



# Minority Rights Group International

## Alternative Report for

## EGYPT

### Human Rights Committee

### 137<sup>th</sup> Session

Geneva, 27 February - 24 March 2023

**Minority Rights Group International (MRG)** is a non-governmental organization (NGO) working to secure the rights of ethnic, religious, and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing, and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples. MRG works with over 150 organizations in nearly 50 countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR).

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## **Introduction**

1. This submission to the Human Rights Committee (hereafter the Committee) ahead of the adoption of the Concluding Observations for Egypt at its 137<sup>th</sup> session is based on the information gathered by Minority Rights Group International. It provides information on the civil and political rights of persons belonging to religious and ethnic minorities in Egypt. This includes inhabitants of the country belonging to different ethnic groups, including Nubians, Amazigh and Bedouins, as well as religious minorities like Christians, Bahá'ís, Jews, Jehovah Witnesses and others.

## **Non-discrimination**

2. Article 53 of the Constitution provides that “Citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against on the basis of religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason. Discrimination and incitement to hate are crimes punishable by law. The state shall take all necessary measures to eliminate all forms of discrimination, and the law shall regulate the establishment of an independent commission for this purpose.<sup>1</sup>”
3. Furthermore, in the Penal Code, article 161bis which bans discrimination states in paragraph one, that "Any person who commits an act that would discriminate between individuals or against a group of people due to gender, origin, language, religion or creed, shall be punished by imprisonment and a fine not less than 30,000 pounds and not more than 50,000 pounds or one of the two penalties and discrimination results in a waste of the principle of equal opportunities, social justice or public order.<sup>2</sup>"
4. However, despite this, cases of discrimination fail to receive sufficient attention nor justice by the relevant judicial authorities. A well-documented case that took place in late 2017 involves a female Christian member of the High Council of the Administrative Prosecution Authority (APA), who has not been nominated to the position of the Head of the APA by members of the High Council despite being the most senior in the APA's council. The internal discussions have allegedly focused on her faith and resistance to the idea of a Christian woman presiding

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<sup>1</sup> [https://www.constituteproject.org/constitution/Egypt\\_2019.pdf?lang=en](https://www.constituteproject.org/constitution/Egypt_2019.pdf?lang=en)

<sup>2</sup> <https://manshurat.org/node/14677>

over her Muslim colleagues. Her Muslim colleague, who reported this incident and subsequently challenged the nomination process, has been dismissed as a result and has taken his case to the Council of State to appeal.

5. A mechanism for reporting incidents of discrimination while ensuring protection of whistleblowers would help provide a measure of protection to Christians at risk of discrimination. This needs to be addressed by the anti-discrimination commission, , outlined in Article 53 of the 2014 Constitution, that is of February 2023 yet to be formed. The failure to date to establish this commission has in turn delayed the implementation of other constitutional provisions intended to protect citizens from discrimination by state officials and third parties.

#### **Recommendation:**

- **Fully implementing the legal and constitutional provisions regarding nondiscrimination and take measures to establish the non-discrimination commission mentioned in the constitution article 53.**

#### **Rights of Minorities to Practice their Culture and Language**

6. The government of Egypt, has a restricted understanding of minorities, namely only foreign individuals who are present in Egypt, and in their country would be recognized as minorities. It has systematically denied that there are minorities among the Egyptian citizenry. The 2006 statement of the Egyptian delegation to the Working Group on Minorities stipulated that “throughout its long history and ancient civilization [the Egyptian state] has not known the concept of minority, as Egypt is a melting pot in which different religions, cultures, and races have melded through the ages.”<sup>3</sup> The statement added that within this understanding of the nation, “the true guarantee of the rights of all citizens is that the State respects them without discrimination.”<sup>4</sup> The statement goes on to rule out any discussion on minorities, based on the assumption that this concept is readily used “to destabilize peoples and fracture national unity.” This position remains to this day.

