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**MINORITY RIGHTS GROUP INTERNATIONAL (MRG)**

**Submission to the United Nations Universal Periodic Review of Egypt**

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**Minority Rights Group International** is an NGO working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 300 partners in more than 60 countries. It 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). Minority Rights Group is also registered with the Organization of American States.

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## Freedom of Religion or Belief

A number of Articles of the Constitution are inherently discriminatory on the basis of religion or belief. The most prominent are Articles 2 and 3 of the Constitution which state that Islam is the official religion and limits the right to have personal status laws and selection of religious leaders to Christianity and Judaism in addition to Islam. Article 64 creates a division between those religions that can practice their faiths publicly and belief systems that cannot practice their religion publicly. This impacts several religious communities.<sup>i</sup>

Bahai's is one of them. They have had their spiritual assemblies dissolved by Law 263/1960,<sup>ii</sup> effectively banning any practices that these assemblies were carrying out. The law is still in force. Furthermore, expression of their beliefs in public, including carrying books or publications that promote their beliefs, can be prosecuted under religious blasphemy provisions. They have been banned from obtaining new cemeteries.<sup>iii</sup>

Non-recognized Christian denominations such as the Jehovah's Witnesses have been restricted in practicing their religious rituals publicly, and have to meet discretely at homes. In 2020, they were reportedly harassed by security after attempting to rent a place to practice their rituals.<sup>iv</sup>

Non-Sunni Muslims, such as Shi'a and Ahmadis are also unrecognized and face serious restrictions in their ability to worship freely. Although they self-identify as Muslims, they are not recognized as such by the majority of Sunni Muslims in Egypt, thus facing several discriminatory restrictions in the public practice of their faith. Shi'a are denied congregation halls (*busyaniyat*) in Egypt.<sup>v</sup>

Regarding the right to pray collectively for Christians, the Church Building Law 80/2016 has discriminatory impacts. The Law has 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 requirements are in contrast with the 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>vi</sup>

Furthermore, a number of problematic issues remain in the Law. The continued irregularities regarding the denial of licensing of new churches include the fact that 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 a rejection (that may be appealed). This not only disallows the community from building the church but also prevents the community from appealing the rejection decision.<sup>vii</sup> The slow pace of the regularization of functioning churches is a matter of concern.<sup>viii</sup>

The law restricts possibilities to repair churches as it requires permits that can only be obtained through a usually long and troublesome process. Furthermore, churches that have been granted a permit to renovate its facilities, have sometimes been prevented from continuing the renovation process after attacks by mobs. The mob attacks have rarely been prosecuted. These attacks have usually taken place after a period of public incitement, hence they could have been prevented at an early stage.<sup>viii</sup>

## **Discrimination in Access to Justice and Right to an Effective Remedy**

Coptic Christians face several violations of their right to access to justice, particularly because of the persistence of the recourse to customary sessions of reconciliations following incidents of communal violence against Coptic Christians, instead of having recourse to ordinary justice that can hold perpetrators legally 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 serious crimes, including murder, torture, theft, bullying or collective violence that should not be addressed exclusively through reconciliation sessions<sup>ix</sup>.

## **Violations of Freedom of Expression for Minorities**

Blasphemy laws including Articles 98(f) of the Penal Code remain a primary legal vehicle used to stifle the free expression of persons belonging to religious or belief minorities, including non-believers.

Article 98(f) states: “Anyone who exploits religious belief to propagate extremist thoughts verbal or written, with the purpose of fomenting discord, ridiculing a divine religion or its followers, or damaging national unity shall be liable to imprisonment for a term of not less than six months and not more than five years and a fine of not less than 500 [Egyptian] pounds, and not more than 1,000 pounds”. The loosely worded article allows for a variety of interpretations including its implementation to restrict the rights of religious minorities who engage in rituals contrary to the norm. <sup>x</sup>

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 in the court proceedings. The reference to official religious institutions of a particular denomination (Sunni Islam) is discriminatory as it excludes other Muslim denominations.<sup>xi</sup>

## **Right to Housing and Land Rights for Indigenous Peoples**

### ***Sinai Bedouins***

Under the pretext of combating terrorism, over the past decade, Egyptian armed forces have demolished thousands of homes and bulldozed tens of thousands of agricultural acres, in North Sinai. <sup>xii</sup> This and the subsequent military operations have led to the forced displacement of approximately 150,000 Sinai Bedouins to various cities within Sinai or to other governorates.

