



USCIRF Annual Report 2016 - Tier 1 CPCs recommended by USCIRF - Egypt

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Key Findings

Against a backdrop of deteriorating human rights conditions, the Egyptian government has taken positive steps to address some religious freedom concerns, including intolerance in religious curricula and extremism in religious discourse. In addition, President Abdel Fattah al-Sisi continued to make public statements encouraging religious tolerance and moderation and attended a Coptic Christmas Eve mass for the second consecutive year. Furthermore, there were notably fewer sectarian attacks against Christians and other religious minorities, and investigations and prosecutions continued for the unprecedented scale of destruction of churches and Christian property that occurred in the summer of 2013. However, other past large-scale sectarian incidents have not resulted in prosecutions, which continued to foster a climate of impunity. In addition, the longstanding discriminatory and repressive laws and policies that restrict freedom of thought, conscience, and religion or belief remain in place. During the past year, there was an increase in Egyptian courts prosecuting, convicting, and imprisoning Egyptian citizens for blasphemy and related charges. While the 2014 constitution includes improvements regarding freedom of religion or belief, the interpretation and implementation of relevant provisions remain to be seen, since the newly seated parliament has yet to act on the provisions. Based on these ongoing concerns, for the sixth year in a row, USCIRF recommends in 2016 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 during the year ahead.

Background

Egypt's 2014 constitution identifies Islam as the state religion and principles of Shari'ah as the primary source of legislation. The population is approximately 89 million, with 85 to 90 percent adhering to Sunni Islam and non-Sunni Muslims comprising less than one percent. Christians are

estimated at 10 to 15 percent of the overall population, with the vast majority belonging to the Coptic Orthodox Church and less than two percent belonging to various other Christian denominations, including Catholic, Protestant, Maronite, Armenian Apostolic, Orthodox (Greek and Syrian), and Anglican. There are at least 2,000 Baha'is, approximately 1,500 Jehovah's Witnesses, and fewer than 20 Jews.

During the reporting period, Egypt continued its volatile political transition following the military's 2013 ouster of former president Mohamed Morsi. In January 2014, a new constitution was approved overwhelmingly by referendum, and in May 2014, al-Sisi was elected president. Following delays, parliamentary elections occurred in stages starting in October 2015 and concluded in December. The parliament was seated in January 2016 and is comprised of 596 members, including an unprecedented 36 Christians. The improved religious freedom provisions in the constitution have not yet been implemented, although the parliament is mandated to take action before the completion of its first session.

During the past year, the government's efforts to combat extremism and terrorism have had a chilling impact on human rights and civil society activities in the country. Despite some political prisoners and other dissidents being released from prison in 2015, the government continues to crack down on all forms of dissent. Sympathizers and members of the Muslim Brotherhood, journalists, secular and liberal activists, and opposition figures have been 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. In addition, during the reporting period, an intensified crackdown on Egyptian non-governmental organizations – including human rights groups that monitor religious freedom conditions – has resulted in new criminal investigations, harassment, and travel bans on prominent human rights defenders.

In March 2016, a USCIRF staff member traveled to Egypt to assess religious freedom conditions and meet with a range of Egyptian government officials, U.S. Embassy officials, and members of civil society, including religious leaders, religious freedom advocates, human rights defenders, lawyers, and researchers.

Religious Freedom Conditions 2015-2016

Recent Improvements

Since he assumed office in 2014, President al-Sisi has made several noteworthy public statements and gestures encouraging religious tolerance and moderation and urging reform of textbooks and religious discourse in society, an important shift in tone and rhetoric from his predecessors. Perhaps the most encouraging trend over the past two years has been the significant decrease in the number and scale of targeted, sectarian attacks against Copts. Since the violent assault on Copts and their churches and properties in August 2013, dozens of perpetrators have been prosecuted and imprisoned.

In March 2015, the Ministry of Education announced that it had decided to remove and/or clarify passages from primary school textbooks, particularly Islamic education books, deemed to promote incitement and extremist ideology; during the past year it expedited this process, which is ongoing. The Ministry also has intensified efforts to incorporate concepts of religious tolerance and understanding into all textbooks. According to Egyptian officials, the government-funded Al-Azhar

– one of the preeminent Sunni Muslim centers of learning in the world – is evaluating reforms to its religious curricula and reportedly will review high school texts during the summer of 2016. In addition to higher education, Al-Azhar has oversight of a network of schools with approximately two million students throughout Egypt.

Regarding religious discourse in society, the Egyptian government actively monitors *fatwas* (religious edicts) issued by clerics; Dar al-Ifta, a government entity headed by the Grand Mufti, has countered publicly dozens of *fatwas* that espouse radical views. During the reporting period, the Ministry of Religious Endowments and Dar al-Ifta started training senior imams on the skills of issuing responsible and accurate *fatwas*, and the Grand Mufti created a committee to evaluate other possible reforms.