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<sup>3</sup> Egypt's Permanent Delegation to Geneva (10 August 2006), *Egypt's statement to the Working Group on Minorities, a subsidiary of the Sub-Commission on [the Promotion and Protection of] Human Rights, United Nations*, Available at <http://docstore.ohchr.org/>

<sup>4</sup> Egypt's Permanent Delegation to Geneva (10 August 2006), *Egypt's statement to the Working Group on Minorities, a subsidiary of the Sub-Commission on [the Promotion and Protection of] Human Rights, United Nations*, Available at <http://docstore.ohchr.org/>

7. This denial of the relevance of the concept of “minorities” in the country by the Egyptian authorities, results in a denial of its positive obligations under article 27 of the Covenant, particularly those related to the right of minorities to use their own language. Coptic and Nubian activists that have been attempting to teach their language are usually summoned to the National Security Headquarters and questioned on their reasoning to have language classes, disallowing several cases of minority language learning<sup>5</sup>.
8. Similarly, the Egyptian authorities have rejected a number of local initiatives to include the Coptic language as part of official educational curricula put forward by Coptic and Muslim activists. The authorities have even summoned and questioned Coptic activists making this demand. In July 2019, a Coptic activist presented a proposal to the Minister of Education through a formal memorandum calling for the creation of a clear timeline for teaching Coptic in schools, applying the UNESCO Convention Against Discrimination in Education, and establishing a separate curriculum for the Coptic language. As a reaction, authorities arrested the activist in November 2019 and detained him, just before he was due to travel to the UN Forum on Minority Issues to testify on that year’s theme, namely ‘Education, Language and the Human Rights of Minorities’<sup>6</sup>.
9. Nubian demands for the right to have the Nubian language recognized and taught arose during the drafting of the 2014 Constitution. A Nubian member of the Committee of 50, made a demand to teach the Nubian language in schools, along with resettlement of Nubians to their former villages on the banks of Lake Nasser. This demand was met with disapproval by other members of the Committee of 50, who regarded the call to recognize the Nubian language in the Constitution as a prelude to Nubian secession from Egypt<sup>7</sup>.
10. This restricted understanding of minorities, and their rights, led to a weak framework of the protection of cultural and linguistic rights by Article 48 of the Constitution. While the article stipulates that 'culture is the right of every citizen,' it adds: 'The State shall secure this right and is obliged to support it and make cultural materials of all types available to the various groups of people, without discrimination on grounds of financial capacity, geographical location, or other grounds.'<sup>8</sup> This article mentions a right to “culture” in a singular form, and fails to include racial,

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<sup>5</sup> Interviews with Coptic and Nubian activists

<sup>6</sup> <https://cihrs.org/egypt-immediately-release-coptic-activist-ramy-kamel/?lang=en>

<sup>7</sup> <https://gate.ahram.org.eg/News/420205.aspx>

<sup>8</sup> [https://www.constituteproject.org/constitution/Egypt\\_2019.pdf?lang=en](https://www.constituteproject.org/constitution/Egypt_2019.pdf?lang=en)

religious or linguistic differences as an explicit ground for which access to culture should not be discriminated against. Hence, an amendment of the constitutional article to include explicitly the right of linguistic minorities in the country should protect the right of linguistic minorities to carry out educational activities.

### **Recommendations:**

- **The state should protect and uphold the right of persons belonging to linguistic minorities in the country to practice their language, teach it, learn it, use it individually and collectively, and acknowledge that right in the constitution.**
- **The state should amend article 48 in the constitution, to acknowledge and protect the rights of linguistic minorities to teach their language. Furthermore, explicitly include religious, ethnic and linguistic differences as impermissible grounds for discrimination in article 48 of the Constitution.**

### **Freedom of Religion or Belief**

11. A number of articles of the Constitution are inherently discriminatory on the basis of religion or belief. This includes Article 64 which states that “The freedom of practicing religious rituals and establishing places of worship for the followers of revealed religions is a right organized by law”<sup>9</sup>. This creates a hierarchy between “revealed” religions and other faiths and belief systems that are neither recognized nor the object of the protection afforded by article 64. For example, Bahai’s have had their spiritual assemblies dissolved by law 263/1960 effectively banning any practices that these assemblies were carrying out.<sup>10</sup> Non-Sunni Muslims, such as Shi’a and Ahmadis are also unrecognized and face serious restrictions in their ability to worship freely. There are currently no Shi’a congregation halls in Egypt, for example, and Shi’a practitioners continue to be harassed by police and security officials<sup>11</sup>. Non-recognized Christian denominations such as the Jehovah’s Witnesses have been restricted in practicing their religious rituals publicly, having to meet discretely at homes. In 2020, they were reportedly harassed by

