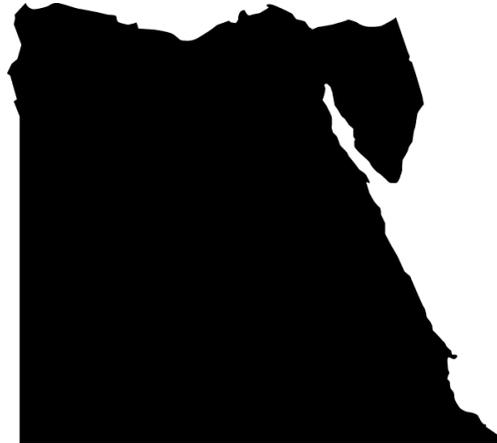


EGYPT



USCIRF STATUS:

Tier 1 Country of Particular Concern

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.

EGYPT

EXECUTIVE SUMMARY

FINDINGS: During the reporting period, the Egyptian transitional and newly elected governments have made some improvements related to freedom of religion or belief and there was positive societal progress between religious communities. Nevertheless, during a February 2013 visit to Egypt, USCIRF found that the Egyptian government continued to engage in and tolerate systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief. Despite a significant decrease in the number of fatalities and injuries from sectarian violence during the reporting period, Coptic Orthodox Christians, and their property, continued to experience sustained attacks. In many cases, the government failed or was slow to protect religious minorities from violence. This violence and the failure to convict those responsible continued to foster a climate of impunity. Egyptian courts continued to prosecute, convict, and imprison Egyptian citizens charged with “contempt” or “defamation” of religion. In some instances, disfavored Muslims faced harassment, detention, and imprisonment by government authorities. Egypt’s newly adopted constitution, which has been widely criticized, includes several problematic provisions related to freedom of religion or belief and related rights. Implementation of previous court rulings—related to granting official identity documents to Baha’is and changing religious affiliation on identity documents for converts to Christianity—has seen some progress but continues to lag, particularly for Baha’is. In addition, the government has not responded adequately to combat widespread and virulent anti-Semitism in the government-controlled media.

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. During the past year, the lack of adequate security in the streets continued to contribute to lawlessness in parts of the country, particularly in Upper Egypt. Sectarian and other forms of violence continue regularly, and discriminatory and repressive laws and policies restricting freedom of thought, conscience and religion or belief in Egypt remain in place.

Based on these concerns, USCIRF again recommends in 2013 that Egypt be designated as a “country of particular concern,” or CPC, for systematic, ongoing, and egregious violations of religious freedom. In 2011, USCIRF, for the first time, recommended that Egypt be designated a CPC. Before that, Egypt had been on USCIRF’s Watch List since 2002.

PRIORITY RECOMMENDATIONS: Egypt continues to experience both progress and setbacks during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. The U.S. government should press the Egyptian government to prosecute perpetrators of sectarian violence and to prevent responsibility for religious affairs from falling under the jurisdiction of the domestic security agency. In addition, the United States should more actively press the Egyptian government to undertake reforms to improve religious freedom conditions, including repealing decrees banning religious minority faiths, removing religion from official identity documents, and accelerating the passage of a law for the construction and repair of places of worship. The U.S. government should not certify the disbursement of military assistance to Egypt until the Egyptian government demonstrates that it is using funds appropriated through the Foreign Military Financing Program to implement policies that protect freedom of religion and related human rights in Egypt. In addition, the U.S. government should urge the Egyptian government to ensure that its police assess security needs and develop and implement an effective plan for dedicated police protection for religious minority communities and their places of worship. Additional recommendations for U.S. policy towards Egypt can be found at the end of this chapter.

EGYPT

RELIGIOUS FREEDOM CONDITIONS

USCIRF FEBRUARY 2013 VISIT

In February 2013, a USCIRF delegation traveled to Cairo to assess the Egyptian government’s progress on policies and practices related to freedom of religion or belief. The delegation met with high-level Egyptian officials, including the Minister of Justice, the Assistant Minister for Foreign Affairs, a Senior Advisor to President Morsi, the Director General of the National Council for Women, and a senior official at Al-Azhar. The delegation also met with a senior bishop from the Coptic Orthodox Church, Protestant and Catholic leaders, former Members of Parliament and the Constituent Assembly, and representatives from religious minority communities. In addition, the delegation met with the U.S. Ambassador and Embassy staff.

POSITIVE DEVELOPMENTS

The USCIRF delegation noted several positive societal developments during the transition. Christian communities—including Coptic Orthodox, Protestant, Catholic, and other groups—have started to organize with both opposition groups and representatives from Al-Azhar to counter religious extremism. Previously, Christians infrequently participated in various civil and political activities; however, many Christian churches have urged community members to be active in the democratic transition of a new Egypt. In February 2013, Christian groups came together to form for the first time ever an Egyptian Council of Churches.

