

United Nations Human Rights Council  
Universal Periodic Review, 7<sup>th</sup> Session  
**Christian Solidarity Worldwide – Stakeholder Submission**  
**EGYPT**

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in freedom of religion and belief. CSW has conducted monitoring and advocacy with regards to the human rights situation in Egypt for more than ten years, with regular fact-finding visits to the country. This submission highlights key human rights concerns in relation to freedom of religion and belief, and discrimination on the basis of religious affiliation.

### **STRUCTURAL PROBLEMS**

2. Egypt is party to a number of international human rights covenants and treaties<sup>1</sup> and its constitution provides for equality and freedom of religion and belief and opinion. However two important barriers structurally hinder Egyptian citizens from full enjoyment of their rights.
3. Following the assassination of President Anwar Sadat in 1981, Egypt declared a state of emergency and implemented numerous Emergency Laws, giving the security forces the right to detain any suspect indefinitely without legal representation or official charge. During their detention, individuals can be subjected to a wide range of human rights abuses, including torture, solitary confinement, sexual and psychological abuse, and threats of harm to the detainee's family. In July 2006, new legislation limited the period of detention to six months, at the end of which charges must either be presented in court or the accused must be released. However, security forces continue to arbitrarily hold suspects without taking them to court and are also known to disobey a court's order of release. The vast majority of human rights abuses in the country are committed by the State Security Intelligence Services (SSIS) which, along with the regular police force, comprises the domestic security apparatus. Plans to replace the Emergency Laws with a terrorism act remain pending, leading to fears that this will essentially institutionalise the current state of emergency. Such moves will lead to a further deterioration in human rights throughout the country, potentially allowing for further human rights violations by the security forces.
4. **Recommendation: The Egyptian Government must repeal Emergency Laws immediately, control and limit arbitrary rights granted to the security forces, and uphold the rule of law.**
5. Article 2 of the Egyptian constitution states that "Islam is the religion of the state and Islamic jurisprudence is the principle source of legislation." Article 2 was amended in 1980 from the original, which stated that Islam is "a" principle source of legislation, thereby turning Shari'a Law into "the" primary source of law. However Egyptian law uses only a limited amount of traditional Islamic jurisprudence, mostly in personal

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<sup>1</sup> Including party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights

status matters. This automatically creates serious problems in the implementation of freedom of religion and belief.

6. For example, on 2 August 2007, after several failed attempts to change his religious affiliation on his ID card, Mohammed Ahmed Hegazy, a 25-year-old Muslim Background Christian (MBC), took the unprecedented step of filing suit against the Minister of Interior, Habib al-Adly. Prior to this, Mr Hegazy had been tortured in detention in 2002 following his conversion. His original lawyer was forced to withdraw from the case after receiving death threats and having three separate cases filed against him on charges of disrupting national unity. Mr Hegazy's case was widely covered in the Egyptian and wider Middle Eastern media, forcing him to go into hiding to protect his pregnant wife. On 29 January 2007, Judge Muhammad Husseini ruled against Hegazy's challenge. The ruling was based on Article 2 of the Egyptian constitution, and argued that since Islam was the last of the three "heavenly religions", to be a Muslim was to "practice freedom of religion", thus leaving Islam was not possible<sup>2</sup>.
7. Such a ruling is not compatible with Article 18 of International Covenant on Civil and Political Rights (ICCPR), or with Article 40 of the Egyptian Constitution which states: "all citizens are equal before the law. They have equal public rights and duties without discrimination between them due to race, ethnic origin, language, religion or creed". The ruling also contradicts articles 46 and 47 of the Constitution, which guarantee freedom of belief, practice of religious rites, and freedom of opinion respectively.
8. **Recommendation: The Egyptian Government must address the ambiguous nature of Article 2 of the Egyptian Constitution, examine how it relates to other provisions in Egyptian law as well as to Egypt's responsibilities under international law, and ensure that the judicial system produces judgments in accordance with such provisions.**