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<sup>9</sup> [https://www.constituteproject.org/constitution/Egypt\\_2019.pdf?lang=en](https://www.constituteproject.org/constitution/Egypt_2019.pdf?lang=en)

<sup>10</sup> <https://lawyers-blog.online/blog/article/law-no-263-of-1960-b1895>

<sup>11</sup> [https://minorityrights.org/wp-content/uploads/2019/01/MRG\\_Rep\\_Egypt\\_EN\\_Jan19.pdf](https://minorityrights.org/wp-content/uploads/2019/01/MRG_Rep_Egypt_EN_Jan19.pdf) pg 19

security after attempting to rent a place to practice their rituals. The Jehovah's witnesses have been de-registered in 1960 as an association, and have not been able to register since<sup>12</sup>.

12. Restrictions on freedom of religion or belief also translate into restrictive measures taken against persons belonging to religious or belief minorities, including non-believers. In September 2022, the Supreme Administrative Court of the State Council upheld a previous decision to fire a professor from her work, citing that she denied some of the religion's basics. The court stated that "freedom of belief is guaranteed as long as it remains confined to oneself without speaking out in public what contradicts the heavenly religions and teaching it to students what is contrary to the basics of religion."<sup>13</sup> This understanding of Freedom of Religion or Belief is not compatible with international legal standards, including the Covenant.
13. Regarding the right to pray collectively for Christians, the Church Building Law 80/2016 while considered by some a step forward in legislating for the building of churches, has discriminatory effects and violates Art.18 of the Covenant. Previous research by MRG has shown how the law had many problematic articles including the stipulation that churches must reflect the size and demand of the surrounding Christian population (Article 2), the requirements of approval from the governor within four months (Article 5) and the relevant administrative authorities (Article 6). These vague and onerous requirements are in contrast with the much simpler and less restrictive requirements contained in the 2001 law on the building of mosques. Furthermore, no efforts have been made to amend the Church-building law nor to grant the right to build houses of worship equally to different religions and denominations present in the country<sup>14</sup>.
14. According to the Council of Ministers [Facebook Page](#), around 2599 Churches have been legalized as of 24 January 2023 out of a total of 5,415 requests received, representing about 47% of the requests that had been submitted. However, there are a number of problematic issues that remain:
15. The continued irregularities regarding the denial of licensing of new Churches: requests for building new churches need to receive an approval or a rejection within four months maximum according to the law, there have been cases in which they have received neither an approval nor

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<sup>12</sup> <https://www.europeantimes.news/2022/01/egypt-jehovahs-witnesses-banned-since-1960-call-upon-the-un-human-rights-committee/>

<sup>13</sup> <https://www.cairo24.com/1652145>

<sup>14</sup> [https://minorityrights.org/wp-content/uploads/2019/01/MRG\\_Rep\\_Egypt\\_EN\\_Jan19.pdf](https://minorityrights.org/wp-content/uploads/2019/01/MRG_Rep_Egypt_EN_Jan19.pdf) p8

a rejection (that may be appealed)<sup>15</sup>. This not only disallows the community from building the church but also prevents the community from appealing the rejection decision.

16. Regarding the renovation of churches, the law restricts possibilities to repair churches as it requires permits that can only be obtained through a usually long and troublesome process. However, churches that have been granted a permit to renovate one or more of its facilities, have been sometimes prevented from continuing the renovation process after attacks by mobs. The mobs attacks' have rarely been prosecuted. In December 2022, mobs attacks prevented the completion of the ceiling of the Church of the Virgin in Abis Village in Beheira, despite obtaining an official permit, and none of the perpetrators were held accountable. In December 2021, 9 residents of a Ezbet Farag Allah village in Minya had been arrested on terrorism charges, and kept in custody for three months for protesting against the authorities ignoring their request for a license to rebuild their demolished church. An official decision was issued to demolish it after it was burnt in 2016, and they have not obtained approval to rebuild the church, reflecting the difficulty to obtain licenses for renovations that persist.
17. The law prohibits the closure of churches that have been established prior to the law without a permit, but in which prayers are already being held. According to the 2016 law, these churches should not be closed either while awaiting the legalization for their status or even if they do not have the necessary criteria for legislation. However, there have been many cases of churches closed on security orders, often after Muslim villagers had mobilized against the church. 25 such cases were reported between the beginning of the enactment of the law in 2016 and 2019<sup>16</sup>.
18. Cases in which villagers had no access to a church, and protested peacefully to denounce that situation found themselves arbitrarily detained and charged with terror charges. The case includes the 9 residents of Ezbet Farag Allah village, Minya who were arrested on 30 January 2022 and released on 24 April 2022. Their arrest not only highlights the restrictions on freedom of religion or belief but also the arbitrary use of terrorism legislation to arrest and prosecute peaceful forms of dissent<sup>17</sup>.

