



USCIRF Annual Report 2015 - Tier 1 CPCs recommended by USCIRF: Egypt

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Key Findings

Since he assumed office in June 2014, President Abdel Fattah al-Sisi has made several important public statements and gestures encouraging religious tolerance and has urged changes to religious curricula, a significant shift in tone and rhetoric from his predecessors. In particular, President al-Sisi delivered a speech to senior Muslim religious authorities at Al Azhar University calling for reforms; he was the first head of state to attend a Coptic Christmas Eve mass; and he offered condolences in person to Coptic Pope Tawadros after the killing of 21 Copts in Libya. In addition, there was a decrease in the number of targeted, sectarian attacks when compared to the previous year. Nevertheless, the Egyptian government has not adequately protected religious minorities, particularly Coptic Orthodox Christians and their property, from periodic violence. Discriminatory and repressive laws and policies that restrict freedom of thought, conscience, and religion or belief remain in place. Egyptian courts continue to prosecute, convict, and imprison Egyptian citizens for blasphemy, and new government initiatives to counter atheism emerged during the year. While the 2014 constitution includes improvements regarding freedom of religion or belief, the interpretation and implementation of relevant provisions remain to be seen, in part due to the lack of an elected parliament. Based on these concerns, for the fifth year in a row, USCIRF recommends in 2015 that Egypt be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). USCIRF will continue to monitor the situation closely to determine if positive developments warrant a change in Egypt's status in next year's annual report.

Background

During the reporting period, Egypt continued its volatile political transition following the July 2013 ouster of former president Mohamed Morsi by the military, led by then-General Abdel Fattah al-Sisi. The interim government continued to implement a roadmap to amend the constitution and to hold presidential and parliamentary elections. In January 2014, a new constitution was approved overwhelmingly by referendum, and in May, al-Sisi was elected president with nearly 97 percent of the vote with a turnout of 47.5 percent of eligible Egyptian voters. Parliamentary elections, originally scheduled for March and April 2015, were delayed indefinitely after the Supreme Constitutional Court ruled that the law on electoral constituencies was unconstitutional because it did not guarantee fair representation. Some of the improved

religious freedom provisions in the constitution cannot be implemented until a new parliament is seated.

Despite President al-Sisi urging religious tolerance and moderation in several public statements during the year, including in a January 2015 speech at Al Azhar University, the government's efforts to combat extremism and terrorism have had a chilling impact on civil society activities in the country. Among the consequences have been severe limits on dissent and criticism of the government, resulting in a poor human rights situation overall, including for freedom of religion or belief. Sympathizers and members of the Muslim Brotherhood, journalists, and opposition figures continue to be harassed, jailed, and given harsh prison terms, including death sentences for Brotherhood members and other Islamists, sometimes on legitimate, but also on unfounded, security charges. Conditions for Coptic Orthodox Christians remained precarious, as most perpetrators of attacks in recent years have not been convicted, including from large-scale incidents that occurred between 2011 and 2013. Small communities of Baha'is and Jehovah's Witnesses remain banned and anti-Semitism persists in state-controlled and semi-official media.

Religious Freedom Conditions 2014-2015

Government Control of Islamic Institutions

The government increased its control over all Muslim religious institutions, including mosques and religious endowments. Egyptian officials have justified this regulation as necessary to counter extremism and terrorism. In February 2015, an administrative court upheld a September 2013 decree by the Ministry of Religious Endowments that prevents imams who are not graduates of Al-Azhar from preaching in licensed and unlicensed mosques. The ruling, which resulted in the closure of thousands of small mosques, bans unlicensed mosques from holding Friday prayers and requires Friday sermons to follow government "talking points." The government appoints and pays the salaries of all Sunni Muslim imams and monitors sermons.

Coptic Christians, Violence and Continued Impunity

In January 2015, President al-Sisi became the first Egyptian head of state to attend a Coptic Christmas Eve mass at the St. Mark's Coptic Orthodox Cathedral in Cairo, and in February, he met with and offered condolences to Coptic Pope Tawadros at the cathedral after the killing by ISIL of 21 Copts in Libya. While the Coptic community in general welcomed these and other symbolic gestures, repressive laws and discriminatory policies against Copts remained in place, including blasphemy charges and convictions, limits on building and maintaining churches, limits on conversion from Islam, and lack of accountability for violent attacks.