## TREATMENT OF NON-MUSLIM MINORITIES

### *Coptic Christians*

9. Although Coptic Christians make up around 10 percent of the Egyptian population, they are considerably under-represented within the public sector. It is very difficult for "Copts" to access and participate in local and national politics. There are no high-ranking Copts in the armed and security forces, or in key public and private sector businesses such as banks, although a small number of Copts hold minor offices. There are relatively more Copts in the judicial and diplomatic services with disproportionately fewer in senior roles. There are no Christian heads of universities or deans of faculties. Egyptian universities lack courses related to Coptic history and presence in Egypt, and they do not hold courses on Coptic language, literature, archaeology and art. Coptic educational institutes receive no public funding.

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<sup>2</sup> CSW Briefing: Egypt Religious Freedom Profile (see attached), July 2008, p4

10. Until 2005, the Coptic Church needed presidential permission to build new churches as well as for the most minor maintenance on their places of worship. A Presidential decree has since sought to localise construction and extension permissions. It has allowed renovations and repairs to be conducted upon written notification being submitted to the relevant local authorities, with the authority to allow reconstruction on the same site being delegated to provincial governors.
11. However, government permission is still required for new church buildings. In practice it remains almost impossible to open a new church building, and delays in dealing with applications mean that a church must wait indefinitely before the paper-work ever reaches the President. Similarly, the vague requirements of ‘supporting documents’ which need to be submitted to the local authorities enable local officials and security forces to further hinder major repairs and reconstructions. Performing repairs to church property is still largely obstructed either by local government officials, who delay authorisation by bureaucratic means, or by the state security police, who often stop construction even when official permission has been granted.
12. **Recommendation: The Egyptian Government must address the glass-ceiling that prevents full Coptic involvement in Egyptian society. It should also end all restrictions and practices that hinder the building and maintenance of Coptic places of worship, and actively promote the inclusion of Coptic culture into mainstream Egyptian culture.**

### *Muslim Background Christians*

13. Of all the religious minorities in the country, Muslims who decide to change their religion, particularly to the Christian faith, are the most vulnerable to both state-sponsored persecution and to discrimination originating from their own communities. Although conversion from Christianity to Islam is often encouraged and easily done, life long problems await apostates from Islam.
14. MBC’s are often detained for extended periods of time by the SSIS and subjected to incommunicado imprisonment, torture and sexual harassment. They are tried at the State Security Court, as if they pose a national security threat. Often SSIS officers inform the neighbours and employers of apostates of their conversion, thus precipitating loss of employment, housing and relationships. They are often blocked from attending churches, Christian schools and ministries. Married converts face the risk of annulment of marriages, and the complete loss of custody and inheritance rights. They are also vulnerable to strong reactions from their families and local communities, particularly in rural areas. Over the years, there have been suspected cases of honour killings, disappearances, forced marriages to Muslims, severe beatings, forced movement to other towns or cities, or going into hiding. Egyptian press and religious outlets often call for harsh reactions towards apostates. The seeming direct or indirect support of their persecution through negligence by the security forces has resulted in a culture of impunity, whereby attacking or harming an apostate is not considered a crime to be hidden or shunned.
15. **Recommendation: The Egyptian Government should address serious human rights violations faced by Muslim-background Christians, halt their arbitrary**

**arrests and mistreatment by the police and enable converts to live their lives without fear of life-threatening discrimination.**

### **RELIGIOUS AFFILIATION AND ID CARDS**

16. Religious affiliation registration, which includes a religion section on national ID cards, affects MBC's and Bahá'ís significantly. Whilst converts to Islam from another religion can change their official records and IDs within 24 hours with a supporting statement from Al-Azhar, the reverse is almost impossible. Since they are still registered as Muslims, this automatically limits the expression of their new faith and participation within the Christian community, and creates serious problems, including not being allowed to marry and an inability to withdraw their children from compulsory Islamic religious education at school.
17. Until March 2009, Bahá'ís were forced to register under one of the three recognised religious categories (Christian, Muslim and Jew) or face the dreadful outcome of not having an ID, including imprisonment or not being able to do the most basic official transactions, such as opening bank accounts. Although, they can now legally fill in their religious records with a simple dash, in practice Bahá'ís still experience the most severe difficulties in recording their religious affiliation.
18. **Recommendation: The Egyptian Government should remove the religious affiliation records, or alternatively, ensure a simple and unified mechanism for all citizens to record or change their religions.**