Some tribes have been promised that they would return to their land several times. However, these promises did not materialize, leading to protests by the tribes and a wave of repression that led to the arbitrary arrests of more than 54 protesters, including a tribal sheikh who led the protests<sup>xiii</sup>.

## ***Nubians***

Article 236 of the 2014 Egyptian Constitution recognizes Nubians' right to return to their historical lands, obliging the state to develop these lands in consultation with local people and to preserve the cultural identities of these areas allowing them to return within a certain number of years. In 2024, the ten-year period specified by the Constitution has elapsed, without Nubians being allowed to return to their ancestral lands.

The Prime Minister issued Decision No. 478 of 2017 and Decision No. 371 of 2019 aimed at disbursing compensation to families of those who have been displaced as a result of the Aswan Dam and reservoir. The decisions lacked reference to a judicial mechanism to appeal the decision and the value of the compensation offered and was issued without adequate and meaningful consultation with concerned Nubian families. The Decision has circumvented the right to return to the Nubian historic lands that has been stipulated in Article 236 of the Constitution and agreed with Nubian local leaders in 2014.

In recent years, the state has planned several economic development projects without consulting Nubians despite the projects' impacts on Nubian lands in some cases this led to protests by the Nubian community. The security forces responded with violence and the arbitrary detention of some.<sup>xiv</sup>

## **Right to Marriage and Family**

### ***Baha'is and Jehovah Witnesses***

Marriages performed by the Baha'i community are not recognized by the state and are left undocumented as a result of not being one of the religions mentioned in article 3 of the Constitution (see above). Furthermore, Jehovah Witnesses are not recognized as a Christian denomination.

Along with this Article is the more explicit discriminatory Article 134 of Chapter 5 in the second section of the Regulations for the Real Estate Registry that constitutes a direct discrimination against the Bahai's and the Jehovah Witnesses as it bans registering their marriage contracts.<sup>xv</sup>

### ***Recognized Christians***

In the case of Christians, Article 3 of the Constitution gives the Christian church authorities the power to vet marriages according to their own regulations. Christians have no choice but to be governed by the regulations of their religious denominations when it comes to marriage or divorce. As a result, for decades, Coptic Christians have been facing significant barriers to separating or remarrying as the church hierarchy has refused to recognize divorce except in the case of adultery.

Law 1/2000 has expanded the application of Sharia to recognized non-Muslims (Christians and Jews) in certain conditions in violation of their right to practice their faith and their identity. Article 3 of Law 1/2000 provides that non-Muslim personal status laws will be applied if and only if disputes relating to personal status arises "between non-Muslim Egyptians who are unified in

denomination and sect who had judicial bodies organized until December 31, 1955”, and as long as their canonical law “does not violate the public order”. This means that if both members of the couple do not belong to the same religious denomination, then Sharia law would automatically be the applicable law. Also, it conditions the application of non-Muslim law to the fact that it does not “violate public order”. In practice, the vague concept of ‘public order’ has been used for the expansion of Sharia principles to issues such as adoption and inheritance which has discriminatory effects on women.<sup>xvi</sup>

## **Discrimination Against Women and Girls**

Principles of Islamic Sharia has extended to Christians also in matters of inheritance (determining the heir and determining their shares in the inheritance). Even in all-Christian families who wish to apply Christian canon laws in matters of inheritance, effectively permitting gender equality in inheritance, the recourse to equal inheritance rules is not guaranteed as it can be rejected by the court. Christians are not automatically guaranteed the right to implement their religion’s canon laws regarding the distribution of inheritance shares, which grants equal shares for women and men. They need to undergo a judicial process to that effect.<sup>xvii</sup>

In addition, in cases of mixed marriages, the ability of a non-Muslim wife and her children to inherit from their Muslim husband or father is restricted, as according to widespread Sharia interpretations, only Muslims are allowed to inherit from Muslims. Furthermore, inheritance is generally determined according to Sharia law, which means women inherit only half the portion liable for male heirs.

