

UNITED STATES COMMISSION on INTERNATIONAL RELIGIOUS FREEDOM

## COUNTRY UPDATE: EGYPT

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### **USCIRF's Mission**

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

### Religious Freedom in Egypt in 2021

### Overview

In recent years, religious freedom conditions in Egypt have seen both some improvements and persistent challenges. In particular, a progressive reduction in sectarian violence and an expansion of governmental support for representing the country's diverse religious heritage reflect signs of meaningful and positive change. At the same time, judicial repression and societal discrimination, which sometimes result in violence but with declining frequency, remain essential challenges to religious freedom in Egypt. While recognizing the country's advancements in this area during 2020, the U.S. Commission on International Religious Freedom (USCIRF) recommended in its 2021 Annual Report that the U.S. State Department place Egypt on its Special Watch List for governments that perpetrate or tolerate severe religious freedom violations.

This country update assesses Egypt's incremental progress in addressing religious freedom conditions in 2021, acknowledging specific advancements—such as the much-publicized release of the first *National Human Rights Strategy*—while also highlighting areas in which systematic and ongoing violations remain deeply entrenched in Egyptian state and society. This update also provides an overview of major U.S. policy toward Egypt, including serious debate within the U.S. government regarding the Egyptian government's *dismal record* of broader human rights and *related restrictions* on U.S. foreign aid to Egypt. Finally, this report considers steps that the U.S. government could encourage the Egyptian government to take to alleviate the country's religious freedom challenges.

### **Background**

During the presidency of Hosni Mubarak (1981–2011), the government and state-aligned media typically denied that the country faced any religious freedom challenges. It often insisted, for example, that there were no *religious minorities* in the country, as all Muslims and Christians were "Egyptians first." However, religious freedom violations occurred and were tolerated as secret police harassed and imprisoned converts to Christianity, an antiquated and draconian system restricted church building and repairs, and radical Islamist preachers in Upper Egypt were left alone to call for the murder of "apostates" and spread bigotry against Christians, Jews, and others—provided those preachers avoided criticizing the state. Individuals and groups who spoke up for the rights of Coptic Christians, Baha'is, religious converts, and other religious minorities were branded agents of foreign powers seeking "to tarnish Egypt's image abroad."



The current government of President Abdel Fattah El-Sisi has adopted a clear shift toward encouraging religious inclusion, particularly of the nation's Coptic Christian minority—an estimated 10-12 percent of the population—and highlighting the country's diverse religious heritage. The 2016 Church Building Law created a framework for informal Christian properties across the country to apply for legal status; although its implementation has been slow and deceptively incomplete to-date, its mere existence is practically and symbolically important. A Cabinet-appointed Supreme Committee to Combat Sectarian Incidents launched in late 2019 to investigate sectarian violence in rural areas, and it began a pilot program in the same year to conduct door-to-door messaging about religious tolerance in a series of villages across Minya governorate. Also, the Ministry of Education has undertaken a significant initiative, albeit one that remains a work in progress, to root out religious intolerant and exclusionary material from the public school curriculum and replace it with messages of mutual respect and inclusion. Further, in September 2021 the government released its first-ever National Human Rights Strategy, which sets forth several national goals and planned programs promoting antisectarianism, tolerance of diversity and "community awareness about respecting religious freedom."

Nevertheless, many of the problems that have long plagued Egypt's religious freedom situation have persisted. There has been no visible effort to systematically or practically end the practice of invoking so-called "customary reconciliation councils" to respond to anti-Christian mob attacks in rural areas,

which universally absolve perpetrators of violence of legal accountability and lay at least partial blame and often punishment on the victims. Smaller, historically marginalized religious communities such as Baha'is and Jehovah's Witnesses remain formally banned, while Muslim minorities such as Qur'anists and Shi'a Muslims continue to face prosecution and other forms of official harassment. Religious freedom advocates, researchers, and activists remain caught up in the Egyptian government's crackdown on individuals and groups that it accuses of bringing negative attention to the country's human rights record.

