



## **Human Rights Abuses Committed in Egypt**

Submission to the United Nations Universal Periodic Review of the  
Arab Republic of Egypt  
Thirty-Fourth Session of the UPR  
Human Rights Council  
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Jubilee Campaign is a non-profit organization which promotes the human rights and religious liberty of ethnic and religious minorities. We assist individuals and families seeking asylum in the West from religious-based persecution as well as promoting the care and well-being of larger groups of refugees fleeing religious and ethnic persecution. Jubilee Campaign holds consultative status at the United Nations from the Economic and Social Council.

## **United Nations Human Rights Council**

### **Universal Periodic Review of Member-State Arab Republic of Egypt**

#### **Background**

Jubilee Campaign USA, Inc., in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in Egypt as a contribution to the Universal Periodic Review of UNHRC member-state Egypt.

#### **I. Implementation of international human rights obligations**

Egypt is party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the International Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

##### **A. Freedom of Religion and Freedom of Expression**

1. According to their Constitution, the Arab Republic of Egypt is a democratic republic based on citizenship and the rule of law (Article 1). Islam is the official State religion and the principles of Islamic Sharia are the principle source of legislation. (Article 2). The constitution adds however that, "the principles of the laws of Egyptian Christians and Jews are the main source of laws regulating their personal status, religious affairs, and selection of spiritual leaders" (Article 3). Regarding freedom of religion the constitution states, "Freedom of belief is absolute. The freedom of practicing religious rituals and establishing places of worship for the followers of revealed religions is a right organized by law," (Article 64).
2. Egypt has taken positive steps in fulfilling the recommendations to encourage initiatives aimed at promoting respect and religious tolerance. The gestures of the President Abdel Fattah al-Sisi for the minorities by attending the Christmas eve celebrations and his statement in November 2018 calling for a reform in religious discourse are encouraging. These gestures give much-needed hope to the minorities but need to be followed by changes on the ground to be effective.
3. Individuals who convert from Islam to another religion or none face problems. Firstly they are unable to register their new religion in their identity cards. The case of Mohammed Hegazy is an example. He converted to Christianity in 1998 he tried in 2007 to change his religion in his identity card to Christianity in order for him to raise his child openly as Christian. His case was not resolved and he spent several years in prison in poor conditions until he returned to Islam in 2017 and was released. The freedom of religion according to Article 18 of the Universal Declaration of Human Rights (UDHR) includes the right to leave a religion or belief. In contrast, people from Christian and Bahai faith who wish to convert to Islam can change their identity card easily.

4. While Egypt promised to work on promoting religious freedom and understanding it is problematic that the Grand Imam Ahmed Al-Tayeb of Azhar condoned the death sentence for someone who leaves Islam. He called the act of leaving Islam a crime.<sup>1</sup>
5. Egypt still has a limit to free speech. In 2018 a Copt was sentenced to three years in prison for blasphemy for a facebook post. In one case mobs attacked an individual's family for free speech practiced outside the country in 2015.
6. Jubilee Campaign remains concerned with the reports of forced conversions in the Minya area.
7. Christians still face discrimination in education and their work places.
8. Egypt needs to ensure that police are not complicit in the discrimination and grant them incentives to follow the constitution.

## **B. Houses of Worship**

9. We commend the President's solidarity with the victims of the bomb attacks of the churches, the current building of a church, and the work being done to ensure security in places of worship for minorities. However, security reasons have been used to justify the shutdown of over 8 churches.<sup>2</sup>
10. The 2016 law regulating the building of churches was passed by the Egyptian parliament to make it easier for churches to register their buildings. The process has however proven to be slow. Since its introduction in 2016 only 600 churches have been granted permission and more than 3000 applications are still waiting to be processed.
11. Church leaders have also expressed concerns with the criteria placed on the permission for church buildings since it relies heavily on the local governors who have shown deep-rooted discrimination of Christians. Permission also depends on "number and need" of the church building which is an issue as the population of Christians is constantly contested.
12. In 2018 alone mobs attacked eight churches that were applying for official registration. Police close the churches to pacify the mobs and even arrested the Copts seeking to meet despite the law saying that "during the wait individuals are able to meet." This contravenes with article 9 (1) of ICCPR.

