

# Testimony by Felice Gaer, Vice-Chair Before the Congressional Human Rights Caucus Of the United States House of Representatives

"The Human Rights Situation in Egypt: An Overview"

Wednesday, July 13, 2005

Mr. Chairman and Members of the Caucus:

On behalf of the U.S. Commission on International Religious Freedom, on which I am honored to serve as Vice Chair, I wish to thank you, Mr. Chairman, and the Caucus for inviting me to brief you on behalf of the Commission on the situation of human rights, including freedom of thought, conscience, and religion or belief in Egypt and the implications of our findings on U.S. policy.

Since its inception, the Commission, which is an independent federal agency, has paid serious attention to Egypt, because of its size and importance in the region, and because Egypt is an important ally of the U.S. and the second largest recipient of U.S. aid. Our two governments also work together on key foreign policy issues such as the war on terror and Middle East peace.

Current domestic and international pressure for democratic reform in Egypt has set the stage for the U.S. government to seek an agreement with Egypt on a timetable for implementation of specific political and other reforms to protect the human rights of all Egyptians. In order to create that foundation on which democracy can be built in Egypt, efforts at political reform must include steps to address serious violations of freedom of religion or belief and other related human rights. I will address what those specific steps should be in a moment.

If benchmarks for political reform are met, then the U.S. government should, within the boundaries of its overall aid to Egypt, provide economic assistance to areas where significant progress has been made. If benchmarks are not met, the U.S. government should reconsider the dimensions and direction of its economic assistance. The U.S. government also should do more to support those civil society groups in Egypt who are pressing for these or similar objectives; the Commission has made recommendations in a policy brief on Egypt, released last month, on how this support can be directed.

Current State of Freedom of Thought, Conscience, and Religion or

## Belief

Mr. Chairman, the Commission traveled to Egypt last year and met with senior Egyptian government officials, as well as prominent religious leaders, human rights activists, women's rights groups, and other civil society leaders. The Commission continues to receive information from a variety of sources and monitors closely the situation on the ground. After a careful review of the current situation, the Commission decided to place Egypt on its Watch List again this year.

The Commission found that discrimination, intolerance, and other human rights violations affect a broad spectrum of Egyptian society, including: Muslims, Christians, Jews, Baha'is and members of other religious communities. The Egyptian government has adopted measures in recent years to acknowledge certain aspects of the religious pluralism in Egyptian society. Yet more can and should be done by the government to protect the right to freedom of thought, conscience, religion or belief, to punish those responsible for religiously-motivated violence, and to combat widespread and virulent anti-Semitism and other intolerance in the media and in the education system. If these steps are taken immediately, they would demonstrate President Mubarak's commitment to fostering a democratic society that respects human rights.

### The Role of the State Security Services in Religious Affairs

The Egyptian State Security Services oversee religious affairs in Egypt and restrict the religious activities of Muslims, Coptic Christians, and others. Interference, harassment, and surveillance by the State Security Services are significant problems for members of all religious groups. While the potential for violence is a valid matter of state security, removing the religion "portfolio" from the State Security Services and placing responsibility for religious affairs in a more transparent and politically accountable section of the government could result in a situation that establishes both effective preventative security measures and appropriate protection of human rights, in accordance with international standards. This would allow members of all religious groups in Egypt to conduct their day-to-day affairs without undue interference by the security services.

The role of the State Security Services in religious affairs predates the 1981 Emergency Law. Nevertheless, the implementation of that law - which was renewed for another three years in February 2003 - has further undermined the protection of human rights in Egypt. The security forces continue to mistreat and torture prisoners, arbitrarily arrest and detain persons, and hold detainees in prolonged pretrial detention. The National Council for Human Rights, formed by the Egyptian government last year, recently called for an end to the State of Emergency.

## Islam

In Egypt, religious practices that conflict with the state-favored interpretation of Sunni Islamic law are in practice prohibited. The Egyptian government regulates and exerts some control over Islamic religious institutions and activities, control that, according to the government, is necessary to combat religious extremism and terrorism. The state appoints and pays the salaries of all Sunni Muslim imams, and all mosques must be licensed by the government. Sermons are monitored by the State Security Services.

### Non-Conforming Muslims and Non-Muslim Religious Minorities

Discrimination against members of religious minorities in law, in practice, and in society needs to be addressed. Article 98(f) of the Egyptian Penal Code prohibits citizens from ridiculing or insulting the three so-called "heavenly" religions - Judaism, Christianity, or Islam - or inciting sectarian strife among them. While this law has not been used to prosecute acts of anti-Semitism or acts against Christianity, it has been used to punish those who openly disagree with the kind of Islam promoted by the state.

Persons accused of practicing "unorthodox" Islamic religious beliefs that, in the state's view, conflict with Islamic law continue to be prosecuted in the state security courts. These include non-conforming Muslims who are charged with practicing beliefs deemed to deviate from Islamic law.

For example, in December 2004 13 "unorthodox" Muslims were referred to trial by a state emergency court on charges of "insulting heavenly religions"; their current status is unknown. Last year state security services arrested, imprisoned without charge, and reportedly physically abused 20 Shia Muslims who were subsequently interrogated about their religious beliefs; many were imprisoned for several months.