# Positive Change in Egypt's Religious Freedom Conditions

USCIRF has extensively recognized in recent years the ways in which Egypt's leadership has taken important, symbolic steps toward improving religious freedom conditions for the country's sizeable Coptic Christian minority. Those steps have included President El-Sisi's now annual tradition of attending the Coptic Orthodox Christmas Mass, publicly recognizing the Christian community's celebration of Easter, and *speaking openly* since 2015 about the need for greater inclusion of non-Muslims in Egyptian society and a "renewal of religious discourse" among the country's Sunni Muslim establishment. As recently as August 23, President El-Sisi voiced vague support for removing religion from national identity cards. Although there is as yet no evidence that such a change is imminent, his comments allow for cautious optimism that Egypt may soon consider addressing this issue, which USCIRF and other religious

freedom advocates have *long highlighted*.

Members of Egypt's senior-most Sunni Muslim leadership have also joined in international efforts to promote interreligious tolerance, such as al-Azhar Grand Imam Ahmed El-Tayeb signing the "Document on Human Fraternity for World Peace and Living Together" in early 2019 with Pope Francis in Abu Dhabi. In February of this year, Egypt's chief official on Islamic jurisprudence, Grand Mufti Shawki Allam, issued a fatwa permitting Muslims to take part in the construction of churches—a ruling that immediately attracted praise from interfaith proponents and loud criticism from less tolerant members of Parliament and conservative Salafi groups.

In practical terms, the government has continued to implement the 2016 Church Building Law, albeit at a pace that has slowed over the last two years—approving 158 applications from January to August, compared to 226 and 482 during the same time frame in 2020 and 2019, respectively. It has also made improvements in terms of the bureaucratic frameworks by which non-Muslim communities manage their internal affairs. For example, in January, President El-Sisi issued a decree establishing distinct religious endowments for the country's Catholic and Evangelical Protestant Coptic communities, separate from the predominant Coptic Orthodox Patriarchate. And as noted in USCIRF's 2021 Annual Report, a Cairo appeals court in 2020 notably upheld the right of Christians to determine their own distribution of family inheritance, establishing a new precedent in defiance of longstanding norms that obligated non-Muslims to follow Islamic inheritance law.

One area in which Egypt has demonstrated clear improvement has been the recognition and protection of heritage sites belonging to religious minorities, including the Christian, Jewish, and most recently Shi'a Muslim communities. For example, since 2019 the government has <u>devoted</u> substantial financial resources and marketing efforts to the "Journey of the Holy Family" project, which would attract *religious tourism* to sites that local Christian tradition associates with the *Holy Family's* first-century exile in Egypt. Those sites notably include remote areas of Upper Egypt that the tourism sector has often marginalized, including the Muharraq Monastery in al-Qusiya and the Monastery of the Virgin Mary in Durunka, both of which are in Asyut governorate. Completed in August 2021, renovations at the Durunka monastery are particularly noteworthy as Coptic Orthodox tradition names the site as the southernmost

point of the Holy Family's travels in Egypt, and its Feast of the Virgin Mary draws hundreds of thousands of Egyptian Christians each August. The government has similarly supported and coordinated the renovation of several Jewish historical sites and places of worship, including the U.S.-funded project to restore the ancient Basatin Cemetery in Cairo, completed in September 2020, and the 14th century Eliyahu Hanavi synagogue in Alexandria, which <u>re-opened</u> in January 2020 following a three-year renovation.



Al-Hussein Mosque, Cairo

Among these religious heritage initiatives has been the Egyptian government's August 2021 announcement that it would refurbish the Sayyid Zaynab, Sayyida Nafisa, and Sayyid Al-Hussein shrines, which are particularly sacred to Shi'a Muslims and serve as pilgrimage sites for that global community. One member of the Egyptian Parliament's tourism committee specifically noted in one report that apart from the domestic importance of these shrines, their refurbishment would also attract pilgrims from other parts of the world, including Bohra (Shi'a) Muslims from South Asia. This initiative stands in stark contrast to various forms of harassment that Shi'a Muslims have faced in Egypt in prior years, including the *conviction* of two young men in al-Sharqiya on charges of propagating Shi'a ideas in June 2020, who remain imprisoned to date; a Cairo Administrative Court order in February 2020 to ban Shi'a media such as websites and broadcasts; and the earlier closure of the shrine of Al-Hussein for Ashura commemorations from 2015 to 2017. It is unclear whether this enthusiasm for related religious tourism will extend to greater freedom for Egyptian Shi'a Muslims, but it represents a positive step, nonetheless. Another marker of improvement in religious freedom