### **ETHNIC VIOLENCE**

19. Throughout 2006 to 2009, there has been a significant rise in the number of reported attacks on the properties, businesses and religious centres of Coptic Orthodox Christians. These attacks, which often start following a minor personal dispute, a sermon preached at a mosque or incitement within the media, result in serious material and physical damage. Egyptian government and security forces have often fuelled such attacks through inability, negligence and, on occasion, the forceful cover up of events. Perpetrators are rarely brought to justice and victims are obliged to give up their access to justice through forced testimonies or mock reconciliation meetings.
20. **Recommendation: The Egyptian Government must ensure that ethnic violence and sectarian clashes are treated as criminal offences, and should halt the victimisation of victims through forced reconciliation meetings that culminate in unjust resolutions.**

### **TREATMENT OF REFUGEES AND ASYLUM SEEKERS**

21. Egypt regularly and forcefully deports asylum seekers and those with confirmed refugee status back to their country of origin, even though this might result in a life threatening situation.
22. In June 2008, the Egyptian Government deported almost 1000 of the 1600 Eritrean refugees held in Egyptian prisons. Whilst being detained for several months, the

prisoners were kept in inhumane conditions, subjected to beatings and sexual harassment, and denied access to the office of the United Nations High Commissioner for Refugees (UNHCR). Despite a 15 June announcement by the Ministry of Foreign Affairs pledging access to the UNHCR, deportations to Eritrea continued in direct contravention of the United Nations Convention Relating to the Status of Refugees and the United Nations Protocol Relating to the Status of Refugees.

23. Around 800 of the returned refugees remain in detention in Eritrea. According to reports, a number of the returned refugees were shot dead in front of others as an example. In December 2008 approximately 100 further Eritreans were detained in Sinai by Egyptian authorities after being returned by the Israeli Army after illegally crossing the border. The group was also denied access to the UNHCR, and at least 80 have been deported, some of whom were assaulted whilst in the custody of the Egyptian prison guards. Egyptian security forces have also been fatally shooting African migrants attempting to cross the border with Israel; to date at least 34 have been shot dead.
24. **Recommendation: The Egyptian Government should halt illegal deportations immediately, launch an official enquiry into the treatment of asylum seekers and the inhumane outcomes of their deportations, end the shooting of refugees by border police, and abide by its obligations under the international refugee conventions.**

### **LACK OF DOMESTIC MECHANISMS TO ADDRESS VIOLATIONS**

25. There are no effective mechanisms to address human rights violations and ensure that the security forces comply with domestic and international law. CSW has welcomed the creation of the National Council for Human Rights (NCHR), a national human rights institution established in June 2003 with a limited mandate to receive complaints of human rights infringements, investigate their validity, and advise the government of ways to improve human rights. However, not only are religious freedom abuses not addressed by the NCHR, but the Council also has no real legal or administrative power to ensure their recommendations are implemented. As is evident from its recent support for legitimising the state of emergency, careful wording of ‘alleged’ cases of torture, and the omission of serious human rights concerns, it appears that the Council serves more as a political tool to legitimise government activity<sup>3</sup>.
26. **Recommendation: The Egyptian Government should develop legally binding and judicially enforceable mechanisms to address serious human rights violations committed by security forces and ensure that Egyptian citizens can raise their concerns without fear of repercussion and in the belief that their grievances will be heard.**

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<sup>3</sup> CSW Briefing: Egypt Religious Freedom Profile (see attached), July 2008, p12