Over the past year, the number and severity of violent incidents targeting Copts and their property decreased significantly when compared to the previous year; however, sporadic violence continued, particularly in Upper Egypt. In some parts of the country, Egyptian security services increased protection of churches during significant religious holidays, which lessened the level of fear and insecurity among members of the Coptic community. Following the unprecedented violence in the summer of 2013, including against Coptic churches and their property, the Egyptian government formed a fact-finding commission to investigate the attacks and pledged to hold accountable those responsible for the violence and to rebuild the dozens of churches that were destroyed. In November 2014, the Egyptian government released an executive summary of its report, which found 52 churches were completely destroyed, another 12 damaged, and numerous Christian-owned properties destroyed. The report also found that 29 people died in sectarian-related killings, without any specific details surrounding the deaths. At the end of the reporting period, according to human rights groups, 10 percent of the destroyed churches and Christian properties were in the process of being rebuilt.

In December 2014, some 40 perpetrators who were found responsible for attacks on five churches in Assiut, Upper Egypt, were sentenced to prison terms ranging from one to 15 years. Some other cases are ongoing, and perpetrators have yet to be brought to justice. In some cases, police have not conducted adequate investigations, sometimes due to fear of retribution against them by violent extremists. The inability to protect Copts and other religious minorities, and successfully prosecute those responsible for violence, continued to foster an atmosphere of impunity.

Blasphemy Law and Limits on Religious Expression

Article 98(f) of the Egyptian Penal Code prohibits citizens from "ridiculing or insulting heavenly religions or inciting sectarian strife." Authorities use this "contempt-of-religion," or blasphemy, law to detain, prosecute, and imprison members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize "communal harmony" or insult Judaism, Christianity, or Islam. In January 2015, President al-Sissi issued a decree that permits the government to ban any foreign publications it deems offensive to religion.

Blasphemy cases have increased since 2011, and this trend continued during the reporting period. While the majority of charges are leveled against Sunni Muslims, the majority of those sentenced by a court to prison terms for blasphemy have been Christians, Shi'a Muslims, and atheists, mostly based on flawed trials. In June 2014, separate courts in Luxor imposed blasphemy sentences of up to six years in prison on four individuals, including Coptic Christian Kirollos Shawqi Atallah, who was sentenced to six years for posting photos on a Facebook page deemed defamatory to Islam. In February 2014, a court sentenced Amr Abdullah, an Egyptian Shi'a, to five years in prison with labor on charges of blasphemy and defaming the Prophet Mohammed's companions for attempting to observe the Shi'a Ashura holiday at the al-Hussein mosque in Cairo. Bishoy Armia, previously known as Mohamed Hegazy, a Christian convert who was among the first to legally change his religion from Islam to Christianity, was sentenced in June 2014 to five years in prison for working as a journalist and reporting on anti-Christian activities in Minya, Upper Egypt. In July, he also was charged with "insulting Islam," charges that were previously filed against him in 2009. In December 2014, an appeals court dropped some of the charges, however, at the end of the reporting period, Armia remained in prison on the blasphemy charge.

Egyptian atheists saw a rise in blasphemy charges over the past year, as well as growing societal harassment and various Egyptian government campaigns to counter atheism. In December 2014, Dar al-Ifta, a Justice Ministry entity that issues religious edicts, published a survey claiming that Egypt was home to 866 atheists, supposedly the "highest number" of any country in the Middle East. Two officials from the office of the Grand Mufti – who heads Dar al-Ifta – publicly called this a "dangerous development." In June 2014, the Ministries of Religious Endowments and Sports and Youth initiated a national campaign to combat the spread of atheism among Egyptian youth. In March 2014, a high-level Ministry of Interior official publicly stated that a special police task force would be formed to arrest a group of Alexandria-based atheists who expressed their beliefs on Facebook and other social media platforms. In January 2015, Egyptian atheist student Karim Al-Banna was given a three-year prison sentence for blasphemy because a court found some of his Facebook posts to "belittle the divine." In March 2014, an Egyptian court upheld a three-year prison sentence on "contempt-of-religion" charges for Egyptian author Karam Saber for publishing a book questioning the existence of God.