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In addition, many diverse interlocutors expressed positive views of the moderating role Al-Azhar has played since the January 2011 revolution. During the reporting period, Al-Azhar University spearheaded initiatives and published statements expressing support for freedom of religion or belief in Egypt. In January 2012, Al-Azhar Grand Sheikh Ahmed Al-Tayeb put forward a “Bill of Rights” that discussed the importance of freedom of belief and expression, among other things, ahead of the drafting of the constitution. The statement asserted that “freedom of belief” and equal citizenship rights for all Egyptians are the cornerstones of a new modern society. The Grand Sheikh undertook a number of additional efforts, including interfaith dialogue initiatives, aimed at unifying the various religious communities and countering extreme Islamist views. For example, in 2012 Al-Azhar formed an umbrella organization, “The Family Home,” to foster interfaith harmony with Christians.

Furthermore, over the past two years, 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 USCIRF’s visit, officials stated that three drivers of military vehicles that ran over and killed at least 12 protestors during the Maspero violence were convicted and sentenced to prison terms, although the length of the prison terms and whether the three are in fact imprisoned remains unclear. In addition, officials claimed that an anchorperson on a government-controlled TV channel who allegedly incited violence against Coptic Christians during the Maspero incident was dismissed from her post.

EGYPT

ONGOING DEMOCRATIC TRANSITION

Nevertheless, during USCIRF's visit, the majority of non-governmental interlocutors expressed little optimism about the country's short-term trajectory under President Mohamed Morsi. Many expressed concern that the Morsi government has not been inclusive of or taken seriously the views of the liberal and secular opposition. The most common concerns relating to religious freedom focused on: increasing radicalization in society that negatively affects women and religious minorities; troubling provisions in the new constitution that limit religious freedom and other rights; and frustration about the continuing climate of impunity for numerous acts of violence – including those targeting Coptic Christians – since the beginning of the revolution two years ago.

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 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.

THE CONSTITUTIONAL PROCESS AND A NEW CONSTITUTION

In April 2012, the SCAF dissolved the first Constitutional Assembly (CA) to draft the country's constitution after an administrative court ruled the CA unconstitutional because members of parliament voted some parliamentarians into the CA. In addition, critics had said that the CA was not representative of the Egyptian population, particularly women and minorities. In June, the People's Assembly elected a new CA, again including several parliamentarians, but this time the CA was permitted to continue its work despite another court case being lodged. Critics complained that the second CA also was not representative, and eventually in November, representatives of liberal and opposition parties, Christians, and members from Al-Azhar withdrew from the body. During the USCIRF delegation's 2013 visit, some former CA members stated that conservative elements hijacked the process of drafting the constitution. Despite this, alternate members were added to the CA in November and the body produced a 234-article constitution and approved it on November 30. In December, the constitution was passed by referendum by approximately 64% of the vote, with about one-third of eligible voters participating.

EGYPT

During USCIRF’s visit, interlocutors expressed concern about a number of articles in the constitution that may negatively impact freedom of religion or belief.¹ Almost all were most worried about Article 219, which defines Islamic Shari’ah in narrow terms that may marginalize some Muslim schools of thought. Christians also were concerned that Article 219 could infringe on their rights. Most interlocutors supported Article 2, which is holdover language from the 1971 constitution, and states that “The principles of Islamic Shari’a are the principal source of legislation.” However, Article 4, when read in conjunction with Article 2, potentially gives Al-Azhar scholars a consultative role in reviewing religiously-significant legislation. Human rights groups have stated emphatically that only the Supreme Constitutional Court should be designated with this role, not a religious body.

Depending on how it is interpreted, Article 43 could be especially problematic. It states: “Freedom of belief is an inviolable right. The State shall guarantee the freedom to practice religious rites and to establish places of worship for the divine religions, as regulated by law.” Article 43 has a number of flaws. Protections are limited to “rites” and places of worship; international standards protect a much broader range of activities and expression. Furthermore, because this concept of religious expression is limited to followers of the “divine” religions, followers of other religions, such as Baha’is, as well as atheists and agnostics, may be excluded from enjoying basic freedoms. Also, there is no mention of the right to change one’s religion. During USCIRF’s visit, government officials stated that Article 43 guarantees religious freedom for all Egyptian citizens, including Baha’is. However, some officials felt that Baha’is would need to test this freedom in court, since the Baha’i faith is not one of the religions the constitution specifically references.

Articles 31, 44 and 45 also raised concern. Article 44 states that “insult or abuse of all religious messengers and prophets shall be prohibited.” This ban is supported by Article 31, which says “[i]nsulting or showing contempt toward any human being shall be prohibited.” These are impermissible limitations on freedom of expression under international human rights law. Article 45 states: “Freedom of thought and opinion shall be guaranteed. Every individual has the right to express an opinion and to disseminate it verbally, in writing or illustration, or by any other means of publication and expression.” However, the language in the Articles 44 and 31 appears to limit this provision. Egyptian officials were unequivocal in their support for Article 44, stating that there are consequences for insulting or injuring the religious feelings of others, thereby in essence affirming the criminalization of “defamation of religion.”

