



Egypt - Researched and compiled by the Refugee Documentation Centre of Ireland on 12 October 2012

Information on religious freedom in Egypt, particular in relation to mixed marriage?

A report by the *United States Department of State* under the heading “Women” states:

“Aspects of the law and traditional practices continued to discriminate against women. Laws affecting marriage and personal status generally corresponded to an individual’s religion. For example, a female Muslim citizen may not marry a non-Muslim man without risking arrest and conviction for apostasy; under the government’s interpretation of Sharia, any children from such a marriage could be placed in the custody of a male Muslim guardian.” (United States Department of State (24 May 2012) *2011 Human Rights Reports: Egypt*)

Another report by the *United States Department of State* under the heading “Executive Summary” states:

“The constitution and the Constitutional Declaration of 2011 provide for freedom of belief and the practice of religious rites, but the government places restrictions on these rights in policy and practice, such as forbidding Muslims from converting to another religion. Islam is the official state religion, and Sharia (Islamic law) is the primary source of legislation. Despite the ouster of former president Hosni Mubarak, the government’s respect for religious freedom remained poor.

Non-Muslim religious minorities officially recognized by the government, including most Christians, generally worshiped without harassment. However, Christians faced personal and collective discrimination, especially in government employment and the ability to build, renovate, and repair places of worship. The government also failed to redress laws relating to church renovation and construction. Members of the Baha’i Faith, which the government does not recognize, faced personal and collective discrimination. The government also sometimes arrested, detained, or harassed minority Muslim sects, converts from Islam to Christianity, and members of other religious groups whose beliefs or practices it deemed jeopardized communal harmony. Government authorities often refused to provide converts with new identity documents indicating their chosen faith.” (United States Department of State (30 July 2012) *International Religious Freedom Report for 2011 Egypt*)

In a section titled “Status of Government Respect for Religious Freedom” it states:

“The application of family law, including marriage, divorce, alimony, child custody, and burial, is based on an individual’s religion. In the practice of family law, the government recognizes only Islam, Christianity, and Judaism. Muslim families are subject to Islamic law, Christian families to canon law, and Jewish families to Jewish law. In cases of family law disputes involving a marriage between a Christian woman and a Muslim man, the courts apply Islamic law. The government does not recognize

the marriages of citizens adhering to religions other than Christianity, Judaism, or Islam.

Under Islamic law as practiced in the country, Muslim women are prohibited from marrying non-Muslim men. A non-Muslim male must therefore convert to Islam to marry a Muslim woman, although non-Muslim women need not convert to marry Muslim men. Also, a non-Muslim woman who converts to Islam must divorce if her husband is not Muslim. In some cases upon the wife's conversion, local security authorities reportedly have asked the non-Muslim husband if he is willing to convert to Islam; if he chooses not to convert, divorce proceedings may begin immediately, and custody of children is awarded to the mother.

[...]

Religious laws, both Islamic and Coptic, prevent Coptic men and Muslim women from marrying each other. When a male Christian and a female Muslim marry outside the country, their marriage is not legally recognized in the country. Additionally the woman could be arrested and charged with apostasy, and any children from such a marriage could be taken and assigned to the physical custody of a male Muslim guardian, as determined by the government's interpretation of Islamic law." (ibid)

A report by *Freedom House* under the heading "Autonomy, Security, and Freedom of the Person" states:

"The personal status law for Muslims automatically applies in marriages between Muslim husbands and non-Muslim wives, putting the wives at a distinct disadvantage.

[...]

Among children resulting from marriages between Muslim husbands and non-Muslim wives, children younger than 15 are by law considered Muslim. Consequently, if the husband in a Christian family decides to convert to Islam, he not only changes the set of laws that regulate the couple's marriage, divorce, and child custody disputes, he also automatically converts his children to Islam. Judges frequently deny child custody to Christian women with Muslim husbands on the premise that they need to protect the Muslim faith of the children." (Freedom House (3 March 2010) *Women's Rights in the Middle East and North Africa 2010 – Egypt*)

A response by the *Australian Refugee Review Tribunal* under the heading "What are the difficulties faced by a couple in Egypt where the husband is Christian and the wife is a Christian convert from Islam?" states:

"An article published on AsiaNews.it website, dated 7 February 2004, also notes that Egyptian law bans mixed marriages between Muslim women and Christian men. The situation for Muslim converts is exacerbated by the fact that their conversions are difficult to register:

The Egyptian Constitution and law guarantee equality of rights and duties for both Muslims and Christians. Yet in reality, Egypt recognizes the conversion of Christians to Islam but does not so for Muslim converts to Christianity. A Christian who has become a Muslim can obtain a new I.D. card in less than 24 hours, documenting his new Islamic names. This procedure, on the other hand, is impossible for Christians

who are former Muslims. For the Egyptian state registry office, they remain Muslims forever.

Such religious discrimination creates huge problems, particularly for Muslim women converts to Christianity before getting married to Christian men. Egyptian law, inspired by the Shariah (Koranic law), bans mixed marriages between a Muslim woman and a Christian man. According to the Shariah, a Christian man must first convert to Islam before marrying a Muslim woman. To do otherwise is punishable by death. Children of mixed marriages are Muslim by law.” (Australian Refugee Review Tribunal (21 December 2005) *EGY17719 Egypt – Coptic Christians – Muslim converts to Christianity – Mixed marriages – Exit procedures*)

A report by the *United States Commission on International Religious Freedom* notes:

“Over the past year, the Egyptian transitional government continued to engage in and tolerate systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief. Serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities, as well as disfavored Muslims, remain widespread in Egypt. Violence targeting Coptic Orthodox Christians increased significantly during the reporting period. The transitional government has failed to protect religious minorities from violent attacks at a time when minority communities have been increasingly vulnerable. This high level of violence and the failure to convict those responsible continued to foster a climate of impunity, making further violence more likely. During the reporting period, military and security forces used excessive force and live ammunition targeting Coptic Christian demonstrators and places of worship resulting in dozens of deaths and hundreds of injuries” (United States Commission on International Religious Freedom (20 March 2012) *USCIRF Annual Report 2012 - Countries of Particular Concern: Egypt*)

References:

Australian Refugee Review Tribunal (21 December 2005) *EGY17719 Egypt – Coptic Christians – Muslim converts to Christianity – Mixed marriages – Exit procedures*
http://www.ecoi.net/file_upload/1788_1289388435_egy17719.pdf
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This is a subscription database.

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

Amnesty International

Australian Refugee Review Tribunal

BBC News

Electronic Immigration Network (EIN)

European Country of Origin Information Network

Freedom House

Immigration and Refugee Board of Canada

IRIN News

Lexis Nexis

Human Rights Watch

United Kingdom Home Office

United States Commission on International Religious Freedom

UN Committee on the Elimination of Discrimination Against Women (CEDAW)

UN Human Rights Council

UNHCR Refworld

United States Department of State