conditions, particularly as it relates to the Coptic

Christian community, has been a significant reduction in religiously motivated violence. The threat of individual and organized, radical Islamist violence has declined nationwide. The Islamic State (IS) has maintained a presence in the Sinai region, with affiliated groups claiming responsibility for the April 2021 execution of a Copt, Nabil Habashi Salama. However, so far no mass attacks have occurred in 2020 or 2021 comparable to the suspected Islamic State in Iraq and Syria (ISIS) bombing of the predominantly Sufi Muslim al-Rawda Mosque in North Sinai 2017, or to the deadly bus attacks on Christian pilgrims near the Monastery of St. Samuel the Confessor in Minya governorate in <u>2017</u> and <u>2018</u>. Egyptian non-governmental organizations estimated that 28 sectarian or religiously motivated attacks occurred in 2019, including individual and mob incidents, but they declined to only a few isolated cases between January and August 2021. Furthermore, Egyptian prosecutors have shown greater willingness to hold accountable those who carry out individual, religiously motivated attacks, particularly if those attacks result in casualties. Examples of this trend include the *conviction* in 2019 of a police officer in Minya who had shot and killed a Coptic man and his son in the prior year, and the 2020 sentencing of seven individuals to 15 years in prison in a retrial over their role in burning a Giza-area church in 2013.

As a subset of religiously motivated violence, anti-Christian mob attacks in Egypt's rural areas—one of the most seemingly intractable manifestations of religious intolerance over the last decade—have significantly declined over the last two years. While at least eight such anti-Christian attacks occurred in 2018, only three were reported annually in 2019 and 2020 each, and there were no confirmed reports of such incidents clearly based on anti-Christian sentiment between January and August 2021. It is difficult to account for this trend; limitations in religious and public life due to the COVID-19 pandemic have likely played a role in the shift, although that potential connection has so far remained inconclusive. Otherwise, there has been no evidence of systematic change, such as new legislation or executive orders directly addressing sectarian mob violence or the practice of "customary reconciliation councils" that consistently defy legal accountability for such incidents. It is also unlikely that the government's anti-sectarianism messaging campaign in Minya-area villages, which USCIRF first reported in 2020, has continued during the pandemic. Nevertheless, the decline in such incidents is a potential sign of incremental progress toward improved religious freedom conditions.

Finally, the Sisi government in September 2021 widely publicized its release of a new National Human Rights Strategy (2021–2026), *touted as the first* in the nation's history. One of several themes running through *the document* is the government's role in promoting religious tolerance and anti-sectarianism within educational, religious, and community institutions.

The Strategy names specific current and planned initiatives with implications for religious freedom, including the aforementioned educational curriculum reforms, similar revisions to "religious [institution] curricula," government restoration and maintenance of religious sites and the creation of "awareness campaigns"—especially targeting youth—to "enhance community awareness of religious freedoms, consolidate national identity, and reject intolerance and extremist ideologies." The Egyptian government has also highlighted to USCIRF the Strategy's reference to a "target result" of addressing "guarantees related to the regulation, justifications, and durations of pretrial detention [so that they] are enhanced in national laws." The timeline for implementation of the targets set forth in the Strategy is September 2021 through September 2026. In discussions with USCIRF, the Egyptian government has indicated the Supreme Standing Committee for Human Rights will have independent implementation authority but likely will not be responsible for enforcing any breaches of the Strategy's standards and goals.

### **Systematic and Ongoing Challenges**

Egypt's judiciary presents some of the country's most intractable, systematic challenges to religious freedom in the country. It has long prided itself as representing one the country's longest-standing institutions, with its roots in early modern French law and more than two subsequent centuries of evolution and refinement. In 2021, it administers civil law as guided by the 2014 Constitution which among other items maintained Article 2, naming "principles of Shari'a" as the primary source of legislation—wording that then President Anwar Sadat introduced in 1980 in a bid to demonstrate his conservative religious bona fides. Yet this language has remained a fixture of the constitution through subsequent revisions.

