist, May 2013

The relationship between social norms, on the one hand, and the more organizational forces of party politics and the media is complex. While negative press coverage, hateful rhetoric and other issues can undoubtedly impact on popular consciousness, custom and cultural mores can also shape ‘higher’ forces such as the law – or, at least, its implementation. One example is the barrier for religious minorities in securing senior public office: as there is no regulation specifically prohibiting their employment, this is in fact a reflection of social rather than legal discrimination.

The central problem, according to respondents, was that a chauvinistic sense of national identity was infusing popular attitudes, policy discourse and the media. Addressing this therefore required a transformative shift within Egyptian society that went deeper than the political changes of the post-25 January 2011 era.

*“The average citizen sees religious intolerance as part of his culture because it is the image of Egypt that the media spreads and the streets uphold. This image translates into politics and law...including the new constitution.”*

Human rights activist, May 2013

## Redefining Egyptian identity: Education and the promotion of identity

At a constitutional level, while religious freedoms have always been nominally recognized, Egyptian identity has been linked since independence with Islam. While this prescription was only listed as Article 149 in the 1923 Constitution – “Islam shall be the state’s religion”<sup>152</sup> – it was raised to Article two in the 1971 Constitution and strengthened with the additional statement that “Principles of Islamic law are the principal source of legislation”.<sup>153</sup> This article was replicated in the 2012 Constitution but with an additional article that linked Sharia more explicitly to Sunni doctrine.<sup>154</sup> The December 2013 draft dropped this reference and has scaled back the involvement of Al-Azhar in deciding its principles, but Sharia nevertheless remains the principal source of legislation in the document: personal law is still permitted for ‘heavenly religions’, though not unrecognized faiths.<sup>155</sup>

As discussed earlier in this report, Egypt’s constitutional history reveals an increasing emphasis on Islam as part of the country’s identity.<sup>156</sup> The potential impact of this development is far from abstract, however, as it has contributed to a restrictive understanding of Egyptian identity that has reinforced the exclusion of certain minorities such as Bahá’í. This in turn has had a profound impact on the political programmes of many of the country’s leading parties.

Some political groups, such as the Free Egyptians Party and the Egyptian Socialist Party, advocate multiculturalism and a secular separation of the state from religion.<sup>157</sup> Yet a number of the country’s major parties are clearly committed to the perpetuation of Egypt’s Islamic identity, including the FJP and the Salafist Al-Nour Party, who between them secured roughly 65 per cent of seats in the People’s Assembly after the 2011 elections.<sup>158</sup> Al-Nour, for example, states that the “entire nation” has reached a consensus on Islam as the state religion and Sharia as the “utmost reference of the state’s political system”.<sup>159</sup> The FJP similarly assumes a modern Islamic state based on Sharia.<sup>160</sup> Nevertheless, both parties have publicly distanced themselves from actual theocracy: in one interview, for example, Morsi stated that “we do not want a theocratic state.”<sup>161</sup>

At a popular level, however, the focus on Egypt's specifically Islamic identity may encourage hostility towards non-Muslims and disfavoured Muslims such as Shi'a who are seen to deviate from this restricted definition. One activist said that some maintained hostility towards religious minorities in order to "centralize" national identity, rather than accepting and embracing difference.<sup>162</sup> Another described the animosity that discussion of minority rights could provoke among local communities, who viewed it as divisive:

*"It is a sensitive thing to mention the word 'minorities'... When we speak of religious minorities, they [the local community] give us a hard time, especially when it comes to Shi'a and Sufis. If we speak of ethnic minorities, they accuse us of wanting to divide the country."*

Coptic rights activist, June 2013

These attitudes can also be reinforced in schools through segregation or exclusionary teaching. One respondent complained that curricula were "filled with Islamic culture" and "not much else", with adverse consequences for long term social cohesion. This could only be remedied by redirecting the focus of education towards rights and inclusion:

*"In terms of...teaching religion in schools, we institutionalize discrimination; Christians are taken out of classes and the difference between students, even as children, is immediately apparent... We need policy reform. We should make human rights a staple of education to foster a culture of tolerance. There should be a general ethics class without religious discrimination."*

Coptic rights activist, June 2013

A clear message from the research interviews was the need for a multi-faceted process of change. This demands a deeper and more holistic transformation than a political shift within or between parties to encompass a broader climate of tolerance and multiculturalism. This is especially challenging in Egypt's current context, with the relative unity of the January 25 Revolution now replaced by profound political and sectarian tensions. While affecting the entire nation, this impacts particularly on its religious minorities. Resolving these divisions is an important element in fostering a more harmonious and inclusive environment.