Government Control and Regulation of Islamic Institutions

Since the 2013 ouster of former president Morsi, the government has 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 to prevent incitement to violence in mosques. In February 2015, an administrative court upheld a 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 law bans unlicensed mosques from holding Friday prayers, requires Friday sermons to follow government-approved content, and provides tougher penalties for preaching without a license, including a prison term of up to one year and/or a fine. The government appoints and pays the salaries of all Sunni Muslim imams and monitors sermons.

Progress and Ongoing Challenges for Coptic Christians

President al-Sisi was the first head of state to attend a Coptic Christmas Eve mass in January 2015. He did so again in January 2016, publicly apologizing that authorities had not yet finished rebuilding churches destroyed in August 2013 and pledging to complete the process within a year. Following the unprecedented scale of violence against Copts that summer, the Egyptian government found that 29 people died in sectarian-related killings, 52 churches were completely destroyed, another 12 damaged, and numerous Christian-owned properties were destroyed. At the end of the reporting period, at least half of the destroyed churches had been rebuilt and the other half were still being constructed or repaired. In February 2015, President al-Sisi offered condolences in person to Coptic Pope Tawadros after ISIL (the Islamic State in Iraq and the Levant) killed 20 Copts and one Ghanaian in Libya. In October, Egyptian authorities started building a new church, as ordered by President al-Sisi, to honor the slain Copts.

While the Coptic community in general welcomes these and other symbolic gestures, repressive laws and discriminatory policies against Copts remain in place, including blasphemy charges and convictions, limits on building and maintaining churches, and limits on conversion from Islam. There also continues to be inadequate accountability for past violent attacks; most perpetrators from large-scale incidents that occurred between 2011 and 2013 – and even before that – have not been prosecuted. The inability to successfully prosecute those responsible for past violence against Copts and other religious minorities has continued to foster an atmosphere of impunity.

Over the past year, the number and severity of violent incidents targeting Copts and their property decreased significantly when compared to previous years; however, sporadic violence continued,

particularly in Upper Egypt. For example, in June 2015, at the time of the two-year anniversary of the overthrow of former president Morsi, a number of Christian homes and properties were attacked, and in July, a mob firebombed a church in Alexandria and authorities reportedly responded slowly. In March, local police failed to prevent a mob attack on a Coptic church in the al-Our village, the hometown of 13 of the 20 Copts killed in Libya. 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.

There has been progress on accountability for the destruction of and damage to Christian churches and properties in the summer of 2013. In April 2015, an Egyptian court convicted and sentenced approximately 70 individuals to life in prison for their role in burning a church in the village of Kafr Hakim just outside Cairo. In December 2014, some 40 perpetrators found responsible for attacks on five churches in Assiut, Upper Egypt, were sentenced to prison terms ranging from one to 15 years. Other cases are ongoing; in some cases, police have not conducted adequate investigations, making it more difficult to prosecute perpetrators.

Furthermore, in response to sectarian-related violence, local Egyptian authorities continue to conduct "customary reconciliation" sessions between Muslims and Christians as a way of easing tensions and resolving disputes. In some cases, local authorities and Muslim and Christian religious leaders have abused these reconciliation sessions to compel victims to abandon their claims to any legal remedy. Human rights groups have argued that reconciliation sessions disadvantage Christians in resolving various disputes, many of which are sectarian-related attacks targeting Christians.

In addition, following the August 2013 church attacks, the number of incidents of kidnappings for ransom and extortion of Christians rose dramatically. While these incidents have decreased over the past year, they continue in parts of the country, particularly in Upper Egypt. Furthermore, Egyptian-born Muslims who have converted to Christianity still cannot reflect their change of religious affiliation on identity documents, and in many cases, these converts also face intense social hostility.

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-Sisi 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, most of those sentenced by a court to prison terms for blasphemy have been Christians, Shi'a Muslims, and atheists, largely based on flawed trials. According to Egyptian human rights groups, there were at least 21 new blasphemy cases between the beginning of 2015 and the end of the reporting period, a sharp increase when compared to the previous year.

For example, in January 2016, Egyptian writer and poet Fatma Naoot was sentenced to three years in prison for "defaming Islam" for a Facebook post criticizing the ritual slaughtering of animals

during a Muslim holiday. In May 2015, a well-known television show host, Islam El-Beheiry, was convicted of "defaming religious symbols" and sentenced to five years in prison for comments he made about Islam on his program. In December, his sentence was reduced on appeal to one year in prison. In May, a dentist from the Daqahlia governorate was sentenced to six months in prison for contempt of religion and practicing Shi'a Islam, partly because authorities found Shi'a books and materials in his home. In April 2015, four Coptic Christian teenagers and their teacher were arrested and charged with blasphemy for making a short, private video mocking ISIL. In February 2016, three of the four teens were sentenced to five years in prison and the fourth was placed in a juvenile facility. In December 2015, the teacher was sentenced to three years in prison in a separate trial and was expelled from his village; appeals for both cases are ongoing.