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GOVERNMENT CONTROL OF ISLAMIC INSTITUTIONS

As it did during the Mubarak era, the government maintains control over all Muslim religious institutions, including mosques and religious endowments, which are encouraged to promote an officially sanctioned interpretation of Islam. According to Egyptian officials, the government regulates these Muslim institutions and activities to prevent religious extremism and terrorism. The state appoints and pays the salaries of all Sunni Muslim imams, requires all mosques to be licensed by the government, and monitors sermons.

¹ In December 2012, USCIRF released an analysis of several problematic provisions in the new constitution, which is available here:
<http://www.uscirtf.gov/images/Egyptian%20Draft%20Constitution%20Analysis%20of%20Provisions%201272012.pdf>

EGYPT

NEW INDEPENDENCE FOR AL-AZHAR

Al-Azhar is one of the preeminent Sunni Muslim centers of learning in the world. Former president Hosni Mubarak appointed the Grand Sheikh of Al-Azhar, Ahmed Al-Tayeb, in 2010. The Islamic Research Center (IRC) of Al-Azhar is empowered by law to censor and, since 2004, to confiscate any publications dealing with the Qur'an and *hadith* (oral traditions). In recent years, the IRC has ruled on the suitability of non-religious books and artistic productions. Al-Azhar also has the legal right to recommend confiscations, but must obtain a court order to do so. In January 2012, before the People's Assembly convened for the first time, the SCAF passed a law mandating that the Grand Sheikh be elected by Al-Azhar's Senior Scholars Authority rather than chosen by the president of the country. Such a system of election previously was in force before 1961. In addition, in February 2013, the Senior Scholars Authority elected a new Grand Mufti, Shawki Ibrahim Abdel-Karim. Previously, the Grand Mufti was appointed by the president, another change of the law amended by the SCAF.

During the Mubarak regime, the Egyptian government consulted Al-Azhar on a wide range of religious issues affecting Muslims in the country. Over the years, clerics and scholars at Al-Azhar have issued discriminatory *fatwas* (religious edicts) and delivered controversial sermons about some non-Muslim faiths, particularly the Baha'i faith, as well as disfavored or dissenting Muslims. Non-Muslims are prohibited from attending Al-Azhar University.

During the past year, Sheikh Al-Tayeb reportedly made disparaging public comments about Shi'i Muslim places of worship and the spread of Shiism in Sunni Muslim countries.

CONTEMPT OF RELIGIONS AND VIOLATIONS AGAINST NON-MUSLIMS AND DISFAVORED MUSLIMS

Article 98(f) of Egypt's Penal Code prohibits "contempt" or "defamation" of religions by criminalizing "any use of religion to promote or advocate extremist ideologies...with a view toward stirring up sedition, disparaging or showing contempt for any divinely revealed religion, or prejudicing national unity and social harmony." In the past, this provision has been used to detain and prosecute individuals and 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. Other provisions of the penal code also address various forms of religious insult.

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For example, Article 161 prohibits the printing and dissemination of deliberately distorted religious texts for state-protected religions (Islam, Christianity, and Judaism), and also criminalizes the mocking or ridicule of religious ceremonies in public. Article 176 punishes public incitement and holding a religious community in hatred or contempt.

During USCIRF's visit, some Egyptian officials 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. However, appeals courts have sometimes reversed such convictions, as in the case of famous Egyptian actor Adel Imam. In September 2012, a court overturned Imam's conviction for defaming Islam in several of his films, for which he had been sentenced to three months in prison.

During the transition, there has been an increase of "contempt of religion" cases affecting both Muslims and Coptic Christians. In October 2011, a Cairo criminal court sentenced Ayman Yousef Mansour, a Christian, to three years in prison for insulting Islam and the Prophet Muhammad on a Facebook page he allegedly created. His 2012 appeal was rejected and he remains in prison. Gamal Abdou Masoud, a 17-

EGYPT

year-old Coptic Christian youth, was sentenced to three years' imprisonment in January 2012 reportedly because he was tagged on Facebook in a picture that allegedly criticized the Prophet Muhammad. In September 2012, an Egyptian court upheld the conviction and three-year prison sentence for Coptic teacher Bishoy Kameel for posting cartoons defaming the Prophet Muhammad on Facebook. In December, an Egyptian court convicted and sentenced to three years in prison atheist activist Alber Saber on extremism charges for his posting of online content that allegedly "insulted God and cast doubt on the books of the Abrahamic religions" and "denied the existence of God and his creation of mankind." After Saber's release on appeal, he reportedly fled the country in late January 2013. In November, an Egyptian court convicted in absentia seven Egyptian expatriate Copts – allegedly associated with the "Innocence of Muslims" online film – and sentenced them to death for harming national unity, insulting and publicly attacking Islam, and spreading false information. The Grand Mufti upheld their death sentences in January 2013. A Salafi cleric, Abu-Islam Ahmed Abdullah, awaits trial for allegedly insulting Christianity and burning a Bible in September 2012.