Such dynamics have conferred on the judiciary an aura of constitutional and religious legitimacy, along with a highly touted reputation for independence. However, the country's security forces, *prosecutors*, and courts envision themselves as guardians of the established social

and political public order and frequently act as such, ostensibly of their own, independent volition. They do so by pursuing cases that—within the context of <u>Article 2's reliance on Shari'a law</u>—enforce or support a wide range of abuses, such as an <u>ongoing crackdown</u> on religious minorities; religious freedom advocates and other civil activists; and individuals accused of doctrinal insults to the Sunni Muslim tradition. And within this framework, courts often function in concert with law enforcement, including security forces and prosecutors, to establish and perpetuate false, misleading, or <u>exaggerated pretexts</u> against individuals who challenge the state or deviate from the perceived public order—and to use every means at their disposal to turn those pretexts into punishment. For example, USCIRF has <u>repeatedly called</u> for the release of Coptic researcher and activist Ramy Kamel,

release of Coptic researcher and activist Ramy Kamel, who security forces arrested in November 2019 and who has since remained in an interminable loop of pre-trial detention. His arrest likely represented an effort to prevent him from speaking on the rights of Egyptian minorities at a United Nations conference in Geneva days after his arrest; as with other government critics who have faced similar *reprisals*, the spurious charges against him reportedly include collaboration with a terrorist organization (a euphemism for the banned Muslim Brotherhood) and involvement in the illicit trade of antiquities. Despite serious concerns about Kamel's health and ongoing attention to his case from religious freedom and human rights advocates, he has neither been offered release on bail nor granted an actual trial only periodic sham hearings that perpetually extend his detention. On September 6, 2021, his pre-trial detention was renewed for another term of 45 days.

Another Coptic researcher, human rights advocate Patrick George Zaki of the Egyptian Initiative for Personal Rights (EIPR), has remained in pre-trial detention since his February 2020 arrest for circulating false news and inciting protests. In a troubling escalation of his case, Egypt's State Security Supreme Prosecution on September 14, 2021, *indicted* Zaki for "spreading false news inside and outside of the country," a charge which carries a five-year maximum prison sentence. The prosecution cited as the basis for the indictment Zaki's 2019 publication of an article titled "Displacement, Killing and Harassment: the Outcome of a Week in the Diaries of Egypt's Copts." Zaki's former employer, human rights organization EIPR, has noted that Zaki's case is ineligible for appeal under Egypt's emergency law.

The arrest and year-long pre-trial detention of *Reda* Abdel Rahman serves as another stark illustration of the ways that Egypt's judiciary wields its authority against groups and individuals it perceives as deviating from the established order. Abdel Rahman is a teacher at the al-Azhar Institute in Sharqiya Governorate and a blogger representing the Qur'anist community, a small Muslim minority that holds the text of the Qur'an as the only legitimate source of authority for religious rulings. This view contrasts with Sunni Muslim tradition, which also reveres the Hadith, or traditions of the Prophet Muhammad and his companions, and relies on centuries of legal and doctrinal exposition to interpret those sources. Abdel Rahman has faced several arrests in recent years, but in this instance, security forces detained him in August 2020 and have since held him in the same form of interminable pre-trial detention that the courts have used to silence Ramy Kamel and other activists who challenge official government narratives on religious affairs. On September 5, 2021, Zagazig Criminal Court dismissed Abdel Rahman's appeal and ordered a 45-day renewal of his detention, with a *further renewal* on October 12, 2021—the sixth such extension since his arrest.

Such abuses are not the only systematic obstacles to religious freedom within Egypt's judicial system; the law itself often contributes to this environment. Bans from 1960 remain in effect on Jehovah's Witnesses and Baha'is, and the system of national identity cards that are required for all government services, and which list one's official religious affiliation, continue to serve as a daily reminder that the government differentiates and divides citizens on the basis of religion from the day of their birth. While the government has made some improvements in the country's treatment of the Coptic Christian community, other religious minorities remain under the shadow of these restrictions.

Law 98(f) of Egypt's Penal Code, which bans "insulting the heavenly religions" (generally referring to the Abrahamic religious traditions), continues to represent one of the most serious and *systematic challenges* to religious freedom. USCIRF's 2020 *report*, *Violating Rights: Enforcing the World's Blasphemy Laws*, named Egypt as one of the worst environments from 2014 to 2018 for the enforcement of such laws, including the prosecution of cases that involved social media and for mob violence that coincided with such enforcement. In fact, Egypt accounted for at least 44 of 674 cases of state criminal blasphemy law enforcement around the world—more than Yemen (24), Saudi Arabia (16), or Kuwait (15).

