

EGYPT

U.S. Commission on International Religious Freedom: 2013 Annual Report

Bottom Line: Despite some progress during a turbulent political transition, the Egyptian government has failed or been slow to protect religious minorities, particularly Coptic Orthodox Christians from violence. It continues to prosecute, convict, and imprison Egyptian citizens, including Copts and dissenting Muslims, for “contempt” or “defamation” of religion. The newly-adopted constitution includes several problematic provisions relevant to religious freedom and related human rights.

Despite some improvements, the Egyptian government continues to engage in and tolerate systematic, ongoing, and egregious violations of freedom of religious freedom. It is unclear how much the current government could do to effectively address the ongoing violence and continuing climate of impunity in the country even if it had the genuine desire to do so. Discriminatory and repressive laws and policies remain that restrict freedom of thought, conscience and religion or belief. For the third year in a row, USCIRF recommends in 2013 that Egypt be designated a “country of particular concern,” or CPC, under the 1998 International Religious Freedom Act (IRFA).

Background

In January 2012, the Supreme Council of Armed Forces (SCAF) announced it would be lifting the Emergency Law except in cases of “thuggery,” although it did not define that term. Because Egypt has long operated under a state of emergency, the government has had the option to hear cases involving terrorism or drug trafficking in state security courts rather than criminal courts. Finally on May 31 the State of Emergency expired and the Emergency Law was lifted completely. The Emergency Law restricted many human rights, including freedom of religion or belief, as well as freedom of expression, assembly, and association.

In May 2012, the first round of voting began in Egypt’s presidential elections. In late June 2012, Mohamed Morsi, a former member of the Muslim Brotherhood, won the presidency in a second run-off against challenger and former member of the Mubarak government Ahmed Shafiq. Despite some irregularities, the presidential elections were hailed as the most free and fair in modern Egyptian history. On June 14, 2012, the SCAF formally dissolved the People’s Assembly, the lower house of parliament. An election for a new People’s Assembly may occur during the second half of 2013. During USCIRF’s February 2013 visit, Egyptian government officials asserted that much progress has been made despite an arduous and difficult transition. Officials cited free and fair presidential and parliamentary elections, the acceptance of a new constitution, and the emergence of a new democratic political system that will take time to implement.

There have been some positive religious freedom developments during the transition. The government began to re-open more than 50 existing churches that had been closed, in some cases for years. In the aftermath of the October 2011 Maspero violence, the transitional government took steps to reduce discrimination by issuing a decree amending Egypt’s Penal Code to prohibit discrimination on the basis of religion, gender, language, faith, or race. These included more severe penalties for government officials found to be complicit in discrimination. During the reporting period, a number of interfaith activities between Muslim and Christian communities took place and Al-Azhar University spearheaded initiatives and published statements expressing support for freedom of religion or belief in Egypt. In addition, Egypt’s Christian groups formed the Egyptian Council of Churches, which met for the first time in February 2013.

Religious Freedom Conditions

Serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities and disfavored Muslims, remain widespread. The transitional and new government failed or was

slow to protect religious minorities from violence. The sustained violence and lack of accountability continued to foster a climate of impunity, making further violence more likely.

Concerns in Egypt's New Constitution: There are a number of concerns about articles in the new constitution that may negatively impact freedom of religion or belief.¹ While the constitution calls “freedom of belief” an “inviolable” right and mentions the right to practice religious “rites” and establish places of worship, it is silent about other internationally recognized freedoms such as the right to change one’s religion. The text also confines this freedom to the “divine” religions of Islam, Christianity and Judaism, excluding Baha’is, atheists and agnostics, and others. In addition, for the first time in the Arab world, a provision prohibiting blasphemy or “defamation” of religions (Article 44) was included, which is an impermissible limit on freedom of expression under international human rights law.