Over the years, the small Shi'i Muslim community has faced periodic discrimination, harassment, arrests, and imprisonment. For example, in July 2012, Mohamed Asfour, a Shi'i teacher, reportedly was sentenced to one year in prison, reduced from three years, for contempt of religion and "desecration of a place of worship," although Asfour's lawyer says he was found guilty solely for praying in a mosque according to Shi'i rituals. In January 2012, Egyptian authorities reportedly closed the Shi'i Hussein mosque in Cairo to prevent Shi'i Muslims from observing Ashura.

EXTREMISM AND INCITEMENT TO VIOLENCE IN MEDIA AND GOVERNMENT-FUNDED MOSQUES

The Muslim Brotherhood and other Islamist groups have used violence in the past to achieve their aims. The Muslim Brotherhood publicly renounced violence in the 1970s. Under the Mubarak regime, Egyptian security forces arrested hundreds, if not thousands, of suspected Islamists every year, and some were subject to torture and/or prolonged detention without charges.

IN THE MONTHS LEADING UP TO THE JUNE 2012 PRESIDENTIAL ELECTIONS, AN INCREASE IN INCITEMENT TO VIOLENCE IN EGYPTIAN MEDIA AND GOVERNMENT-FUNDED MOSQUES EXACERBATED SECTARIAN TENSIONS BETWEEN MUSLIMS AND CHRISTIANS.

Human rights activists inside Egypt remain concerned that radical groups continue to advance in the country, with detrimental effects on the ability to foster an open civil society, the prospects for genuine democratic reform, or improvements in freedom of religion or belief. During the transition period, crime and lawlessness in Egypt has increased due to a decrease in police and security presence. Some extremist militant groups have used this lapse to impose extra-judicial punishments. During the early months of the transition, Sufi Muslims experienced increased attacks and harassment by Islamist militant groups, which deem as heretical a number of Sufi religious practices, including the veneration of saints.

In the months leading up to the June 2012 presidential elections, an increase in incitement to violence in Egyptian media and government-funded mosques exacerbated sectarian tensions between Muslims and Christians. There was another spike in September 2012 after the surfacing on the Internet of an anti-Muslim film, "Innocence of Muslims," resulted in protests at the U.S. Embassy in Cairo. Islamist clerics and some Gulf-funded satellite television stations used the film as an opportunity to denounce and demonize Coptic Christians, including a prominent Salafi cleric who publicly defiled and ripped a Bible. Intolerance of Jews and Baha'is also continued to appear in both independent and government-controlled

EGYPT

media. In February 2012, a Salafi leader in Alexandria, Abdel Moneim al-Shahat, publicly stated on the al-Haqiqa television program on the Dream TV satellite station that Baha'is should be prosecuted for treason because they are apostates and are not entitled to any rights in Egypt.

During the reporting period, there continued to be reports of imams in mosques espousing incitement and anti-Christian hatred. During the year, some imams in mosques incited large crowds to oppose and/or prevent the building and maintenance of churches, particularly in Upper Egypt, resulting in violence and destruction of Christian property.

VIOLENCE TARGETING CHRISTIANS

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. During USCIRF's 2013 visit, Egyptian officials stated that three drivers of military vehicles that killed at least 12 protestors at Maspero were convicted and sentenced to prison terms. In addition, officials claim that an anchorperson who allegedly incited violence on government-controlled television against Copts at Maspero was dismissed from her post. However, several Egyptian officials also asserted that violence experienced by Copts was not a sectarian problem, or one facing just Copts, but one that affects all Egyptians. Egyptian human rights groups and Christian activists refute this claim. Egyptian officials noted that some of the investigations from past incidents have produced insufficient evidence to prosecute perpetrators. Nevertheless, impunity has been a recurring problem for many years, and the new government installed since the revolution has not moved adequately to address the issues of justice and accountability.

The ongoing violence, and the inability to prosecute successfully those responsible, continued to foster a climate of impunity, especially in Upper Egypt. In recent years, in response to sectarian violence, Egyptian authorities have conducted "reconciliation" sessions between Muslims and Christians as a way of easing tensions and resolving disputes. In some cases, reconciliation sessions have been abused by local authorities and Muslim and Christian religious leaders to compel victims to abandon their claims to any legal remedy.

During the reporting period, there were several incidents where Christians in various parts of the country fled their homes out of fear of extremist threats and attacks. For example, in August 2012, in the Dahshur village in Giza, a dispute between a Christian and Muslim at a dry-cleaning business after the Muslim man's shirt was accidentally burned resulted in the death of one Muslim man and more than a dozen Muslims and Christians injured. Several Coptic-owned homes and businesses were destroyed and nearly all of the Christian families living in the village fled, fearing reprisal attacks. While most have since have returned with the assistance of security officials, some families have not. According to reports, families impacted by the attacks were compensated. Despite President Morsi ordering a criminal investigation into the violence in Dahshur, there have been no prosecutions to date.

According to human rights groups, in one of the two cases of sectarian violence in which prosecutors brought charges in 2012, in May, an emergency state security court in Minya sentenced 12 Christians to life in prison. The court also acquitted eight Muslim defendants. The case arose from clashes between Muslims and Christians in April 2011 in the nearby towns of Abu Qurqas and al-Fekria. The violence left two Muslims dead, scores of Christian shops and homes burned, and several Muslims and Christians

EGYPT

wounded. However, in December 2012, the verdict was annulled, and in January 2013 a criminal court began retrying the 12 Christians and eight Muslims. At the end of the reporting period, the retrial was ongoing.

