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MINORITY RIGHTS GROUP INTERNATIONAL

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Minority Rights Group International (MRG) is an international non-governmental organisation working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 150 organisations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council, observer status with the African Commission on Human and Peoples' Rights, and is a civil society organisation registered with the Organization of American States.



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Executive Summary:

This memorandum is submitted by Minority Rights Group International (MRG) in advance of the second periodic review of Egypt at the Human Rights Council. It addresses three pressing issues which play a crucial role in the worryingly increasing vulnerability of religious minorities in Egypt. These pressing issues are: the persistent absence of legal recognition of certain religious minorities, despite constitutional guarantee of absolute freedom of religion; the continuing sectarian violence, in an environment of legal impunity; and finally the rise of hate speech and hate crime against religious minorities in Egypt. It summarises MRG's observations on the progress and shortcomings of Egypt, in relation to the implementation of relevant accepted recommendations, concerning the development of anti-discrimination legislation and the guarantee of Freedom of Religion to all minorities. This memorandum also includes MRG's recommendations to the Egyptian government on the formulation of the 2013 constitution, which were developed during a roundtable in October 2013 between MRG, minority representatives and members of the constitutional assembly, in an attempt to address all violations addressed below.

Freedom of Religion and Belief

Legal Recognition and Freedom to Practice:

Recommendations 96 and 142

Bahai's

While personal status issues in Egypt are informed by religious rather than civil law, this recognition only extends to Islam, Christianity and Judaism, not the Bahá'í faith. This means that many aspects of the lives of Bahá'í adherents, such as marriage, divorce and family relationships, are not recognized by the state. This exclusion was reinforced by the fatwa issued against them in 2003 by Al-Azhar, the prominent religious institution, supporting their continued ban as apostates. Their official 'invisibility' has also had a profound impact on their ability to participate in civil and political life, reflected in the controversy over identification cards described below. Though a 2009 ruling resolved some of these problems, marriage and Bahá'í personal law are still not acknowledged by the state, despite the ruling. Still, the prescriptions of the 1960 Presidential Decree, despite the revolution, have yet to be annulled. This means that despite the 2009 lifting of the restrictions on identification documents, discussed below, Bahá'í have still not received actual recognition as a religion from the state.

Bahá'í are also banned from any form of organization. The Constitutional Declaration of 2011 as well as the 2012 Constitution, while guaranteeing the “inviolable” right of freedom of religion, extended this only to Islam, Christianity and Judaism - meaning that Bahá'í are still prohibited from many basic freedoms, such as practicing their religious laws and constructing places of worship. Though Bahá'í representatives lobbied for the revised 2013 constitutional framework to expand religious freedoms to their community, this has not happened and Bahá'í remain unrecognized in the December 2013 draft.

Copts:

One of the defining characteristics of violence against Copts in Egypt is the arson and destruction of Christian churches. Importantly, this long term pattern of violence against churches has also occurred against a backdrop of institutionalized discrimination against Egypt's Christian community. These include stringent restrictions on the construction and renovation of churches, typically involving a slow and arbitrary process of official review and approval, in contrast to the more relaxed and often unenforced regulations on the building of mosques. Furthermore, by framing church construction as an area of ambiguous legality, the official regulations have had the effect of encouraging violent attacks against the church by interacting with popular prejudice in a “vicious circle”¹. While the 2012 Constitution directly acknowledged the right of Christians to a place of worship, the restrictions on church construction have yet to be repealed: an earlier attempt to create a single non-discriminatory legal framework for mosques and churches alike, following violence in May 2011, was not successfully passed.

Shi'a:

While they are adherents of Islam, Shi'a Muslims in Egypt are a “disfavoured” minority and have faced sustained hostility for their beliefs at both a popular and institutional level. Shi'a face popular and institutional resistance in their everyday life, concerning the exercise of social and economic rights and activities, but also their faith. In fact, their religious practices have often been restricted and viewed as a threat to national stability by religious and government officials – a tendency that has continued post-January 2011.

Ahmadis and Kor'anis

Information about Ahmadis and Kor'anis has become increasingly scarce since January 2011. Minority Rights Group attempt to contact members of these communities for its 2013 report on the status of minorities in Egypt was unsuccessful, as members expressed their concern for their safety and security if they were to participate in the research. In fact, the leadership of these communities has pointed to MRG that, due to their small size as communities, they had become an easy target for unnoticed state persecution, in the midst on instability. It remains important to consider these statements in relation to past incidents involving these communities. For example, in March 2010, government security officials arrested 11 Ahmadis on charges of “contempt of religion” and undermining national stability. They were detained for months before the final members of the group were

¹ Afifty, H., 'Without a prayer: Law and street combine to prevent church building, stoke sectarianism', Egypt Independent, 16 November 2012.

released in June that year. A number of Ahmadis were also detained in December 2010 on the same basis.