*"It will not happen in a polarized political spectrum. It is a process and we also have to tackle the mentality of intolerance in society."*

Coptic rights activist, May 2013

## The role of civil society in promoting tolerance

Civil society in Egypt has long been subject to legal restrictions, including the 2002 Law on Associations and Community Foundations and the Implementing Regulations for Law 84 of 2002. Though discretionary in nature and selectively applied, these instruments have enabled the government to take action against organizations that overstep 'acceptable' limits in their demands. Nevertheless, the presence of these groups in the country remains remarkably strong, despite the circumstances.<sup>163</sup>

Activists have continued to be adversely affected after the January 25 Revolution by the country's legacy of authoritarianism, with civil society representatives and non-governmental organizations subjected to intimidation and restricted freedom of association.<sup>164</sup> A draft bill on NGOs announced on 29 May 2013, not long before the forcible removal of the Morsi government, attracted intense criticism from human rights groups who argued that it could undermine the financial and operational functioning of many organizations.<sup>165</sup> Shortly afterwards, on 4 June 2013, 43 Egyptian and international NGO representatives were controversially convicted for membership of an unregistered organization.<sup>166</sup>

Respondent accounts of their work since early 2011 also suggested a relative sense of continuity in that the political environment remained unsupportive, though their testimonies focused more on official indifference or lack of recognition - what one respondent described as the state's "embarrassment"<sup>167</sup> about their activities - rather than instances of direct repression. Nevertheless, the impact this had on civil society was undoubtedly chilling.

*"It is difficult to be registered by the state because the government does not have the concept of minority rights and does not recognize minorities."*

Coptic rights activist, June 2013

Another problem for NGOs is the ongoing challenge of funding. Some reports have suggested that the government restrictions on foreign funding in place under Mubarak have become more stringent since the January 25 Revolution, cutting off the flow of essential funds to civil society organizations.<sup>168</sup> In addition, a new draft bill announced by the Morsi government in May 2013 also created uncertainty among rights activists about future funding flows.

*“To get a grant you need to submit everything to the Ministry of Social Solidarity. Sometimes you need the approval of the minister which can take as much as one year. We get by on donations and we are still waiting to see if the new law on organizations will further cripple civil society.”*

Coptic rights activist, June 2013

A separate issue raised by some respondents, beyond the state’s own restrictions, was the limited understanding among funding organizations of the positive benefits of their work if it did not deliver readily measureable gains in the short term:

*“Because of how much money we need, we coordinate with big organizations so that it is less expensive. Therefore, we move slower.”*

Coptic rights activist, June 2013

*“Funders often like to see an immediate outcome. However, for an issue such as this, it is a long process.”*

Human rights activist, June 2013

Nevertheless, civil activism plays an important role in the country, with Egypt hosting a multitude of NGOs despite these institutional constraints: according to the government’s figures, as many as 43,000.<sup>169</sup> While respondents emphasized the many challenges for activist organizations, it was also evident that they were committed to continuing: “in all cases,” as one put it, “with or without funding, we will find a way to work.”<sup>170</sup> Their activities were focused on a range of different aspects of minority discrimination, including:

- *Awareness raising:* workshops with religious leaders, public campaigns, petitions conferences and media advocacy.
- *Research and publicization of minority related incidents:* investigation and publication of reports on violence and discrimination against minorities.
- *Legal services and other forms of assistance:* support to victims of discrimination and other disenfranchised minority members.
- *Housing and other basic needs:* rebuilding of destroyed homes and churches, as well as help with accessing other services such as health care.
- *Lobbying campaigns:* petitions, meetings with government representatives and other stakeholders, as well as training programmes.