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<sup>1</sup> Egypt's Top "Moderate" Cleric: Apostasy a "Crime" Punishable by Death by Raymond Ibrahim, <<https://www.meforum.org/6149/egypt-top-moderate-cleric-apostasy-a-crime>>. page 18. Accessed 26 March 2019.

<sup>2</sup> *Muslim mobs force closure of 8 Coptic churches seeking 'official' recognition*, <<https://www.worldwatchmonitor.org/2018/08/egypt-muslim-mobs-force-closure-of-8-coptic-churches-seeking-official-recognition/>>, Accessed 26 March 2019.

13. Impunity towards these mobs was mentioned by Jubilee Campaign and other civil society in the previous review, unfortunately they still continue. Reconciliation meetings are good but not in lieu of the court of law especially in regards to serious crimes.
14. Violence against churches still increases, especially in Minya. Security is used as a reason to pacify religious hostility and close down churches. The people who threaten safety should not be able to steer how the country is to apply its own constitution.
15. Children of individuals who are former Muslims both Egyptian nationals and Arab refugees are forced to practice Islam if they attend a public school since they are not able to change their religion in their ID cards. Practicing a religion should not be a criteria for attending public school.

### **Summary of A and B Recommendations**

16. Allow converts from Islam to Christianity, the Bahai religion and other beliefs or non-beliefs to practice their new found faith in accordance with Article 18 UDHR and facilitate the changing of their religion in their identity cards.
17. Allow Muslims the same right to change their religion in their identity cards as Bahai's and Christians and to practice their new faith without discrimination.
18. Remove religion from identity cards to hinder discrimination of minority beliefs and converts.
19. Recognise the Bahai faith.
20. Ensure that violence against places of worship is addressed and that people are not arbitrarily arrested.
21. Train the police force in the importance of implementing the constitution.
22. Remove Islam as a State religion from the constitution as it provides confusion for judges who seek to apply the law. In divorce cases it has allowed judges to circumvent Egyptian citizen's civil rights. If this is impossible, invite ICJ or similar organisations to train Egyptian judges in higher and lower courts to apply the laws of Egypt with a human rights perspective, in line with the international treaties Egypt is a party to.
23. Take clear steps to improve the security of churches and other places of worship and practice of belief. If needed, call on a special envoy to monitor the situation.
24. Reconciliation meetings should be conducted by an impartial individual and should not take the place of due process for violent crimes such as murder and arson.

25. Egypt mentioned as steps taken, the spread of “principles of a tolerant Islam and the acceptance of others in Egypt and abroad.” This should not only be preached in Al-Azhar. Individuals should meet with the clergy and leaders in the villages in Minya and explain the respect of other faiths or none as well as encourage the existence of each faith community’s right to a place of worship.
26. Egypt should ensure that children at a young age are taught to respect people of different religious faiths and to treat them equally. Discriminatory language in textbooks should be removed.

### **C. Women’s Rights: Discrimination in Legislation and in Practice**

27. We commend Egypt on their work against FGM and note Egypt’s introduction of the June 4, 2014 law criminalising sexual harassment for the first time in Egypt under Article 25 of the Penal Code.
28. In November 2018 the Grand Mufti of Al-Azhar said that equal inheritance for women is un-Islamic. This statement is in contravention of CEDAW which grants women equality.<sup>3</sup>
29. The presence of Islam as a state religion leaves the door open to Sharia and other religious laws hindering women from fully enjoying their civil rights. As early as 1985, in a divorce case, the court ruled in favour of *Sharia* law despite an ordinance allowing a woman to divorce her husband if he remarried.<sup>4</sup> The existence of sharia law parallel with the Egyptian civil code discriminates against Muslim women’s right to marriage, because a Muslim woman is not allowed to marry a non-muslim man. These laws are in contravention of CEDAW article 16.1 (c).
30. Labor laws are in place to guarantee equal pay to men and women, but these were not always enforced.
31. In 2018 a man and a woman kidnapped a Coptic girl as she was leaving church. They drugged her but luckily she was able to escape. Many other young girls are not as lucky. Some are forcefully kidnapped, and others are seduced or abducted by men who then hand the girl over to be married off.<sup>5</sup>