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<sup>15</sup> <https://www.copts-united.com/Article.php?I=4710&A=699064>

<sup>16</sup> EIPR (2021). Five years after the Church Building Law. Available online <[here](#)>

<sup>17</sup> <http://copts-united.org/Article.php?I=4760&A=704154>

## **Recommendations:**

- **Remove all discriminatory provisions in the Constitution, including the restriction of legal recognition to the ‘heavenly religions’, to ensure full equality before the law for persons belonging to all religions and beliefs without exception. The provision of the principles of Islamic Sharia in Article 2 as the main source of legislation should also be removed, and a civic code for personal status affairs should be established.**
- **The Government of Egypt should ensure that freedom of religion or belief, including individual and collective prayer, is granted equally to all members of religious groups and denominations. This includes the right to build prayer houses.**
- **Repeal the 2016 church building law and replace it with a unified legal framework for all places of worship. This should establish a single set of procedures and guidelines for the construction and renovation of all religious buildings, so that churches, mosques and other places of worship are governed by the same regulation. In the meantime, in line with existing legislation, security forces should not close unregistered places of worship even with the stated aim of maintaining ‘stability’.**

## **Discrimination in Access to Justice**

19. Coptic Christians face a number of violations regarding their right to access to justice, particularly because of the persistence of the recourse to intercommunal customary sessions of reconciliations following incidents of communal violence against Coptic Christians, instead of having recourse to ordinary justice that can hold perpetrators accountable, punish them and offer reparation to victims. A number of reconciliation sessions took place in a coerced manner, taking into consideration the balance of power of religious communities in certain localities. These reconciliation sessions often fail to offer effective remedies to victims and to offer a pathway for justice and accountability, and they can be mobilized for grave crimes, including murder, torture, theft, bullying or collective violence that should not be addressed exclusively through reconciliation sessions. The recent case of the reconciliation session that took place after the attacks in the Ashruba village in Beni Mazar Al Minya in January 2023, is a case in point. Coptic homes and shops were hit with stones, and some shops were looted, and the Church in the village was also attacked with stones



leading to 6 victims injured<sup>18</sup>. However, in the case of these attacks, the parties involved were allowed to walk away, after a few days of detention, without any prosecution<sup>19</sup>.

#### **Recommendation:**

- **Regulate reconciliation sessions between Christian and Muslim communities to ensure all processes are fair, transparent and impartial, consistent with alternative dispute resolution (ADR) best practices. These should conform with accepted legal and human rights standards, ensuring the autonomy of the arbitrators, the consent of all parties and impartial oversight by higher judicial bodies. Any outcome should be agreed by all groups and prioritize the rights of the victims themselves, not the impunity of the perpetrators. Reconciliation sessions should not be used to reach informal agreements in instances where serious crimes such as murder or communal violence against Christians have taken place.**

### **Freedom of Expression and Countering Hate-speech**

#### ***Violation of freedom of expression for minorities***

20. Blasphemy laws including Articles 98(f) and 160-161 of the Penal Code remain a primary legal vehicle used to stifle freedom of expression from persons belonging to religious or belief minorities, including non-believers. In recent years, the Penal Code, the Cybercrime Code and the Terrorism Code have been used separately or in tandem together with the existing blasphemy articles leading to further restrictions on Freedom of Expression for persons belonging to minorities.
21. Articles 98(f) and 160-161 of the Penal Code are broadly worded, and can be interpreted in a number of ways. The loosely worded articles allow for a variety of interpretations by judges and prosecutors that can lead to the violation to freedom of expression, especially for persons belonging to religious or belief minorities.
22. Furthermore, as the law applies only to the 3 “revealed” religions, the religions recognized in the constitution in Article 3 and 64, the blasphemy articles are discriminatory in nature. In

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<sup>18</sup> <https://vetotor.com/425784>

<sup>19</sup> <https://www.copts-united.com/Article.php?I=5065&A=737524>

practice, the laws were implemented to protect primarily Islam, and to a lesser extent Christianity<sup>20</sup>.