On the other hand, Quranists have also experienced state harassment due to their perception as unorthodox. The most recent known incidents in 2009 and 2010 illustrate the continuation of this harassment. In November 2009, a Quranist writer was detained at Cairo airport and refused the right to travel out of the country². In October 2010, a Quranist blogger was arrested in what was described as “forced disappearance”³ and remained in prison for three months before being released.

Jehovah’s Witnesses:

The situation pertaining to Jehovah’s Witnesses concerning the lack of available information and expressed concern of State’s persecution remains very similar to that of Ahmadis and Kor’anis. Despite repeated legal applications, court rulings have consistently denied them legal status, most recently in a December 2009 ruling. Nevertheless, incidents of surveillance and harassment of Jehovah’s Witnesses by state security continued in intervening years. Though the situation appears to have improved slightly since Mubarak’s departure in 2011, the group still faces monitoring and occasional obstruction of their right to worship.

Sectarian violence and legal impunity:

Recommendation 90

In reality, laws may be poorly enforced or manipulated selectively against minorities. More seriously, this context has enabled an environment for physical attacks against religious minorities. An extensive review of major incidents against minorities between 1998 and 2013 identified a number of recurring patterns in the state’s official response which have contributed to a climate of impunity⁴. These include: A consistent *denial of the existence of religious discrimination*, along with an unwillingness to address the issue of sectarianism in violent incidents, with officials frequently repositioning them as isolated events or the result of outside interference. This also includes a *failure to enforce rule of law* before, during and after attacks, due to lack of political will or capacity, resulting in inadequate prevention, prosecution and punishment of minority-related crimes. Furthermore, a *preference for reconciliation and appeasement*, which often is including referral to local community and religious leaders to help pacify both victims and perpetrators, with no differentiation between either and little emphasis on due judicial processes.

² Amer, P., ‘Quranist detained at Cairo airport, banned from travel’, Egypt Independent, 18 November 2009.

³ Sandels, A., ‘Rights group rally behind detained Quranist blogger’, Menassat, 8 December 2008, retrieved 19 November 2013, <http://www.menassat.com/?q=en/news-articles/5366-organizations-condemn-continued-detention-egyptian-quranist-blogger>

⁴ This included incidents at El-Kosheh in 1998 and 2000, the burning of Bahá’í homes in Soureniya in 2009, the bombing of the Alexandria Church in 2011, sectarian violence in El- Khosous in 2013 and the killing of Shi’a in Abu Musallim in 2013.

It is also important to highlight the tendency of the state to arrest religious minorities such as Copts but not Muslims during outbreaks of sectarian violence. This institutional indifference or even hostility has helped enable the more general sense of impunity that has characterized many attacks on Coptic churches. The government's reluctance to prosecute and punish crimes against religious minorities, such as the burning of houses and churches, is a major factor in the ongoing climate of impunity in Egypt. Incidents where minorities have been explicitly targeted have repeatedly been characterized by the failure of both the security forces to prevent violence and the judicial system to deliver adequate justice to its victims. The state has historically used reconciliation meetings to resolve deadly sectarian disputes, rather than the justice system, as a way to deal with incidents without acknowledging deeper sectarian tensions. The inadequacy of this approach has been demonstrated repeatedly in recent years. Initial reconciliation without adequate police protection at Kosheh in 2000, for example, failed to prevent the subsequent deaths of Copts. These failures to protect minorities and ensure their physical security were still apparent shortly before Morsi's removal, when four Shi'a were killed by a mob in a village outside Cairo after in June 2013. The inadequate official response was clear as riot police had been present during the incident but had not taken any action to bring it to a halt⁵. The problem has persisted in the wake of Morsi's removal, as evidenced by the wave of violence against Copts in August that security forces also failed to prevent⁶. These incidents illustrate the persistence, despite the apparent political transformation in Egypt since January 2011, of insecurity and weak rule of law for the country's religious minorities. Addressing these problems will require a systematic transformation of the police, judiciary and state policy.

Bahá'í were also the target of hostility as most evidently by the torching of several Bahá'í homes. Tragically, in February 2011 Bahá'í homes in Shouraneyya were again set on fire, with some reports alleging the involvement of state security officers in the attack⁷. Reports of renewed attacks against Bahá'í homes in the same location as the 2009 incidents indicated the failure of the state to address the issue of sectarian violence against the Bahai's⁸. In 2009, shortly after the Bahá'í community had been granted the legal right to leave the space on their identification cards blank, an outbreak of violence occurred against local Bahá'í in the village of Sharoniya, near Sohag. A crowd of villagers mobbed the houses of several Bahá'í families, burning homes and threatening the residents with death. As a result, around 30 Bahá'í living in the village were forced to leave⁹. Despite being carried out by a local mob, the incident was also triggered by hate speech and incitement to violence by a journalist on a nationally broadcast television program¹⁰. Furthermore, one victim of the attack testified that the incident had also been perpetrated with a degree of official complicity. The incident demonstrated that the law alone was not sufficient guarantee of protection without effective implementation and a change in popular attitudes towards minorities. These incidents were also enabled by the climate of impunity surrounding violence against minorities and the state's failure to take meaningful action. One year after the attacks, the state had yet to

⁵ Human Rights Watch, June 2013

⁶ Amnesty International, October 2013

⁷ Ibid

⁸ Fadl, E., 'Rights group suspects security involvement in Bahá'í home fires', Daily News Egypt, 23 February 2011.