Egyptian atheists have seen a rise in blasphemy charges in recent years, as well as growing societal harassment and various Egyptian government-sponsored initiatives to counter atheism. In December 2014, Dar al-Ifta 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 publicly called this a "dangerous development." Over the past two years, the Ministries of Religious Endowments and Sports and Youth co-sponsored a national campaign to combat the spread of atheism among Egyptian youth. In February 2016, online activist Mustafa Abdel-Nabi was convicted in absentia to three years in prison for blasphemy for postings about atheism on his Facebook page. In February 2015, a blogger from Ismailia, Sherif Gaber, was sentenced to one year in prison for discussing his atheist views on Facebook; he has gone into hiding. In January 2015, atheist student Karim Al-Banna was given a three year prison term for blasphemy because a court found his Facebook posts to "belittle the divine." His sentence was upheld by an appeals court in March.

In addition, in April 2015, the Ministry of Religious Endowments announced it would launch a campaign to combat what it perceives as threatening topics in mosques: Shi'a Islam, atheism, the Baha'i faith, and other social issues such as murder and drug addiction.

Baha'is, Jehovah's Witnesses, and Shi'a Muslims

The Baha'i and Jehovah's Witness faiths 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. Over the past two years, the Ministry of Religious Endowments has sponsored public workshops 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 or home 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, interrogate, 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.

In addition to the blasphemy cases targeting members of the Shi'a community and government campaigns to counter Shi'a Islam in public and in mosques, the Deputy Minister of Religious Endowments announced in October 2015 that the Shi'a community would not be permitted to celebrate Ashura in several mosques in Cairo. A subsequent statement from the Ministry reportedly justified the closure stating that Shi'a rituals had no basis in Islam.

Anti-Semitism and the Jewish Community

In 2015, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear in Egypt's state-controlled and semi-official media; Egyptian authorities have failed to take adequate steps to combat anti-Semitism in the state-controlled media. Egypt's once-thriving Jewish community of tens of thousands in the mid-20th century is now on the verge of extinction. It owns communal property, including synagogues in Cairo and Alexandria, and finances required maintenance largely through private donations. Many of the community's sites are in dire need of repair and/ or renovation.

Egypt's Constitution

There are some encouraging changes in the 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. While Article 64 provides that "freedom of belief is absolute," this article limits the freedom to practice religious rituals and establish places of worship to only the "Abrahamic" religions: Islam, Christianity, and Judaism. 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. In addition, Article 53 mandates the establishment of an independent anti-discrimination commission, the jurisdiction of which would include discrimination on the basis of religion or belief.

U.S. Policy

For many years, U.S. policy toward Egypt has focused on fostering strong bilateral relations, continuing military and counterterrorism cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations have viewed Egypt as a key ally in the region and it is among the top five recipients in the world of U.S. aid. The FY2016 Consolidated Appropriations Act provides Egypt with \$1.3 billion in foreign military financing (FMF) and \$150 million in economic support funds (ESF). During the reporting period, in addition to periodic criticism of Egypt's human rights record, the Obama Administration has expressed the view that the denial of fundamental human rights create conditions that could fuel the growth of violent extremism, including in comments by Secretary of State John Kerry during the August 2015 "strategic dialogue" of high-level officials.

Public Law 114-113, the FY2016 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

measures. However, the Act also authorizes the Secretary to provide assistance to Egypt if he or she determines that the assistance is important to the national security interests of the United States.

On March 31, 2015, the U.S. government announced that it would release an October 2013 hold on the delivery of select weapons systems and continue foreign military financing and economic support funds to Egypt. On May 12, Secretary of State Kerry certified in a report to Congress that the resumption of aid to Egypt was in the national security interest of the United States. Despite the certification, the report concluded that the overall trajectory for human rights and democracy in Egypt was negative. In addition, the report found that the Egyptian government "had taken steps to advance and protect the rights of religious minorities," although these protections were limited to followers of Islam, Christianity, and Judaism, and that "the government continues to prosecute individuals for 'denigrating religions,' and accountability for past sectarian crimes remains problematic."

According to the State Department, officials at all levels of the U.S. government continue to raise a range of religious freedom concerns with Egyptian counterparts. 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 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;
- Press the Egyptian government to undertake immediate reforms to improve religious freedom conditions, including: repealing decrees banning religious minority faiths, including the Baha'i and Jehovah's Witness faiths; removing religion from official identity documents; and passing laws consistent with Article 53 (creating an anti-discrimination body) and Article 235 (regulating the construction and renovation of churches) of the constitution;
- Urge the Egyptian government to repeal or revise Article 98(f) of the Penal Code, which criminalizes contempt of religion, or blasphemy, 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;
- Press the Egyptian government to address incitement to violence and discrimination against disfavored Muslims and non-Muslims, including by prosecuting government-funded clerics who incite violence against Muslim or non-Muslim minority communities;
- Press the Egyptian government to continue to revise all textbooks and other educational materials to remove any language or images that promote intolerance, hatred, or violence

toward any group of persons based on religion or belief, and include the concepts of tolerance and respect for human rights of all individuals, including religious freedom, in all school curricula, textbooks, and teacher training;

- Provide direct support to human rights and other civil society or non-governmental organizations to advance freedom of religion or belief for all Egyptians; 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.

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