23. In the case of Islam, Al-Azhar has been deemed by the Council of State as the final arbiter in assessing what is considered a blasphemy against the Muslim faith. Relevant state institutions, including courts, consult Al-Azhar on whether audio or audio-visual publications or broadcasts should be deemed blasphemous or not<sup>21</sup>. The reference to official religious institutions of a particular creed (Sunni Islam) is, without a doubt, discriminatory as it excludes other beliefs, including minority Muslim faiths like Shi'ism, Ahmadism and Qur'anism. The mere expressions of these faiths have been regularly considered as forms of Blasphemy against Islam. Finding books in private spaces (homes) that express the views of these religions have been considered as evidence in legal proceedings for blasphemy after consultation with Al-Azhar.
24. Furthermore, laws limiting freedom of expression have multiplied in recent years. For example, Cybercrime Law No. 175 of 2018 (Law on Combating Information Technology Crimes) includes loosely worded articles that can be interpreted in ways that criminalize online expression protected under Art. 19 of the Covenant. Likewise, the Terror Law 8 of 2015 (amended 2020) adopt a broad and loose definition of “terrorist entities” to include those that do not use violence nor incite to it<sup>22</sup>. Hence, authorities have been able to prosecute various activists and minority rights defenders who want to see a change in laws and constitutional provisions as terrorist. Prosecutors have been able to classify cases, that would involve no violent means or incitement to it, as a terrorist case. These include cases that used to be classified as blasphemy cases, where people criticize a religion or one of its symbols. In the past 3 years, MRG documented a number of uses of these laws to target legitimate expression from religious or belief minorities, with 2 cases involving the blasphemy law, 5 cases (13 victims) involving terrorism legislation, and one case involving the cyber-crime code.

### ***Hate-speech against minorities***

25. Egypt is committed to prohibiting hate speech under the Constitution. However, more work is needed to ensure the consistency of the laws with the international legal framework. Article 176 of the Penal Code restricts some forms of hate speech: “Whoever incites in any of the

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<sup>20</sup> The State of Cultural Citizenship in Egypt, MRG Report, Chp4

<sup>21</sup> The State of Cultural Citizenship in Egypt, MRG Report, Chp4

<sup>22</sup> [https://afteegypt.org/legislations/legislative-analysis/2020/12/31/20610-afteegypt.html#\\_ftnref1](https://afteegypt.org/legislations/legislative-analysis/2020/12/31/20610-afteegypt.html#_ftnref1)

aforementioned ways to discriminate against one of the sects of people because of gender, origin, language, religion or creed, if such incitement leads to disturb public peace<sup>23</sup>.”In spite of this, hate speech against different religious and ethnic minorities remain common and rarely leads to actions to prevent or address hateful rhetoric.

26. Copts have been affected by hate speech in different ways, but importantly is the form of speech inciting violence before communal attacks took place, allegedly contributing to the mobilization for the attacks. This includes preaches in mosques coupled with social media posts, used to instigate violence against church buildings and homes owned by members of the Coptic community.
27. Sinai Bedouins are affected by hate speech in different ways, most often involving the use of the term ‘traitor’ to refer to members of this particular ethnic minority.
28. Nubians likewise, are impacted by different forms of hate-speech and racist speech. This includes depicting Nubians in audio-visual TV and cinema productions as working as household servants, waiters and doormen - a widespread stereotype. Other forms of speech incite hostility towards people of colour, in the context of which Nubians are referred to with derogatory and racist language, often hinting at the idea of a separatist tendency among Nubians.