It was also a notable violator of due process in some cases, although this was an unsurprising finding in light of its use of pre-trial detentions and rarely, if ever, offering release on bail for defendants accused of blasphemy-related violations.

Although there have been no new blasphemy cases reported in 2021 so far, enforcement of Law 98(f) has persisted since 2018. For example, in 2020 Egyptian courts *convicted* and sentenced to prison at least seven individuals on blasphemy charges, while another 14 faced related lawsuits, investigations, and in some cases detention. Egyptian officials have reiterated to USCIRF in recent years that the government is unlikely to fully repeal Law 98(f) any time soon. Without any concrete, systematic changes that would repeal or limit Law 98(f), this statute will remain a serious impediment to Egypt's stated intent to improve its religious freedom record.

Finally, despite marked improvement in official discourse on religious diversity and tolerance among Egyptian leadership, discrimination and marginalization within Egyptian government and society on the basis of religion remain endemic, but notoriously elusive to track and document. That reporting challenge remains ongoing and pronounced, particularly given the severe restrictions on civil society and the government's longstanding sensitivity toward the public release of data or analysis that it perceives as reflecting negatively on the country even if that information would aid significantly in the government's stated intentions to improve religious freedom conditions. Therefore, the *exclusion* or severe underrepresentation of non-Muslims in key areas of public service—particularly among security, diplomacy, and military leadership—remains widely known and poorly documented.

Nevertheless, societal marginalization and discrimination persist throughout Egyptian society. Egypt's *participation* at the 2020 Tokyo Olympic Games, for example, served as a stark reminder that non-Muslim athletes remain informally marginalized from both domestic and international competition. Recent reporting has shed a light on the near-total *exclusion* of religious minorities from the complex system of sporting clubs and entrylevel competition that feeds into Egypt's national teams for *soccer* and other international sports. Given that *Coptic Christians* in particular represent an estimated

10 percent of Egypt's population—likely over 10 million people—their exclusion from full participation in public life reflects poorly on the country . To be clear, this marginalization takes place at the highly local level, according to the whims of individual coaches and sporting clubs. It is not the result of government mandate or policy, although it does in part represent a failure by the Ministry of Youth and Sport to promote religious diversity in such areas, and it sends a message that the government tolerates such actions.



Exhumation of Coptic boy, New Valley, August 18, 2020

Another recent incident, recounted in USCIRF's August 2021 factsheet on the desecration of cemeteries worldwide, illustrates one of the small-scale ways that Coptic Christians and other religious minorities face daily indignities and bigotry. In July 2020, a video widely circulated on Facebook, but since removed, documented a group of villagers in the New Valley governorate exhuming the body of a Coptic boy who had recently died, accompanied by the wails of the deceased's mother. Local officials reportedly acquiesced to neighbors' objections to the boy's burial in a predominantly Muslim cemetery, despite the presence of necessary permits and the lack of a separate Christian cemetery anywhere nearby. A group of villagers subsequently took it upon themselves to dig up the boy's grave, in full disregard and disrespect for his grieving family, and it is unclear where they took the boy's remains for reburial. In this instance, it was local officials, reportedly including the New Valley governor, who placed the endemic religious bigotry of their community on full display.

### **Key U.S. Policy**

Egypt presents a unique conundrum for U.S. policy. It is an important and multifaceted strategic partner, including in multilateral efforts to stem recurring Israeli-Palestinian violence and a long-term struggle against radical Islamist violence. Due to the significance of this partnership, Egypt is the *recipient* of \$1.3 billion in U.S. aid each year, the vast majority of which flows through the Foreign Military Financing (FMF) program, along with a lesser proportion of humanitarian assistance. However, Egypt also maintains a poor human rights record, with journalists, political dissidents, researchers, and marginalized religious groups facing harsh *repression*, including indefinite long-term detention, mass trials on spurious charges, and other violations.