While there have been some signs of change since Morsi’s removal in July, in particular an ongoing review of the current legal framework for civil society organizations, the political, economic and social impediments to their activities described by the respondents remain in place. Though there are hopes that the forthcoming amendments to the 2002 restrictions will foster a more conducive environment for NGOs,<sup>171</sup> the government should move beyond obstructionism or acquiescence to a more positive engagement with civil society organizations. This will be an important step towards a more inclusive and rights-based context in Egypt that will benefit all the population, including its religious minorities. However, recent events have demonstrated the troubling continuation of the state’s repressive tendencies towards activists, with the detention of numerous activists in November 2013. This followed the passing of a “draconian” anti-protest legislation a few days before.<sup>172</sup>

## The 2009 Bahá'í house burnings in Shariya

In 2009, shortly after the Bahá'í community had been granted the legal right to leave the space on their identification cards blank, an outbreak of violence occurred against local Bahá'í in the village of Shariya, near Sohag. A crowd of villagers mobbed the houses of several Bahá'í families, burning homes and threatening the residents with death. As a result, around 30 Bahá'í living in the village were forced to leave.<sup>173</sup> Despite being carried out by a local mob, the incident was also triggered by hate speech and incitement to violence by a journalist on a nationally broadcast television programme.<sup>174</sup> Furthermore, one victim of the attack testified that the incident had also been perpetrated with a degree of official complicity:

*"State security are the ones who set it on fire and after we left they burnt our neighbour's house... They told me themselves."*

**Bahá'í community member, May 2013**

One rights activist involved in the case discussed how the incident demonstrated that the law alone was not sufficient guarantee of protection without effective

implementation and a change in popular attitudes towards minorities:

*"People had been driven out, their houses set on fire, chased through the streets... The Ministry of Interior was probably involved and took part in their expulsion. Our happiness at winning the ID case was broken by these events and made us realize that the social problem is much more complicated than the legal one."*

**Human rights activist, May 2013**

These incidents were also enabled by the climate of impunity surrounding violence against minorities and the state's failure to take meaningful action. One year after the attacks, the state had yet to prosecute a single person involved in the attack – a situation that one representative of the Egyptian Initiative for Personal Rights warned gave a "green light" to further attacks.<sup>175</sup> Tragically, this view was vindicated when in February 2011 there were reports of renewed attacks against Bahá'í homes in the same village.<sup>176</sup>

# Conclusion

Many of the initial hopes that the fall of Mubarak would bring in a more harmonious and unified era have been disappointed. Increasingly, the focus has shifted to the deep political divisions that have afflicted the country - divisions that have taken on a disturbingly sectarian character. From the burning of Bahá'í homes to armed attacks on Coptic churches, from the killing of Shi'a worshippers to the continued legal discrimination of the 2012 Constitution, Egypt's religious minorities have found themselves on the frontline of this internal conflict.

The picture presented in the testimonies of those minority representatives, activists and citizens interviewed for this report detail the many different layers of hostility and marginalization underlying the challenges religious minorities face. Despite all the trauma and upheaval the country has been through since early 2011, these root problems remain unresolved. What is needed, then, is a more comprehensive process of political and social transformation to ensure that the country can continue to progress, with political disagreements and competing interests negotiated in a non-violent, democratic and non-discriminatory manner.

There are a number of measures that must be taken simultaneously to address the situation. While legal reform is important and necessary, there are other steps that will also help to resolve institutional and societal discrimination:

- *Bring an end to legal and constitutional inequality:* the Egyptian government must extend constitutional guarantees of religious freedom to all minorities, including those currently not officially recognized, such as Bahá'í. However, this must be accompanied by a systematic review of all discriminatory legislation currently in effect, including the 1960 prohibitions under Nasser of certain religious groups.
- *Develop clear and accountable government mechanisms to prevent, recognize and punish sectarian violence:* the climate of impunity for perpetrators of hate speech, incitement to violence and physical attacks against religious minorities must be addressed through the enforcement of rule of law. This should be achieved through systematic reform and training of government, judicial and police officials to ensure a rights-based protection framework for all Egyptian citizens, including minorities.
- *Transform popular prejudice and hostility:* legal measures alone are insufficient without normative change at a grassroots level among Egyptians citizens. This requires a positive engagement of different stakeholders, including religious leaders, journalists, civil society actors and community members, to challenge stereotypes, counter misinformation and improve understanding.