A second prosecution followed a May 2011 riot in the Cairo neighborhood of Imbaba, in which Muslim residents assaulted two churches, triggering clashes that left more than 13 people dead and hundreds injured. In April 2012, the judge ordered the release of all defendants pending a ruling from the Supreme Constitutional Court on the constitutionality of the Emergency Law, which made emergency state security courts the competent courts for all trials referred during the state of emergency. On May 31, 2012 the state of emergency expired, ending the public prosecutor's authority to refer cases to state security courts. At least six sectarian-related cases had been referred to those courts in 2011 and 2012, and two other trials were ongoing from before 2011. In June, the public prosecutor ordered cases referred to emergency courts after January 2012 to be transferred to regular civilian courts, but did not do so for cases referred before that date. In effect, it appears that cases referred before 2012 will not be prosecuted.

DISCRIMINATION AGAINST CHRISTIANS

In addition to violence, Christians—who comprise approximately 10-15% of Egypt's population—face official and societal discrimination. Although Egyptian government officials claim that there is no law or policy that prevents Christians from holding senior positions, the Coptic Orthodox Christian community faces *de facto* discrimination in appointments to high-level government and military posts. There are only a few Christians in the upper ranks of the security services and armed forces. There are no Christian governors out of 27 in the country. There were only four Christian members on the Constituent Assembly before their withdrawal from the process. According to the State Department, public university training programs for Arabic-language teachers exclude non-Muslims because the curriculum involves the study of the Qur'an. Under Egyptian law, Muslim men can marry Christian women but Muslim women are prohibited from marrying Christian men. Additionally, neither Coptic men nor Coptic women may marry outside their faith. As a result, marriages between men and women across the two communities are often a source of societal tension between Muslims and Christians in Egypt.

For all Christian groups, government permission is required to build a new church or repair an existing one, and the approval process continues to be time-consuming and inflexible. In 2005, former President Mubarak devolved authority to approve the renovation and re-construction of churches from the president to the country's governors. Although several applications were submitted years ago during the Mubarak era, many did not receive a response. Even some permits that had been approved cannot, in fact, be acted upon because of interference by the state security services at both the local and national levels.

No churches were approved for new construction or repair in 2012, despite applications being submitted to governors, as currently required. During USCIRF's visit, Egyptian officials stated that the delay was due to the stalled discussions regarding the law regulating the establishment of places of worship. In 2011 and 2012, Egyptian officials stated that there had been progress on that law. However, after the People's Assembly was disbanded in 2012, Christian groups temporarily placed on hold negotiations about the draft law because they wanted it to be significantly revised. Some Christian interlocutors expressed preference to have a law that only governs churches, and not all places of worship. In all likelihood, until the election and seating of the People's Assembly later this year, there will be no progress on this issue.

During USCIRF's visit, several Christian interlocutors expressed concern about their difficulty in adopting children in Egypt. However, although Muslims may not adopt children, Egyptian family law preserves for Christians the right to adopt, but they cannot adopt a child unless it is established that the

EGYPT

orphan child is of Christian parents. Egyptian officials stated this was not a religious issue, but a civil problem that could be remedied through a new law.

CONVERTS AND RECONVERTS TO CHRISTIANITY

Egyptian-born Muslims who have converted to Christianity cannot reflect their change of religious affiliation on identity documents, and in many cases, these converts also face intense social hostility. In past cases where converts have sued for the right to reflect their new religious affiliation on ID cards, Egyptian courts have ruled that Muslims are forbidden from converting from Islam based on principles of Islamic law because conversion would constitute a disparagement of the official state religion and entice other Muslims to convert.

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Regarding re-converts to Christianity, there remain systemic problems for individuals who converted to Islam and decided to convert back to Christianity to have this change reflected on identity documents. During USCIRF's 2013 visit, several interlocutors explained that despite a July 2011 law making it easier to reflect one's religion on ID cards—and not having to declare “formerly Muslim”—it still is difficult in practice to obtain identity cards.

In addition, during the reporting period, there continued to be claims about Muslim men forcing Coptic Christian women to convert to Islam. According to the State Department, such cases are often disputed and include “inflammatory allegations and categorical denials of kidnapping and rape.” During USCIRF's visit, several Christian sources stated that kidnapping of men was more common than kidnapping of women and girls. In addition, in most cases, incidents were not kidnappings but cases of girls converting to Islam voluntarily to marry young Muslim men and then seeking to return to Christianity when the relationship failed. Some reported that the girls' families were shamed by the conversions of their daughters and resorted to claiming kidnapping to hide the situation. Egyptian government officials stated that reporting of such cases was inaccurate and that they typically are the result of feuds between families in Upper Egypt. Nevertheless, some human rights groups continue to assert that there were also cases where Coptic Christian women were lured deceptively into marriages with Muslim men and forced to convert to Islam.

