



Australian Government

Refugee Review Tribunal

Country Advice

Egypt

Egypt – EGY37655 – Baha’is –
Discrimination – Baha’i community in
Sydney

18 November 2010

1. Please give an outline of how the Baha’i community in Sydney is organised.

There is no clergy or member with individual authority in the Baha’i community. Elected governing bodies administer the Baha’i community at national, state and local levels in Australia. A nine-member national committee, known as the National Spiritual Assembly, is elected each year by Baha’i members nationwide. State and territory Baha’i communities are governed by Regional Baha’i Councils, and the NSW and ACT communities are administered by a combined regional council. Local Baha’i communities consist of those Baha’i members who live in a particular local government area, and these communities elect their own administrative Local Spiritual Assembly if there are nine or more adult Baha’is living in the area.¹

There is a website for the Sydney Baha’i community, but it does not appear to have been updated since August 2008.²

2. Deleted.

3. Does the Baha’i community provide information on whether a person is a Baha’i and, if so, how the organisation comes to that conclusion?

Information sourced from the Australian Baha’is website states that newly converted Baha’is “sign a declaration card for administrative purposes and contact the responsible Baha’i institution – normally the Local Spiritual Assembly – to inform it of their decision”.³ From this, it appears likely that either the local Baha’i community with which the individual is involved, or the NSW Regional Baha’i Council, would retain some form of documentation confirming that a person is a practising Baha’i.

¹ ‘Administration’ (undated), Australian Baha’is website

http://www.bahai.org.au/scripts/WebObjects.exe/BNO.woa/wa/pages?page=who_we_are/administration.html – Accessed 16 November 2010 – Attachment 1.

² The Sydney Baha’is website is located at <http://www.sydneybahai.org/home>. The contact email address is info@sydneybahai.org, and the contact phone number is 0404277790.

³ ‘How to Become a Baha’i’ (undated), Australian Baha’is website

http://www.bahai.org.au/scripts/WebObjects.exe/BNO.woa/wa/pages?page=who_we_are/become_a_bahai.html – Accessed 16 November 2010 – Attachment 3.

4. The International Religious Freedom Report on Egypt states that Baha'is in Egypt have had difficulties in obtaining identity documents and that Baha'is have experienced incidents of sectarian violence from time to time. Please provide information on other areas of life in which they do, and also do not, experience discrimination.

Most of the reports located regarding the Baha'i community in Egypt are concerned with the ongoing struggle to obtain identity cards reflecting their Baha'i faith, and the consequences of not having an identity card in Egypt. In addition, other reports refer to isolated instances of sectarian violence, such as the events of March 2009 in Sohag Governorate in which the homes of Baha'is were torched by Muslims. Few reports were located which address other areas in which Baha'is experience discrimination, although it has been claimed that: they are subject to surveillance and harassment by State security forces; they have been arrested and imprisoned for blasphemy; they have been removed from their homes after Muslim violence against their communities; and family courts have ordered custody of children be denied to Baha'i converts from Islam.

The Human Rights Committee of the Bundestag, Germany's Lower House of Parliament, issued a report on Egypt in November 2010. The report claims that Baha'is in Egypt are being targeted by the state press, and that Baha'is are considered "outlaws" by the Egyptian government. In addition, the report found that Baha'is are not allowed to practice their religion, the government does not recognise marriages between Baha'is or issue birth certificates to their children, they do not receive social insurance or have the right to enrol their children in Egyptian public schools.⁴

All Baha'i institutions and public community activities have been banned in Egypt since 1960 by a presidential decree. Baha'is have, in the past, been arrested and imprisoned, often on charges of insulting Islam or blasphemy. Members of the Baha'i community are known to the State security services, and are sometimes subject to surveillance and harassment. Muslim clerics and scholars from Al-Azhar University, the premier Islamic University in Egypt, have issued discriminatory edicts and sermons regarding Baha'is, condemning them as apostates.

Baha'is in Egypt have reportedly been dismissed from jobs, expelled from universities, prevented from receiving inheritance, and denied rights to open bank accounts, buy cars, or obtain marriage certificates, birth certificates, or driver's licenses. Some progress has, however, been made. In March 2009 the Supreme Court rejected a legal challenge to a 2008 lower court ruling that required the Egyptian government to issue national identification documents to Baha'i plaintiffs containing a dash or other mark in the space designated for religious affiliation. Since the 2008 lower court ruling, the government has issued birth certificates to at least 120 Baha'is, documents which it previously refused to issue. In addition, as to May 2010, approximately 20-30 single male and female Baha'is have received identity cards. The possession of identity cards is essential in Egypt as, in recent years, some Baha'is lost their jobs and some were dismissed from universities because they did not have identity cards.⁵

⁴ 'German parliament blasts Egypt's human rights record' 2010, *Al-Masry Al-Youm*, 7 November <http://www.almasryalyoum.com/en/news/german-parliament-blasts-egypt%E2%80%99s-human-rights-record-0> – Accessed 17 November 2010 – Attachment 4. *Al-Masry Al-Youm* is a privately owned, independent Egyptian daily newspaper.

⁵ US Committee for International Religious Freedom 2010, *Annual Report of the United States Commission on International Religious Freedom*, May – Attachment 5.