⁹ AFP, 'Egypt village mob torches Bahá'í homes', 2 April 2009

¹⁰ France 24, 'Journalist launches fierce attack against Bahá'í "traitors"', 13 April 2009.

prosecute a single person involved in the attack – a situation that one representative of the Egyptian Initiative for Personal Rights warned gave a “green light” to further attacks¹¹. Their security also remains an issue, as Salafi leaders have also continued to agitate against Bahá’í as a threat to national stability¹². The perpetrators remain unpunished¹³.

Sectarian violence has also reached the Shi’a and Sufis. In fact, tensions culminated in violence in June 2013, when a mob led by Salafist sheikhs attacked Shi’a in the village of Abu Musallim, in Giza governorate, killing four people, including a prominent Shi’a figure, Sheikh Hassan Shehata¹⁴. It is important to note that in 2009, around 300 Shi’a were imprisoned by state authorities without explanation¹⁵. The 2009–10 annual report of the National Council for Human Rights (NCHR) subsequently highlighted increased sectarian tension towards Shi’a. Anti-Shi’a feeling remains strong in post-revolutionary Egypt

On the other hand, Sufi’s increasing political involvement 25 January 2011, has brought attention to the community and increased their vulnerability to sectarian violence. In fact, there have been a rising number of incidents against Sufi places of worship in the post-revolutionary period, with the Secretary-General of the Union of Sufis in Egypt claiming that more than 100 attacks against shrines had taken place¹⁶.

Hate speech and hate crime:

Hate speech remains a prominent issue in the post-revolutionary context. Besides demeaning minority groups and reinforcing negative stereotypes, hate speech can also directly contribute to violent attacks¹⁷. In the context of social instability and weak rule of law, as is currently the case in Egypt, the dangers of hostile or denigrating political rhetoric, media coverage and popular representations are particularly high. Despite the emphasis of the 25 January 2011 uprising on civil liberties and protections, since the fall of Mubarak there has been a consistent failure to tackle the spread of hate speech in Egypt. At times it has even appeared to have been officially tolerated by the government. In fact, in June 2013, the State failed to condemn hateful and violent rhetoric by other speakers at a pro-government ‘No to Violence’¹⁸.

¹¹ Egyptian Initiative for Personal Rights, ‘One year after sectarian attacks on Bahá’í in Shuraniya: No accountability for inciters or assailants; no justice for displaced Bahá’í families’, 31 March 2010, retrieved 19 November 2013, <http://eipr.org/en/pressrelease/2010/03/31/712>.

¹² Egypt Independent, ‘Shahat: Bahá’í’s threaten Egypt’s national security’, 18 February 2012, retrieved 19 November 2013, <http://www.egyptindependent.com/news/shahat-Bahá’í-threaten-egypts-national-security>

¹³ Egyptian Initiative for Personal Rights, ‘One year after sectarian attacks on Bahá’í in Shuraniya: No accountability for inciters or assailants; no justice for displaced Bahá’í families’, 31 March 2010, retrieved 19 November 2013, <http://eipr.org/en/pressrelease/2010/03/31/712>

¹⁴ Human Rights Watch, ‘Egypt: Lynching of Shi’a follows months of hate speech’, 27 June 2013.

¹⁵ Esposti, E.D., ‘The plight of Egypt’s forgotten Shi’a minority’, *New Statesman*, 3 July 2012.

¹⁶ Ammar, op. cit.

¹⁷ Baldwin, C., Chapman, C. and Gray, Z., *Minority Rights: The Key to Conflict Prevention*, Minority Rights Group, London, 2007.