#### **Recommendations:**

- **Repeal the current law on blasphemy and establish in its place a unified legislation addressing hate speech and incitement to hatred and discrimination, in line with human rights standards.**
- **Appeal Cybercrime Law No. 175 of 2018 and Terror Law 8 of 2015 to ensure that cybercrimes and terror crime are specified and do not include peaceful expressions and actions protected by the right to freedom of expression and freedom of association and assembly.**

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<sup>23</sup> <https://manshurat.org/node/14677>

## Civil Rights and Right to Legal Identity

29. Converts from Islam to another religion are not able to issue ID cards, with proper information in the religious section, as the civil registry does not permit their registry. The Baha'i community still cannot obtain ID cards with correct information in the religious section. In 2009, the Bahai's were granted the right to put a dash instead of their religious affiliation on the religious section of the ID cards, hence allowing them to have ID cards, though as their faith is still unrecognized - a situation that maintains their secondary status. However, this compromise is restricted only to those Bahá'í who have had their previous IDs registered as Bahá'í or 'other'. Muslims or Christians who have converted to Bahá'ism, on the other hand, are denied this right. Hence, a number of Bahai's still cannot get ID cards with correct information in the religious section<sup>24</sup>. This leads also to various issues related to the registration of children (see below).

### **Recommendations:**

- **Ensure that all citizens can receive cards that reflect their legal identity, without compromising the accuracy of information on it.**
- **Take measures to remove the religious section of the ID cards.**

## Marriage

### *Discrimination in interfaith marriages and custody*

30. Personal status law in Egypt operates under the principle of religious personality of laws, meaning that each recognised religious group (Muslims, Christians and Jews) has its own set of rules applicable to matters of personal status. As such, matters of personal status for Christians and Jews are governed by laws adopted by the religious leaders of the relevant denomination, rather than by legislation.
31. In Egypt, non-religious or civil marriages are not recognized for Egyptians, and marriages between persons belonging to a recognised religious minority (Christians and Jews) can only be recognised after it has been registered in a religious ceremony. This gives the religious authorities power to vet marriages according to their own regulations. According to Article 3 of

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<sup>24</sup> [https://minorityrights.org/wp-content/uploads/2019/01/MRG\\_Rep\\_Egypt\\_EN\\_Jan19.pdf](https://minorityrights.org/wp-content/uploads/2019/01/MRG_Rep_Egypt_EN_Jan19.pdf)

the law promulgating the Law No. 1/2000, in the absence of codified laws that sufficiently address a particular matter of personal status of Muslims, generally, the rules of Hanafi jurisprudence (*fiqh*) apply. This led to a number of discriminatory acts against women in marriage.

32. According to common interpretation of Sharia, Muslim men are allowed to marry non-Muslim women, while marriages between Muslim women and non-Muslim men are prohibited. Sharia law is applicable in lawsuits which may be filed if a dispute arises. As a result, in cases of child custody, the non-Muslim woman is usually discriminated against and in a less favourable position, as her religion is usually seen as a negative influence that may corrupt the Muslim child<sup>25</sup>.

#### ***Registration of Bahai, and Jehovah Witnesses Marriages.***

33. As seen before, the constitution grants the right only to the “revealed religions” to practice religious rituals, under article 64 of the Constitution. Baha’ism is not considered one of the “revealed religions”, it is not covered by article 64 of the Egyptian Constitution. As a result, marriages performed by the Baha’i community are not recognized by the state and are left undocumented<sup>26</sup>.
34. Before 1960, marriage certificates issued by the Bahai Spiritual Assemblies (an administrative body of the Bahai community) were approved by the state. This changed with the dissolution of the assemblies following Decree 263/1960. After the dissolution of their national spiritual assemblies by Decree 263/1960 Bahai’s have not been able to register their marriages<sup>27</sup>.
35. Furthermore, Article 5 of Law 143/1994 on Civil Status Matters states that “registries of the personal status courts are concerned with registering the event of marriage and divorce if the parties to the relationship are citizens of the same religion and denomination”. This article has often been presented as an obstacle against civil marriages particularly between individuals who have different religions written on their ID cards, but also Bahai’s who have sought marriage in a civil manner. This article constitutes an indirect form of discrimination against those wishing to marry of different religions and/or belonging to different denominations.