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.

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. For example, in July 2012 Mahmoud Ghozlan, a spokesman for the Muslim Brotherhood, said Baha'is are of “Zionist origin” and, thus, should not be protected under the constitution to practice their faith. In February 2012, Abdel Moneim al-Shahat, a prominent Salafi leader, stated publicly that Baha'is were a security threat undeserving of any rights in a new constitution, and should be tried for treason. Furthermore, in August, Gamal Abdel Rahim was appointed as chief editor of the state-controlled newspaper, Al-Ghomhurriya. Rahim was accused in 2009 of calling for the murder of a Baha'i activist on live television and inciting residents in Sohag to burn Baha'i homes. Three days after the program

EGYPT

aired, arson destroyed several Baha'is houses in a Sohag village. In November 2012, and reiterated again in January 2013, the Minister of Education reportedly said in two separate media interviews that Baha'is cannot enroll their children in public schools because their faith is not among those protected by state law or the constitution. Article 43 of the new constitution does not permit Baha'is to build places of worship since the provision only cites the "divine religions," allowing only Muslims, Christians, and Jews to build places of worship. During USCIRF's visit, Egyptian government officials stated that Baha'is would have to test provisions in the new constitution in court to see if they could build places of worship or be recognized as an independent religion.

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. Unmarried Baha'is can put a dash on ID cards in the space for religion.

ANTI-SEMITISM AND THE JEWISH COMMUNITY

In 2012, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear regularly in the state-controlled and semi-official media. This material includes anti-Semitic cartoons, images of Jews and Jewish symbols that reference Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egyptian authorities have not taken adequate steps to combat anti-Semitism in the media, despite official claims that they have advised journalists to avoid anti-Semitism. Egyptian officials claim that anti-Semitic statements in the media are a reaction to

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Israeli government policy toward Palestinians and do not reflect historical anti-Semitism. Human rights groups cite persistent, virulent anti-Semitism in the education system, which increasingly is under the influence of Islamist extremists, a development the Egyptian government has not adequately addressed.

In January 2013, anti-Semitic comments made by President Morsi in 2010 – before he was elected president – came to light. President Morsi had urged Egyptians to “nurse our children and grandchildren on hatred for Jews and Zionists,” and in another interview that year he referred to Jews as the descendants of “apes and pigs.” When the USCIRF delegation raised these comments during its February 2013 visit, Egyptian officials said President Morsi's comments were made before he was president and were taken out of context; in addition, officials did not distinguish between anti-Semitism and anti-Israeli policy and diverted the discussion to attacking the state of Israel.

The small remnant of Egypt's once sizeable Jewish community, now consisting of only approximately 50 people, owns communal property and finances required maintenance largely through private donations. In 2010, Egyptian authorities restored the Maimonides synagogue in Cairo, named after a 12th century rabbinic scholar.

JEHOVAH'S WITNESSES

A 1960 presidential decree banned all Jehovah's Witnesses activities. According to the State Department, there are between 1,000 and 1,500 Jehovah's Witnesses living in Egypt. While government interference into the activities of the small community has abated somewhat since former President Mubarak stepped down in 2011, Egyptian authorities continue to conduct surveillance and sometimes impede their private worship. The Egyptian government permits Jehovah's Witnesses to meet in private homes in groups of less than 30 people, despite the community's request to meet in larger numbers.

EGYPT

For years, the Jehovah's Witnesses have pursued legal recognition through the court system. In December 2009, the Seventh Circuit Administrative Court handed down a verdict denying Jehovah's Witnesses legal status. The local community continues to appeal the verdict.

U.S. POLICY

For many years, U.S. policy toward Egypt had focused on fostering strong bilateral relations, continuing security and military cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations viewed Egypt as a key ally in the region. Until a few years ago, Egypt was the second largest recipient of U.S. aid; it now ranks fifth, behind Afghanistan, Iraq, Israel, and Pakistan. In recent years, including during the reporting period, the Obama administration and Congress have increased efforts to urge the Egyptian government to speed progress on economic and political reforms, including on human rights and religious freedom issues. During the past year, the relationship continued to encounter challenges, including due to Congress' suspension of additional economic aid announced by the Administration in early 2011 and its continuing concerns about the ongoing criminal trial of Americans working for democracy NGOs in Egypt.

P.L. 112-74, the Consolidated Appropriations Act of 2012, appropriated \$1.3 billion in Foreign Military Financing (FMF) assistance and \$250 million for Economic Support Fund (ESF) assistance. For the first time, the law required the Secretary of State to certify that the Egyptian government is using the funds appropriated through the FMF program to support "the transition to civilian government including holding free and fair elections" and "implementing policies to protect freedom of expression, association, and religion, and due process of law." The law also includes a national security interest waiver from the certification requirements. In March 2012, Secretary of State Clinton exercised the waiver on the basis of U.S. national security interests and the goal of maintaining the strategic partnership with Egypt. In recent years, only a small portion of U.S. assistance has supported initiatives in areas related to religious freedom, including funding for programs that work with Coptic and Muslim community groups in Upper Egypt, as well as support for NGOs that monitor the country's media for sectarian bias.