The research interviews for this report, most of which were undertaken just before Morsi's sudden removal from power in July 2013, highlighted the failure of Egypt's post-revolutionary government to deliver social and political stability to the country. Subsequent events have only made these findings more relevant, with attacks continuing against religious minorities and the population as a whole facing uncertainty about the future. This underlines the fact that sectarian violence is not a problem only for Egypt's religious minorities, but also for the population as a whole. How Egypt chooses to resolve this will be a major factor in its development in the years to come.

*"We have a proverb in Egypt. As Egyptians, at the end of the day, either we live well together or we will gobble each other up."*

Bahá'í community member, June 2013

# Recommendations

## To the Government of Egypt:

- 1 Promote an inclusive and rights-based concept of Egyptian citizenship, based on equality and non-discrimination.
- 2 Revise Egypt's anti-discrimination legislation in order to prohibit both direct and indirect discrimination, with penalties for violations and robust, transparent and accessible mechanisms to provide redress. This should include the development of a unified regulatory framework for the construction of places of worship and the annulment of discriminatory restrictions, such as the 1960 prohibition on certain religious minorities.
- 3 Develop legislation recognizing the right of ethnic, religious and linguistic minorities to manage personal law issues in accordance with their customary law provisions, provided always that such customary laws are in line with international human rights standards (including with regard to discrimination against women).
- 4 Initiate a dialogue with leaders of religious communities with a view to moving towards the removal of the mention of religion on identity cards, as this mention is used to discriminate against members of minorities in access to services and resources.
- 5 Develop a clear legal framework, supported by training and education of officials, for suppressing hate speech and hate-motivated crimes, in line with the wording of the International Covenant on Civil and Political Rights which states that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law" and the Rabat Plan of Action. There should be no provisions imposing an unconditional ban on blasphemy, conversion or proselytism as these conflict with freedom of expression rights and can be used to target members of minorities.
- 6 End the ongoing climate of impunity for perpetrators of sectarian violence and the enabling environment this creates for further attacks. This should include an effective institutional response from security forces to protect religious minorities, their homes and places of worship. The perpetrators should be prosecuted, in line with international rights standards, to provide justice to victims and send out a clear signal that crimes against minorities will not be tolerated.
- 7 Develop a holistic strategy to counter hate speech in the media, political speeches, religious sermons, schools and other influential platforms through training, education and other forms of engagement with journalists, religious leaders and local communities.
- 8 Work with teachers, journalists, religious leaders and community organizations to foster inter-ethnic and inter-religious harmony. This should include developing a curriculum, with the participation of representatives of all minority communities, to promote education about the cultures and history of all communities living in Egypt in order to build the foundation of inter-faith understanding in schools.
- 9 Foster the involvement and contribution of civil society organizations to communicate a more positive understanding of Egypt's diversity and multiculturalism. In particular, the government should move away from restrictive measures towards the country's NGOs to ensure members of civil society, including religious minorities, are able to participate freely and openly in Egypt's future.

## To Egyptian civil society:

- 1 Expand and promote forums for Egyptian civil society working in the field of human rights and the protection of the rights of minorities to coordinate advocacy efforts with legislators and government, and awareness-raising with society in general.

# Notes

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## No change in sight: The situation of religious minorities in post-Mubarak Egypt

In January 2011, after three decades under President Hosni Mubarak, the Egyptian people joined together in an uprising – subsequently dubbed the January 25 Revolution – that was widely seen as an important move towards greater civil and political freedoms in the country. However, since then security in the country has deteriorated – and it is Egypt's religious minorities who are bearing the brunt of this renewed violence.

This report, drawing on interviews with minority representatives and human rights activists in the country, explores the troubling continuation of the marginalization and insecurity that characterized the situation of religious minorities during the Mubarak era. These include an ongoing climate of impunity, enabled by the government's unwillingness to prevent or prosecute sectarian violence, as well as restrictive legislation, engrained prejudice and

the prevalence of hate speech in political and religious discourse.

The discrimination and violence that religious minorities still face, almost three years on from the removal of Mubarak, reflect deep and persistent inequalities that have remained remarkably intact in spite of the country's political upheaval. As the findings of this report suggest, Egypt requires a comprehensive transformation of its current social and institutional environment, from education and media to legislation and the judiciary, if the root causes of the problems confronting religious minorities are to be effectively addressed. As sectarian violence is an important factor in its continued instability, the situation of Egypt's minority groups will also have lasting implications for the future of the entire population.

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