Violent attacks on other religious minorities, particularly Coptic Christians, by militant groups are an ongoing concern, especially in rural Upper Egypt. Furthermore, the Egyptian government does not provide adequate protection for Christians. Last year the Egyptian court system upheld the acquittal of 94 of 96 suspects who were charged in connection with the killing of 21 Christians and one Muslim in the Upper Egypt village of Al-Kosheh in early 2000. This effectively ended efforts to bring to justice the perpetrators of these crimes despite widely reported police negligence during the investigation of the case. Impunity signals that perpetrators can get away with such violent acts. The government has a responsibility to do better - from investigations to judicial proceedings.

Material vilifying Jews and Baha'is appears regularly in the state-controlled and semi-official media. Human rights groups continue to report virulent

anti-Semitism in the education system, which is increasingly under the influence of extremists. Permits to build or repair churches languish under restrictive rules that apply only to non-Muslims. All Baha'i institutions and community activities are banned, and Al-Azhar's Islamic Research Center has issued fatwas condemning Baha'is as apostates. Baha'is cannot even obtain mandatory identity cards unless they cloud their true religious beliefs. In some instances, converts, who fear government harassment if they officially register their change in religion from Islam to Christianity, reportedly have altered their own identification cards and other official documents to reflect their new religious affiliation.

There is a growing sense among human rights groups that Islamic extremism is advancing in Egypt, particularly with detrimental effects on the human rights of women and girls; inside public schools; and influencing the public school curriculum. For example, we received reports that school teachers do not accept girls unless they cover their heads starting at age 12.

#### Recommendations for U.S. Policy

The Egyptian government has recently taken some steps that its leaders assert will establish a more open political process, although the results of those efforts remain to be seen. The degree to which the Egyptian government is serious about opening the political process can be judged on what happens between now and the September 2005 presidential elections. We hope that reports of Egyptian authorities physically abusing democracy protestors during the referendum in May is not an indication of future actions and is not repeated.

At present, the Egyptian government has the opportunity to demonstrate its commitment to democratic reform by ensuring and protecting the human rights of everyone, as affirmed in the Universal Declaration of Human Rights. It could do so by taking action immediately in several areas related to freedom of thought, conscience, religion or belief.

The Commission has made several specific recommendations for U.S. policy which are included in the policy brief. I would like to highlight just a few that could be acted on by the Egyptian government without further delay:

- Shift de facto responsibility for religious affairs from the State Security Services, with the exception of cases involving or advocating violence, and establish an ombudsman-type position in the office of the President to protect religious communities and to address violations of the right to freedom of thought, conscience and religion in Egypt;

- Repeal the State of Emergency Laws and allow full access to the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Section 98 (f) of the Penal Code, which "prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife," instead of having those cases heard by the state security courts;
- Investigate, more actively, violence against any individuals or groups on the basis of their religion, particularly to bring those responsible for such violence to justice, and to ensure compensation for those targeted or injured;
- Implement procedures which would ensure that all places of worship are subject to the same transparent, non-discriminatory, and efficient regulations regarding construction and maintenance;
- Take all appropriate steps to prevent and punish acts of anti-Semitism, including condemnation of anti-Semitic acts, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric in the government-controlled media and other organized anti-Semitic activities;
- Conduct a transparent review - or permit an Egyptian or other non-governmental organization to do so - of the national educational curriculum to ensure that textbooks exclude any language or images that promote enmity, intolerance, hatred, or violence toward any individual or group of persons based on faith, gender, ethnicity, or nationality;  
and
- Repeal a 1960 presidential decree banning members of the Baha'i community from practicing their faith.

Mr. Chairman, I would like to request that, in addition to my testimony today, the Commission's policy brief on Egypt be submitted into the record which includes more detailed findings and recommendations.

## Conclusion

Secretary of State Rice returned last month from an important visit to several countries in the Middle East, including Egypt. Her primary message while in Egypt: move forward on democratic reform.

In a policy speech she made at the American University in Cairo, Secretary Rice clarified what she meant by democratic reform: "governments that protect certain basic rights for all their citizens -- among these, the right to speak freely. The right to associate. The right to worship as you wish. The freedom to educate your children -- boys and girls. And freedom from the midnight knock of the secret police." She reminded the government that ensuring these universal rights is the duty of every government.

The Commission welcomes the fact that Secretary Rice's speech was a first for U.S. policy in that she raised publicly important human rights concerns while in Egypt. Her mention of freedom of worship is important since, if protected by the government, it allows for all religious groups - particularly religious minorities - to engage freely in religious activities.

However, freedom of worship is only part of the wider right to freedom of thought, conscience, and religion as enshrined in the Universal Declaration of Human Rights.

This right includes the freedom of every person to hold, or not to hold, any religion or belief, and to manifest his or her religion or belief either individually or in community with others. Protection of freedom of religion or belief also includes the principle that no one should be subject to coercion that would impair his or her freedom to have, to adopt, or to reject a religion or belief. What is needed is a political system that respects other related human rights, including, for example, the right to free speech, the right to associate, the right to assembly, equal rights for women and minorities, and the right to freedom of expression, including dissent by all persons, whether in the majority or minority.

Freedom of thought, conscience and religion or belief is a universal human right and its vigorous protection for all Egyptians will be not only a yardstick of political reform, but an essential component for any lasting democracy in Egypt.

Thank you for your attention.