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<sup>3</sup> Al-Azhar professor supports inheritance equalization between sexes, <<https://www.egyptindependent.com/al-azhar-professor-supports-inheritance-equalization-between-sexes/>> Accessed 26 March 2019. *Debate heats up in Egypt over women’s inheritance rights*, <<https://theArabweekly.com/debate-heats-egypt-over-womens-inheritance-rights>>, Accessed 26 March 2019.

<sup>4</sup> Bernard-Maugiron, “Les Femmes et la rupture de mariage en Egypte,” *Cahiers d’etudes africaines*, Volume 187-188., 2007 at para. 46.

<sup>5</sup> <<https://www.worldwatchmonitor.org/2018/05/egypts-disappearing-coptic-women-and-girls/>>, Accessed 27 March 2019.

32. At least 7 coptic women and girls were kidnapped in one month in 2018 with reports of forced conversions. This phenomena is not new. Egypt needs to do more to crackdown on the Islamists who are head-spearing these enforced disappearances and forced marriages.<sup>6</sup>

#### **Recommendations:**

33. In line with France's recommendation we urge Egypt to remove its reservations to CEDAW, which Egypt supported but have not taken any steps to address this in parliament.
34. Grant women the right to choose their spouse, and grant muslim women the right to marry a non-muslim just as the men do in accordance with article 16.1 (c) CEDAW.
35. Take actions to ensure the safety of Christian women.

#### **D. Rights of Children: Sexual and Domestic Trafficking**

36. Egypt is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and sexual exploitation.
37. While Egypt has increase the prosecution of traffickers. Victims of trafficking are still vulnerable to arrest and do not receive the help they need.<sup>7</sup>

#### **E. Rights of Refugees**

38. The constitution includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the country has no national legislative framework or system for granting asylum.
39. Egypt is party to the 1951 UN Refugee Convention and its Protocol, with reservations in relation to personal status, rationing, and public relief and education. It is also a signatory to the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa. Article 91 of the country's 2014 Constitution provides that political asylum must be available to anyone who has been persecuted for defending human rights, peace, or justice.
40. Despite these provisions, national determination procedures have not yet been developed for the recognition of refugees. In addition, Egyptian law does not provide protection for stateless persons, and Egypt is not a party to either of the 1954 or 1961 statelessness conventions.

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<sup>6</sup> <<https://www.worldwatchmonitor.org/2018/05/egypts-disappearing-coptic-women-and-girls/>>, Accessed 27 March 2019.

<sup>7</sup>TIP office Trafficking in Persons Report 2018.

41. The forced return of Eritreans in particular has been a long-standing problem in Egypt, and Sudanese asylum seekers and migrants appear to be increasingly vulnerable. According to Amnesty International, the country deported at least 50 asylum seekers—including two young children—from Eritrea, Ethiopia, and Sudan between January and April 2017. These actions contravened the principle of non-refoulement.<sup>8</sup>
42. Detention facilities are often over-crowded and the detainees are unable to lay down. There is limited access to food for detainees including refugees.<sup>9</sup>

### **Recommendations**

43. Egypt should ensure that asylum seekers are not returned to their home countries unwillingly in contravention with the principle of non-refoulement.
44. Egypt should ensure due process for those arrested.
45. Egypt should ameliorate the visa process for refugees with the UNHCR card so that they are able to enjoy free movement.

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<sup>8</sup> <<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/>>, Accessed 26 March 2019.

<sup>9</sup> <[https://www.globaldetentionproject.org/countries/africa/egypt#\\_ftn32](https://www.globaldetentionproject.org/countries/africa/egypt#_ftn32)>, Accessed 26 March 2019.