President Joseph R. Biden <u>pledged</u> ahead of the 2020 election that his administration would offer "no more blank checks" to human rights abuses in Egypt and, only weeks after his inauguration, Secretary of State Anthony J. Blinken "raised concerns over human rights" in his <u>first call</u> with Egyptian Foreign Minister Sameh Shoukry, emphasizing that these issues "would be central to the U.S.-Egypt bilateral relationship."

During 2021, debate within Congress has been *robust* and ongoing over U.S. support for Egypt, amid the annual approval process for releasing this year's FMF package and substantial civil society advocacy to address religious freedom and broader human rights concerns. In January, Representatives French Hill (R-AR) and David Cicilline (D-RI) *co-sponsored* a House resolution that called on the Egyptian government to "end this culture of impunity, release prisoners of conscience and enact legitimate reforms in the public sector, athletics, and society to ensure Coptic Christians are given the same rights and opportunities as all other Egyptians."

In May, Senator Chris Murphy (D-CT) <u>called on</u> the Biden administration to freeze the \$300 million in aid that is contingent on Egypt's progress in these areas. Although Egypt's crucial role that month in securing a <u>ceasefire</u> between Israel and Hamas-led Gaza appeared at first to soften the administration's public criticism, President Biden in <u>September imposed human rights-related conditions</u> on \$130 million of the \$300 million U.S. aid tranche. To access this portion of aid, Egypt must drop charges against or release 16 detainees specified

to Egyptian officials by the U.S. State Department as well as fully end "Case 173," a long-running prosecution and investigation of civil society and human rights organizations.

While these conditions on foreign aid appear to address Congressional concerns over Egypt's human rights record and partially fulfill President Biden's 2020 campaign promises, the restrictions affect less than half of the \$300 million, itself only a fraction of \$1.3 billion in overall annual security aid. *Senator Murphy* has called the administration's plan an ineffective half measure, with some human rights organizations regarding it as a "betrayal" of the United States' own legislative requirement to withhold the entire \$300 million if Egypt does not take "sustained and effective steps" to improve human rights in the country, including "protect[ing] religious minorities."

### Conclusion

Egypt's religious freedom situation in recent years reflects two dynamics. First, despite the government's intractable repression of civil society, including human rights and religious freedom defenders, it has made some important strides in improving religious freedom conditions. Those changes have been incremental and sometimes favor low-risk initiatives, such as renovating religious heritage sites—but they have generally been meaningful and protracted as to suggest a medium-to-long term trend. Second, systematic and ongoing religious freedom violations continue to represent obstacles to more dramatic improvement. These violations include blasphemy law enforcement and various forms of discrimination against religious minorities, especially in rural areas and in strategic parts of the public sector. Egypt cannot fully address its religious freedom shortcomings without confronting these systematic and ongoing challenges whose solutions are riskier politically and more complicated socially, yet crucial to the country's progress. While publication of the National Human Rights Strategy is a notable step by Egypt's government, mere publication is not advancement. Only implementation, tracking and enforcement of the Strategy's targets for religious tolerance and antiextremism will deliver on the document's potential to improve religious freedom conditions for all Egyptians.





Coptic Orthodox icon of the Virgin Mary, Wadi Naturn

Many of Egypt's challenges to religious freedom involve deep-seated sectarian divisions that may take years to fully overcome. There are, however, concrete steps that the U.S. government can encourage the Egyptian government to take to meaningfully and systematically advance religious freedom in the near term. Such steps would also help Egypt certify its eligibility for certain types of U.S. financial aid contingent on human rights improvements. For example, Egypt could remove religion from national

identity cards; doing so would provide practical relief to religious minorities while symbolically highlighting the commonality of citizenship over the potential division of religious affiliation. Furthermore, directives from the Sisi administration to governors and local officials to hold accountable the most egregious perpetrators and inciters of anti-Christian mob attacks in rural areas would serve two purposes: to reinforce the rule of law, and to remove the victim-blaming and victim-punishing that accompanies the practice of customary reconciliation councils. Finally, the Ministry of Education's efforts to foster interreligious tolerance and inclusion through revised and improved public-school curriculum, and parallel efforts within al-Azhar schools, are essential to meaningful and generational change. Increased support for the Ministry's efforts from the Sisi government as well as from the U.S. government and other international partners—including expanding teacher training to properly implement the revised curriculum—would also grow Egypt's social and economic development while demonstrating its commitment to improving religious freedom in the years to come.

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