Blasphemy Laws and Violations against Muslims and Dissidents: Article 98(f) of the Egyptian Penal Code prohibits citizens from “ridiculing or insulting heavenly religions or inciting sectarian strife.” Authorities use this blasphemy law to detain, prosecute, and imprison members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize “communal harmony” or insult the three “heavenly religions,” Judaism, Christianity, and Islam. During the transition, there has been an increase of “contempt of religion” cases affecting both Muslims and Coptic Christians. Egyptian officials have stated that if individuals in Egypt make statements publicly that “injure” or insult the religious feelings of others, there should be consequences, including criminal prosecution.

Christian-Muslim Tensions: Violent sectarian attacks targeting Coptic Orthodox Christians and their property continued over the past year. The number of fatalities and injuries from sectarian violence in 2012 decreased significantly from 2011, although there continued to be periodic attacks and destruction of property. In most cases, perpetrators have not been convicted. In other cases, alleged perpetrators have been detained for short periods but eventually released without charge. Perpetrators of past sectarian attacks affecting predominantly Copts but also some Muslims, such as in Alexandria in January 2011, Imbaba in May 2011, and Maspero in October 2011, have gone unpunished. Authorities typically conduct “reconciliation” sessions between Muslims and Christians as a means of resolving disputes. In some cases, authorities compel victims to abandon their claims to legal remedy. This ongoing violence and failure to prosecute continued to foster a climate of impunity. Christians also face official and societal discrimination.

Baha’is: Before 1960, the Baha’i faith was recognized in Egypt. However, all Baha’i institutions and community activities were banned after 1960 by a presidential decree. As a result, the approximately 2,000 Baha’is who live in Egypt are unable to meet or engage in communal religious activities. Al-Azhar’s Islamic Research Center has issued *fatwas* over the years, most recently in 2003, urging the continued ban on the Baha’i community and condemning Baha’is as apostates. Baha’is who are married still cannot get identity cards, which makes it impossible to conduct everyday transactions such as banking, registering for school, and owning a car, among other things. Intolerance of Baha’is has increased during the past year, particularly in the government-controlled media and in public statements made by prominent members of the Muslim Brotherhood and Salafi groups.

Jehovah Witnesses: A 1960 presidential decree banned all Jehovah’s Witness activities. While government interference into the activities of the small community has abated somewhat since former President Mubarak stepped down, Egyptian authorities continue to conduct surveillance and sometimes impede their private worship.

¹ In December 2012, USCIRF released an analysis of several problematic provisions in the new constitution, which is available here:

<http://www.uscifr.gov/images/Egyptian%20Draft%20Constitution%20Analysis%20of%20Provisions%201272012.pdf>.

Jews: Material vilifying Jews continues to appear regularly in the state-controlled and semi-official media. Officials claim that anti-Semitic statements in the media are a reaction to Israeli government policy toward Palestinians and do not reflect historical anti-Semitism. Human rights groups cite persistent and virulent anti-Semitism in the education system.

Recommendations for U.S. Policy

In addition to designating Egypt a CPC, the U.S. government should:

- Not certify the disbursement of the appropriated \$1.3 billion in Foreign Military Financing (FMF) until the Egyptian government demonstrates that it is using FMF funds to implement policies that protect freedom of religion and related human rights; once the government so demonstrates, ensure that a portion of the funding is used to help the police implement an effective plan for dedicated police protection for religious minority communities and their places of worship;
- Urge the Egyptian government to bring the new constitution in line with the internationally-recognized standards for freedom of religion and belief;
- Press the transitional Egyptian government to undertake immediate reforms to improve religious freedom conditions, including repealing decrees banning religious minority faiths, removing religion from official identity documents, and passing a law for the construction and repair of places of worship;
- Press the Egyptian government to prosecute perpetrators of sectarian violence, including creating a special unit in the Office of the Public Prosecutor; and
- Press the Egyptian government to ensure that responsibility for religious affairs is not placed under the jurisdiction of the new domestic security agency.

The U.S. Congress should:

- Require the Departments of State to report every 90 days on the transitional government's progress on issues including compliance with international human rights standards – including freedom of religion or belief, protection of religious minorities, and the prosecution of perpetrators of sectarian violence, as well as on the U.S. government's progress in directly funding Egyptian NGOs without prior Egyptian government approval.

Please see USCIRF's 2013 Annual Report for a more extensive review and recommendations on Egypt.