In the case of such interfaith marriages and as discussed above, 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 often discriminated against and in a less favorable position, as her religion is usually seen as a negative influence that may corrupt the Muslim child.<sup>xviii</sup>

## **Disappearance of Christian Girls and Women**

There has been documented incidents in which young Coptic Christian women or girls have been subjected to abductions, forced marriages and forced conversions, in violation of their right to personal safety, freedom of movement, and freedom of religion or belief. In some of these cases, women were reported to be forced to marry, and forced to convert to Islam. Furthermore, the practices of the police in reaction to these incidents have raised some concerns as none of the perpetrators were punished even in the cases that the underage girls have returned.<sup>xix</sup>

## **Rights to a Nationality and Identification Documents**

While Bahá’ís are not one of the recognized religions in the country, in 2009, **Bahá’ís** were granted the right to put a dash (-) instead of their religious affiliation on the compulsory religious section of the national ID, allowing them to have ID cards. 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 convert to Bahá’í faith, on the other hand, are denied this right.

Newborns, whose parents do not have IDs where the registered religion is left blank or as a dash, are often unable to access birth certification as the religion of the child to be written on the birth certificate is unclear. This has resulted in a risk of statelessness for many Bahá'í children who remain without documentation. Similar challenges arise from the marital status of Baha'i parents. In Egypt, a marriage certificate is required to register the birth of children. However, Bahai marriages are left unregistered as they are not one of the religions mentioned in article 3 of the constitution<sup>xx</sup>.

**Sinai Bedouin** children live in remote areas of Egypt and far from public notaries and public institutions. According to Egyptian Personal Status Law, there is a 15-day window for children to obtain a birth certificate. If this timeframe is not met, parents are faced with administrative hurdles including returning to the civil registry department. Further challenges arise for parents who lack documentation themselves, and therefore cannot pass security checkpoints to reach a civil registry office. The inability to register births not only restricts children from a range of social rights such as education and healthcare, but also places them at risk of statelessness.<sup>xxi</sup>

Similar documentation challenges are faced by children of the **Beja community**. Beja are stateless tribes that inhabit the Halayeb and the Shalateen triangle along the Egyptian/Sudanese border. Article 6 of the Constitution provides that 'citizenship is a right to anyone born to an Egyptian father or an Egyptian mother'. However, Egyptian citizens who marry members of the Beja minority in southern Egypt cannot pass their nationality on to their children. Effectively, children of a stateless father or mother are also rendered stateless even if one of the two parents is a recognized Egyptian citizen. Hence, the children cannot access educational and health services by the state.

## Right to Health

Minority and indigenous communities living in the border zones of Sinai, Aswan and Matrouh face marginalization resulting in poor welfare and health outcomes amongst minority. Anemia is widespread among children in the governorates where minorities and indigenous peoples are concentrated.<sup>xxii</sup> Health resources are highly centralized, with major cities benefiting from the concentration of these resources while rural and peripheral areas lacking even essential care. This imposes a barrier to access to healthcare<sup>xxiii</sup>. The distribution of specialized medical staff is not as extensive as in many other governorates. Furthermore, the number of hospitals and hospital beds are significantly lower in these governorates.<sup>xxivxxv</sup>

## Right to Education

In Northern Sinai, the Sinai Foundation of Human Rights recorded 386 attacks on educational facilities in addition to the demolition of 73 schools in five cities in North Sinai governorate in the period from 2013 to 2023. The Foundation has also documented the military use of 49 schools in 5 cities in North Sinai, and Egyptian security forces have remained in some schools even after the ending of the hostilities. This has prevented many Bedouin children from continuing their primary and secondary education and has further prompted forced displacement of families as a result.

The Siwa Oasis, which is home to the Amazigh population of Egypt, also lacks sufficient educational facilities. Students in Siwa face several problems during the school year, including the severe shortage of school staff members, which affects their schooling and leads to low enrolment

rates. xxvi

## Cultural Rights

The framework of the protection of cultural and linguistic rights set by Article 48 of the Constitution fails to include racial, 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. This will impact Nubians, Amazighs and Copts and other minorities who would like to teach their children their indigenous language.<sup>xxvii</sup>

## Discrimination in Cultural Rights and Preservation of Cultural Heritage

The restoration of churches and monasteries is often neglected, leading to partial collapse. One example is the historic Monastery of Saint Fana in Mallawi, Minya that saw its western wall collapse in December 2019. In January 2022, part of the northern wall of the church at Sohag's White Monastery also collapsed. According to specialists, the risk was known for years. However, the Coptic Church budget did not allow for the necessary restoration work to be carried out.