The administration proposed the same bilateral foreign operations appropriation request for Egypt in FY2013 that Egypt received in the previous three fiscal years (\$1.55 billion). However, some members of Congress have put on hold the implementation of new administration aid initiatives previously authorized by Congress, such as debt relief (\$450 million) and an Enterprise Fund (\$60 million). U.S. assistance reflects the recognition of Egypt's continued and crucial role in ensuring Arab-Israeli peace.

In December 2011, Egyptian authorities raided the offices of four American and one European pro-democracy NGOs and confiscated materials from these offices. In January 2012, the Egyptian government announced criminal charges against 43 personnel, including 16 Americans. Defendants continue to face criminal charges and possible prison terms for working illegally in the country without a license and receiving and using unauthorized foreign funding. In 2011, the Obama administration reversed a controversial 2009 decision restricting USAID funding for Egyptian civil society to those organizations whose official NGO registration has been approved by the Egyptian government; previously, direct grants to registered Egyptian NGOs had to be vetted by the Egyptian government. As a consequence, many new Egyptian NGOs have not sought formal registration, and instead formed civil corporations, to avoid unnecessary government interference and oversight.

During the current reporting period, the U.S. government continued to highlight religious freedom concerns in Egypt through regular public statements and remarks. For example, in July 2012, the day after the rollout of the State Department's international religious freedom report, Secretary of State Clinton used a public event to express concern that religious freedom conditions in Egypt were "quite

EGYPT

tenuous.” In September 2012, Deputy National Security Adviser Dennis McDonough stated in a public speech that there had been “a troubling rise in sectarianism and violence [and] innocent Egyptians, including Coptic Christians, have lost their lives.” He added, “Protecting religious freedom and religious minorities in Egypt is therefore a key element of our engagement with Cairo.” In addition, Secretary of State Clinton and Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner publicly raised religious freedom concerns during multiple visits to Egypt in 2012 and early 2013.

During the past year, several congressional resolutions were introduced during the 112th and 113th Congresses related to U.S. aid and human rights concerns in Egypt. These included H.R. 416 (the Egypt Accountability and Democracy Promotion Act), which limits specified security and economic assistance to Egypt unless the Secretary of State certifies to Congress every six months that the Egyptian government has implemented legal reforms that protect the political, economic, and religious freedoms and human rights of all citizens and residents of Egypt, among other things.

In July 2012, in its most recent International Religious Freedom report, the State Department again concluded that religious freedom conditions in Egypt remained poor – similar to the previous year’s conclusion – despite the ouster of former president Hosni Mubarak.

RECOMMENDATIONS

As described above, despite some progress, the Egyptian transitional government and the newly elected government under President Morsi have not sufficiently improved a number of concerns related to freedom of religion or belief. During the reporting period, violence targeting Coptic Orthodox Christians continued and the Egyptian government failed to convict those responsible for the violence. In addition, discriminatory laws and policies continue to negatively impact freedom of religion or belief in Egypt.

Accordingly, based on the Egyptian government’s systematic, ongoing, and egregious religious freedom violations, USCIRF is recommending for the third consecutive year that Egypt be designated a country of particular concern, or CPC.

The United States should press the Egyptian government to comply with international human rights standards by implementing a series of reforms to advance freedom of religion or belief and related human rights. In addition, pursuant to the Consolidated Appropriations Act of 2012 (P.L. 112-74), the U.S. government should not certify the disbursement of military assistance to Egypt until the Egyptian government demonstrates that it is using the funds appropriated through the Foreign Military Financing program to implement policies that protect freedom of religion and related human rights in Egypt.

I. IMPLEMENTING REFORMS IN ORDER TO COMPLY WITH INTERNATIONAL HUMAN RIGHTS STANDARDS

The U.S. government should urge the Egyptian government to:

- bring the new constitution in line with the internationally-recognized standards for freedom of religion and belief;
- address incitement to imminent violence and discrimination against disfavored Muslims and non-Muslims by:

EGYPT

- prosecuting in regular criminal courts government-funded clerics, government officials, or individuals who incite violence against Muslim or non-Muslim minority communities or their individual members;
- disciplining or dismissing government-funded clerics who espouse intolerance;
- publicly and officially taking a clear stand against incitement to violence and discrimination by clerics and the government-controlled media against Muslim and non-Muslim minority communities, such as Shi'i Muslims, Qur'anists, and Baha'is; and
- urging Al-Azhar to rescind any previously issued fatwas that are discriminatory toward or incite violence against Muslim and non-Muslim minority communities alike;
- in consultation with religious minority communities, pass a law that would provide transparent, non-discriminatory, and efficient regulations regarding construction and maintenance of religious facilities, and continue to take special measures to preserve and restore Coptic Orthodox and other Christian properties and antiquities that have been subject to societal violence and official neglect;
- re-examine and restructure the use of reconciliation sessions as a fair mechanism towards the enhancement of national peace and interfaith understanding, and ensure that it is not used to bypass punishing perpetrators in accordance with the rule of law;
- establish a special unit in the Office of the Public Prosecutor dedicated to investigating acts of violence against Egyptian citizens on the basis of religion or belief, vigorously prosecuting and bringing to justice perpetrators, and ensuring compensation for victims;
- ensure the neutral and non-discriminatory application of laws according legal status and benefits to religious communities, even if one faith is declared as the official state religion;
- repeal 1960 presidential decrees banning members of the Baha'i faith and Jehovah's Witnesses from practicing their faiths, officially grant legal personality to these and other minority faiths, and permit these faiths to congregate in public places of worship without government interference;
- remove mention of religious affiliation from national identity documents;
- rectify adoption laws to remove any limitations or obstacles to the right of religious minorities to adopt;
- cease all messages of religious hatred and intolerance in the government-controlled media and take active measures to promote understanding and respect for members of minority religious communities;
- take all appropriate steps to prevent and punish acts of anti-Semitism, including by condemning anti-Semitic acts, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities; and
- permit any Egyptian citizen to learn voluntarily the Coptic language in the public school system.

EGYPT

II. ENSURING THAT RELIGION IS NOT POLITICIZED BY SECURITY AND JUDICIAL ENTITIES

The U.S. government should urge the Egyptian government to:

- ensure that *de facto* responsibility for religious affairs does not fall under the jurisdiction of the domestic security agency, with the exception of national security matters, such as espionage cases or cases involving the use or advocacy of violence, including conspiracy to commit acts of terror;
- consistent with the 2011 and 2012 resolutions of the UN Human Rights Council and the UN General Assembly on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief,” revise Article 98(f) of the Penal Code, which prohibits “any use of religion to promote or advocate extremist ideologies...with a view toward stirring up sedition, disparaging or showing contempt for any divinely revealed religion, or prejudicing national unity and social harmony,” consistent with these resolution, and, in the interim, provide the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f); and
- ensure respect for Al-Azhar’s independence.

III. WITHHOLDING MILITARY ASSISTANCE AND DIRECTING A TARGETED AMOUNT OF MILITARY AND ECONOMIC ASSISTANCE DURING EGYPT’S TRANSITION

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

- not certify the disbursement of the appropriated \$1.3 billion in Foreign Military Financing (FMF) to Egypt until the Egyptian government demonstrates that it is using FMF funds to implement policies that protect freedom of religion and related human rights in Egypt;
- once the Egyptian government so demonstrates, urge the Egyptian government to ensure that its police assess security needs and develop and implement a comprehensive and effective plan for dedicated police protection for religious minority communities and their places of worship, particularly Coptic Orthodox Christians, Sufi and Shi’i Muslims, and Jews, in consultation with these communities’ representatives; and
- conduct or support specialized training, either in Egypt or abroad, for Egyptian military and police forces on human rights standards and non-lethal responses to crowd control and to quell sectarian violence.

The U.S. Congress should:

- require the Departments of State to report every 90 days on the Egyptian transitional government’s progress on the issues described in this section.

EGYPT

IV. ENSURING U.S. GOVERNMENT AID PROMOTES GENUINE POLITICAL AND LEGAL REFORMS AND IS OFFERED DIRECTLY TO EGYPTIAN CIVIL SOCIETY GROUPS

The U.S. government should:

- provide direct support to human rights and other civil society or non-governmental organizations (NGOs) to advance freedom of religion or belief for all Egyptians;
- urge the Egyptian government to ensure that NGOs engaged in human rights work can pursue their activities without government interference, and monitor and report the extent to which this is accomplished; and
- expand support of initiatives to advance human rights, promote religious tolerance, and foster civic education among all Egyptians, including support for:
 - revising all textbooks and other educational materials to remove any language or images that promote enmity, intolerance, hatred, or violence toward any group of persons based on faith, gender, ethnicity, or nationality, and to include the concepts of tolerance and respect for human rights of all persons, including religious freedom, in all school curricula, textbooks, and teacher training;
 - civic education and public awareness programs that reflect the multi-confessional nature of Egyptian society and the diversity of Egypt's religious past;
 - efforts by Egyptian and international NGOs to review Egyptian educational curricula and textbooks for messages of hatred, intolerance, and the advocacy of violence; and
 - preserving and restoring Egyptian Jewish properties and antiquities in publicly accessible sites.

V. PROMOTING FREEDOM OF RELIGION AND BELIEF AND RELATED HUMAN RIGHTS IN MULTILATERAL FORA

The U.S. government should:

- call on the Egyptian government to comply with and fully implement recommendations from the UN Human Rights Council's February 2010 Universal Periodic Review of Egypt, including those related to freedom of religion or belief; and
- urge the Egyptian government to invite, provide specific dates, and admit UN special procedures mandate holders who are waiting for an invitation, including the UN Special Rapporteur on Freedom of Religion or Belief, the UN Special Rapporteur on Human Rights Defenders, and the UN Special Rapporteur on Torture.