In its annual report on human rights in Egypt in 2009-2010, the government-backed Egyptian National Council for Human Rights (NCHR) noted that it was still receiving complaints from Baha'is regarding difficulties in obtaining official documents, despite the March 2009 Supreme Court ruling.⁶ In October 2010 the NCHR announced as one of its recommended amendments to legislation governing personal status that faiths other than Muslim, Christian and Jewish should be able to have their religious status appear on national identity cards.⁷

Egyptian human rights groups claimed that March 2009 violence against a Baha'i community in Sohag Governorate was incited by a television presenter who stated that a Baha'i living in a village in Sohag was an apostate, and called for her to be killed.⁸ Baha'i families reportedly forcibly removed from the homes in the wake of the violence by the Egyptian Interior Ministry had been unable to return to their homes as of April 2010. The Baha'is were reportedly relocated "to mollify Muslims...and impose calm" in the area after violence against the local Baha'i community.⁹ One year after the violence, no investigation had taken place and no one had been prosecuted over the violence.¹⁰

In another instance of religiously-driven discrimination against Baha'is in Egypt, in July 2009 a Cairo Family Court ruled that a child would be removed from the care of his Baha'i convert parents and awarded custody of the child to the mother's Muslim aunt. The court ruled that "the Baha'i or Babiya faith is not an Islamic creed and that he who embraces this creed is not a Muslim and has committed apostasy." As the mother had converted to the Baha'i faith, she is considered an apostate, and thus cannot retain custody of a child born a Muslim. The family had fled the country after the lawsuit was filed and were not in the country at the time the judgement was handed down.¹¹ In a similar case in August 2009, a Cairo Family Court awarded a Muslim grandfather the custody of his grandchild after the child's Muslim parents converted to the Baha'i faith. Again, the parents and child had already left the country when the judgement was handed down.¹²

⁶ National Council for Human Rights 2010, *The Sixth Annual Report of the National Council for Human Rights 2009-2010* http://nchregypt.org/en/images/files/NCHR%206_docx.pdf – Accessed 15 November 2010 – Attachment 6.

⁷ 'NHRC calls for indicating non-Abrahamic faiths on national ID cards' 2010, *Al-Masry Al-Youm*, 27 October <http://www.almasryalyoum.com/en/news/nhrc-calls-indicating-non-abrahamic-faiths-national-id-cards> - Accessed 17 November 2010 – Attachment 7. For further background on the debate over religion and identity cards in Egypt, see: Smelser, J. 2009, 'Egypt's ID cards and the Baha'i struggle for privacy', *The Review of Faith and International Affairs* website, 11 December <http://www.rfiaonline.org/extras/articles/587-egypt-bahai-id-cards> - Accessed 18 November – Attachment 8.

⁸ US Committee for International Religious Freedom 2010, *Annual Report of the United States Commission on International Religious Freedom*, May – Attachment 5.

⁹ Egyptian Initiative for Personal Rights 2010, *Two years of sectarian violence: What happened? Where do we begin? An analytical study of January 2008-January 2010*, April <http://eipr.org/en/report/2010/04/11/776/779> - Accessed 28 July 2010 – Attachment 9.

¹⁰ US Committee for International Religious Freedom 2010, *Annual Report of the United States Commission on International Religious Freedom*, May – Attachment 5.

¹¹ Egyptian Initiative for Personal Rights 2009, *Freedom of Religion and Belief in Egypt Quarterly Report, July - September 2009*, October – Attachment 10.

¹² 'Bahai daughter, Muslim father locked in court battle over child's custody' 2009, *Gulf News*, 9 August – Attachment 11.

Attachments

1. 'Administration' (undated), Australian Baha'is website
http://www.bahai.org.au/scripts/WebObjects.exe/BNO.woa/wa/pages?page=who_we_are/administration.html – Accessed 16 November 2010.
2. Deleted.
3. 'How to Become a Baha'i' (undated), Australian Baha'is website
http://www.bahai.org.au/scripts/WebObjects.exe/BNO.woa/wa/pages?page=who_we_are/become_a_bahai.html – Accessed 16 November 2010.
4. 'German parliament blasts Egypt's human rights record' 2010, *Al-Masry Al-Youm*, 7 November <http://www.almasryalyoum.com/en/news/german-parliament-blasts-egypt%E2%80%99s-human-rights-record-0> – Accessed 17 November 2010.
5. US Committee for International Religious Freedom 2010, *Annual Report of the United States Commission on International Religious Freedom*, May.
6. National Council for Human Rights 2010, *The Sixth Annual Report of the National Council for Human Rights 2009-2010* http://nchregypt.org/en/images/files/NCHR%206_docx.pdf – Accessed 15 November 2010.
7. 'NHRC calls for indicating non-Abrahamic faiths on national ID cards' 2010, *Al-Masry Al-Youm*, 27 October <http://www.almasryalyoum.com/en/news/nhrc-calls-indicating-non-abrahamic-faiths-national-id-cards> - Accessed 17 November 2010.
8. Smelser, J. 2009, 'Egypt's ID cards and the Baha'i struggle for privacy', The Review of Faith and International Affairs website, 11 December <http://www.rfiaonline.org/extras/articles/587-egypt-bahai-id-cards> - Accessed 18 November.
9. Egyptian Initiative for Personal Rights 2010, *Two years of sectarian violence: What happened? Where do we begin? An analytical study of January 2008-January 2010*, April <http://eipr.org/en/report/2010/04/11/776/779> - Accessed 28 July 2010.
10. Egyptian Initiative for Personal Rights 2009, *Freedom of Religion and Belief in Egypt Quarterly Report, July - September 2009*, October.
11. 'Bahai daughter, Muslim father locked in court battle over child's custody' 2009, *Gulf News*, 9 August. (CISNET Egypt CX231876)