The problem lies in the sectarian funding system for restoration work in the country. Article 30 of the Antiquities Protection Law No. 117 of 1983 states that in the case of Islamic heritage sites, the Ministry of Endowments (Awqaf) provides dedicated funding, while in the case of Coptic heritage sites, the Church itself is expected to cover costs of restoration and maintenance work.

Furthermore, no punitive measures are taken against the perpetrators attacks on Coptic heritage. In the case of Abu Daraj Monastery, the monastery's land was sold to investors by the General Authority for Tourism Development and repeated attacks were carried out on core parts of the monastery, and no one was held responsible, the Minister of Antiquities was informed of the incident.<sup>xxviii</sup>

<sup>i</sup> **Article 2.** Islam is the religion of the state and Arabic is its official language. The principles of Islamic Sharia are the principle source of legislation.

**Article 3.** 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 64.** 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.

<https://manshurat.org/node/35254>

<https://eipr.org/publications/%D9%D8%B1%D9%82%D8%A9-%D8%B3%D9%8A%D8%A7%D8%B3%D8%A7%D8%AA-%D8%A7%D9%84%D8%AD%D9%82%D9%86%D9%82-%D8%A7%D9%84%D8%A3%D8%B3%D8%A7%D8%B3%D9%8A%D8%A9-%D8%A7%D9%84%D8%BA%D8%A7%D8%A7%D8%A8%D8%A9-%D9%84%D8%A3%D8%B3%D8%AD%D8%A7%D8%AB-%D8%A7%D9%84%D8%A1%D9%8A%D8%A7%D9%86%D8%A7%D8%AA-%D8%BA%D9%8A%D8%B1-%D8%A7%D9%84%D9%85%D8%B9%D8%AA%D8%B1%D9%81-%D8%A8%D9%87%D8%A7-%D9%81%D9%8A-%D9%85%D8%B5%D8%B1>

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

<sup>v</sup> <https://minorityrights.org/resources/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>

<sup>vi</sup> <https://minorityrights.org/resources/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>

<sup>xiii</sup> <https://minorityrights.org/resources/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>

<sup>xiv</sup> [https://eipr.org/press/2024/04/%D8%A7%D9%84%D8%B1%D8%A9-%D8%A7%D9%84%D8%AC%D9%87%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D9%85%D9%86%D9%8A%D8%A9-%D9%85%D8%B3%D8%A4%D9%88%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%A7%D8%B9%D8%AA%D8%AF%D8%A7%D8%A1%D8%A7%D8%AA-%D8%A7%D9%84%D8%B7%D8%A7%D8%A6%D9%81%D9%8A%D8%A9-%D8%A8%D9%82%D8%B1%D9%8A%D8%AA%D9%8A-](https://eipr.org/press/2024/04/%D8%A7%D9%84%D8%B1%D8%A9-%D8%A7%D9%84%D8%AC%D9%87%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D9%85%D9%86%D9%8A%D8%A9-%D9%85%D8%B3%D8%A4%D9%88%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D8%A7%D8%B9%D8%AA%D8%AF%D8%A7%D8%A1%D8%A7%D8%AA-%D8%A7%D9%84%D8%B7%D8%A7%D8%A6%D9%81%D9%8A%D8%A9-%D8%A8%D9%82%D8%B1%D9%8A%D8%AA%D9%8A-%)

%D8%A7%D9%84%D9%81%D9%88%D8%A7%D8%AE%D8%B1

<sup>ix</sup> In April 2022 when a pharmacist slapped a Coptic woman Nevein Sobhi in the village of Sabk al-Ahad, Ashmoun Center, Menoufia under the pretext she was not wearing a veil, the issue was ended with a reconciliation session. She recounted how she faced pressures in the police station and how her testimony was not recounted in the record of the complaint she filed, but only that of her attacker.