Baha'is and Jehovah's Witnesses

Baha'is and Jehovah's Witnesses have been banned since 1960 by presidential decrees. As a result, Baha'is living in Egypt are unable to meet or engage in public religious activities. Al-Azhar's Islamic Research Center has issued fatwas over the years urging the continued ban on the Baha'i community and condemning its members as apostates. In December 2014, the Ministry of

Religious Endowments held a public workshop to raise awareness about the "growing dangers" of the spread of the Baha'i Faith in Egypt. Since Baha'i marriage is not recognized, married Baha'is cannot obtain identity cards, making it impossible to conduct daily transactions like banking, school registration, or car ownership. In recent years, the government has permitted Jehovah's Witnesses to meet in private homes in groups of fewer than 30 people, despite the community's request to meet in larger numbers. Jehovah's Witnesses are not allowed to have their own places of worship or to import Bibles and other religious literature. Over the past year, security officials continued to harass and intimidate Jehovah's Witnesses by monitoring their activities and communications and by threatening the community with intensified repression if it does not provide membership lists.

Anti-Semitism and the Jewish Community

In 2014, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear in Egypt's state-controlled and semi-official media. This material included anti-Semitic cartoons, images of Jews and Jewish symbols demonizing Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egyptian authorities failed to take adequate steps to combat anti-Semitism in the state-controlled media. Egypt's once-thriving Jewish community is now only a small remnant consisting of fewer than 20 people. It owns communal property and finances required maintenance largely through private donations.

Egypt's Constitution

There are some encouraging changes in the January 2014 constitution that could bode well for religious freedom. Several problematic provisions from the 2012 constitution were removed: a provision that narrowly defined Islamic Shari'ah law; a provision potentially giving Al-Azhar a consultative role in reviewing legislation; and a provision that effectively banned blasphemy. In addition, a new provision, Article 235, requires the incoming parliament to pass a law governing the building and renovating of churches. This would potentially lift the longstanding requirement of governmental approval for building or repairing churches, which has served as a justification for sectarian-related violence targeting Christians. While Article 64 provides that "freedom of belief is absolute," like the 2012 constitution, this article limits the freedom to practice religious rituals and establish places of worship to only the "divine" religions: Islam, Christianity, and Judaism.

U.S. Policy

For many years, U.S. policy toward Egypt has focused on fostering strong bilateral relations, continuing security and military cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations have viewed Egypt as a key ally in the region. Egypt is among the top five recipients in the world of U.S. aid. The FY2015 Consolidated Appropriations Act provides Egypt with \$1.3 billion in foreign military financing (FMF) and \$150 million in economic support funds (ESF), the lowest level in more than three decades. During the reporting period, the Obama Administration publicly urged the Egyptian government to make progress on economic and political reforms, including on human rights concerns, although less so on specific religious freedom issues than it did in the three years following the January 25, 2011 revolution.

Public Law 113-235, the FY2015 Consolidated Appropriations Act, places conditions on U.S. assistance to Egypt related to limits on human rights, including religious freedom. Specifically, it requires the Secretary of State to certify that Egypt has taken steps to advance the democratic process, protect free speech, and protect the rights of women and religious minorities, among other things. However, the Act also authorizes the Secretary to provide assistance to Egypt without such certification if he or she determines that the assistance is important to the national

security interests of the United States. At the end of the reporting period, the Secretary of State has not made a determination that would waive human rights-related certification requirements and allow for the provision of assistance.

According to the State Department, officials at all levels of the U.S. government raised a range of religious freedom concerns with Egyptian counterparts during the reporting period. When President Barack Obama met with President al-Sisi in September 2014 on the sidelines of the UN General Assembly, President Obama raised some human rights concerns, although it was not clear if any religious freedom issues were discussed. Despite USCIRF recommending since 2011 that Egypt should be designated a "country of particular concern," the State Department has not taken such action.