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<sup>25</sup> [https://minorityrights.org/wp-content/uploads/2019/01/MRG\\_Rep\\_Egypt\\_EN\\_Jan19.pdf](https://minorityrights.org/wp-content/uploads/2019/01/MRG_Rep_Egypt_EN_Jan19.pdf)

<sup>26</sup> [https://minorityrights.org/wp-content/uploads/2019/01/MRG\\_Rep\\_Egypt\\_EN\\_Jan19.pdf](https://minorityrights.org/wp-content/uploads/2019/01/MRG_Rep_Egypt_EN_Jan19.pdf)

<sup>27</sup> [https://minorityrights.org/wp-content/uploads/2019/01/MRG\\_Rep\\_Egypt\\_EN\\_Jan19.pdf](https://minorityrights.org/wp-content/uploads/2019/01/MRG_Rep_Egypt_EN_Jan19.pdf)

36. Combined with this article, is the more explicit Article 134 of Chapter 5 in the second section of the Regulations for the Real Estate Registry that states “It is not permissible to document the contracts of marriage of Baha'is either among themselves or between them and other adherents of other religions recognized in the Arab Republic of Egypt. It is also not permissible to document marriage contracts in which one of the Christian parties of the “Jehovah’s Witnesses.” It does not accept the procedure of certification or proving the date of any papers issued by the Watch Tower Bible Society, which is itself the Society of Jehovah’s Witnesses.” In this way, registration of marriages of Bahai’s and the Jehovah’s witnesses are directly discriminated against<sup>28</sup>.

### **Recommendations:**

- **Establish a civil marriage that treats both parties of the marriage equally and to which they can resort if they wish and that does not discriminate between the religion of the parties.**
- **The Ministry of Justice must allow official registers to register marriage of Baha’is and Jehovah Witnesses and Article 5 of Law 143/1994 and Article 134 of Chapter 5 in the second section of the Real Estate Registry Regulations (Al- Shahr al- Aqary) that bans the registry of Baha’i’s and Jehovah Witnesses marriage contracts should be repealed**

### **Children’s Rights**

#### ***Registering Children born out of Bahai Marriages***

37. Baha’is’ inability to legally register their marriages has detrimental repercussions on their children as they are also not automatically registered. While there is usually little trouble registering the religion of the child of two parents whose registered religion on ID is left blank or as a dash ‘-’, issues arise when one of the parents is not registered as such, and hence the religion to be written on the birth certificate of the child is unclear. The inability to issue birth certificate for their children leads some Bahá’í families to go to court, as their lack of

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<sup>28</sup> <https://eipr.org/sites/default/files/reports/pdf/unknownids.pdf>

documentation also deprives them of a number of rights including registering for schools and health insurance<sup>29</sup>.

#### **Recommendations:**

- **Ensure that all children born are registered and receive birth certificates, irrespective of the religion of their parents.**

#### **The Beja Minority and child registration**

38. Article 6 of the Constitution provides that “citizenship is a right to anyone born to an Egyptian father or an Egyptian mother”<sup>30</sup>. However, Egyptian women that are married to the Beja minority in South of Egypt are not allowed, by the registers, reportedly on security orders, to pass their nationality to their children and hence, they cannot be registered nor have access to related services, including health and educational services. This leads to situations of statelessness.

39. The Beja people are an ethnic and linguistic minority divided into tribes/clans that inhabit the Halayeb and the Shalateen triangle in Eastern Egypt, along the Egyptian/Sudanese border. This territory, claimed by both Egypt and Sudan as part of a border dispute, has been annexed by Egypt in 1902. While many left for Sudan, those who remained and their descendants have been denied citizenship by Egypt, resulting in a lack of national identification documents to these days<sup>31</sup>. As a result, most persons belonging to those tribes are in a situation of statelessness and face difficulties accessing educational and health services provided by the state.

#### **Recommendation:**

- **Take measures to allow stateless Beja people to acquire Egyptian nationality. The government of Egypt should make sure that Egyptian women can pass on their nationality to their children, including when they are born in a marriage with a Beja person. Ensure that stateless persons face no obstacles in accessing their right to health, education and movement.**

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<sup>29</sup> [https://minorityrights.org/wp-content/uploads/2019/01/MRG\\_Rep\\_Egypt\\_EN\\_Jan19.pdf](https://minorityrights.org/wp-content/uploads/2019/01/MRG_Rep_Egypt_EN_Jan19.pdf)

<sup>30</sup> [https://www.constituteproject.org/constitution/Egypt\\_2019.pdf?lang=en](https://www.constituteproject.org/constitution/Egypt_2019.pdf?lang=en)

<sup>31</sup> <https://citizenshiprightsafrika.org/egypts-stateless-keep-receiving-empty-promises-of-citizenship/>