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

<sup>xi</sup> <https://minorityrights.org/resources/the-state-of-cultural-citizenship-for-egyptian-minorities/>

<sup>xii</sup> Between 2013 and 2020 the army destroyed 12,350 buildings and 6,000 hectares of farmland <https://www.hrw.org/news/2021/03/17/egypt-massive-sinai-demolitions-likely-war-crimes#:~:text=Between%20late%202013%20and%20July%202020%2C%20the%20army,approximately%206%2C000%20hectares%20of%20farmland%2C%20mostly%20since%20mid-2016.>

<sup>xiii</sup> According to the Sinai Foundation for Human Rights

<sup>xiv</sup> <https://minorityrights.org/resources/the-state-of-cultural-citizenship-for-egyptian-minorities/>

<sup>xv</sup> The article reads: 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 is a member 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

<https://eipr.org/publications/%D9%88%D8%B1%D9%82%D8%A9-%D8%B3%D9%8A%D8%A7%D8%B3%D8%A7%D8%AA-%D8%A7%D9%84%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A3%D8%B3%D8%A7%D8%B3%D9%8A%D8%A9-%D8%A7%D9%84%D8%BA%D8%A7%D8%A6%D8%A8%D8%A9-%D9%84%D8%A3%D8%B5%D8%AD%D8%A7%D8%A8-%D8%A7%D9%84%D8%AF%D9%8A%D8%A7%D9%86%D8%A7%D8%AA-%D8%BA%D9%8A%D8%B1-%D8%A7%D9%84%D9%85%D8%B9%D8%AA%D8%B1%D9%81-%D8%A8%D9%87%D8%A7-%D9%81%D9%8A-%D9%85%D8%B5%D8%B1>

<sup>xvi</sup> <https://minorityrights.org/resources/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>

<sup>xvii</sup> <https://eipr.org/publications/%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE-%D8%AA%D9%86%D8%B8%D9%8A%D9%85-%D8%AA%D9%88%D8%B2%D9%8A%D8%B9-%D8%A7%D9%84%D8%A5%D8%B1%D8%AB-%D8%B9%D9%86%D8%AF-%D8%A7%D9%84%D9%85%D8%B3%D9%8A%D8%AD%D9%8A%D9%8A%D9%86>

<sup>xviii</sup> <https://minorityrights.org/resources/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>

<sup>xix</sup> <https://minorityrights.org/resources/justice-denied-promises-broken-the-situation-of-egypts-minorities-since-2014/>

<sup>xx</sup> <https://eipr.org/publications/%D8%AA%D8%A7%D8%B1%D9%8A%D8%AE-%D8%AA%D9%86%D8%B8%D9%8A%D9%85-%D8%AA%D9%88%D8%B2%D9%8A%D8%B9-%D8%A7%D9%84%D8%A5%D8%B1%D8%AB-%D8%B9%D9%86%D8%AF-%D8%A7%D9%84%D9%85%D8%B3%D9%8A%D8%AD%D9%8A%D9%8A%D9%86>

<sup>xxi</sup> [https://egyptianfront.org/2021/11/egypt-gender-based-violence-against-women-and-girls-in-north-sinai-by-the-state-and-armed-groups/#\\_ftn3](https://egyptianfront.org/2021/11/egypt-gender-based-violence-against-women-and-girls-in-north-sinai-by-the-state-and-armed-groups/#_ftn3)

<sup>xxii</sup> The proportion of children with anemia in Aswan Governorate is 46.7 per cent of all children in the governorate, rising to 59.3 per cent in Matrouh Governorate – twice the national average.

<sup>xxiii</sup> The number of doctors per 10,000 population is 5.8 in Aswan, 17 in Matrouh and 8.9 in North Sinai.

<sup>xxiv</sup> As of 2020 the Governorates of North Sinai and South Sinai have among the lowest number of hospitals of all the country's 28 Governorates: 16 hospitals in North Sinai with a total of 384 beds. Aswan has just 31 governmental hospitals with a total of 1566 beds, serving some 1.5 million people and the whole of Matrouh Governorate has only 8 hospitals – the lowest number of hospitals among all the 28 governorates in the country – with just 468 beds serving more than half a million residents.

<sup>xxv</sup> <https://minorityrights.org/resources/health-services-for-egyptian-border-communities-during-the-covid-19-pandemic/>

<sup>xxvi</sup> <https://minorityrights.org/resources/the-state-of-cultural-citizenship-for-egyptian-minorities/>

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