Recommendations

Egypt continues to experience both progress and setbacks during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. In addition to recommending that the U.S. government designate Egypt as a CPC, USCIRF recommends that the U.S. government should:

- Ensure that a portion of U.S. military assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship, and provide direct support to human rights and other civil society or non-governmental organizations to advance freedom of religion or belief for all Egyptians;
- Press the Egyptian government to undertake immediate reforms to improve religious freedom conditions, including: repealing decrees banning religious minority faiths; removing religion from official identity documents; and passing a law for the construction and repair of places of worship once a new parliament is formed;
- Urge the Egyptian government to revise Article 98(f) of the Penal Code, which criminalizes contempt of religion, and, in the interim, provide the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f);
- Press the Egyptian government to prosecute perpetrators of sectarian violence through the judicial system, and to ensure that responsibility for religious affairs is not under the jurisdiction of the domestic security agency, which should only deal with national security matters such as cases involving the use or advocacy of violence; and
- Place particular emphasis, in its annual reporting to Congress on human rights and religious freedom, on the Egyptian government's progress on the protection of religious minorities, prosecution of perpetrators of sectarian violence, and the ability of Egyptian non-governmental organizations to receive outside funding from sources including the U.S. government.

Dissenting Statement of Vice Chair James J. Zogby

With this report, USCIRF is recommending that the Department of State designate Egypt as a "country of particular concern" (CPC). I strongly disagree. This is the wrong recommendation, for the wrong country, at the wrong time.

While the overall human rights situation in Egypt is deplorable and a matter of concern, the same cannot be said for the status of religious freedom in the country. Matters of political repression

and the out-of-control actions of an overzealous judiciary, though quite serious, are beyond the scope of our Commission unless they directly impact issues of religious liberty.

As is noted in the opening sentences of USCIRF's report, when it comes to matters of religious freedom, there were significant developments in Egypt during this past year. President al Sisi made unprecedented outreach to Coptic Christians to affirm that they are "equal citizens," promising to protect their rights. And both the President and the Sheikh al Azhar have called for a "revolution in Islam" in order to help eliminate extremism. Even now major changes are being made in Egypt's educational materials and efforts are underway to limit the ability of extremists to develop congregations of followers. Furthermore, Coptic leaders with whom I have spoken have said that they feel more secure than they have in a long time.

The above report does include a number of other cases and charges against Egypt. Some of these are serious, but they do not reach the "systematic, ongoing, and egregious" standard required to declare Egypt a CPC. In light of these positive developments, it simply makes no sense for USCIRF to be asking the State Department to now give Egypt a CPC status when the State Department has not done so before.

The challenges facing the government of Egypt at this time are to: defeat the terrorist threat they are facing, rein in their judiciary, restore rights to civil society, grow the economy, and move quickly to complete their "road map" by electing a new parliament. This will do more to advance religious liberty than imposing the ill-timed and uncalled for sanctions that might result from a CPC designation.

Additional Statement of Commissioners Eric P. Schwartz and Thomas J. Reese, S.J.

We abstained on the Commission vote to urge the State Department to designate Egypt as a country of particular concern. We don't question whether abuses against religious freedom remain serious and substantial, or even whether a CPC designation is legally defensible. But by its act, the Commission urges the Department of State to impose a new, condemnatory measure on Egypt for violations of religious freedom and therefore send a signal that could be reasonably inferred to mean we believe the religious freedom situation is deteriorating. This strikes us as a peculiar time for the State Department to send such a message, in light of the fact that President Sisi has made, by the Commission's own account, "important public statements and gestures" supporting religious tolerance, and at a time in which "targeted, sectarian attacks," again by our own account, have diminished as compared to last year. We believe that recent developments made it possible for the Commission to defer from making a CPC recommendation to the State Department, and that is what we would have preferred. Let us be clear that we are no fans of the Sisi regime, which is guilty of systematic abuses of human rights that merit the strongest condemnation. But we also are not fans of making recommendations that, if implemented, would risk sending a confusing and counterproductive message. Of course, we will continue to monitor the situation in Egypt and hope to see improvements. And should conditions deteriorate, we'd be prepared to reconsider our position.

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