¹⁸ Ahram Online, ‘Egypt’s Morsi “ignored hate speech” at Friday rally: NSF’, 23 June 2013, retrieved 19 November 2013, <http://english.ahram.org.eg/News/74689.aspx>

The use of hate speech by religious and political representatives has also been linked to sectarian violence, including the murder of four Shi'a in Greater Cairo in June 2013¹⁹. Besides political speeches, religious platforms and the published press, hate speech against Copts, Shi'a, Jews and Bahá'í is also prevalent on television channels. While this was an ongoing problem under Mubarak, the lifting of restrictions since 2011 has led to a renewed focus on this issue²⁰. Hate speech has continued to be a cause for concern in Egypt in the months after Morsi's removal. In August 2013, for example, an Egyptian Catholic leader accused the post-Morsi interim government of failing to take meaningful action to tackle hate speech in religious sermons that he linked directly to attacks against Christian churches that month²¹. Shi'a representatives advocating for stronger legal protections against hate speech also complained in November 2013 that the Constituent Assembly drafting the new constitution had failed to allow them meaningful participation or consultation in its development²². This suggests that Egypt's enabling environment for hate speech, together with the government's apparent inability or lack of interest in addressing it, could easily continue unaffected by the country's recent political upheaval. The killing of four Shi'a in the village of Abu Musallim, outside Cairo, on 23 June 2013 demonstrated the deadly potential of hate speech in Egypt's volatile post-revolutionary context. Importantly, though, this was not simply a localized incident of sectarian violence but also a symptom of a broader intensification of hate speech against Shi'a by religious leaders, government officials, media figures and other prominent actors since the fall of Mubarak, including repeated anti-Shi'a pronouncements from members of Al Azhar and denigrating posters with logos of major Islamist parties. More generally, the continued refusal of the government to recognize Shi'a religious rights helped validate the spread of hate speech against them²³. The Arab Network for Human Rights Information, a nongovernmental organization based in Cairo, highlighted the clear evidence of rising hate speech in the weeks before the attack and condemned the failure of security forces to take any measures to prevent the violence²⁴.

Blasphemy:

While the 2012 Constitution continued to stipulate certain rights, such as freedom of expression, political participation and equality before the law, its guarantee of religious freedom specifically refers to the 'heavenly religions' (Islam, Christianity and Judaism). This ambiguity undermines the very principle of religious freedom and also reflected an increasingly prosecutorial attitude towards minorities for blasphemy and other faith-related

¹⁹ Human Rights Watch, June 2013, op. cit.

²⁰ El Masry, S., 'A polarized media: Religious satellite TV channels', Daily News Egypt, 3 April 2013, retrieved 19 November 2013, <http://www.dailynewsegypt.com/2013/04/03/a-polarised-media-religious-satellite-tv-channels/>

²¹ Martone, J., 'Egypt not condemning hate speech, patriarch says', The Catholic Register, 30 August 2013, retrieved 19 November 2013, <http://www.catholicregister.org/news/international/item/16793-egypt-not-condemning-hate-speech-patriarch-says>

²² Adib, M., 'Shi'a demand constitutional rights, protection from hate speech', Egypt Independent, 10 November 2013, retrieved 19 November 2013, <http://www.egyptindependent.com/news/Shi'a-demand-constitutional-rights-protection-hate-speech>

²³ Al-Tawy, A., 'Egypt's Islamists under fire over Shi'a mob killings', Ahram Online, 24 June 2013, retrieved 19 November 2013, <http://english.ahram.org.eg/News/74821.aspx>

²⁴ Al-Masry Al-Youm, 'Minister defends police role in Giza sectarian killing', Egypt Independent, 25 June 2013, retrieved 19 November 2013, <http://www.egyptindependent.com/news/minister-defends-police-role-giza-sectarian-killing>

issues, such as the arrest of two Coptic children in October 2012 for alleged contempt of religion²⁵.

Abduction and forced conversion:

Sectarian violence can also take on a strong gendered dimension against a broader backdrop of poorly enforced women's rights. One form of gender-based violence against minorities that is particularly entrenched is the forced abduction of Coptic girls and women. This practice has attracted increasing attention in recent years. This can even involve girls below the legal age in Egyptian law at which a person can change his or her religion²⁶. More recent reports suggest that these kidnappings, which some estimates suggest amount to hundreds of cases annually, often involve abduction, drugging, sexual assault, forced conversion and forced marriage²⁷. The lack of official measures to prevent the practice is indicative of the government's refusal to recognize and address the problem as a matter of urgency²⁸.

²⁵ About Enein, A., 'Coptic children arrested and charged with "contempt of religion"', Daily News Egypt, 3 October 2012.

²⁶ Clark, M. and Ghaly, N., Tell My Mother I Miss Her: The Disappearance, Forced Conversions and Forced Marriages of Coptic Christian Women in Egypt (II), Christian Solidarity Initiative, July 2012, retrieved 19 November 2013, <http://csi-usa.org/TellMyMotherIMissHer.pdf>

²⁷ For example, see Clark and Ghaly, op.cit; Sagnip, J., 'Plight of Coptic Christians in Egypt topic of hearing broadcast by C-Span', 22 July 2011, retrieved 19 November 2013, <http://chrissmith.house.gov/news/documentsingle.aspx?DocumentID=253570>.

²⁸ Clark and Ghaly, op.cit